

Perth and Kinross Council
Planning and Placemaking Committee – 3 July 2024
Report of Handling by Strategic Lead - Economy, Development & Planning
(Report No. 24/207)

PROPOSAL:	Erection of a dwellinghouse and garage
LOCATION:	Seaforth, Kintillo Road, Bridge of Earn, Perth, PH2 9AZ

Ref. No: [24/00589/FLL](#)
Ward No: P9 Almond and Earn

Summary

This report recommends approval of the application 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 Full planning permission is sought for the erection of a dwellinghouse and garage at Seaforth, Kintillo Road, Bridge of Earn.
- 2 This is one of four plots which was granted planning permission in 2022 ([22/00194/FLL](#)). The application refers to plot 3 which is located in the south east corner of the site. The proposal seeks to amend the design of the dwelling by extending the east gable of the house by 2.5m. There are other minor changes to the design which include the variation of stone work on the south west and north west elevations. Other than that, the house is identical to the previous approval.
- 3 The house is currently under construction and almost complete.

SITE HISTORY

- 4 [18/01584/IPL](#) Residential development (in principle) 10 October 2018 Application Approved
- 5 [22/00194/FLL](#) Erection of 4 dwellinghouses, 2 garages and associated works 18 November 2022 Application Approved
- 6 [24/00257/FLL](#) S42 to remove condition 4 (construction of pedestrian footpath) of permission 22/00194/FLL 3 April 2024 Application Refused

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises National Planning Framework 4 and the Perth and Kinross Local Development Plan 2 (2019), along with its associated statutory supplementary guidance.

National Planning Framework 4

- 8 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 people's lives by making sustainable, liveable and productive spaces.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 15: Local Living and 20 Minute Neighbourhoods
 - Policy 16: Quality Homes
 - Policy 22: Flood Risk and Water Management

Perth and Kinross Local Development Plan 2019

- 11 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.
- 12 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 17: Residential Areas
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

PKC NON STATUTORY GUIDANCE

- 13 None

NATIONAL GUIDANCE

- 14 The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars, in addition to NPF4.

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 16 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

- 17 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

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

CONSULTATIONS

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

External

20 **Earn Community Council** - Object to the planning application. Concerns regarding delivery of footpath link through the site to connect Todd Place with Kintillo Road.

21 **Scottish Water** - No objection

Internal

22 **Transportation and Development** - No objection as vehicles access is delivered as part of previous application. The same conditions regarding delivery of access should be applied.

23 **Developer Contributions Officer** - There is an existing Section 75 in place for payment of developer contributions which allows for change of house type without further formality.

REPRESENTATIONS

24 1 representation was received from the Earn Community Council. The main issues raised within the representations are:

- Delivery of footpath link from Todd Place to Kintillo Road
- Levels difference from the site to Todd Place

25 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

26	Screening Opinion	Not required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment under Habitats Regulations	AA not required
	Design Statement or Design and Access Statement	Not required
	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 Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. 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 which are outlined above.

Principle

- 28 The principle of erecting a dwellinghouse on this site has been secured by permission [22/00194/FLL](#).

Design and Layout

- 29 Placemaking Supplementary Guidance. Policy 1B and 17 of the LDP2 and 14 of NPF4 require new housing development to relate to the established character and density levels within a particular area.
- 30 The extension seeks to increase the length of the dwelling by 2.5m to the east to accommodate a study and a larger bedroom. The extended area is proposed to have the same roof pitch and finishes as the remainder of the house and will effectively repeat the design of the originally approved house but extend the house further east. The overall design and form of the house remains acceptable and the small addition on the north east elevation is considered to be acceptable.
- 31 A detailed assessment of the wider layout of the site subject to application [22/00194/FLL](#) is available within the Report of Handling for that application.
- 32 The changes to stone work are minimal and are not considered to alter the visual amenity of the area or character of the dwelling to any significant degree.
- 33 The design and scale of the dwelling is considered to be appropriate and utilises high quality materials which reflect the recently erected development to the south.
- 34 The layout of the site is identical to the extant approval with a detached garage to the north east with associated parking. The garden ground is located to the south of the dwelling and is of sufficient size of the scale of the house meeting the placemaking policy requirements.
- 35 The proposed layout and design of the house is therefore considered to reflect the character and amenity of the area and therefore complies with the criteria outlined in policies 1A, B and 17 of the LDP2 and the associated SG and Policies 14 and 16 of NPF4.

