

Perth and Kinross Council
Planning and Placemaking Committee – 22 March 2023
Report of Handling by Head of Planning & Development
(Report No. 23/91)

PROPOSAL: Erection of 28 dwellinghouses and a garage (revised design)

LOCATION: Site North of Hall Road, Guildtown

Ref. No: [22/01307/FLL](#)

Ward No: P2- Strathmore

Summary

This report recommends delegated approval of a detailed planning application for 28 dwellings on a consented residential site within Guildtown as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan. Prior to the release of planning permission, the applicant shall either require to settle the developer obligations in full, or alternatively, enter into a satisfactory agreement with the Planning Authority to secure the necessary provision.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks detailed planning permission for the erection of 28 dwellings on the southern part of a large consented and partially developed residential site on the eastern edge of Guildtown. One detached garage is proposed, with other garages (when included) integral.
- 2 Detailed planning permission currently exists for 19 dwellings across a comparable area of the site, and this application seeks to increase that number by 9. There are no proposed material changes to the road layout, SUDS arrangements or general landscaping / open space areas.
- 3 The wider site is essentially split into two areas, north and south. This application relates to part of the southern section accessed via Hall Road. Overall, the proposal would increase the number of dwellings within the southern area from 41 to 50, of which 16 are either occupied, or almost complete. Construction of the other plots within the southern section have not commenced.
- 4 The 28 dwellings proposed comprise nine different house types:
 - 5 bed, two storey - detached (x3)
 - 4 bed, two storey - detached (x8)
 - 4 Bed, two storey (roof space accommodation) - detached (x1)
 - 4 bed, single storey – detached (x1)

- 3 bed, two storey – detached (x9)
 - 3 bed, single storey – detached (x1)
 - 2 bed, single storey - semi-detaches (x4)
 - 2 bed, single storey - detached (x1)
- 5 Until such time as internal connection between Northfield and Hall Road is complete, vehicular access will be via Hall Road. This link is anticipated when a safe means of passage can be delivered through construction areas.
- 6 Since submission, the application has been varied with changes to Plots 6, 7, 8, 9, 11, 12, 14 and 91.

PRE-APPLICATION CONSULTATION

- 7 Whilst the application is part of larger development, the application in isolation is not a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As such no formal pre-application consultation with the local community was required. The initial planning application also pre-dated the 2009 regulations.

ENVIRONMENTAL IMPACT REGULATIONS

- 8 The development (both in isolation and cumulatively) is a Schedule 2 development as per the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. A screening opinion has been issued advising that the development is not an EIA development.

DEVELOPMENT PLAN

- 9 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 10 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve peoples lives by making sustainable, liveable and productive spaces.
- 11 NPF4 was adopted on 13 February 2023, has an increased status over previous NPFs and comprises part of the statutory development plan.
- 12 The Council's assessment of this application has considered the following policies of NPF4:
- 13 Policy 14: Design, Quality and Place
 - Policy 16: Quality Homes

Perth and Kinross Local Development Plan 2019

- 13 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The site lies within the settlement boundary of Guildtown, where the following policies are applicable,
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contribution
 - Policy 14A: Open Space Retention and Provision
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 25: Housing Mix
 - Policy 32: Embedding Zero and Low Carbon Generating Technology

STATUTORY SUPPLEMENTARY PLANNING GUIDANCE

Developer Contributions & Affordable Housing 2020

- 15 This is the most recent expression of Council policy in relation to Developer Contributions and Affordable Housing.

Flood Risk and Flood Risk Assessments 2021

- 16 This is the most recent expression of Council policy in relation to flood risk.

Open Space Provision for New Developments 2021

- 17 This is the most recent expression of Council policy in relation to open space provision.

Placemaking Guide 2020

- 18 This is the most recent expression of Council policy in relation to Placemaking standards.

OTHER NON-STATUTORY PLANNING GUIDANCE

Planning Guidance - Planning & Biodiversity

- 19 This is the most recent expression of Council policy in relation to bio-diversity matters.

NATIONAL PLANNING GUIDANCE

- 20 The Scottish Government expresses its planning policies and guidance through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

- 21 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 77 Designing Safer Places

Creating Places 2013

- 22 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 23 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 24 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.

