

Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
(Report No. 22/78)

PROPOSAL:	Change of use from open space to form extension to garden ground, formation of a path and erection of fence
LOCATION:	Ard Mor, 39 Highfield Road, Scone, Perth, PH2 6RN

Ref. No: [21/02087/FLL](#)
Ward No: P2- Strathmore

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. This planning application seeks to obtain a detailed permission for: a) the formation of a 4m wide surfaced footpath, for Council adoption, with verges either side; and b) the change of use of an area of public open space (POS) to garden ground, all on land at the western end of Highfield Road, Scone – a private, unadopted road. All with associated fencing. The site being immediately adjacent and in part overlapping into the Scone North Development (SND). The path would provide a non-motorised connection from Highfield Road to the SND.
2. The proposed path would link from the road within the SND traversing the southern part of what is currently private garden ground associated with 39 Highfield Road and then onto Highfield Road at its western end. To compensate for the loss of garden, an area of what is approved to be part of wider amenity ground within the SND is to be incorporated into 39 Highfield Road. Both the new footpath route and revised garden area will be defined by a 1.8m fence.
3. The footpath will be surfaced and incorporate associated streetlighting and drainage, with the intention for it to be adopted by the Council. Along the edges of the footpath would be verges planted with low maintenance bushes and shrubs, again with the intention of being passed over to the Council for future maintenance.
4. At the eastern end of the footpath near the point that it meets Highfield Road, a centrally positioned bollard is proposed to restrict vehicle access. There is no intention of forming a vehicular road link onto Highfield Road, with the footpath for pedestrians, cyclists, etc.

National Policy and Guidance

5. 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

6. 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 (SPP)

7. 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.
8. 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

9. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 77 Designing Safer Places

Creating Places 2013

10. 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

11. 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

12. 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.

Cycling By Design 2021

13. Cycling by Design provides guidance for permanent cycling infrastructure design on all roads, streets and paths in Scotland. It aims to ensure that cycling is a practical and attractive choice for the everyday and occasional journeys of all people, particularly new, returning or less confident users.

Development Plan

14. 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

15. 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.”

16. There are no specific policies contained within the TAYPlan applicable to this proposal.

Perth and Kinross Local Development Plan 2

17. 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.
18. The site is located within the settlement boundary of Scone, where the principal relevant policies are, in summary.

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 60B (Cycling and Walking): Transport Standards & Accessibility Requirements

Other COUNCIL Policies

Placemaking Guide 2020

19. This document sets out the Council's policies on placemaking standards.

SITE HISTORY

20. The area immediately to the west of the site, and the area covered by the proposed change of use are part of SND, the first phase of which was consented under 21/00609/AMM.
21. During the consideration of that planning application, advanced discussions took place between the applicant and the Council about the possibility of delivering a new footway link from the development onto the existing Highfield Road. As the site boundaries for 21/00609/AMM did not include the area required for this to be delivered, it was not considered possible to 'add' this additional element to that application.
22. As such, this footway link was not incorporated as part 21/00609/AMM.
23. This planning application now seeks to deliver that link and allow for improved access links for non-motorised users to be delivered.

CONSULTATIONS

24. The following bodies were consulted:

External

25. **Scone And District Community Council:** Object. Considering that the footpath is not required, is too wide and there is a potential for the footpath to be used as a 'rat run' for motorcycles compromising the road safety of existing users of Highfield Road.
26. **Historic Environment Scotland:** No objection. Consider no impact on the Historic Garden and Designed Landscape (HGDL) associated with Scone Palace.
27. **Perth Scone Airport:** No response received.

Internal

28. **Community Greenspace:** No objection. Support the proposal.

29. **Development Contributions Officer:** No comments.
30. **Transport Planning:** No objection, subject to the bollard and street lighting being installed.
31. **Planning And Housing Strategy:** No objection

REPRESENTATIONS

32. A total of 28 representations, including one from Scone & District Community Council, have been received, all objecting to the proposals.
33. The main issues raised are:
- Proposals considered contrary to Local Development Plan 2;
 - 4m is an excessive width for a footpath;
 - Potential for use as a vehicular access;
 - Road and pedestrian safety concerns (from a vehicular access);
 - Noise concerns;
 - Impact on Core Path;
 - Precedent for other similar links to be created into existing road infrastructure.
34. These issues are addressed in the Appraisal section of the report.
35. The following issues are also raised:
- 39 Highfield Road has recently added an extension, which is not on the block plan;
 - The applicant does not own the site;
 - Lack of pre-submission consultation with residents of Highfield Road;
 - Developer undertaking negotiations with individuals;
 - Legal issues associated with forming a connecting to Highfield Road
36. However, these issues are not material planning considerations and cannot be taken into account in the determination of this planning application.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	No additional reports required

APPRAISAL

37. 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, namely the Placemaking Guide 2020.