Residential Amenity

- 36 Policy 1A and B and 56 of LDP2 and Policy 14 (c) and 23 of NPF4 require any development to not detrimentally impact on residential amenity and to ensure any occupiers of new development have an adequate level of residential amenity.
- 37 The proposal moves the north east elevation of the house closer to the boundary with 10 The Meadows. This gable elevation of this single storey house will therefore now be located 2.7m from the boundary. No objections from nearby neighbours have been received regarding residential amenity. There may be a minor degree of overshadowing to the rear of the neighbouring garden later in the day but this is not considered to be significant. There is also an existing outbuilding within the neighbouring garden so any minor overshadowing would be onto this rather than the useable garden ground.
- 38 The garden extends to the south and remains similar in terms of depth and footprint to the extant permission.
- 39 There are no windows proposed on the north east elevation and therefore no concerns regarding overlooking to neighbours. The proposal therefore complies with the above proposals.

Footpath

Delivery

- 40 The existing planning permission on site (ref:[22/00194/FLL](#)) requires the delivery of a footpath link through the site to connect Todd Place with Kintillo Road. The condition on the existing permission requires this to be in place prior to the occupation of any of the four dwellinghouses on site. A planning application (ref:[24/00257/FLL](#)) which sought to delete the condition requiring the footpath link was refused under delegated powers in April 2024.
- 41 The delivery of a footpath connection is considered to be an important feature of the site in improving the overall amenity of the area by providing an improved pedestrian connection to Kintillo Road and the facilities available there which include shops and a bus stop both for occupiers of the site and occupiers of the other dwellings to the south. The footpath link contributes to the creation of connected, inclusive and sustainable place, meeting the requirements of the LDP2 and NPF4 policies. Application [24/00257/FLL](#), to delete the condition, was refused on this basis.
- 42 The footpath link is not currently in place despite plot 2 already being occupied. Condition 4 of permission [22/00194/FLL](#) is therefore currently breached. The developer has explained that this is due to ongoing health and safety reasons given the construction operations which are taking place on plot 3 immediately adjacent to the proposed footpath link. There are also services being installed on site where the footpath link is to be formed.

- 43 The Community Council has objected to this application raising concerns that the footpath link is out with the red line boundary and speculating as to whether this application is a method to avoid forming the footpath link. This has been discussed with the developer who have advised it is their intention to form the footpath link. The footpath link, whilst out with the red line boundary remains within the ownership of the applicant as indicated by the blue line on the plans and therefore any conditional requirements are deliverable. The Community Council wished for formal enforcement action to be taken to ensure delivery of the footpath link. In accordance with the Council's Enforcement Charter the Council seeks to resolve planning breaches informally in the first instance and that is the intention here.
- 44 The developer has made it clear in recent correspondence that it is their intention to form the path link and the materials to form this are currently on site but the works require to coincide with the operations and phasing on site. It is fully appreciated that the developer should have been aware of the requirements of the condition when considering the phasing and development of the site and this is unfortunate. Nevertheless, the intention is to ensure the footpath link is formed.
- 45 Therefore, in order to ensure that the path is formed timeously and that there is an understanding of the intentions and timescales between the developer, the local community and the Community Council it is recommended that a condition be applied to the current application which requires the footpath link to be formed and completed by a specific date as per the following:
- 46 *"By Friday the 16th August 2024, the pedestrian route from Kintillo Road to Todd Place shall be constructed and provided with dropped kerbs at Todd Place and the crossing over the driveways within the development, to permit easy access for pedestrians with prams and wheelchairs. The kerb upstands at the dropped kerbs shall range from 0 mm to 10 mm at these locations. The pedestrian route shall connect into Kintillo Road footway with a flush surface all to the satisfaction of the Council as Planning Authority."*
- 47 This will provide clarity on the timescales for the delivery of the footpath link for all stakeholders. It is appreciated that the current condition has not been adhered to but the above is recommended to ensure the path route is delivered within what is considered to be a reasonable timescale. The developer has confirmed that they are comfortable with the proposed condition (Condition 4) and that the timescale is achievable given operations on the site. This ensures the delivery of the footpath link within an agreed timescale and seeks to resolve the current planning breach.