SITE HISTORY

- 25 08/01456/FLM – Detailed planning permission for 64 dwellinghouses on the majority of the wider site was approved in February 2011.
- 26 Since that approval, there have been a number of further planning permissions revising other house types across the wider development site, increasing the numbers at the northern area and making amendments to Hall Road.
- 27 Taking these together detailed permission currently exists for 84 dwellings overall – 41 on the southern area and 43 on the northern. This application would increase this by 9, to 93.

CONSULTATIONS

- 28 As part of the planning application process the following bodies were consulted:

External

- 29 **Scottish Water** – No objection, with no capacity issues identified.
- 30 **Scottish Environment Protection Agency** – No objection in terms of flood risk or surface water disposal.
- 31 **Perth Scone Airport** – No comments.

Internal

- 32 **Development Contributions Officer** - Confirm a requirement for both Affordable Housing provision and Transport Infrastructure contributions.
- 33 **Community Waste Advisor** – No objections.
- 34 **Structures and Flooding** – No objection in terms of flood risk or surface water drainage.
- 35 **Transportation and Development** – No objection, or concerns over road related matters.

REPRESENTATIONS

- 36 As a result of amendments to some of the Plots, the application was re-advertised, in addition the notifiable neighbours and those who had made representations were re-notified of the changes. As a result, a proportion of initial objections were withdrawn, whilst some new representations were received.
- 37 In relation to the finalised plans, fourteen letters of objection from thirteen householders have been received. Of these thirteen are the same letter individually signed.
- 38 In terms of the template letters, the main issues raised are:
- Change from the initial plans
 - Impact on residential amenity
 - Impact on visual amenity
 - Unacceptable mix of occupancy / property types
- 39 The other covers:
- Impact on residential amenity
 - Inappropriate density
 - Flood risk / surface water concerns

- Impact on the visual amenity and character of the village

40 All the issues mentioned above are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required. Screening undertaken.
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Hard surface calculations submitted (for surface water calculations)

APPRAISAL

41 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely those relating to Placemaking and Developer Contributions, as well as the site's recent planning history

Land Use Acceptability

42 The extant permissions across the southern part of the site have established the principle of a residential use on the land, and it is not considered necessary or reasonable to reassess this again.

43 Thus the key land use considerations are whether or not a) the increased numbers, and b) proposed house types are acceptable, and are in accordance with the Development Plan, and the Council's Placemaking Standards. An assessment of this is below.

Design and Layout

Density

44 An extra 9 dwellings are proposed across the site, which will increase that consented on southern area from 41 to 50. This increase is not considered unacceptable in principle, however, assessment must be undertaken of whether this would result in a welcoming, pleasant and pleasing environment

and place to live is being offered for future residents, and what time it would have on the local area.

- 45 In terms of delivering suitable amenity space, and separation between proposed and existing properties, the proposal meets with the Council's standards on Placemaking, and will deliver a mix of houses of varying sizes. It should also be noted that whilst numbers are increasing, the amount of roof areas and physical development is actually decreasing from what benefits from permission already. There would therefore be less physical build across the area, even if the numbers are increasing.
- 46 Guildtown has a mixed building pattern and varying densities across the village, as such the proposals do not conflict with, or compromise the character and amenity of the area.
- 47 The NFP4, through Policy 16 (quality homes), looks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. The LDP through Policy 17 also looks to promote infill developments within settlements, but at appropriate density which make the most efficient use of land, and protecting the amenity of existing areas. Maximising the potential of existing land that already benefits from permissions and where new land uses are established are generally considered to be preferred to developing new, greenfield sites and makes best use of available resources. To this end the proposed increase in numbers is considered to comply with both NFP4 and LDP2, in terms of the increase in density.

Layout

- 48 As the road layout is not being altered, the general feel of what is proposed does not alter from what is already approved. It would therefore not be reasonable to reassess the road layout. Key elements such as the principal areas of open space and SUDS areas (on other parts of the site) are not included within this planning application and would remain the same.
- 49 As mentioned previously, the massing across the site would decrease from that approved, due to smaller house types – even though the numbers would increase. All other general matters relating to the layout, such as parking, residential amenity space and relationship between properties is considered acceptable and in line with Policy 1 (Placemaking) of LDP2 and the associated SPG on Placemaking.

