

**LRB-2020-21**  
**Planning Application – Review of Condition 3 on**  
**planning permission 19/02028/FLL – Alterations to**  
**access, Dalguise Wood, Dalguise**

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**LRB-2020-21**

**Planning Application – Review of Condition 3 on  
planning permission 19/02028/FLL – Alterations to  
access, Dalguise Wood, Dalguise**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.  
Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name **DAVID & LINDA HARRISON**

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

Mark this box to confirm all contact should be  
through this representative: ☐

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

**PERTH AND KINROSS COUNCIL**

Planning authority's application reference number

**19/02028/FLL**

Site address

**DALGUISE WOOD, DALGUISE**

Description of proposed  
development

**ALTERATIONS TO ACCESS**

Date of application

**16/12/2019**

Date of decision (if any)

**21/02/2020**

Note. This notice must be served on the planning authority within three months of the date of the decision  
notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application) ☒
- 2. Application for planning permission in principle ☐
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
- 4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

- 1. Refusal of application by appointed officer ☐
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
- 3. Conditions imposed on consent by appointed officer ☒

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions ☐
- 2. One or more hearing sessions ☐
- 3. Site inspection ☐
- 4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

NONE

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE STATEMENT ATTACHED

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

SEE LIST OF APPENDICIES

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

18/05/2020



**Notice of Review Statement – Access Improvement, Dalguise Wood, Dalguise**  
**Planning Application – 19/02028/FLL**

**Introduction**

Planning permission was granted for works to improve the existing entry and the associated parking and turning space on 21<sup>st</sup> February 2020 – see *Appendix 1*. In the interests of road safety, the conditions of the permission included the following:

*3. Prior to the development hereby approved being completed or brought into use visibility splays of 2.0 by 160m to the south shall be provided to the satisfaction of Perth and Kinross Council as planning authority.*

The desirability of improving visibility to the south is completely accepted. The request to review relates only to the distance involved, namely the 'y' distance of 160 metres. In simple terms, this is not seen as being reasonable when viewed jointly against -

- the original road engineer's assessment,
- the proposed use, and
- the road conditions and the standards of other existing and proposed accesses in the locality.

**The original road engineer's assessment.**

The access originally served a small local sand pit which has been disused for many years. In response to a pre - application enquiry in 2008, the local roads engineer concluded that the appropriate standard for bringing the access back into use to assist the management of the woodland would be 2.0 by 100m to the south – see *Appendix 2*. Crucially, this assessment was based on a site visit and a full appreciation of the specific circumstances. There has been no change in the Roads Authorities visibility standards in the intervening period. Consequently, the planning application was submitted to meet the standards as requested.

**The proposed use**

The purpose of the access was explained in the statement that accompanied the planning application – see *Appendix 3*. There is no built development involved and the use of the entry would only be on an infrequent basis.

**The Road Conditions and Existing and Proposed accesses.**

Unfortunately the planning statement was not available on the planning website when the current roads engineer made his first consultation reply. This objected to the proposal because it did not meet the full standard for a 60 mph road – namely 2.4 by 215m – see *Appendix 4*. Unlike the original engineer, he also has not had the opportunity to assess the situation on site. This is understandable due to the pressure of other work of greater importance and scale. Following a helpful discussion, he concluded that the objection could be withdrawn on the basis of a reduced standard of 2.0 by 160m – see *Appendix 5*.

However, almost none of these local accesses appear to meet a 2.0m x 160m visibility standard. Almost all fall within a 2.0m x 50-75m range. This includes the adjacent access to the north of Kirkwood Cottage which serves a dozen houses and is in ongoing daily use where visibility is limited by the long established garden hedge – see *Appendix 6*.

Since 2008, planning permission has been given for a further house and self-catering chalet served by this same entry, without any need to improve visibility – see *Appendix 7*. Similarly, the entry to the public layby some 500 metres to the south only has a 'y' dimension of about 70 m – see *Appendix 8*. As far as I know, the more intensive use of these accesses does not form a significant or general traffic safety concern. This is understandable as there are many corners along this road which effectively keep traffic speeds below 45mph for the most-part – including the section immediately south of the existing access to be improved. In that context, a Y distance of around 100m would reflect the advice of the Roads Development Guide – see *Appendix 9*. Consequently, while these accesses do not meet regulation standards, they are broadly workable and satisfactory.

In addition, it is noted that in 2017, permission for the 'formation of access road junction' to serve a timber haulage road was granted at Milton of Kincaigie, Dalguise. Although this entry relates to many hundreds of acres of forestry, there was no requirement to improve visibility - even to the 2.0 by 100m standard. – see *Appendix 10*.

## Conclusion

Conditions of any planning permission have to meet six tests in order to be competent. One of the tests is that conditions need to be reasonable. It is inevitable that applying this test involves a subjective assessment and is highly dependent on the circumstances of each case. The members of the LRB are invited to weigh up the circumstances set out above. It is requested that the condition is revised to reflect the visibility improvement deemed appropriate by the Council's original roads engineer, namely a visibility splay to the south of 2.0 by 100m. Such a standard would seem to be proportionate to the circumstances considering

- the low level of the use of the access,
- the actual speed and low volume of traffic on this minor public road,
- the comparison with the standards of other long established entries, and
- the Roads Authorities consultation responses concerning development and proposed accesses which involve significantly greater levels of use.

