

Perth and Kinross Council
Development Management Committee – 9 December 2015
Report of Handling by Development Quality Manager

**Application for Approval of Matters Specified in Conditions of 12/01692/IPM for
Erection of 164 dwellinghouses and associated works on land To The West Of
Cherrybank Gardens, Perth.**

Ref. No: 15/00809/AMM
Ward No: 10 Perth City South

Summary

This report recommends approval of the Associated Matters Specified by Condition application to formally develop three of the four residential phases of the mixed use (residential and employment) approval granted under application 12/01692/IPM at land to the west of Cherrybank Gardens

This report recommends approval of the application for a development comprising 164 residential units as the development proposals are 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

- 1 The planning application site is located to the western edge of Perth in between Cherrybank Gardens and the services at Broxden. The site extends to some 14.55 Hectares and is predominantly in agricultural use at present. It forms part of a wider site area covered by 'In Principle' approval 12/01692/IPM for residential and employment use. The application site also forms part of a site allocated (MU1) in the Perth and Kinross Local Development Plan for 200 dwellings and employment use.
- 2 The topography of the site slopes from the M90 down to the Glasgow Road. A number of watercourses run through the site on a north/south axis, existing detention ponds (that are part of the Perth Flood Defence scheme) are within the northern part of the site. The site is very visible from Glasgow Road and is a key gateway site into Perth.
- 3 The M90 motorway is located to the south of the site with Cherrybank Gardens to the East and the A93 Glasgow Road to the north of the site. West of the application site is the area of employment land approved by the 12/01692/IPM consent. Beyond this is the Perth Park and Ride site as well as other roadside services that have been developed to the south of the existing Glasgow Road/Lamberkine Drive roundabout. A mix of residential, educational and business uses are located to the north west of the site's Glasgow Road boundary.

PROPOSAL

- 4 This proposal seeks to formally discharge conditions 2, 3(iii and iv), 4, 5, 6, 7, 8, 9, 11, 13, 14, 16, 17, 19, 20, 21 associated with the residential element of 12/01692/IPM and establish the development of 164 dwellings, open space, play area and associated infrastructure on three of the four residential phases approved in the masterplan.
- 5 Layout and House Design (Conditions 2, 4, 19): Residential development is proposed for three phases of development at the eastern side which is adjacent to the Cherrybank Gardens and the M90. The four residential phases approved and allocated could accommodate up to 200 residential units. The detailed layout and house types provided for the first three phases total 164 dwellings and largely follows the approved masterplans for the site. The phasing plan for the residential development starts with development in the north east corner followed by the south east and finally the south west. The final phase will be subject to a separate planning application and may be delivered by a different housebuilder.
- 6 A mix of house types is proposed, incorporating detached, semi-detached and terraced units of 2 storey height together with two flatted blocks also of 2 storey scale. A standard palette of materials has been proposed for the dwellings consisting of brick, dry dash render and concrete roof tiles. Details of proposed boundary treatments and planting have also been submitted.
- 7 Vehicular access (Conditions 2, 3 and 4): The proposal includes the formation of a new access off Glasgow Road and another one in the south east corner off Necessity Brae. The plans also show access provided into the employment approved area to the west and potential access into Cherrybank Gardens to the east. The latter will potentially link up with the Persimmon Homes development currently underway at Cherrybank. The internal street network allows for the site to be utilised by bus services in the area with a road hierarchy from Glasgow Road to Necessity Brae.
- 8 Pedestrian/cycle access (Conditions 2, 4 and 9): A network of pedestrian and cycle routes is integrated into the site and link up with the existing network in the area as well as neighbouring sites and land uses such as the employment area, Necessity Brae and Cherrybank Gardens.
- 9 Open space, play area and landscaping (Conditions 2, 4 and 8): Detailed landscape plans show perimeter planting to the southern boundary of the site , which adjoins the M90, will be retained and reinforced. The existing earth bunding is proposed to be extended slightly towards the south east corner of the site. Landscaping on the north boundary is intended to create a 'green corridor' along the Glasgow Road along with two SUDS ponds and a children's play park. Due to the topography of the site there will be further intertwined green spaces within the site linking the residential and recreational/open spaces.

- 10 Transport Infrastructure (Conditions 2, 3, 4, 11): The proposed road network largely follows the approved masterplan and now also includes a road access off Necessity Brae. A road hierarchy is evident in the plans and shows a public transport corridor is achievable from Glasgow Road to Necessity Brae.
- 11 Flood Risk Assessment (FRA) (Condition 20): The applicant has re-submitted the FRA that was submitted with the IPM application.
- 12 Air Quality Assessment (Condition 21): The applicant has re-submitted the Air Quality Assessment that was submitted with the IPM application.
- 13 Other associated infrastructure (Conditions 5, 6, 7, 16 and 17): Drainage infrastructure plans in the form of a sustainable urban drainage system (SUDS) is proposed into the northern edge of the site. There are two watercourses running northwards through the site and details of all proposed water crossings have been submitted. A site waste management plan and a street lighting plan has also been submitted with the application.
- 14 This report refers to the corresponding conditions of the 'In Principle Consent' and how they are proposed to be addressed through the current application.

