

Perth and Kinross Council
Development Management Committee – 10 September 2014
Report of Handling by Development Quality Manager

**Residential development and associated works (in principle) at Land 220
Metres South West of Entrance to Maple Place, Blairgowrie**

Ref. No: 10/01360/IPM

Ward No: N3 - Blairgowrie & Glens

Summary

This report recommends approval of a planning in principle application for a major residential development in Blairgowrie as the application 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 planning application seeks to obtain a planning in principle consent for a major residential development on a roughly triangular shaped area of unused land in Blairgowrie covering an area of approx. 5.7ha.
- 2 The site is bounded by a mix of existing (and proposed) housing to the north and north east, as well as the new Blairgowrie Primary School campus to the north west. The western boundary of the site is defined by the Perth Road Cemetery, whilst the remaining boundaries are adjacent to existing open fields. The site slopes generally from the north to the south, with a small water course (which has been partly culverted) running through the centre of the site as well as a temporary surfaced access track which serves the schools playing pitches to the east.
- 3 The existing vehicular access into the site is via Berrydale Road to the north with a new link road between Berrydale Road and Hazelwood Drive (to the west) proposed as part of the development of the site. No details of any layouts or house types have been formally submitted by the applicant.

PROCEDURAL MATTERS

Environmental Assessment

- 4 The proposal is a schedule 2 development, under the EIA (Scotland) Regulations 2011. To this end, a screening exercise has been undertaken by the Council which concluded that due to the projects size, nature and location the application did not need to be accompanied by an EIA.

Pre-application Consultation

- 5 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 contents of the PAN were subsequently agreed by the Council under 10/00007/PAN.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN). Of specific relevance to this planning application is,

Scottish Planning Policy 2014

- 7 The Scottish Planning Policy (SPP) was published on June 23 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.

- 8 Of relevance to this application are:

- Paragraphs 109 – 134: Enabling Delivery of New Homes

DEVELOPMENT PLAN

- 9 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012

- 10 Whilst there are no specific strategies or policies directly relevant to this proposal the overall vision of the Tay Plan should be noted. 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.”*

Perth and Kinross Local Development Plan 2014

- 11 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.

- 12 Within the Local Development Plan, the site lies within the settlement boundary of Blairgowrie where the following policies are directly applicable.

Policy RD1 - Residential Areas

- 13 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space to be retained changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A - Placemaking

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

Policy PM3 – Contributions

- 15 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.

- 16 Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required. In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.

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

Policy NE3 -Biodiversity

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

Policy EP2 - New Development and Flooding

- 18 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.

Policy RD4 - Affordable Housing

- 19 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.
- 20 In addition to the above policies, the site is also part of a larger housing site which has been identified in the Local Development Plan as **H64**. H64 is a 7.82 ha residential site, with a suggested number of 85 residential units. Attached to the sites allocation is a number of site specific developer requirements including,
- Construction of link road from Hazelwood Road to Berrydale Road.
 - A mix of housing types and sizes including low cost housing.
 - Wastewater Network Investigations may be required resulting in network improvements.
 - Enhancement of biodiversity.
 - Financial contribution to education provision in line with the Supplementary Guidance.
 - Flood Risk Assessment and investigate potential for removing culvert

OTHER COUNCIL POLICIES

Developer Contributions 2012

- 21 This document sets out the Council's policy towards obtaining developer contributions in relation to Primary Education and A9 junction upgrades.

Developer Contributions, Transport Infrastructure 2014

- 22 The following Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross.
- 23 This Supplementary Guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and the Developer Contributions Supplementary Guidance.

Affordable Housing Supplementary Guidance 2012

- 24 This supplementary guidance has been produced by the Council to provide advice and information to all those with an interest in the delivery of affordable housing based on the experience of operating the affordable housing policy since it was approved in August 2005. This supplementary guidance includes additional information on the application and implementation of the affordable housing policy. Whilst every effort has been made to be as comprehensive as possible in preparing the guidance it is inevitable that new issues will come up from time to time and it will therefore need to evolve as new issues arise. The Affordable Housing Supplementary Guidance was approved by Enterprise & Infrastructure Committee on 07 November 2012.

SITE HISTORY

- 25 There has been no recent previous planning history on the site, however there is a history of planning application on adjacent sites to the north for residential developments.

CONSULTATIONS

- 26 **SEPA** have commented on the planning application and although they originally objected to the proposal, their objection has since been withdrawn following protracted discussions with the applicant, and ultimately further consideration of the applicant's Flood Risk Assessment for the site.
- 27 **Scottish Water** have commented on the planning application and raised no concerns.

REPRESENTATIONS

- 28 Six letters of representations have been received from local residents, all objecting to the proposal. The main issues raised within the representations are,
- No need for further housing
 - Impact on local schools
 - Road safety issues
 - Flooding Issues
 - Loss of open space
 - Impact on existing wildlife
 - Impact on existing visual amenity
 - Impact on existing residential amenity
- 29 These issues are addressed in the appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Carried out by PKC
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	A detailed Flood risk assessment has been submitted by the applicant.