**APPENDICES – 19/02/2028/FLL – Access Alteration, Dalguise Wood, Dalguise**

**APPENDIX - 1 – Planning Decision Notice and Application Plans.**

**APPENDIX - 2 - Letter from Transport Planning Manager 10<sup>th</sup> March 2008.**

**APPENDIX - 3 - Planning Statement – 30<sup>th</sup> November 2019.**

**APPENDIX - 4 - Initial Roads Consultation Response – 17<sup>th</sup> January 2020.**

**APPENDIX - 5 - Revised Roads Consultation Response – 13<sup>th</sup> February 2020.**

**APPENDIX - 6 - Photograph – looking south from access to Easter Dalguise housing.**

**APPENDIX - 7 - Roads Authorities Consultation response re Development at Easter Dalguise.**

**APPENDIX - 8 - Photograph - looking south from public layby entrance, Dalguise.**

**APPENDIX - 9 - Extract form Roads Development Guide, Part 3 – Table 8 and 9.**

**APPENDIX – 10 - Roads Authorities Consultation response re Access, Milton of Kincaigie, Dalguise**

# PERTH AND KINROSS COUNCIL

## APPENDIX - 1 – Planning Decision Notice and Application Plans.

David And Linda Harrison  


Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 21st February 2020

Town and Country Planning (Scotland) Acts

Application Number 19/02028/FLL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 16th December 2019 for planning permission for **Alterations to access** at Dalguise Wood Dalguise subject to the undernoted conditions.



Head of Planning and Development

Conditions referred to above

- 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 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.

- 3 Prior to the development hereby approved being completed or brought into use visibility splays of 2.0m by 160m to the south shall be provided to the satisfaction of Perth & Kinross Council as planning authority.

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

## Justification

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

## 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 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. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 5 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