Environmental Impact Assessment (EIA)

- 15 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 project 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.
- 16 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.
- 17 An Environmental Statement was submitted and assessed as part of the 12/01692/IPM 'In Principle Consent' and is not required to be repeated for this application as the proposal is following the parameters set out in its approval.

PRE-APPLICATION CONSULTATION

- 18 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) (11/00010/PAN) was submitted to the Council and approved for the 'In Principle' application and does not required to be repeated for this current type of application.

NATIONAL POLICY and GUIDANCE

- 19 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide

The Scottish Planning Policy 2014

- 20 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

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

- 21 Of relevance to this application are;

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking

- 22 A successful Sustainable Place

- Paragraphs 126 – 131 Affordable Housing
- Paragraphs 135 – 151 Valuing the Historic Environment

- 23 A Natural, Resilient Place

- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

- 24 A Connected Place

- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel

- 25 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 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
- PAN 83 Masterplanning

Designing Places 2001

- 26 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 27 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.

National Roads Development Guide 2014

- 28 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 29 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2012 and the Perth and Kinross Local Development Plan 2014.

TAY plan Strategic Development Plan 2012

- 30 The vision states *"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

- 31 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

- 32 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

- 33 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 8: Delivering the Strategic Development Plan

- 34 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 AND KINROSS LOCAL DEVELOPMENT PLAN

- 35 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.
- 36 The application site is located within the settlement boundary of Perth City, sandwiched between Glasgow Road and Necessity Brae, north of the M90 bypass. The principal relevant policies are in summary:

PM1A: Placemaking

- 37 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B – Placemaking

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

Policy PM3 - Infrastructure Contributions

- 39 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 HE2 - Listed Buildings

- 40 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 41 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 42 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP5 - Nuisance from Artificial Light and Light

- 43 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP11 - Air Quality Management Areas

- 44 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy ED1B - Employment and Mixed Use Areas

- 45 Within areas identified for mixed use a range of uses such as housing, offices, light industry, surgeries and leisure uses would be acceptable providing they are compatible with the amenity of adjoining uses. Proposals for predominately one use on a mixed use site will not be acceptable.

TA1B- Transport

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

Policy NE2A - Forestry, Woodland and Trees

- 47 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 48 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

NE3: Biodiversity

- 49 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

EP2: New Development and Flooding

- 50 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

EP5: Nuisance from Artificial Light and Light Pollution

- 51 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

OTHER POLICIES

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

- 53 **Developer Contributions Supplementary Guidance (Education) 2014** - The developer contributions policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. Currently a contribution of £6,395 per qualifying house is required where a primary school; is at or would reach capacity as a result of the development proposed.
- 54 **Affordable Housing Supplementary Guidance 2012** - The Council's Affordable Housing Policy is applicable to all residential development of 5 units and above. It therefore remains relevant to this application. A minimum of 25% of affordable units should be provided on site, in accordance with the terms of the Policy and extant planning consent.
- 55 **Open Space Standards (2001)** - Sets out the Councils adopted open space adoption standards for new residential developments, which gives developers three viable options to pursue/proposed as part of their development.
- 56 **Planning Site History**
- 00/00362/OUT National Garden for Scotland offices, business units, hotel, restaurant, trunk road service area and associated roads parking and landscaping (in outline). Application approved July 2001.
 - 04/01500/OUT Renewal of planning consent 00/00362/OUT for development of a National Garden for Scotland (including entrance, plant sales, retail, restaurant and exhibition facilities); Scottish Tartan Centre; offices and Class 4 Business units; Hotel and restaurant development and associated facilities; Trunk Road Service Area (including: Travelodge, family restaurant/pub, petrol filling station and associated infrastructure); Roads and Transport Infrastructure; parking; landscaping and associated features and ancillary development (in outline). Application approved November 2004.
 - 11/00010/PAN Mixed use development comprising of residential and employment uses, landscaping and associated infrastructure. Content of PAN approved October 2011.
 - 12/01692/IPM Mixed use development comprising of residential and employment uses (Class 4), new vehicular access, pedestrian access, open space, landscaping and associated infrastructure (In Principle). Application approved by committee August 2013.
 - 15/01116/MPO Modification of Section 75 Agreement associated with permission 00/00362/OUT. Application approved August 2015.

CONSULTATIONS

External

- 57 **Transport Scotland:** No objection subject to conditional control being applied to any consent to deliver trunk road network improvements at the A9/A90 Broxden Roundabout.
- 58 **Scottish Environment Protection Agency:** Initially objected due to lack of information on surface water drainage and flood risk. Following submission of additional information and agreement that culverting two of the watercourses will be acceptable, they have withdrawn their objection.
- 59 **Scottish Water:** No response.