Principle

38. The proposed extended residential curtilage, and loss of a small area of the POS approved under 21/00609/AMM raises no overriding issues of concern, nor does it attract any policy conflict with LDP2. It is also noted that little reference to this has been made within the letters of representations.
39. The key issue in the determination of the application is the acceptability of the creation of the path link, and whether or not providing greater pedestrian connectivity between SND and Highfield Road/the existing part of Scone is acceptable.
40. Improved connectivity for pedestrians and cyclists is supported by a number of Council policies, aims and objectives.
41. Within LDP2, Policy 60B makes specific reference to cycling and walking provision for large developments, which would include Scone North. Policy 60B aims to see new developments provide access to off-road walking and cycling routes as part of the 'green network' and contribute to its enhancement and improved connectivity. In this regard the proposals are considered to accord with these aims.
42. Beyond this the Council's 'Placemaking Guide' supports the principles of new development having connectivity to existing built up areas and discourages closed cul-de-sacs. As discussed above this more wide ranging objective of connectivity was not able to be delivered via 21/00609/AMM and this planning application seeks to introduce a non-motorised link from Phase 1B of the SND to existing areas of Scone and the wider network of paths, in turn improving the level of connectivity for walkers, cyclists, etc.
43. In addition, both the Scottish Governments National Roads Development Guide and Designing Streets outline the need for as much connectivity as possible between old and new development, to increase the ability of the population to walk and cycle around their local areas, and thus creating walkable neighbourhoods.
44. In all, the proposal (subject to conditions) is commended and considered inline with both Council and National Policy. As a safeguard, suitable design

interventions control can be put in place to restrict vehicular access – which is a principal concern set out in representations.

Transport Planning Position

45. As noted, many representations set out concerns over the potential for the path to either be used or in the future becoming a vehicular route linking the SND and Highfield. It is suggested within the representations that the 4m path width alludes to this happening.
46. The 4m width is, however, in line with guidance within Cycling by Design 2021, which sees Table 3.7 recommend that remote cycle tracks shared with pedestrians should see a desired minimum width of 4m, the absolute minimum being 2.5 metres. It is considered appropriate and desirable that the recommended width be provided, to maximise usability. The proposed width is therefore considered appropriate and in line with the recognised design standards.
47. The concerns that the width of the proposed path would facilitate vehicular use may also have evolved from the fact that the initial submissions did not show measures to restrict vehicles from passing through this link route. However, it is not the intention of the path to allow for vehicular use.
48. An amended drawing now shows a bollard at the Highfield Road end of the footpath, allowing passage for cycles but limiting the space to that which would not allow cars and other large vehicles to pass. Otherwise the 4m width will allow for both cycles and pedestrians to pass along the length of the link with ease. The retention of the bollard will be secured (Condition 2).
49. As the footpath is intended for Council adoption, suitable lighting along the proposed path will be incorporated and ensure the footpath is well lit, and safe for all its users (Condition 4).
50. It is noted that long term maintenance of Highfield Road, and Spoutwells Road (also private and unadopted) has been raised within the representations. In this regard Highfield Road, west of Lynedoch Road, does not form part of the adopted public road network and is thus private. As such, Perth & Kinross Council are not responsible for any maintenance. There this section is part of the core path network (SCON/124), passing along Highfield Road from the substation to Spoutwells Farmhouse before heading north. Given the proposed path link is for pedestrian and cycles only, the direct impact on the surfacing of Highfield Road resulting from the increase in use is not likely to be significant or result in marked additional wear and tear. The most significant impact on the condition of the surface would result from existing vehicular use, associated largely to the residential properties along its length – such passage of motorised vehicles would not alter because of the proposed path.
51. In addition, concerns have been raised that the provision of the path may see vehicles park at the end of Highfield Road, before occupants then walk or cycle into the SND. Although this may occur it is not considered that this is

significant enough to warrant refusal of the application, by outweighing the wider benefits of connectivity.

Residential Amenity

52. Concerns have been raised that the increased volume of walkers and cyclists resulting from the proposed path link and using Highfield Road, and other local roads, would impact on residential amenity.
53. It is accepted that the new and improved connectivity will see and promote more use along Highfield Road. However, it is not considered that the nature of these users (i.e. walkers and cyclists) are likely to cause any unacceptable impact on residential amenity. It is also important to note that whilst Highfield Road is unadopted, it is nevertheless accessible to the public already with no restrictions, and that it forms part of the existing Core Path network (SCON/13).

Visual Amenity, Design and Layout

54. The physical aspects of the proposal will have limited impact on the visual amenity of the area. The footpath will be seen in the context of the end of Highfield Road from the east, and from the west via the vehicular turning area. The extended area of private garden will similarly have little impact, and the proposed new boundary fences are similar to those already in place or consented across the SND. An area of POS has been retained between the footpath and the area of extended private garden, providing a softer edge to the start of the path from the west.
55. In terms of other design and layout elements, the bollard will restrict vehicular traffic from using the path (Condition 2).
56. All other design aspects of the footpath will be to the Council's recognised standards, including streetlighting (Condition 4) and surface water disposal (Condition 5). Upon completion, the footpath is proposed to be put forward for Council adoption.