## Plan and Document Reference

19/02028/1

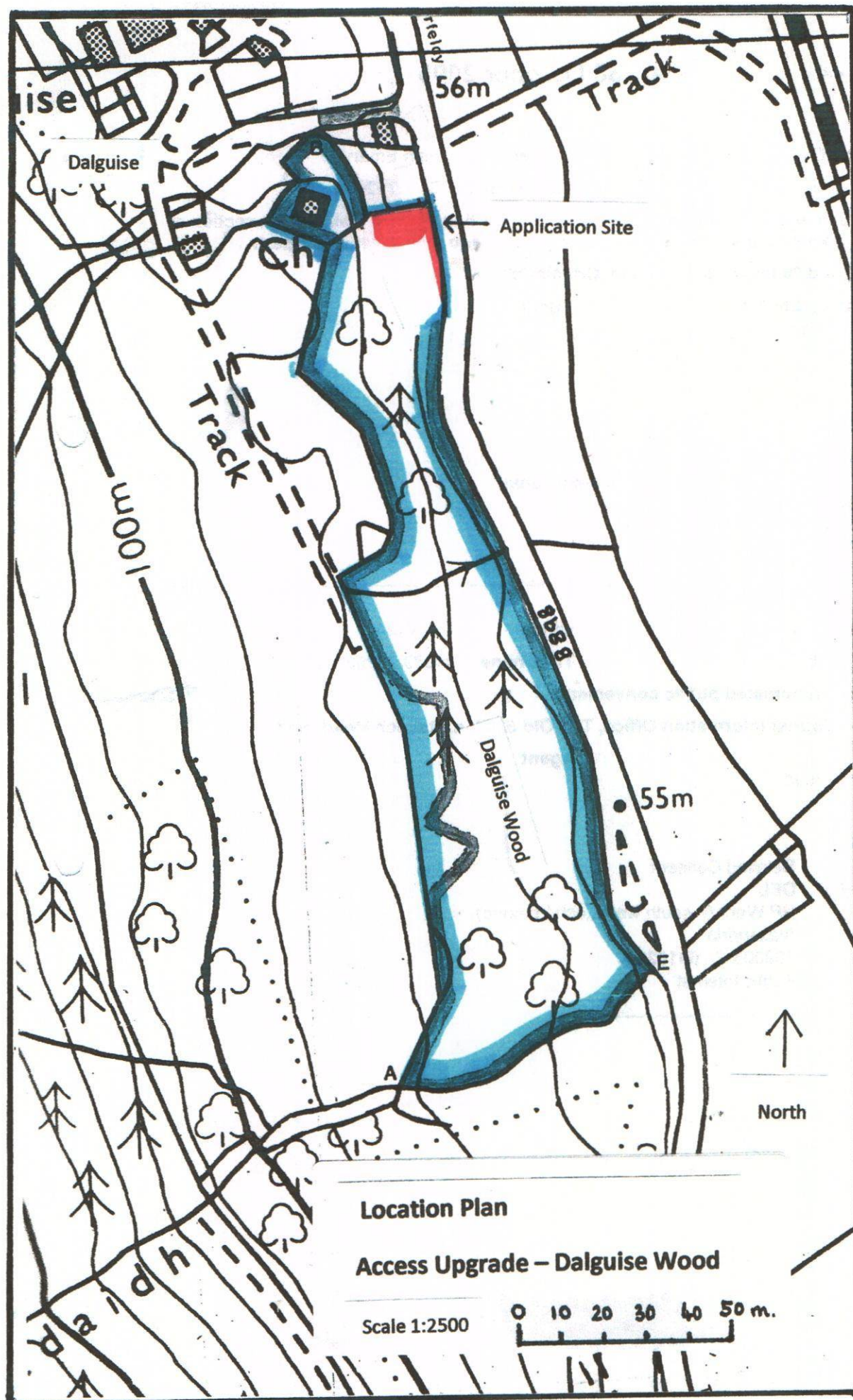
19/02028/2

19/02028/3

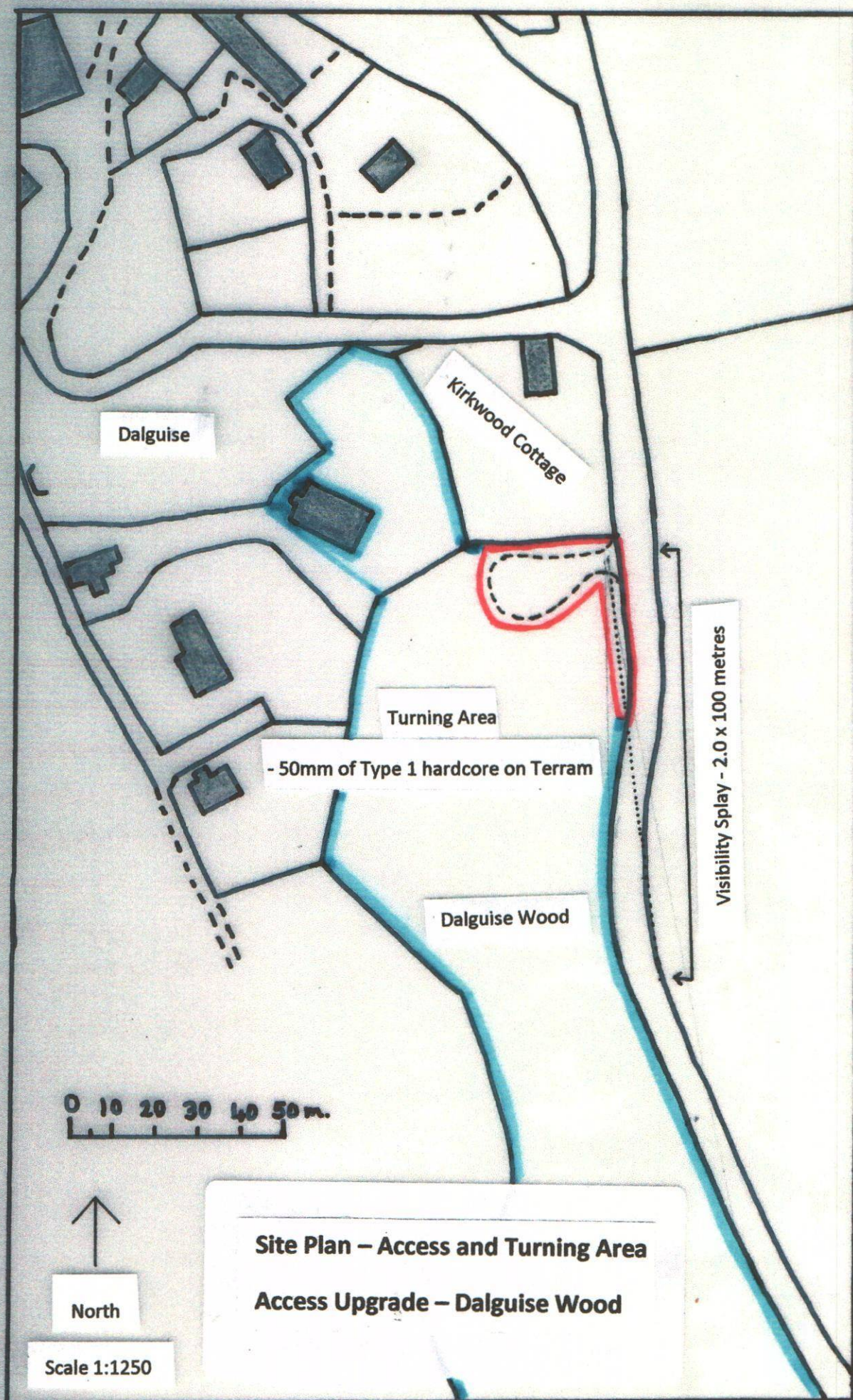
19/02028/4

19/02028/5

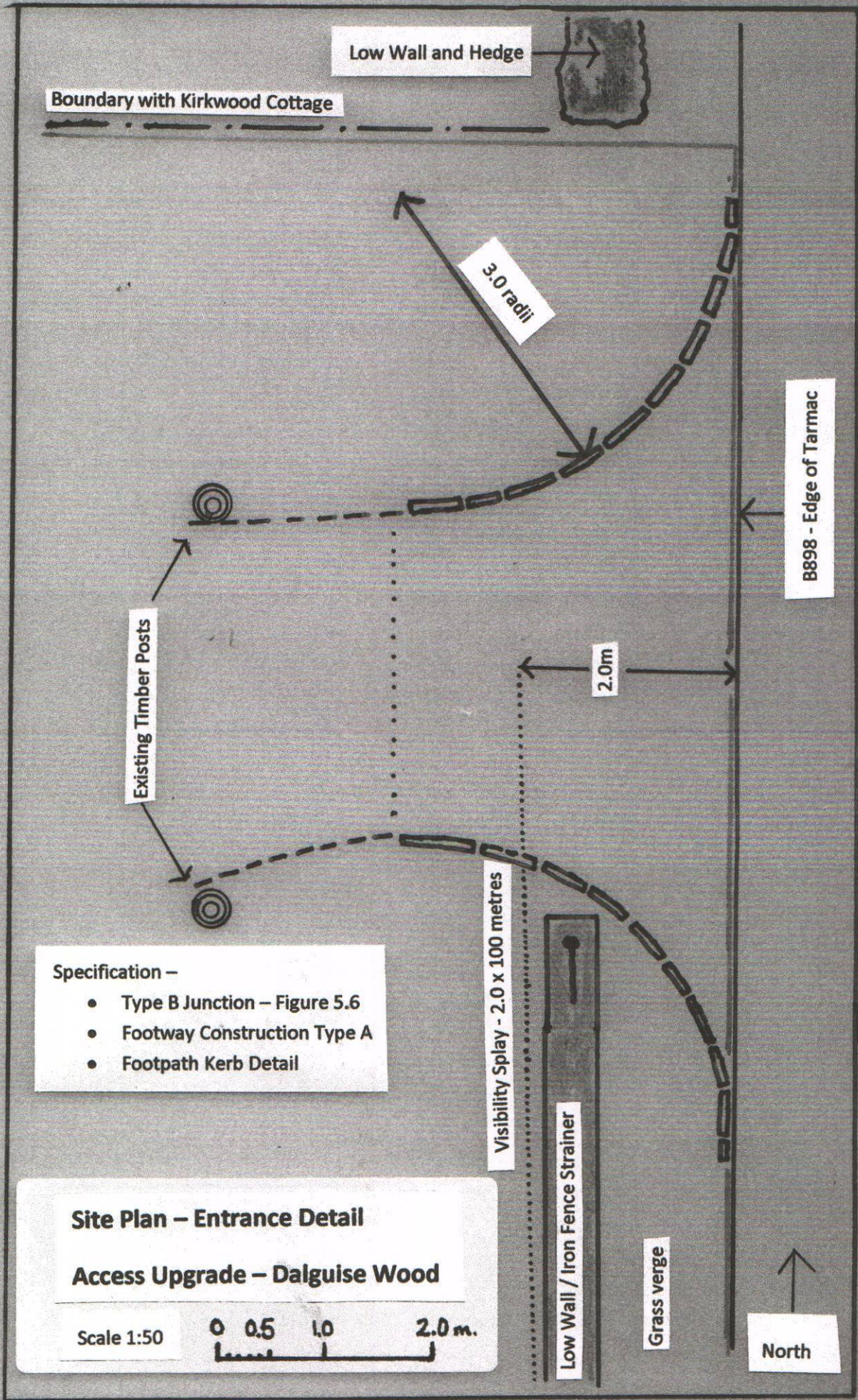




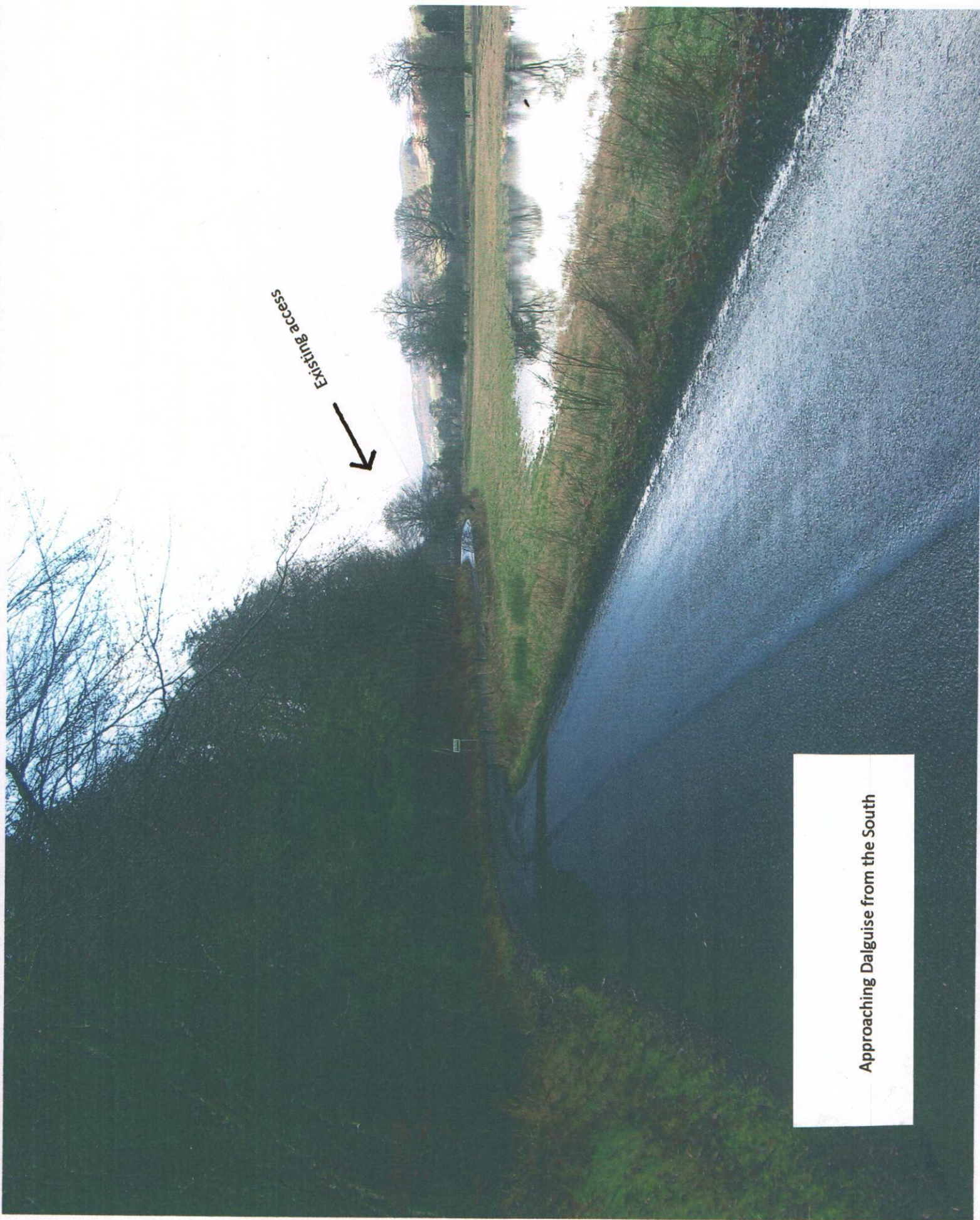












Approaching Dalguise from the South





Trees to be removed – Looking south from the existing access entry.



**Delayed Office Opening for  
Employee Training**

*This Office will be closed from 8.45 am –  
11.00 am on the 1<sup>st</sup> Thursday of each  
month commencing 6 February 2003.*



The Environment  
Service

David Harrison  
106 Henderson Street  
Bridge of Allan  
Stirling  
FK9 4HA

**Planning**

Head of Service **Roland Bean**

Pullar House 35 Kinnoull Street  
Perth PH1 5GD  
Tel 01738 475300 Fax 01738 475310

Contact Mitchell Watson [REDACTED]  
D [REDACTED]  
E-mail [REDACTED]

Our ref JMW/ - LH 25

Your ref -

Date 10<sup>th</sup> March 2008

Dear Mr Harrison

**Improvement of Existing Access – Dalguise Wood, Dalguise, By Dunkeld.**

I refer to your letter and enclosures of 27<sup>th</sup> January on the above and our subsequent telephone conversation and confirm that as the B898 public road is a classified road planning permission will be required for the re use and improvement of any access plus any loading areas within the site. I enclose the appropriate application forms for your use in this regard.

