

Perth and Kinross Council
Planning and Placemaking Committee – 9 August 2023
Report of Handling by Head of Planning & Development
(Report No. 23/212)

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| PROPOSAL: | Erection of a dwellinghouse and garage |
| LOCATION: | Land to the south of 17 Netherlea, Scone |

Ref. No: [23/00387/FLL](#)
Ward No: P2 – Strathmore

Summary

This report recommends the approval of the application subject to the settlement of necessary developer obligations relating to education and transportation 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 application site lies within the garden ground of an existing dwellinghouse, 17 Netherlea in the settlement boundary of Scone. The site is predominantly surrounded by residential properties with an undeveloped house plot to the south and woodland to the southwest.
- 2 The proposal is to subdivide the dwelling curtilage retaining the existing house and amenity space to the north with a new site formed to the south accessed from a new entrance to be created on the eastern boundary. The three bedroomed dwelling proposed is single storey with contemporary finishes and a detached single garage.

Pre-Application Consultation

- 3 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 4 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

- 5 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.
- 6 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 7 The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 6: Forestry, Woodland and Trees
 - Policy 14: Design, quality and place
 - Policy 15: Local living and 20 minute neighbourhoods
 - Policy 16: Quality homes

Perth and Kinross Local Development Plan 2

- 8 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.
- 9 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 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

Statutory Supplementary Planning Guidance

- 10 The following statutory SPGs are applicable,
- [Developer Contributions & Affordable Housing](#) (adopted in 2020)
 - [Placemaking](#) (adopted in 2020)

OTHER PKC POLICIES

Non-Statutory Guidance

- 11 There are no specific non-statutory guidance which is relevant to this proposal.

NATIONAL PLANNING GUIDANCE

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

Planning Advice Notes

- 13 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

National Roads Development Guide 2014

- 14 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

- 15 No recent site history

CONSULTATIONS

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

External

Scone And District Community Council

- 17 Objection on following grounds; inappropriate design, impact on wildlife, increase in traffic, overdevelopment, detrimental impact on residential amenity, inappropriate drainage.

Scottish Water

- 18 No objection. No surface water drainage permitted to combined sewer unless in exceptional circumstances. Applicant is required to submit a Pre-Development Enquiry to Scottish Water regarding their proposals.

Internal

Environmental Health (Noise Odour)

- 19 The proposal includes the provision of a single woodburning stove and associated flue and the addition of an informative regarding the operation of the stove is recommended.

Environmental Health (Contaminated Land)

- 20 There is a disused quarry next to the proposed site therefore a contaminated land condition required.

Transportation and Development

- 21 No objection to access and adequate parking and turning provided, conditions required related to construction traffic management and access type.

Development Contributions Officer

- 22 Contributions towards education and transport infrastructure required.

Representations

- 23 Four representations were received which includes a representation from the Community Council. The main issues raised within the representations are:

- Adverse effect on visual amenity
- Contrary to Development Plan policy
- Inappropriate housing density, which is out of character with the area
- Over intensive development
- Over looking
- Road safety concerns
- Inappropriate design
- Loss or impact on trees
- Surface water flooding
- Oak tree not in site
- Dwelling approved to the south not shown on plans so inaccurate

- 24 These issues are addressed in the Appraisal section of the report but it should be noted that the dwelling to the south is approved but has not been built therefore ordnance survey and other map producers won't have it recorded until it is completed.

ADDITIONAL STATEMENT

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

APPRAISAL

26 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.

Principle

27 The site is located within the settlement boundary of Scone zoned under Policy 17 Residential Areas. This policy supports infill residential development and seeks to protect existing residential areas from inappropriate uses.

28 NPF4 through Policy 16 Quality Homes supports the principle of residential development within settlements.

29 The principle of erecting a house on this infill plot within an existing settlement is acceptable subject to detailed consideration of Development Plan policies, and matters including but not limited to design, residential amenity and parking.

Design and Layout

30 The site area is approximately 825sq metres forming part of the amenity space of the property 17 Netherlea which sits within a generous plot. The subdivision leaves the existing dwelling in a plot of approx. 1700sq metres. The plot size provided for the new dwelling is comparable to a number of plots within the area.

31 The dwelling proposed is single storey (storage within roof space and an open vaulted ceiling) which results in a large footprint. The design of the building has a contemporary barn appearance with the use of metal roof sheeting and wall cladding in grey. Whilst these materials aren't prevalent within the area the

overall form and mass of the dwelling does relate to the surrounding bungalow character. In this case as the site is tucked away and well contained it is considered that there is an opportunity to support the more contemporary external finish. The development does not detail the measures to be installed in relation to low carbon technologies so this will be covered by conditions (Condition 4).

- 32 The entrance, access drive and vehicular parking are to the northeast linking to an existing access road with a private garden to the south. The proposed plot will have a new beech hedge to the north and the existing hedge to the east and west will be retained to complete the site.
- 33 As such, the proposal accords with NPF4 Policy 14 Design, quality and place, and LDP2 Policies 1A and 1B Placemaking and the supplementary placemaking guidance.

