

Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
(Report No. 22/77)

PROPOSAL: Erection of a dwellinghouse and garage

LOCATION: Land South East of Graybank House, Graybank Road, Perth

Ref. No: [21/01946/FLL](#)

Ward No: P10- Perth City South

Summary

This report recommends approval of the application, subject to the receipt of the required developer contributions, 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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The site lies to the south of the property Graybank House, currently forming part of the garden ground. The area is characterised by low density residential development which surrounds the site, with an access track running along the west boundary.
2. The proposal is to subdivide the garden ground of Graybank House and erect a dwellinghouse within the resultant plot. The design of the dwelling will work with the site levels and see three levels of accommodation. The upper floor will be within the roof and served by rooflights, there is also a smaller footprint lower ground floor. A 'granny annex' will also be incorporated, whilst to the east would be a detached double garage. The site will utilise the south of two existing vehicular accesses to Graybank House.

NATIONAL POLICY AND GUIDANCE

3. The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework 2014

4. NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans

and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP)

5. The Scottish Planning Policy (SPP) 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.
6. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

7. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport

Creating Places 2013

8. 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.

National Roads Development Guide 2014

9. 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

10. The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

11. TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”

12. There are no sections of the TAYplan 2016 which are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2

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 principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

15. This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance March 2020

16. The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

SITE HISTORY

17. [20/01846/FLL](#) An application for full planning permission, proposing the erection of a dwellinghouse and garage, was withdrawn on 8 March 2021. This application seeks to address previous concerns with the scale of development and proximity to boundaries.

CONSULTATIONS

18. The following bodies have been consulted:

External

19. **Scottish Water** - No objection. Note that capacity is available for foul and water, subject to an application to secure connections.

Internal

20. **Structures And Flooding** – No objection. Discussions have indicated that some surface water issues have occurred locally. The proposed connection of surface water to the public system shall require to be secured by condition.
21. **Environmental Health (Noise Odour)** - No objection. Condition recommended related to noise from the air source heat pump.
22. **Transport Planning** - No objection. Condition recommended for construction traffic management.
23. **Development Contributions Officer** – Advise a contribution is triggered for transport infrastructure (£3,657).

REPRESENTATIONS

24. 8 representations have been received; the main issues are summarised below:
 - Contrary to LDP
 - Excessive height
 - Inappropriate land use
 - Loss of open space
 - Out of character with the area
 - Inappropriate design
 - Overlooking
 - Over development

- Noise pollution (heat pump)
- Access drive not appropriate for construction and access
- Maintenance of private access and damage
- Road safety
- Concern that hedge will not be retained
- Inclusion of a further dwelling - (annex to be conditioned)
- Surface water drainage problems
- Damage to neighbouring drainage pipes/connections/utilities
- Flood risk
- No ecological surveys
- Serving of land ownership certificates
- Loss of a view

25. These issues are discussed below, with the exception of: land ownership certificates. This issue was addressed when this issue was confirmed and certificates were subsequently served; and loss of a view, which is not a material planning consideration.
26. In addition, as the access road is not adopted and as such damage and maintenance of the access and drainage pipes/connections/utilities are a separate legal matter out with the remit or control of the planning authority.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

27. 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 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.

Principle

28. The site is located within the settlement boundary of Perth within an area zoned for residential uses under Policy 17 Residential Areas. This policy

seeks to ensure that existing residential amenity is protected and supports infill residential development at an appropriate density.

29. The existing dwelling is a substantial two storey detached traditional property within a generous plot. The subdivision of the plot will retain an acceptable amount of amenity space for the existing dwelling whilst providing a new plot which is reflective of the large size of those in the locality.
30. It is therefore considered that the site could accommodate a dwelling whilst complying with Policy 17.

Design and Layout

31. The dwelling proposed has three levels of accommodation with the upper floor contained within the roof and a small lower ground floor utilising the site levels, which fall across the site from west to east. The dwelling is positioned along the south boundary with a detached double garage to the west.
32. The dwelling sees traditional proportions, in terms of the steep roof pitch and materials like slate but is of a contemporary design including large amounts of glazing and a mix of finishes (slate/render/timber cladding). The majority of dwellings in the area are traditional in design and finishes, but this does not prohibit modern interventions where the site can accommodate it. The simple linear form of the dwelling and use of materials such as slate on the roof enables the dwelling to complement the surrounding development. The majority of the boundaries will be retained, and a new timber fence is proposed to the north to divide the plots and existing paving/paths will be removed.
33. The site is 1,100sqm in area and the footprint of the dwelling/garage 270sqm, the proposal therefore develops approx. 25% of the plot. The plot also provides in excess of 200sqm of usable amenity space with the remaining areas formed by a large parking/turning area and various paths/hardstanding's around the dwelling. The proposal is therefore not considered to be an overdevelopment of the plot.
34. The dwelling is generous with the internal layout reflecting this in large bedrooms, living spaces, circulation areas and inclusion of a one bed annex accessed from the main house. This annex due to its relationship and proximity to the dwelling is unlikely to be occupied as a separate dwelling but a condition will be added to ensure it is retained within the same planning unit (Condition 4).
35. The design, siting and materials are considered to be acceptable and comply with Policy 1 Placemaking and the Placemaking Supplementary Guidance.

Residential Amenity

36. The dwelling is positioned to the south of the site with 9m provided to the north boundary to mitigate the impact of windows in that elevation. To the east, working with the lower site levels, the dwelling incorporates 3 floors of accommodation with glazing, terraces and balconies facing the east

boundary. The balconies are enclosed within an overhang and the terrace has a projecting wall which limits views north and south. The distance from the balconies to the boundary is 10.5m and the intervening distance between the elevation and the rear of the dwellings on Gray Street (which sit at a lower level) is 28m, due to the long depth of the adjoining gardens. The distances from both these boundaries and the further set back of the dwellings is adequate to mitigate any impacts with regards to overlooking.