As discussed the visibility to the south from the access is substandard and will require the existing vegetation and ground reshaped to provide a 2m by 100m visibility splay which will extend to the outside of the right hand bend in the road to the south of the access. Nothing within this splay should be erected or allowed to grow above a height of 1m measured from the adjacent B898 public road channel.

I trust this is of assistance

Yours sincerely

[REDACTED]

Transport Planning Manager

Encl.

**APPENDIX - 2 - Letter from Transport Planning Manager 10<sup>th</sup> March 2008.**

cc Anne Condliffe, Team Leader.

David and Linda Harrison

30<sup>th</sup> November 2019

Development Management  
Planning Services  
Pullar House,  
35 Kinnoull Street,  
Perth, PH1 5GD

Dear Sir/Madam

**Planning Application – Improvement of Existing Access**

Please find the attached planning application and a copy of our original enquiry about this proposal. We hope the following will be of some help in providing the background and context.

We took over the management of Dalguise Wood from the Forestry Commission over 25 years ago. Since then, a gradual process of thinning the conifer under-planting in the southern section of the wood has taken place - although some further work is still needed. The principal management aim of the thinning is to encourage the oak trees to be retained. The work has had to be gradual to minimise the risk of windblow.

Attention is now moving to the northern area of the wood where only limited work has been done so far. While this area contains a number of mature oak trees, it also holds many immature beech and self-seeded sycamores which would benefit from selective thinning. Some oak tree planting to supplement regeneration is also envisaged. In addition to the removal of a number of small trees within the visibility splay to the south, forming the turning area would involve the removal of one multi-stemmed sycamore.

The proposal concerns the upgrading of the existing access to facilitate forestry work. While there is off road parking in the layby at the southern end of the wood, the existing access at the northern end is not currently suitable for a car (sometimes with a trailer) to park off road. The proposed turning area would also allow wood being extracted to be assembled for removal.

We trust that the above provides you with all necessary information but please let us know if there is anything further you may require. We look forward to hearing from you.

Yours sincerely

David and Linda Harrison

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/02028/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Alterations to access		
<b>Address of site</b>	Dalguise Wood Dalguise		
<b>Comments on the proposal</b>	<p>The applicant has shown that visibility splays of 2.0 x 100 metres are achievable at the proposed access onto the B898. This is of a sub-standard design from the required 2.4 x 215 metres. I have concern in terms of road safety with the visibility splay proposed.</p> <p>Insofar as the Roads matters are concerned, I object to this proposal for the reasons stated above.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	17 January 2020		

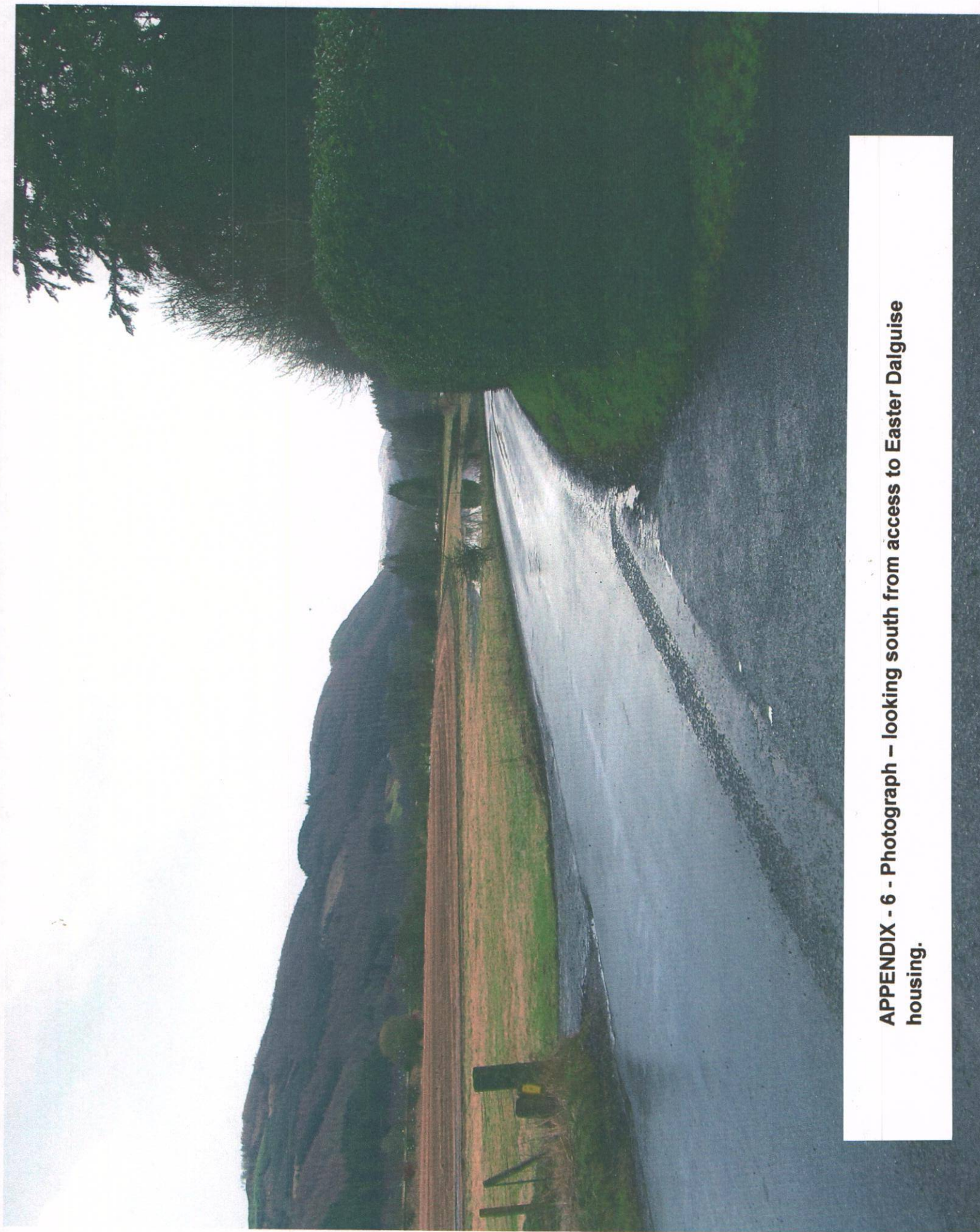
## APPENDIX - 4 - Initial Roads Consultation Response – 17<sup>th</sup> January 2020.