Internal

- 60 **Environmental Health (Noise and Air Quality):** Initially raised some concerns but have now recommended conditional control will be sufficient to secure the necessary noise and air quality mitigation.
- 61 **Waste Services:** Due to the scale of the housing element the development will require kerbside collection and each property will require space for multiple waste storage bins and containers. Advice is provided on the roads requirements for the type and size of refuse vehicles that will be used on the site.
- 62 **Community Greenspace:** A Neighbourhood Equipped Play Area (NEEP) is required to be delivered within the site. They consider the proposed play area should be relocated a short distance southwards. In terms of the proposed paths these are welcomed as they link up the areas of greenspace within the site and beyond. Conditional control is recommended to ensure they are all constructed to the required standards.
- 63 There are a few small areas of open space and these should form part of garden ground for certain dwellings. The proposed species and planting mix shown in the landscaping plans are considerable suitable.
- 64 **Education & Children Services:** The application falls within the Craigie Primary School Catchment area. They request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.
- 65 There is no requirement for an education contribution for the affordable provision and payment for 41 units. The contribution requirement is therefore $123 \times £6,395 = £786,585$. A Section 75 legal agreement will be required to secure this commuted payment
- 65 **Developer Contributions/Affordable Housing:** The affordable housing requirement for this proposal is 25% and this equates to 41 dwellings. The proposal provides 28 dwellings on site. Therefore the deficit of 13 dwellings

needs to be secured through a commuted payment of 13 x £26,500=£344,500. A Section 75 legal agreement will be required to secure this commuted payment.

- 66 **Developer Contributions/Transport Infrastructure:** A transport infrastructure contribution is not required in this instance as the site has in-principle consent under 12/01692/IPM which was approved prior to the adoption of the Transport Infrastructure Supplementary Guidance.
- 67 **Flood Prevention:** Numerous conditions are recommended to ensure there is no flood risk and the integrity of the Perth Flood Prevention Scheme is not compromised. Proposed culverting of existing watercourses will require ongoing maintenance to ensure there is no impact in terms of overland flooding and impacting on the Craigie Burn further downstream.
- 68 **Transport Planning:** Initially had serious concerns regarding the proposals non-compliance with the Scottish Governments Designing Streets Policy and the National Road Development Guide with respect to visual dominance of cars and parking, road widths and permeability of site. Following meetings with the applicant and the submission of revised plans which reduces the visual dominance of cars at key nodal points, roads that will accommodate public transport and access from Necessity Brae, Transport Planning are satisfied that the proposal helps achieve the aspirations of national policy and guidelines and LDP Policy TA1.

REPRESENTATIONS

- 69 The application has attracted no letters of representations for or against the proposal.

ADDITIONAL STATEMENTS

70

Environment Statement	Submitted with IPM application
Screening Opinion	Undertaken for IPM application
Environmental Impact Assessment	Yes – Submitted with IPM application
Appropriate Assessment	Appropriate assessment not required.
Design Statement/Design and Access Statement	Submitted with IPM application
Report on Impact or Potential Impact	Transport Assessment, Flood Risk Assessment, Air Quality Assessment, Site Waste Management Plan, Street Lighting Plan submitted

APPRAISAL

Policy Appraisal

- 71 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.
- 72 TAYplan Policy 1 (Location Priorities) states that Tier 1 settlements should make a major contribution to the regional economy over the next 20 years. The site is situated within the Tier 1 settlement of Perth City, with the proposed development of 164 dwellings in this location broadly satisfying TAYplan Policy
- 73 The site is located within the Local Development Plan site MU1 and is allocated for mixed use development. The principle of part residential use on the site is therefore considered to be acceptable.
- 74 It is considered that the proposal accords with the majority of the policy requirements detailed in the Development Plan. The development of residential units as detailed in layout plan and phasing plan is consistent with its allocation in the Local Development Plan and is broadly consistent with the masterplan approved with the 12/01692/IPM application.

Principle

- 75 The principle of residential development has been historically established through IPM Consent 12/01692/IPM which has established a material planning commitment given to the principle of a large proportion of residential development within LDP site MU1. The proposed residential density of the current submission is marginally higher than the allocation of the entire residential element of 200 units but is considered to be acceptable

Local Development Plan Allocation

- 76 The site sits as part of site MU1, designated by Policy ED1B, mixed use development within the LDP (2014). The proposed site is considered to be in a strategic development location (part of Tier 1 of TAYplan) immediately adjacent to the transport network, including Broxden Park and Ride.
- 77 The proposed density is considered to be acceptable with 96 of the proposed dwellings 2 and 3 bedroom, assisting towards satisfying current market demand for modest sized dwellings. The proposed development broadly accords with SPP 2014, Designing Places, Designing Streets and salient TAYplan Policy and LDP Policies including PM1 and ED1b as it is considered that the proposed density of development represents an efficient use of the site

whilst still respecting the surrounding natural and built environment. The proposed development parameters go some way to respecting the character and amenity of the place, with minimal impact on the amenity of neighbouring properties.