Design

- 50 Within the standard objection letter, the principal area of concern is the lack of a range of house types, and that the proposal is not keeping with the character of Guildtown. However, both LDP2 through Policy 17 (residential areas) and NFP4 through Policy 16 (quality homes) aim to ensure that new developments respect the character and appearance of the area affected, but equally provide a development which is welcoming, pleasant and connected to existing areas. The latter also specifically looks to encourage developments

to offer a range of sizes of homes. As, shall be explained below, it is considered that this application is compliant with those policies.

- 51 It was the case that the initial planning permission granted in 2011 included less two storey properties. However, Guildtown includes a range of house sizes, types and styles with none dominating. These include full two storey properties and large dwellings with roof space accommodation. Modern and larger properties have been introduced into the streetscene over recent years, in addition to more traditional properties.
- 52 To address some of the initial concerns over design and the number of two storey units, six plots have been revised to bungalows along the western edge of the site next to the public park, to ease the visual transition between the development and existing properties. Several other plots beyond were also reduced in height. Overall, across the 50 southern plots, this application and those others consented will offer a mix of 20 single storey (40%), 27 full two storey (54%) and 3 with accommodation with the roof space (6%).
- 53 In terms of bedroom provision, Policy 25 of the LDP2 requires all developments comprising 20 or more homes to have at least 10% of the house types as one or two bed homes. The 28 homes proposed see 5 (17%) with two bedrooms. Across the wider southern area a comparable figure is maintained, with 9 two beds (18%), 16 three beds (32%), 17 four beds (34%) and 8 five beds (16%). This mix is considered to provide a satisfactory range.
- 54 As such representations on this issue are not accepted, and whilst there are a lower number of dwellings with accommodation within the roof space, this alone is not considered unacceptable.
- 55 Nine different house types are proposed, and together with the wider site 19 different house types would result in a development of 90 homes, a significant variety. The proposal is therefore considered to align positively with the requirements of the LDP2 in terms of housing mix (bedroom variation) and NPF4, which looks to encourage a range of quality homes for a wider spectrum of people.

Residential Amenity

- 56 In terms of the impact on existing residential amenity, amendments since submission have addressed an initial concern over the impact on other properties in the development. Out with the 'development site', residential properties are significantly in excess acceptable separation distances and as such overlooking and loss of privacy is not considered unacceptable on Hall Road, Northfield or School Road.
- 57 In terms of the proposed houses, a suitable level of residential amenity for future occupiers is provided. The Placemaking Guidance of gardens of at least 9m in depth is met, and the proportions, overall area and general arrangements of the amenity spaces are all acceptable. Clarification on some of the individual boundary definitions and eastern boundary landscaping will be sought via conditions (3 boundaries, and 4 landscaping).

Roads and Access

- 58 The proposals do not alter the internal road arrangement, and the increase in numbers does not raise any new issues. As noted above, while there has been concern regarding construction routes, and the delay in the public opening of a through route between Hall Road, and Northfield, these are considered to be matters out with the scope of planning.

Drainage and Flooding

- 59 In terms of flood risk from the Cambusman Burn, previous flood studies have concluded that the site is not affected, and mitigation measures such as compensatory storage have already been delivered to address fluvial flooding issues elsewhere. SEPA and PKC Structures and Flooding have confirmed that they have no objection.
- 60 Surface water flooding, affected some of the site and surrounding fields late last year - as well as many other areas across Perth and Kinross. As a result of this, mitigation measures beyond the site are currently being investigated by a neighbouring landowner, to reduce the risk of water migration from that land to the development site boundaries.
- 61 In respect of the onsite position and what is within the control of the developer, the proposals have less hard surface areas than that previously approved and accordingly, would not result in an increase in pressure on the SUDS and their associated discharge from what has been approved and installed. Importantly the SUDS areas functioned as intended during the extreme weather of last year, and their capacity meets with the requirements of the Council as Flooding Authority.
- 62 In terms of the construction phase, dealing with surface water and exposed soils can be challenging, however the development has a Construction and Environmental Management Plan which meets with industry standard, and is reviewed regularly.