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/02028/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Alterations to access		
<b>Address of site</b>	Dalguise Wood Dalguise		
<b>Comments on the proposal</b>	<p>The applicant has shown that improved visibility splays can be achieved, given the intended ad-hoc use of the existing access I view this to be acceptable and am minded to condition as part of the permission.</p> <p>Insofar as the Roads matters are concerned, I have no objection to this proposal on the following conditions</p>		
<b>Recommended planning condition(s)</b>	<p>Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.</p> <p>Prior to the development hereby approved being completed or brought into use visibility splays of 2.0 by 160m to the south shall be provided to the satisfaction of Perth &amp; Kinross Council as planning authority.</p> <p>Reason - In the interests of road safety, to ensure an acceptable standard of construction within the public road boundary.</p>		
<b>Recommended Informative(s) for applicant</b>	<p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>		
<b>Date comments returned</b>	13 February 2020		

## APPENDIX - 5 - Revised Roads Consultation Response – 13th February 2020.





APPENDIX - 6 - Photograph – looking south from access to Easter Dalguise housing.



The Environment  
Service

# MEMORANDUM

<b>To</b>	<b>John Williamson</b> Planning Officer	<b>From</b>	<b>Niall Moran</b> Transport Planning Technician Transport Planning
<b>Our ref:</b>	NM	<b>Tel No.</b>	██████████
<b>Your ref:</b>	12/01000/IPL	<b>Date</b>	4 July 2012

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

With reference to the application 12/01000/IPL for planning consent for:- **Erection of a dwellinghouse (in principle) Easter Dalguise House Dalguise Dunkeld PH8 0JU for Mr Martin Hadden**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
- Two off-street car parking spaces shall be provided within the curtilage of the site to the satisfaction of the Planning Authority prior to the occupation of the dwelling.

I trust these comments are of assistance.

**APPENDIX - 7 - Roads Authorities Consultation response re Development at Easter Dalguise.**



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.:</b>	15/01199/IPL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Renewal of permission (12/01000/IPL) erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Easter Dalguise House Dalguise Dunkeld PH8 0JU		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this application for renewal provided that the conditions attached to the original consent are applied to any consent for renewal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	27 July 2015		

[REDACTED]



**PERTH &  
KINROSS  
COUNCIL**

The Environment  
Service

# MEMORANDUM

To	Persephone Beer Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	[REDACTED]
Your ref:	12/01906/FLL	Date	11 December 2012

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

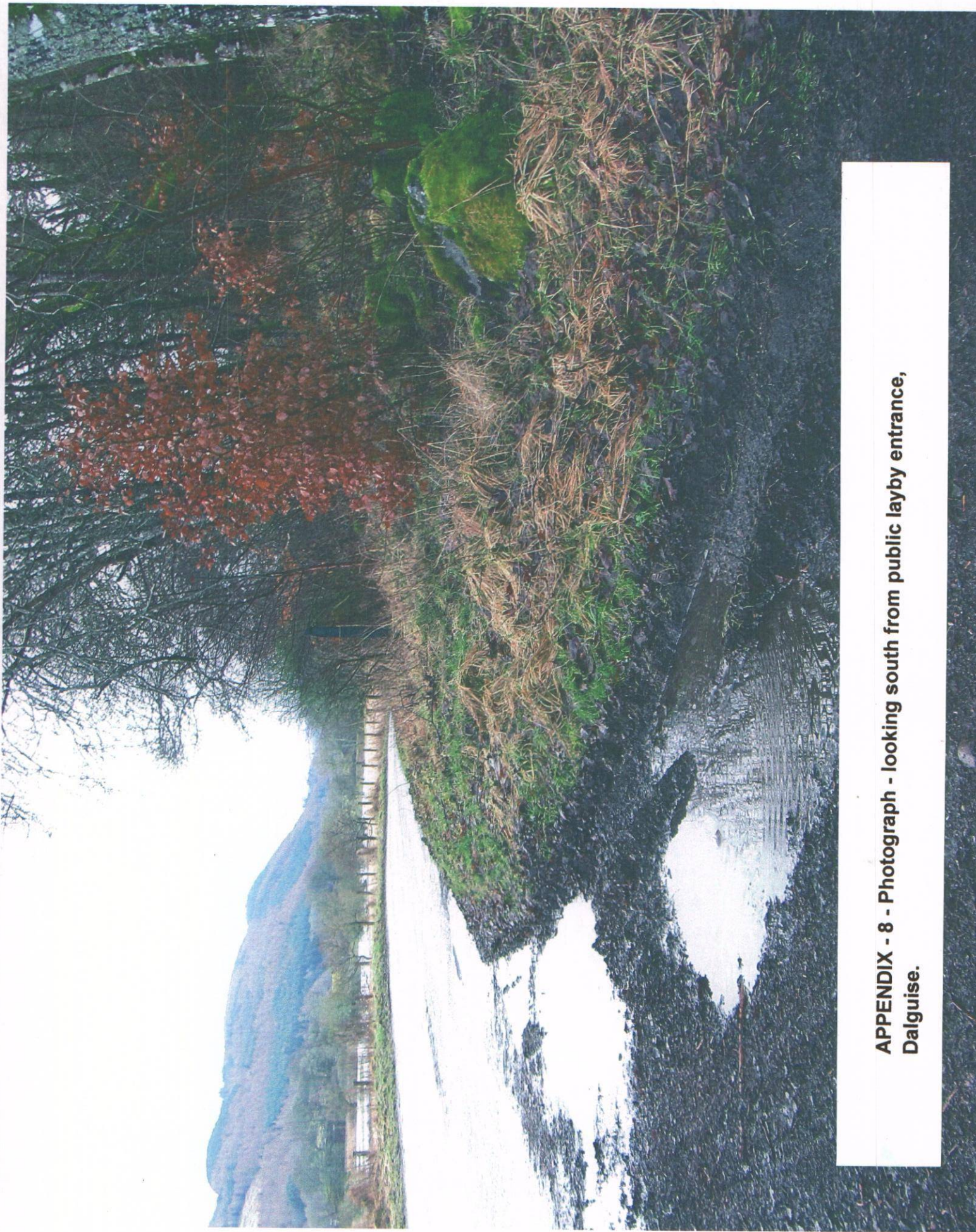
With reference to the application 12/01906/FLL for planning consent for:- **Replacement of caravan with new timber chalet 1 Kirk Park Dalguise Dunkeld PH8 0JU for Mr And Mrs A Duguid**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.