APPRAISAL

- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of 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. In terms of other material considerations, this involves consideration of the Councils other approved policies, namely those which relate to developer contributions.

Policy

- 31 In terms of the Development Plan, the key land use policies are contained within the Local Development Plan 2014. Within that Plan, the site has been identified as a housing site (H64) within the settlement boundary of Blairgowrie where *Policies RD1 and PM1* are directly relevant. *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.
- 32 *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
- 33 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. For reasons stated elsewhere, I consider the principle of a residential development on this site to be inline with the Local Development Plan.

Land Use

- 34 Within the adopted Local Development Plan, the site lies within the settlement boundary of Blairgowrie within an area which has been identified as a housing site (H64). However, new developments within settlements should only be

supported when the development proposed would not adversely affect the character or amenity of the area concerned. To this end, I consider the key test of the acceptability (or otherwise) of this proposal in land use terms to be whether or not the development of this site (for a residential use) would have an adverse impact on the character or amenity (visual and residential) of the area.

- 35 In terms of the impact on the character of the area, the area is a mix between residential and semi-rural, with housing generally being the dominate uses to the east and north with open paddock areas to the west and south. The potential development of this site for housing has been under consideration for some time by virtue of the sites inclusion within current Local Development Plan as a housing site and likewise in the previous 2005 draft Eastern Area Plan. To this end, the principle of this site being developed as a housing site and its likely impact on the character of the area has clearly been considered by the Council previously, and ultimately deemed to be acceptable (in principle).
- 36 There are however a significant number of issues which could affect the character of the area which would need to be fully assessed prior to this site actually being brought forward, such as density patterns, layout, the design of streets, incorporation of open space etc. However these are all matters which can only be fully assessed when a detailed submission is brought forward for consideration and are not matters to be considered at a planning in principle stage. However, bearing in mind the size of the site, its topography and potential connectivity through within and outwith the site, I see no obvious obstacles preventing a layout being achieved which would accord with current designing streets and placemaking standards.
- 37 Likewise, in terms of the impact on both existing visual and residential amenity, whilst these are extremely important matters which must be fully assessed, they are nevertheless matters which can only be fully assessed when a detailed submission is brought forward for consideration and are not matters which are relevant to an planning in principle application. However, I am confident that a suitable development can be achieved which will not compromise either the visual amenity of the area or the existing residential amenity which is enjoyed by neighbouring householders.

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, I am confident that a scheme can be produced which will not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for new future occupiers.

Visual Amenity

- 39 In terms of the impact on the existing visual of the area, as this is a planning in principle application the exact impact on existing visual amenity cannot be reasonably assessed at this (in principle) stage. However, bearing in mind the nature of what is proposed, I am confident that a scheme can be produced which will not compromise have an adverse impact on the visual amenity of the area.

Traffic Safety/Access

- 40 Within the representations concerns have been raised regarding the proposed vehicular access arrangements, and also the increase in traffic that this development will generate. As part of this proposal, a new link road would be provided to link Berrydale Road and Hazelwood Road, thereby allowing better access to to one of the main sources of vehicle movements in the area, the Blairgowrie Primary School Campus. This linkage would improve connectivity through this section of Blairgowrie, and ease some of the current localised traffic issues in the area which are centred in the lack of connectively between the local streets. Whilst an indicative route for the link road has been produced, the exact details of the link road would be finalised at the detailed planning application. Once this link has been achieved and operational, it would improve movements within the surrounding area which will be to the benefit of road and pedestrian safety. To this end, I have no concerns regarding traffic or road related matters.

Flooding

- 41 Within the representations concerns have been raised regarding the potential for the development to increase flooding in the area. A small water course runs through the site and the implications of this resulted in initial objections being raised by both SEPA and also the Council's flooding team. The applicant has since carried out a flood risk assessment for the site which concluded that the site can be adequately developed without resulting in flood risk to a) existing properties and / or b) proposed properties. Exact details of how the existing watercourse is to be incorporated into the development will be advanced at the detailed stage, however the applicant has produced sufficient evidence at this stage to demonstrate that the issue is a technical one which can be resolved by adopting a suitably designed engineering solution.

Bio-Diversity

- 42 Within the representations, concerns have been raised regarding the impact that this proposal will have on the local wildlife. There are no known protected species within the site, or within the immediate area and to this end I have no concerns regarding the impact on existing bio-diversity. However, as part of any detailed submission, a suitable landscaping plan which will be required to into account the potential to enhance and promote bio-diversity across the site will be sought from the applicant.

Drainage

- 43 Foul drainage of the development will be via the public sewerage system, whilst the surface water run-off will be disposed of by a suitably designed sustainable urban drainage system (SUDS) which will be encompassed into any detailed submission. To this end, I have no objection to the proposed drainage arrangements.

Contaminated Land

- 44 There are no issues with contaminated land associated with the site.

Developer Contributions

Primary Education

- 45 As this is a planning in principle application, a standard condition will be attached to any consent requiring the compliance with the Developer Contributions 2012 document. Whilst I acknowledge that this application was submitted prior to the implementation of this policy, as there was a similar primary education contributions policy approved at the time when this planning application was submitted, it is considered appropriate to seek compliance with the Council's current policy in relation to primary education.