Waste Collection

- 63 The proposal raises no additional issues in terms of waste collection. As the internal roads will be adopted by PKC, bin collection and presentation areas will be kerbside. The applicant has agreed a temporary collection service for residents, in advance of the roads being fully adopted.

Conservation Considerations

- 64 The proposal raises no additional issues in terms of impacting in cultural assets.

Natural Heritage and Biodiversity

- 65 There is no change to the bio-diversity impact as a result of what is now proposed. There is however scope for bio-diversity betterment, by ensuring

appropriate native species of planting and landscaping is delivered, and bat / swift boxes and hedgehog highways are incorporated into the final design. Conditions 5 (hedgehogs) and 6 (swifts/bats) relate to this. It should be noted that eco kerbs have already been installed across the site.

Open Space

- 66 Since the approval of the original permission, and later permissions, the Council has adopted a policy for open space via the Open Space Provision for New Developments Supplementary Guidance (2021). However, given the extant permissions it would be unreasonable to retrospectively apply this. In any event, the proposals are immediately adjacent to the main public park of Guildtown and good pedestrian links to and from are included as part of the wider development. Clarification on the eastern landscaping boundary will however be sought, and this is controlled via Condition 4 (landscaping).

Initial 2008 permission

- 67 It would not be reasonable to refuse this application on the basis that it is materially different from the initial planning application in 2008. It was the case that that application was subject to Community discussion, which may have influenced the layout which was brought forward – however the general layout of the wider site has remained the same. The principal changes which have taken place see: an increase in numbers; and changes in house types. All of those changes have been subject to formal planning approvals, with opportunity for public comment.

Embedding Low and Zero Carbon Generating Technology

- 68 Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. Condition 7 (Carbon tech) refers to this.

Developer Contributions / Affordable Housing

- 69 The additional 9 units will have implications for both Affordable Housing (AH) provision, and Transport Infrastructure contributions. The former triggers a requirement for 2.25 (AH) units which will likely be delivered by the use of accumulated 'credit' in light of over provision of AH on other sites by the applicant. In terms of Transport Infrastructure contributions, a commuted payment of £28,797.75 will be required and the applicant has indicated that this will be settled 'up front' to negate the need for a legal agreement.
- 71 There is no requirement for any Primary Education related contributions.

Economic Impact

- 72 Any economic impact will be focused at the construction phase of development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 73 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the house types to address some of the concerns raised within the initial batch of representations.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 74 None required.

DIRECTION BY SCOTTISH MINISTERS

- 75 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 76 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 77 Accordingly, the proposal is recommended for approval subject to conditions.

RECOMMENDATION

Approve the application subject to the following conditions,

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019

2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented as the development progresses.

Reason: In the interest of protecting residential and visual amenity.

4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme (particularly the eastern boundary) for the site shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species (which should be native), height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity and to ensure implementation of the proposed planting scheme.

5. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on each plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs.

Reason: In the interest of promoting bio-diversity.

6. At least 25% of the two storey dwellings shall include bat and swift boxes/bricks, which shall be installed and sited in line with guidance offered by the Scottish Wildlife Trust. Thereafter, they should be maintained in a usable condition.

Reason: In the interest of promoting bio-diversity.

7. Prior to the commencement of the development hereby approved, a statement which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies shall be submitted to and approved in writing by the Council as Planning Authority. The approved statement shall thereafter be implemented in full.

Reason: In order to comply with Policy 32 of the adopted Perth and Kinross Local Development Plan 2 (2019).

B JUSTIFICATION

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

C PROCEDURAL NOTES

The decision notice shall not be issued until such time as the required Developer Contributions, and agreement on use of Affordable Housing Credits have been settled/secured.

D INFORMATIVES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 23(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate the changes to plots changes to Plots 6, 7, 8, 9, 11, 12, 14 and 91.

Background Papers: Fourteen letters of representation
Contact Officer: Andy Baxter
Date: 10 March 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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