**APPENDIX - 8 - Photograph - looking south from public layby entrance,  
Dalguise.**

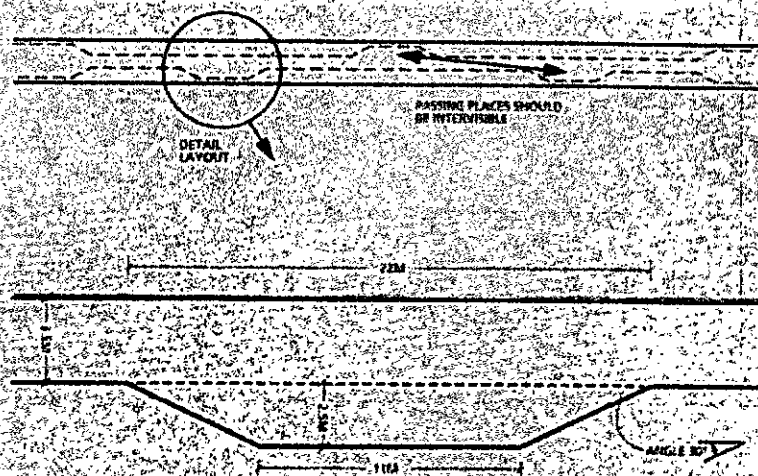


### APPENDIX - 9 - Extract form Roads Development Guide, Part 3 – Table 8 and 9.

#### Passing Places on New Access Roads

All passing places on a new access road should be constructed to the dimensions given in Figure 26. All passing places should be intervisible. Adjacent passing places should be placed on alternate sides of the road. Advice on specific numbers and locations should be sought from the Local Authority in advance.

**Figure 26**  
New Access Passing Places



#### Visibility Splay

Visibility splays are calculated in the same manner to the method used in the Urban area for the X distance, but the speed which the Y distance is based on will be higher. In certain circumstances, the design speed for the road will not be known and it may be necessary to measure the actual speed at which the traffic is travelling in order to calculate the Y distance.

#### Speed Visibility Relationship

Where the traffic speed can be measured, the 85%ile speed should be measured in wet weather and then this measured speed can be compared against the speed, or the next highest speed in Table 8, which then gives the Y distance. If there is not an opportunity to measure the speed then Table 9 should be used and the Y distance obtained from the appropriate speed limit.

**Table 8** Wet Weather - 85 Percentile Speed

Major Road Speed (mph)	75	62	53	44	37.5	30
Y Distance (m)	295	215	160	120	60	43

**Table 9** Speed Limit

Speed Limit (mph)	70	60	50	37	30
Y Distance (m)	295	215	160	59	43



Lowland Road  
Reliance 2014

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	17/00966/FLL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Formation of access road junction		
<b>Address of site</b>	Land 30 Metres North West Of Milton Of Kinraigie Bungalow Dalguise		
<b>Comments on the proposal</b>	Insofar as the roads matters are concerned, I do not object to this proposal, provided that the undernoted conditions are attached in the interests of pedestrian and traffic safety.		
<b>Recommended planning condition(s)</b>	<ul style="list-style-type: none"> <li>• <b>AR01</b> Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide <b>Type B, Figure 5.6</b> access detail</li> <li>• <b>AR07</b> Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water is discharged to the public road.</li> </ul>		
<b>Recommended Informative(s) for applicant</b>	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
<b>Date comments returned</b>	06 July 2017		

### APPENDIX – 10 - Roads Authorities Consultation response re Access, Milton of Kinraigie, Dalguise







**LRB-2020-21**

**Planning Application – Review of Condition 3 on  
planning permission 19/02028/FLL – Alterations to  
access, Dalguise Wood, Dalguise**

**PLANNING DECISION NOTICE** *(included in  
applicant's submission, pages 12-13)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS** *(part included in  
applicant's submission, pages 14-16)*





## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	19/02028/FLL	
Ward No	P5- Strathtay	
Due Determination Date	15.02.2020	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Alterations to access

**LOCATION:** Dalguise Wood Dalguise

#### 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.

**DATE OF SITE VISIT:** 9 January 2020

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning consent is sought for access improvements at Dalguise Wood, Easter Dalguise. There is an existing gated entrance onto the B898 public road which is not of a standard suitable for use. The proposal is to re-use and improve this access including the formation of a loading area within the site.

#### SITE HISTORY

None recent.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: N/A

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“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.”*

### **Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019**

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy 1A: Placemaking

Policy 1B: Placemaking

## **OTHER POLICIES**

None.

## **INTERNAL CONSULTATION RESPONSES**

Transport Planning – initially objected to the application, however, following discussions with the applicant a revised standard has been agreed which can be controlled by condition.