Landscape and Visual

- 78 The landscape quality of this site is a key, valuable asset as it currently offers a highly visible green gateway when arriving and departing Perth via Glasgow Road.
- 79 The site is considered to offer a considerable landscape asset for the area and it will be crucial to ensure that the existing landscape framework is largely retained, enhanced and maintained in perpetuity as a result of these proposals.
- 80 Details of the landscape proposals have been submitted with the application and because of the topography will provide reasonably large areas of green opens pace in between the proposed housing and street network. A deep area of open space, planting with two integrated SUDs ponds and a children's play area is proposed along the norther end of the site adjacent to Glasgow Road. This will help continue the landscape corridor that already screens the Persimmon Homes development at Cherrybank and the adjacent Cherrybank Gardens. Community Greenspace are satisfied with the landscape proposals for the site and the species mix shown on the plans.
- 81 Structure planting and earthworks should be prioritised and carried out in the early stages of the development phases in order to minimise the long term visual effects of the development and this can be secured through conditional control.

Listed Buildings

- 82 In this case the category C listed group of laundry, coach house and hen house at West Woodlands lies approximately 200m to the north of the site. Pitheavlis Cottages which are category B listed are approximately 70m to the east of the proposals boundary. Both groups still retain a sense of their original semi-rural setting, although West Woodlands has been eroded more significantly due to encroaching development over the years.
- 83 The proposed landscaping and flood protection corridor at the northern edge of the development site will protect the setting of West Woodlands to a degree by preserving a degree of open, green character along the Glasgow Road corridor.
- 84 Pitheavlis Cottages will retain their prominence against a largely open landscape backdrop. However the close proximity of proposed residential development phase 3 to the west will significantly change this landscape character. The tree/landscaping belt around the perimeter of the site will mitigate this impact to an extent and the Conservation Officer is satisfied there

will be a low impact on nearby Pitheavils Cottages and the listed buildings at West Woodlands is considered to be a suitable distance away.

Open Space/Play Area

- 85 A children's play area is proposed near the southern boundary of the site close to the proposed entrance. Community Greenspace have expressed concern about its location and natural surveillance. However I consider the location of the play area to be acceptable as the final phase of residential development has yet to be submitted and once this is in place there will be a better level of natural surveillance achieved.
- 86 As part of the submitted proposals, the applicant has proposed that the associated open space and play area is taken on and maintained by the Local Authority following its completion. The detail of this will be resolved through the agreed terms of a Section 75 legal agreement. A draft Head of Terms is currently being progressed between the applicant and the Council's Legal Services.

Water Quality, Drainage and Hydrology

- 87 The proposed development lies within the catchment of the River Tay. Runoff from the site enters the Scouring Burn, which becomes Craigie Burn downstream and east of the site before discharging into the River Tay in the South Inch area of Perth.
- 88 There are three watercourses which run through and along boundaries of the site, all of which are small in nature. The eastern watercourse runs along the boundary of the site which is adjacent to the Cherrybank Gardens Site before entering a culvert under the A93. The central watercourse runs north through the site and also enters a culvert under the A93. There is a western Watercourse on the boundary of the application site that currently drains into two flood storage ponds which forms part of the Perth Flood Defence Scheme.
- 89 Two SUDs ponds are proposed along the southern boundary and will form part of the landscape corridor and open space provision. It is anticipated that the SUDs ponds will be adopted and maintained by the Council.
- 90 Consultation with the Council's Flooding Section confirmed initially they have no objection to the application as the site is located outwith SEPA's 1 in 200 flood map. They have provided detailed comments regarding flood risk and routes watercourse crossings, greenfield run-off, floor levels and SUDs. SEPA initially objected to the application on the grounds of flood risk and commented that an open channel design of the central and western watercourses would not be acceptable. Following detailed discussions with SEPA and our Flooding team it is considered that further culverting of the central watercourse and culverting of the western watercourse will be an acceptable measure to deal with any potential flood risk. Following submission of culverting information SEPA have removed their objection. Maintenance of the culverts can be controlled by condition and can be included within a Section 75 application.

- 91 Conditional control can also ensure that the phasing and construction phases achieve the necessary control of drainage arrangements to meet the requirements of the Flooding Section.

Air Quality

- 92 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 the development pads are likely to be the main source as well as construction vehicular movement distributing material within, to and off the site.
- 93 The Air Quality Assessment confirms that residents living in proximity to such a site can potentially be affected by dust up to 1 km from the source, although continual or severe concerns regarding dust sources are likely to be experienced near to dust sources, and generally within 100 metres.
- 94 Given the distance of potential receptors the assessment confirms that the likelihood of a dust nuisance occurring is considered small which could be limited further by deploying Best Practice Measures, this could be incorporated into the Construction Environmental Management Plan (CEMP) to help reduce the impact of construction activities.
- 95 Whilst concerns were initially raised by Environmental Health regarding the Air Quality Assessment they were mainly based on the employment area which is not subject to the current application and consequently have no objection on air quality grounds subject to conditional control to secure mitigation.

Noise

- 96 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.
- 97 A detailed noise assessment for the site was undertaken for the IPM application and was resubmitted with the current application. Environmental Health had initially raised an issue regarding potential noise levels that would likely be experienced by the proposed residential properties which are in close proximity to the M90 motorway. Following submission of further information by the applicant, Environmental Health no longer require a 4 metre bund right up to the north east corner of the site and are now satisfied with the proposal provided any windows of the nearest properties facing the M90 contain specific window types. This can be secured by conditional control.