Transport Infrastructure

- 46 The Supplementary Guidance states that all new planning applications submitted from the date of adoption by the Council will be considered against the Supplementary Guidance. As this application pre-dated the adoption of the Developer Contributions, Transport Infrastructure 2014 there is no requirement to apply the requirements of the policy to this application.

Housing Land Supply

- 47 Within the letters of representations, it has been suggested that there is not a demand or need for new housing within the area. TAYplan has identified that in order to accommodate projected population increases approximately 120 houses within the Eastern Area will be required per year. To accommodate this, the Local Development Plan has identified an effective housing land supply capable of delivering 1,680 houses, and in line with the TAYplan hierarchal approach, the Local Development Plan has concentrated the majority of new housing sites within the principal settlements of Blairgowrie and Rattray, Alyth and Coupar Angus where local services, employment and transport are concentrated and where waste water can be best dealt with. The remaining residential requirement has been allocated to the larger villages in the rural area, but outwith the Lunan Valley Loch Catchment Area.
- 48 As stated previously, the application site has been identified as being (part of) one of the major housing sites (H64) which will help meet the housing demand in the Eastern Area. To this end, whilst I acknowledge the concerns raised

within the representations regarding the general demand for housing, and that some 'under construction' housing sites in the area have moved slowly in recent years, I consider there to be sufficiently strong evidence that there is a genuine need to bring forward new housing sites.

Loss of Open space

- 49 Within the representations some general concerns have been raised regarding the potential impact that the proposal will have on the visual amenity 'value' which is associated with the existing openness of the site. Although I appreciate the concerns of the local residents, it is a matter of fact that the site is within private ownership and is not operating as (or likely to be) a functional area of open space for the community to use. Whilst the historic openness and 'green' appearance of the site does undoubtedly have a degree of visual amenity 'value' for the local neighbouring residents who perhaps overlook it or use it informally, the lack of a functional recreational purposes makes it extremely difficult to make a valid argument for its retention as a private area of open space, particularly bearing in mind that the site has not been identified in the Local Development Plan as an area of open space which should be retained and / or protected but has been allocated as a housing site. Nevertheless, as part of detailed proposals a suitable level of open space provision will be incorporated into the scheme which will allow for a functional space provided for the public to use openly.

ECONOMIC IMPACT

- 50 There will be limited economic impact from the development with the exception of temporary employment opportunities for construction workers, however this has limited weighting on the overall recommendation.

LEGAL AGREEMENTS

- 51 None required.

DIRECTION BY SCOTTISH MINISTERS

- 52 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

- 53 Whilst this planning application is for a major development, the proposed use (in principle) is firmly in line with the adopted Local Development Plan 2014 and the application as submitted (as a planning in principle application) raises very few planning issues. The approval of this application will also be the further step to securing the delivery of the link road from Berrydale Road to Hazelwood Road which will improve access to the Blairgowrie Primary School campus. To

this end, I recommend the planning application for an approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall not commence until the following matters have been approved by the Council as Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
- 2 The proposal must comply fully with the requirements of the Council's approved Developer Contributions Document 2012 and Policy PM3 of the Local Development Plan 2014, or any subsequent policies / guidance in relation to Primary Education contributions.
- 3 The proposal must comply fully with the requirements of the Council's approved Affordable Housing Supplementary Guidance 2012 and Policy RD4 (Affordable Housing of the Local Development Plan 2014), or any subsequent policies / guidance in relation to Affordable Housing.
- 4 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
- 5 Notwithstanding the terms of condition 1, a maintenance plan for the existing water course (which addresses potential changes in existing flow in the event of overtopping of the culvert/upstream pond) the must be submitted for approval in writing by the Council, in consultation with SEPA prior to the commencement of any works. The approved plan shall be implemented in full, to the satisfaction of the Council as Planning Authority.
- 6 A link road from Hazelwood Road and Berrydale Road must be incorporated into the detailed submission, to the satisfaction of the Council as Planning Authority. The new link road shall be readily available for use at a time agreed with the Council as Planning Authority. That agreement must take place prior to works commencing onsite.
- 7 Notwithstanding the terms of conditions 1 and 3, the development must comprise a reasonable mix of different housing types/sizes, including low cost housing all to the satisfaction of the Council as Planning Authority.

Reasons

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006
- 2 -3 In order to comply with Council Policy

- 4 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 5 In order to address the potential for flood risk.
- 6 In the interests of pedestrian and traffic safety and in the interests of free traffic flow and to bring forward the new link road at within a reasonable timescale.
- 7 In the interest of providing a suitable mixed, sustainable development.

B JUSTIFICATION

- 54 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

- 55 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.

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.

- 2 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.
- 3 The applicant should be advised that in terms of Section 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.
- 4 Prior to the submission of an application for the approval of matters specified, or a detailed submission for this site, the applicant is strongly advised to seek advice from the Council as Planning and Roads Authority in terms of any proposed site layouts.

Nick Brian
Development Quality Manager

Background Papers: Six letters of representation
Contact Officer: Andy Baxter – Ext 5339
Date: 20 August 2014

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