Residential Amenity

- 34 The proposed position and orientation of the dwellinghouse will introduce windows within 9 metres of the boundary serving two bedrooms. In this case the dwelling is set an angle to the boundary so the windows would not directly face and furthermore the intervening distance to the property to the north is 30 metres.
- 35 The agent has indicated that the proposed boundary hedging would mature to provide screening and that there is a considerable intervening distance which would mitigate any impact. In this case it is likely that the occupiers of both properties would want a more substantial boundary between than planting which would take time to mature and a fence in this location would be acceptable in principle as it would be contained between two properties. As the windows serve only the ground floor this would be an acceptable solution and details on the boundary treatments will be sought via condition. (Condition 6)
- 36 The intervening distances between other dwellings adjacent to the east and south would be adequate to mitigate any impacts on residential amenity.
- 37 Environmental Health note that there is a disused quarry next to the proposed site. Although disused for a long time, the original size and depth of the quarry is unknown, as is the material used to infill the quarry after work there ceased. There is therefore the potential for localised ground gas production that could possibly impact on any property being built on the site. There is also the possibility of contaminants being present in the fill therefore a full ground risk assessment should be carried out prior to building commencing (Condition 5).
- 38 As such, this element of the proposal accords with NPF4 Policies 14 Design, quality and place and 16 Quality homes, and LDP2 Policy 17 Residential Areas and Policy 58 Contaminated Land.

Roads and Access

- 39 A new vehicular access to the site will be formed from existing road to the east. It is proposed to partially retain the existing hedge boundary with a section of the removed to allow for the new access. The site plan shows adequate parking and turning facilities within the site. The traffic movements associated with a single dwelling are not considered to significantly impact on overall traffic in the area. The access does lie in close proximity to trees and the access for construction is within a quiet residential street it is therefore considered reasonable that in addition to tree protection measures a condition is added to require a simplified construction traffic management scheme (CTMS) to be submitted and agreed. (Condition 7)
- 40 As such, the current proposal is acceptable in terms of roads and access, and accords with NPF4 Policy 13 Sustainable transport and LDP2 Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 41 Scottish Water generally do not reserve capacity until a formal connection application is made to them. The Scottish Water response clearly states that sufficient capacity exists at their water works in terms of fresh water and waste water, and they have not objected to the proposal.
- 42 Notwithstanding this, Scottish Water do have a standard requirement for surface water run-off not be directed to the public sewers. The site plans demonstrate surface water drainage proposals within the site.
- 43 As such, it is considered that the proposal accords with the intent of NPF4 Policy 22 Flood risk and water management and LDP2 Water Environment and Drainage Policies 53B Foul Drainage, 53C Surface Water Drainage, and 53E Water Supply.

Natural Heritage and Biodiversity

- 44 There are a number of trees around the site boundary some of which are not in the control of the applicant. In particular adjacent to the access point are three oak trees which could be impacted by the construction of the access road. A report was requested to demonstrate how the site could be developed to retain and protect the trees as their root protection areas (RPAs) would fall within the driveway (Condition 3).
- 45 The report submitted recommends no dig construction techniques and a geocell modular driveway in the area of the tree RPAs with protective fencing around the trees. The agent has given further explanation regarding construction access, and the intention is to form the new access to allow a telescopic low excavator onto the site avoiding the tree canopy allowing deliveries to be moved from the

road over the hedge. This can be formally detailed within the CTMP condition (Condition 7).

- 46 The information submitted and methodology in relation to the trees is adequate in relation to Policy 6 Forestry, Woodland and Trees of NPF4 and Policy 40 Trees of LDP2

Developer Contributions

Primary Education

- 47 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. This proposal is within the catchment of Royal Douglas Memorial Primary School where a capacity constraint has been identified.

Transport Infrastructure

- 48 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. The site is located in the 'Full' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance) and a contribution is required.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

- 50 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 51 It is expected that the contribution is paid upfront to allow the release of the decision however a Section 75 may be required to secure the payment.

DIRECTION BY SCOTTISH MINISTERS

- 52 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

- 53 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 of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
- 54 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Delegated Approval, subject to payment of Developer Obligations

Conditions and Reasons for Recommendation

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 any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction or as specified within the Tree Protection and Compensatory Planting Plan dated 30th June 2023 by BNTW-Scotland (plan ref 09). Prior to the commencement of any works on site the council shall be advised that tree protection measures are in place either by the submission of photographs or confirmed by site visit. 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.

4. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:
- a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme.

Reason - To ensure the proposal complies with Policy 32.

5. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

6. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and agreed by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s).

7. 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) 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.

8. 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 A Road construction detail.

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

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

1. Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. 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. 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.

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. 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.
5. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
6. 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.
7. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

8. 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.

9. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.

Background Papers: 4 letters of representation
Date: 28 July 2023

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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