Transport and Access

- 98 The site plan provides for a road link for vehicles including buses between Glasgow Road and Necessity Brae. The plan also proposes access into the future neighbouring employment area and access right up to the boundary with Cherrybank Gardens to the east which should help provide a link between the site and the current Persimmon Homes development should the Cherrybank Gardens come forward for development in the future.
- 99 Pedestrian/cycle links will be provided between the development site and the existing local facilities. It is anticipated that this link will in time be provided through the employment area to the existing Park and Ride car park, therefore also providing direct access to the Park and Ride facilities.
- 100 Overall the access strategy provides acceptable vehicle access onto Glasgow Road and permeability for pedestrians and other non motorised users through the site connecting with local facilities and Necessity Brae.

Transport Wider Network

- 101 Broxden Interchange has known performance issues with extensive queues. Past modelling of the roundabout has indicated that capacity will be further impacted upon by this proposed development.
- 102 Whilst it is recognised that development of MU1 will add to congestion issues Transport Scotland continue to be unsure of the most effective mitigation of the congestion issue at this point in time. Signalisation of the roundabout is an option but this is seen as a short term solution. They therefore continue to recommend the use of a negative suspensive condition to ensure the opportunity to mitigate the congestion issue at Broxden can be undertaken.

Sustainable Transport

- 103 In terms of sustainability the site is located in a highly sustainable location adjacent to the Park and Ride site that will encourage the use of public transport and provides a frequent and attractive service into Perth city centre and to the bus and rail stations. A green travel plan for the site has been submitted with the application and Transport Planning have raised no issues with it. The plans also provide paths and cycle paths that are linked to the existing core path network that should encourage future residents and employees to walk and cycle.
- 104 Following discussion between the applicant and Transport Planning, revised plans have been submitted to ensure the internal road between the Glasgow Road and Necessity Brae entrance points is now wide enough to accommodate public transport and bus stop locations have been provided within the site.

Car Parking

- 105 Initially Transport Planning had raised significant concerns regarding in-curtilage car parking as the site plan showed parking to the front of each dwelling and therefore would become a significant visible feature within the site. It was considered that the proposed parking did not meet the National Road Development Guidelines 2014 and the plans required significant revision to reduce the visual impact car parking will have. A revised plan has been submitted which now provides car parking opportunities down the side of 66 dwellings at key nodal points and thereby significantly reduces the potential visual impact of cars when the development is complete. Transport Planning are satisfied that the improved parking arrangements now broadly complies with the National Roads Development Guide.

Pipeline

- 106 A gas pipeline runs through the application site. The applicant has acknowledged the presence of this infrastructure and the site layout plan shows a 5 metre development buffer on both sides of the pipeline.

Lighting

- 107 A lighting plan has been submitted and Environmental Health have not raised any issue regarding light pollution or spillage. Given the distances from the nearest dwellings of 70 metres it is unlikely there will be any significant light spillage issues outwith the site associated with the development.

Design, Scale and Layout

- 108 The proposed development utilises the existing landscape features and topography to shape the layout of the site. The layout broadly follows the parameters in the approved masterplan for the site and is therefore supported. The proposal includes reasonably generous open space and takes account of the sites importance as a gateway into the City of Perth. The design of the site has been sensitively guided by existing field boundaries, planting, watercourses and natural features. Generally, the proposed layout now takes cognisance of Designing Streets and the National Roads Development Guide and incorporates appropriate natural surveillance of open space, the children's play area and the main pedestrian and cycle routes.
- 109 The proposal consists of two storey detached, semi-detached, terraced properties and two storey flatted blocks, providing a reasonable mixture of house types for the current market. The layout includes a hierarchy of surfaces that assist in achieving a sense of place with proposed 'secondary treatments' on street edges. The street layout is considered to be usable and broadly achieves Designing Streets (2010) policy objectives.
- 110 The proposed layout and linkages ensure the site has appropriate levels of permeability and future connectivity for all modes of transport, especially

pedestrians and cyclists with footpaths connecting up with Glasgow Road and onto public transport connections.

- 111 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties and works within the parameters of the established landscape framework. The proposed density of development of 164 dwellings is considered to be acceptable and most dwellings will benefit from reasonably generous garden sizes and none of the properties should adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of overlooking or overshadowing. It is considered appropriate to remove permitted development rights from all terraced plots where the private amenity space is tightest and future development, including house extensions and outbuildings would have the greatest impact on neighbouring amenity.
- 112 In terms of house design and finish, the Council would prefer to see more bespoke elevations and external finishes to contribute to the character of the site and surrounding area. It is accepted by the Council that the application of standard house types could not be rejected in this context, a closer and more sensitive, contemporary approach to the choice of materials and the overall material composition on individual buildings is considered appropriate. It is therefore recommended that this element is controlled by condition, allowing further review and more place specific, contemporary solutions to be agreed as the development progresses.
- 113 The proposals are considered broadly appropriate in terms of design, scale and form and aside from additional detail and control of material finishes, the development is assessed to satisfy basic policy objectives of Designing Places, Designing Streets and Council Placemaking Policy.