Levels

- 48 There is currently a levels difference between the application site and Todd Place and the Community Council have raised concerns as to how this will be catered for in the design of the path. The developer has clarified that the current levels

difference is due to the ongoing construction operations on site and has advised that the ground levels are soon to be reinstated and finalised to tie in with the existing higher ground level at Todd Place. The path will follow these levels.

Maintenance

49 The site is not intended to be adopted by the Council and is to be privately maintained. There is a separate condition on the original permission which requires the footpath to be retained and maintained which is worded as follows:

50 *“The footway through the site linking the site from Kintillo Road to Todd Place and the associated lighting within the site shall be retained and maintained in perpetuity to the satisfaction of the Council as Planning Authority.”*

51 This condition (Condition 6) will be repeated on this application. This obligates the developer to ensure ongoing maintenance in perpetuity of the footpath link. It would be for the developer to decide how to ensure compliance with this condition whether this is via a factoring arrangement with occupiers of the dwellings or similar. The condition will allow the Council to act should the footpath link not be appropriately maintained.

52 The above is therefore considered to ensure the delivery of the footpath link within an appropriate timescale which has been agreed with the developer to ensure compliance with the LDP2 and NPF4.

Developer Contributions

53 The developer contributions are secured for this site via a Section 75 under application [22/00194/FLL](#). This includes a future proofing clause to ensure payment of the contribution in the event of a revised application being submitted. As such the developer contributions will still be ensured via the S75 Agreement. This has been discussed and agreed with the Developer Contributions Officer.

Drainage

54 Policy 53B of the LDP2 and Policy 22 of NPF4 requires new development to be served by a private drainage system where there is no public system available.

55 Surface water drainage requires to be collected via a SUDS system as required by Policy 53C and Policy 22(c) of the LDP2.

56 All drainage connections are as per the existing approval, with a waste water and surface water connection to the public network and are not proposed to change and are therefore in accordance with the above policies.

57 The applicant's agent has indicated that discussions are ongoing with Scottish Water regarding this. Therefore, an informative is recommended to make the developer aware that the granting of planning permission provides no guarantee

of a connection to Scottish Water's assets. Should the applicant fail to agree a connection to Scottish Water Assets and alternative surface water drainage solution would be required which may require further planning permission and a further informative is recommended to ensure the applicant is aware of this.

Access and Parking

- 58 Policy 60B of LDP2 is relevant and requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant. This provides detail on parking and access requirements.
- 59 The access for vehicles has been approved as part of application [22/00194/FLL](#). The applicant's agent has clarified that the site will be served by a private access and would not seek adoption. There is sufficient parking within the site for vehicles and the arrangements remain as per the extant approval. They are therefore acceptable and accord with the LDP2 and NPF4 and associated guidance.

Economic Impact

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 61 There is an existing Section 75 in place for the site which secures developer contributions.

DIRECTION BY SCOTTISH MINISTERS

- 62 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

- 63 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. Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

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. 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.

3. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

4. By Friday 16 August 2024, the pedestrian route from Kintillo Road to Todd Place shall be constructed and provided with dropped kerbs at Todd Place and the crossing over the driveways within the development, to permit easy access for pedestrians with prams and wheelchairs. The kerb upstands at the dropped kerbs shall range from 0 mm to 10 mm at these locations. The pedestrian route shall connect into Kintillo Road footway with a flush surface all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety.

5. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

6. The footway from Kintillo Road to Todd Place and the associated lighting within the site shall be retained and maintained in perpetuity to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual and residential amenity and to ensure ongoing permeability through the site.

JUSTIFICATION

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

PROCEDURAL NOTES

None

INFORMATIVES

1. 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. Please use the form attached herewith.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. Street lighting infrastructure is present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of infrastructure and its relocation to facilitate the vehicle access. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
5. The applicant is advised that the granting of planning permission 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.
6. The developer should be aware that should Scottish Water not agree to accept surface water drainage into their combined sewer, an alternative surface water drainage solution will be required which may require further planning permission.

7. The applicant is advised that Perth and Kinross Council have a charging scheme for recycling and waste bins for new build properties and newly created dwellings. Further information can be found at: <https://www.pkc.gov.uk/binrequests>
8. 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.

Background Papers: 1 letter of representation
Contact Officer: John Williamson
Date: 21 June 2024

DAVID LITTLEJOHN
STRATEGIC LEAD: ECONOMY, DEVELOPMENT AND PLANNING

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