37. The dwelling located closest in a southerly direction sits 18m from the site boundary. The proposed dwelling has been designed so that the facing windows are either at high level serving the kitchen and living room, or relating to the utility room and bathroom. The upper floor has roof lights only, as such potential for overlooking is mitigated. It is therefore considered that the internal layout and use of high-level windows/rooflights has mitigated any potential impacts in relation to overlooking.
38. Occupants of dwellings to the south raise concerns over potential overshadowing and loss of daylight. However, the orientation of the dwelling, to the west or north of unrelated properties, and its position within the plot would not result in any unacceptable shadow being cast to either the south (Pickletullum Gardens or Road) or east (Gray Street). Greybank House, the doner property, is located to the north and impacts remain acceptable. Additionally, the garage is single storey and bound by the access track and a distance from other properties, therefore its positioning would not result in any significant overshadowing or loss of daylight that would impact existing properties.
39. The proposal includes the provision of an air source heat pump on the south elevation. Environmental Health have reviewed the model to be installed and confirm that given the distance to neighbouring properties the noise levels would be acceptable. A condition is recommended to ensure protection of residential amenity. (Condition 3)
40. The proposal is therefore considered to comply with Policy 1 Placemaking, Policy 17 Residential Areas and the Placemaking Supplementary Guidance.

Visual Amenity

41. The site is contained within an established residential area and would see a suitable property developed and retain adequate garden ground and landscaping. Thus, although the development will alter the view from neighbouring properties, it will not detrimentally impact the visual amenity of the area.

Roads and Access

42. The site is located on a private access, shared with a number of other residents. This access connects with Graybank Road, a private road, close to its junction with the public road network at Pickletullum Road. Access to the plot will utilise an existing vehicle access serving an informal parking area related to Graybank House.

43. Pickletullum Road is subject to a 7.5 Tonne weight restriction, as a result, a construction traffic management scheme will be required by condition, to address concerns about larger vehicles (+7.5t) to route through the weight restriction. (Condition 2)
44. Any works on site should not impact on the structural stability of the private access. The accompanying design statement states that the road surface "*will be regularly maintained throughout the works to ensure safe access for other residents*". However, the access road is not public and it will be for the owners and/or those who have right of access to come to an agreement and discuss maintenance/repair responsibilities, but this is not a planning issue.
45. The car parking and manoeuvring areas within the plot will be finished in a gravel layer within the immediate area of the new dwelling. The parking on site meets the requirements of the National Roads Development Guide.
46. The proposal does not raise any concerns in relation to the impact on the public road network and therefore complies with Policy 60B of the LDP.

Drainage and Flooding

47. SEPA's indicative flood maps do not identify the site as being at risk of flooding, although surface water flooding issues have been raised.
48. The dwelling is to be connected to the public water and foul systems. The agent has also confirmed that surface water drainage is to be connected to the Scottish Water Infrastructure. It has not been confirmed by Scottish Water that a connection would be available, and it is likely that this could not be formally confirmed until an application to connect is made, this is normally undertaken only after the granting of planning permission. If a connection cannot be secured, alternative arrangements may be required, and a further application made to incorporate surface water drainage within the site. A condition will be added to confirm the drainage arrangement. (Condition 5)

Natural Heritage and Biodiversity

49. There is an existing tree to be retained and the root protection area (RPA) has been shown on plan ref: 02, showing the area related to the construction of the dwelling does not encroach on the RPA. A condition will be added to ensure this is in place during construction. (Condition 6)
50. There are existing hedges/planting along the east, south and west boundaries and these are shown for retention. The impact on protected species has been noted in letters of representation but it would not be normal practice to require a bat survey for a hedge. As the hedges are shown for retention and an informative will be added as the hedges could be used by nesting birds.
51. The proposal complies with Policy 40 Trees and Policy 41 Biodiversity.

DEVELOPER CONTRIBUTIONS

Primary Education

52. The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
53. This proposal is within the catchment of Inch View Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

Transport Infrastructure

54. The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
55. The site is located in the 'Full' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance) and therefore a contribution (£3,657) is required.

Economic Impact

56. The economic impact of the proposal will be focused on the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

57. 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 ensure the hedge and site boundaries match on all plans.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

58. It is anticipated that the contribution will be paid upfront as it would not be cost effective for the applicant to instruct a Section 75 legal agreement and the associated legal costs.

DIRECTION BY SCOTTISH MINISTERS

59. 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

60. To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 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 adopted Development Plan.
61. Accordingly, the proposal is recommended for approval subject to the payment of the developer contributions and the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. 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.

2. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) taking cognisance of the 7.5t limit which shall include the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) arrangements to ensure that access for emergency service vehicles are not impeded; and
 - (d) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management

3. All plant or equipment, which includes the Air Source Heat Pump, shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

4. The ancillary one bedroom annexe located on the ground floor (plan ref 19) hereby approved shall be used solely in conjunction with the main dwellinghouse and shall not be occupied separately at any time and shall be retained within the same planning unit as the dwelling.

Reason - In order to control and restrict the use of the building.

5. As set out in the application forms and hereby approved documents (plan ref 02) the surface water drainage shall be connected to the Scottish Water combined sewer system.

Reason - To ensure the discharge of surface water is managed.

6. Prior to the commencement of any works on site, the Root Protection Area identified on plan ref 02 shall be put in place. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

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

Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application or the upfront payment made. 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 may be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
6. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
7. 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 clarify position of hedge

Background Papers: 8 letters of representation

Contact Officer: Joanne Ferguson

Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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