Affordable Housing

- 114 The Council's Affordable Housing officer has confirmed that 25% ($164 \times 0.25 = 41$ units) will be required for affordable housing and in this case it has been agreed that 28 can be delivered on site and taken on by Caledonian Housing Association (through identified 2 storey flat blocks) and 13 units delivered via a commuted sum at £26,500 per unit. The total commuted sum for affordable housing in this case is £278,250.00. Delivery of this will be dealt with via the Section 75 Legal Agreement. As a consequence, the proposal complies with the Council's Affordable Housing Policy.

Education

- 115 A capacity constraint is defined 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. This proposal is within the catchment of Craigie Primary School.
- 116 A primary education contribution will be required from all relevant units within this development. Primary education contributions are not sought from

affordable housing units. Each contribution is £6,395 per unit. This contribution will be dealt with via the Section 75 Legal Agreement.

Economic Development

117 The economic impact of 164 residential dwellings is considered to be significant in assisting in the Perth Housing Market delivery. Employment opportunities will exist during the construction phase and consequently achieve increased available expenditure through net growth in residential occupation, resulting in a positive impact on consumer spend within the Perth City market area.

LEGAL AGREEMENTS

118 A Section 75 Legal Agreement will require to be drafted in relation to securing the following:

- On site Affordable Housing provision (28 units on site, with 13 units commuted sum at £26,500 per unit);
- Commuted sum for primary school education provision (£786,585);
- Maintenance arrangements (in perpetuity) of the agreed open space areas (including provision and maintenance of play park).
- Maintenance arrangements (in perpetuity) of the culverting schemes of the two watercourses.

DIRECTION BY SCOTTISH MINISTERS

119 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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

120 Section 25 of the Act requires that the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

121 In this respect, the proposal is considered to satisfactorily comply with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2012. 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 and completion of a Section 75 legal agreement.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any residential plot, 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.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 4 Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse are hereby revoked in full for all terraced dwellings of the approved Site Layout Plan.

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of individual plots.

- 5 For the avoidance of doubt, the proposed external finishing details and composition as currently proposed are not fully approved as part of this consent. Revised details relating to elevation finishes of the proposed dwellings, including the elevation material composition, specification and colour of the proposed external finishing materials to be applied shall be reviewed in consultation with the Council and thereafter submitted formally for the written approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall thereafter be undertaken and completed commensurate with the subsequent phases of the development.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 6 The detailed landscaping and planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 7 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 8 The areas of public open space indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained.

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

- 9 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the site. The play area and its facilities/equipment shall thereafter be maintained.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 10 Prior to the commencement of development full details of proposed site boundary openings forming new accesses onto both Glasgow Road and Necessity Brae shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 11 Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and

approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency and Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the approved CEMP shall thereafter be fully respected and adhered to through the construction phase of the development.

Reason: To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on ecology, neighbours, general public and the wider environment.

- 12 Storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices

Reason: In the Interest of vehicle and pedestrian safety.

- 13 Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interests of best practise surface water management; to avoid undue risks to public safety and flood risk.

- 14 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.

Reason: In the interests of best practise surface water management; to avoid undue risk to public safety and flood risk.

- 15 Prior to the completion of the development, Watercourses 1 and 2 (as referred to in the FRA) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed development; all to the satisfaction of the Council as Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted Perth and Kinross Local Development Plan 2014.

- 16 Prior to the completion of the development, Watercourses 1 and 2 (as referred to in the FRA) within the extents of the proposed development shall be inspected and repairs carried out on the watercourse where the bed/banks or other associated features have fallen into a state of disrepair; all to the satisfaction of the Council as Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

- 17 The discharge of any surface water drainage shall be limited to 50% of the greenfield runoff rate. All discharge rates shall be agreed in writing with the Flooding Team prior to the commencement of any works on site.

Reason: To reduce flood risk.

- 18 No works shall take place within 10m of any flood apparatus constructed as part of the Perth Flood Prevention Scheme without the prior written approval of the Perth & Kinross Flooding Team.

Reason: To maintain the integrity of the Perth Flood Prevention Scheme defences.

- 19 Prior to the commencement of development full design of the proposed culverts including maintenance strategy shall be submitted and agreed in writing with the Council as Planning Authority in consultation with the Flood Risk team.

Reason: To reduce flood risk.

- 20 No development shall be occupied on any phase of the site until the local road network improvements identified in the Transport Assessment have been implemented and made operational to mitigate the traffic implications of each development phase, to the satisfaction of the Planning Authority.

Reason: In the Interest of vehicle and pedestrian safety.

- 21 No part of the development shall be occupied until either the works/arrangements for, improvement of the A9/M90 Broxden Roundabout Junction as generally in accordance with JMP Drawing No. SCT-3440-NW-001 is constructed and completed to the satisfaction of the Planning Authority after Consultation with Transport Scotland,

or

A Section 48 Agreement (Roads Scotland Act 1984) between the applicant and Transport Scotland for an agreed financial contribution in lieu of said physical works, including any associated utility works, must be concluded.