Drainage and Flooding

57. The proposal raises no issues in terms of wider drainage or flooding matters, with surface water controlled via condition, to ensure that it does not shed onto neighbouring private land or onto Highfield Road.

Conservation Considerations

58. Whilst the site is located within the HGDL of Scone Palace, the proposal would have little impact on the landscape character of HGDL and as such the proposals are considered acceptable in this respect.

Natural Heritage and Biodiversity

59. A small 2m section of domestic hedging is required to be removed to facilitate the new path. This removal is not considered to be significant and does not

raise any issues with biodiversity. The line of the hedge continues into the garden of 39 Highfield Road, however whether or not the owners retain that hedge or open the garden up to the new fence line is a matter for themselves. The delivery of the development proposed does not require its removal and the hedge could be removed without planning approval, it is thus not considered reasonable to condition its retention or otherwise.

60. A landscaping / planting scheme will be delivered, and whilst this will be low maintenance it will include pro-biodiversity planting / tree species (Condition 3).
61. The existing hedge associated with 37 Highfield Road is not affected by the proposed development.

Core Path / Alternative Routes

62. The proposal will have no physical impact on the existing Core Path, but will offer better connectivity to it. An advisory note is added for completeness in relation to Core Paths, which is similar to those attached to the wider SND permission.
63. It has been raised within the representations that there is no requirement for this additional path link, as there is already a path route close by. Although this is proposed to be temporary diverted during the construction of early phases of SND.
64. In response, the principles of both LDP2 and National Guidance promotes as much connectivity to existing routes and the creation of new facilities – to encourage more walkable neighbourhoods. To this end, the presence of another walkable route close by is not considered a reason to justify refusing this further path link.
65. It should also be noted that whilst the proposed diversion of the Core Path, which is being implemented at the moment, is surfaced, the existing core path route is unsurfaced in parts, unlit and does not promote easy and safe access for users throughout the year. The new facility would be of a high and adoptable standard.

Developer Contributions

66. The proposal does not trigger any requirement for developer contributions or affordable housing provision.

Economic Impact

67. The proposal would have limited economic impact, the majority of which would be focused during the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

68. 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 variation comprised the inclusion of a bollard at the eastern end of the path, as shown on Plan 03.

PROCEDURAL MATTERS

Red line Extent

69. The red line showing the application site boundary includes the proposed footpath, associated landscaping and the area subject of the change of use associated with 39 Highfield Road however it does not extend to a public road, which is the Council's normal approach, as the adjoining section of Highfield Road is private. The practice of connecting an application site to a public road is to ensure any application site incorporates land which may see, for example, consequential development required by conditions.
70. To connect the application site to the public road, there would be two options which would have seen the red line area extended. The first option would be to extend to the west, to the point that it meets Harper Way. This would have resulted in properties on Austen Way and Spoutwells Drive being neighbour notified. These properties are a significant distance to the west of the proposed path link.
71. The second option would have been to extend the red line eastwards, taking in Highfield Road until the point where it becomes public, which is at the junction with Lynedoch Road. The majority of properties who would have been neighbour notified as a result of that option have, in any event, made representation and/or have been notified.
72. In light of the above, it is considered reasonable to acknowledge the slight variation from standard practice, but a resubmission of the application is not required in this case as no legislative error has taken place.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

73. None required.

DIRECTION BY SCOTTISH MINISTERS

74. 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

75. 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.

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

A RECOMMENDATION

Approve the application subject to the following conditions and reasons

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 first use of the hereby approved path, the bollard shall be provided and shall thereafter remain in its approved location, as per the details on approved Plan 03.

Reason - In order to ensure that the design limits use of the path link.

3. Prior to the commencement of the development hereby approved, a landscaping and planting scheme for the verges alongside the edges of the footpath and also the 'triangle' area to the west adjoining the site, all primarily as shown in brown on hereby approved drawing P8430_342, shall be submitted to and for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented within the first available planting season after completion of the development. Any planting failing to become established with 5 years, shall be replaced within the next available planting season.

Reason – In order to protect the visual amenity of the area and to promote bio-diversity)

4. Prior to the commencement of the development hereby approved, a street lighting design must be submitted to and for the approval in writing by Perth & Kinross Council's Street Lighting Partnership. The Street lighting shall be in accordance with the standards required by the Council as Roads Authority, and shall be implemented in accordance with the approved details prior to the footpath being brought into use.

Reason - In the interests of pedestrian and cyclist safety.

5. Prior to the commencement of the development hereby approved, detailed surface water disposal details shall be submitted to and for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented as the development progresses.

Reason – In order to ensure that surface water is adequately dealt with.

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

None.

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. The applicant / developer should be aware that if there is any proposal to alter a line of an existing core path (SCON/13) a further procedure is required. The granting of planning permission does not stop the continued right of public access along the existing core path. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
5. 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 inclusion of a bollard.

Background Papers: 27 letters of representation

Contact Officer: Andy Baxter

Date: 31 March 2022

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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