Reason: To ensure that the development supports the longer term aim of providing the capacity improvements necessitated by the traffic impacts of the development; to maintain safety for both the trunk road traffic and the traffic moving to and from the development

- 22 For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the planning authority and thereafter undertaken in accordance with the approved details.

Reason: To ensure there is adequate provision for waste disposal and recycling.

- 23 Prior to the occupation of any residential plot, details of the two bus stops shown in the Site Layout Plan shall be submitted to Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.

- 24 All windows shall be provided with suitable acoustic insulation with a sound reduction index equivalent to >30 dB RWA and all windows should be provided with trickle vents with a sound reduction index equivalent to 35 dB RWA.

Reason: To prevent disturbance from noise.

- 25 Where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 15/00809/AMM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

- Affordable housing provision and contribution;
- Education contribution;
- Open space provision /maintenance;
- Play area infrastructure provision and maintenance;
- Culvert maintenance

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 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.
- 5 The applicant is advised that this permission relates to just three of the four residential phases of the 12/1692/IPM planning approval for residential and employment uses of LDP site MU1. Further applications will be required to discharge the same conditions for the remaining residential phase and employment phases.
- 6 The applicant is advised that to enable any negative suspensive conditions to be fulfilled development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 7 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 Environmental Protection Agency.

- 8 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 Environmental Protection Agency.
- 9 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.
- 10 Paths to be constructed as part of a development should reflect likely patterns of use: pedestrian, bikes horse riders & wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
- 11 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.
- 12 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
- 13 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
- 14 No work shall be commenced until an application for building warrant has been submitted and approved.
- 15 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

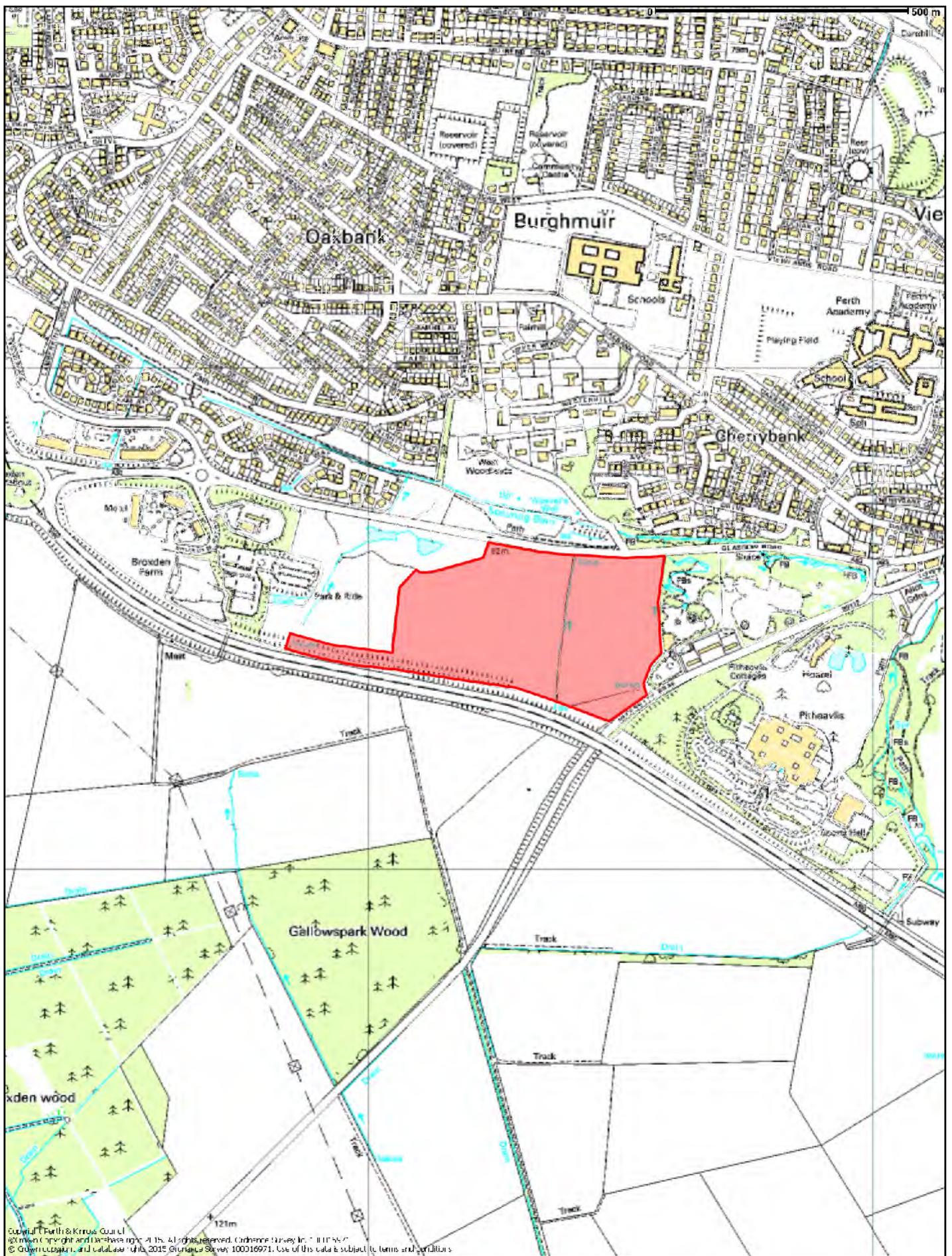
Background Papers: None
Contact Officer: Steve Callan - Ext 75337
Date: 24 November 2015

Nick Brian
Development Quality Manager

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Development Management Committee

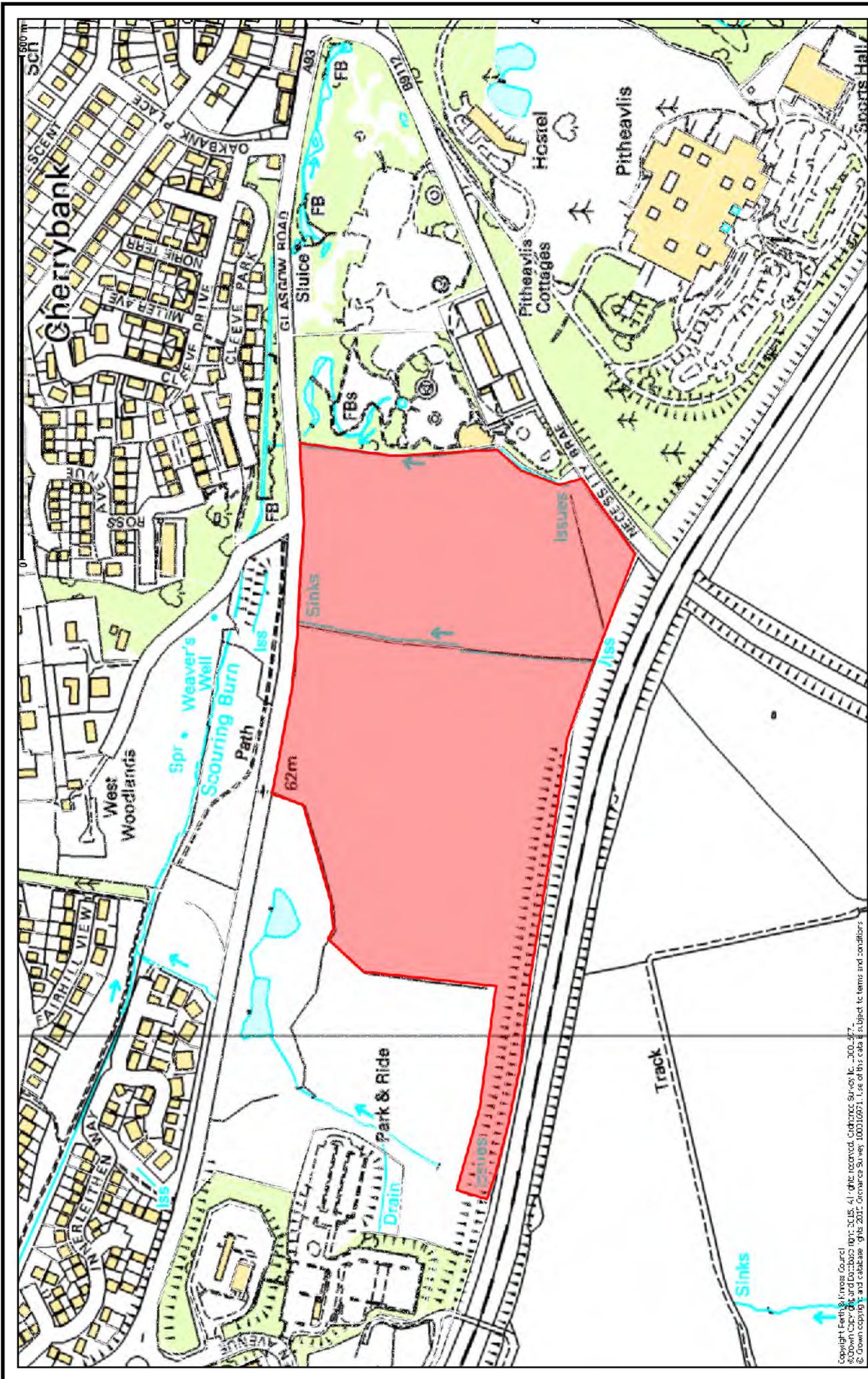


Scale 1:10000

15/00809/AMM

Erection of 166 dwellinghouses and associated works (matters specified by conditions attached to permission 12/01692/IPM) Land West of Cherrybank Gardens, Perth





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Development Management Committee
 Scale 1:5000



15/00809/AMM
 Erection of 166 dwellinghouses and associated works (matters specified by conditions attached to permission 12/01692/PM) at Land West of Cherrybank Gardens Perth