## REPRESENTATIONS

The following points were raised in the 1 representation received:

1. Concerns regarding the accuracy of the location plan/boundary.
2. Concerns regarding any potential impact on a soakaway as a result of groundworks.
3. Concerns regarding lines of sight from the proposed development, especially from the south.

In response to point 1 above, the neighbour notification plan was inaccurate and has since been amended and neighbours re-notified.

Point 2 above is a private legal matter between both parties and point number 3 is addressed in the Appraisal section of the report below.

## ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

### Policy Appraisal

The site is located outwith any defined settlement boundary. As such background policies are applicable in this instance. These policies include Placemaking considerations, which seek to ensure that new development is compatible with and does not raise any significant adverse issues. It is considered that alterations to the access will not impact negatively on the surrounding area.

### Design and Layout

The proposal is to improve the access onto the B898 which requires the existing vegetation and ground reshaped to provide a visibility splay. The applicant's

specification for the visibility splay is 2m by 100m as advised by Transport Planning Officers back in 2008 along with the requirement for planning permission. The applicant did not pursue the proposal at that time and a planning application has now come forward for the proposed works. The proposal is required to allow felling of the wood and a safe location for loading.

### **Roads and Access**

Colleagues in Transport Planning were consulted and raised concerns specifying the visibility splays were of a sub-standard design from the required 2.4 x 215m standard and as such objected to the proposal on the grounds of road safety.

The applicant was subsequently advised and in consultation with the Transport Planning Officer a reduced standard of 2.4 x 160m was acceptable due to the purpose of the access, which can be conditioned accordingly.

### **Visual Amenity**

There should be no significant change to existing visual amenity levels given the modest alterations to the road verge and intermittent use of the access.

### **Landscape**

It is not envisaged the proposed works will impact negatively on the wider landscape setting.

### **Residential Amenity**

The proposal does not raise any concerns in terms of neighbouring residential amenity.

### **Drainage and Flooding**

No drainage or flooding implications from the proposal.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

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

### **Conclusion**

In conclusion, 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). I have taken account of material

considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **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 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.

- 3 Prior to the development hereby approved being completed or brought into use visibility splays of 2.0 by 160m to the south shall be provided to the satisfaction of Perth & Kinross Council as planning authority.

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

### **Justification**

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

## **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 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. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 5 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

## **Procedural Notes**

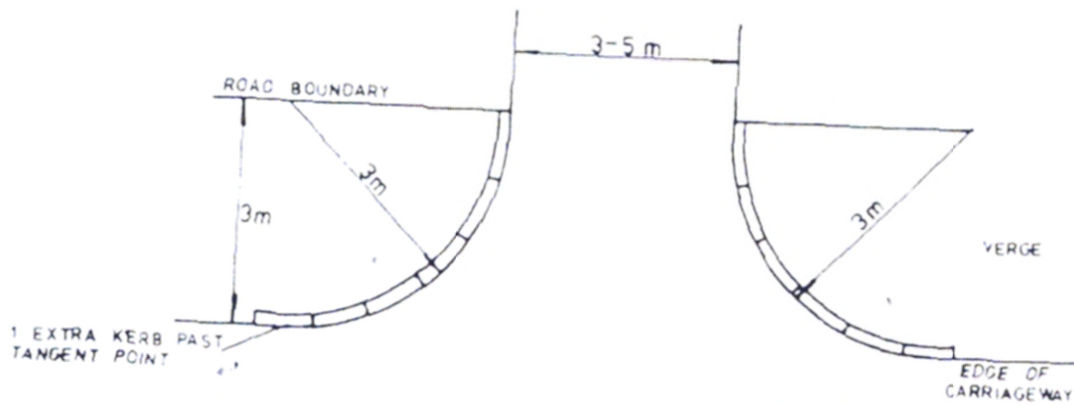
Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

19/02028/1  
19/02028/2  
19/02028/3  
19/02028/4  
19/02028/5

**Date of Report 21 February 2020**

Figure 5.6



TYPE B - Figure 5.6

Planning and Transportation  
Road Standards for Vehicular Accesses

Construction Details for Access Types 5.5, 5.6, A, B

Footway Construction Type A

25mm	-	Hot Rolled Asphalt**
40 mm	-	Dense Bitumen Macadam
300mm	-	Sub-base type 1

Footway Construction Type B

25mm	-	Hot Rolled Asphalt**
40mm	-	Dense Bitumen Macadam
300mm	-	75mm Crusher Run*

Footway Construction Type C

80mm	-	Concrete Paving Blocks
50mm	-	Coarse Sand Bedding
300mm	-	Sub-base Type 1

Construction Detail for Access Types 5.7, 5.8, C, D, E

Roads Construction Type B

40mm	-	Wearing Course Hot Rolled Asphalt**
50mm	-	Basecourse - Dense Bitumen Macadam
130mm	-	Roadbase - Dense Bitumen Macadam
230mm	-	Sub-base Type 1
450mm	-	Total

Road Construction Type C

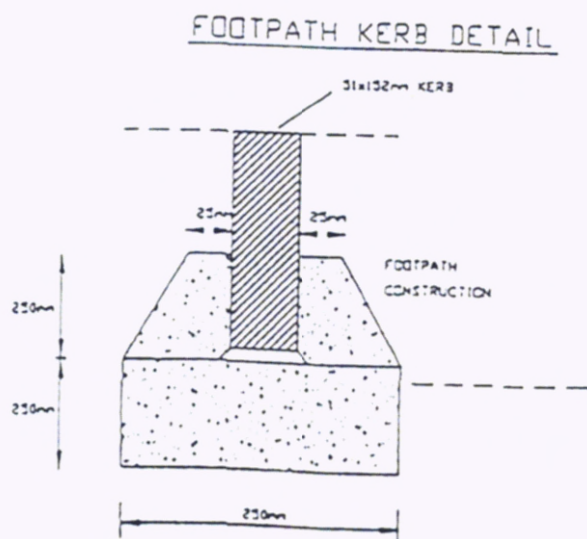
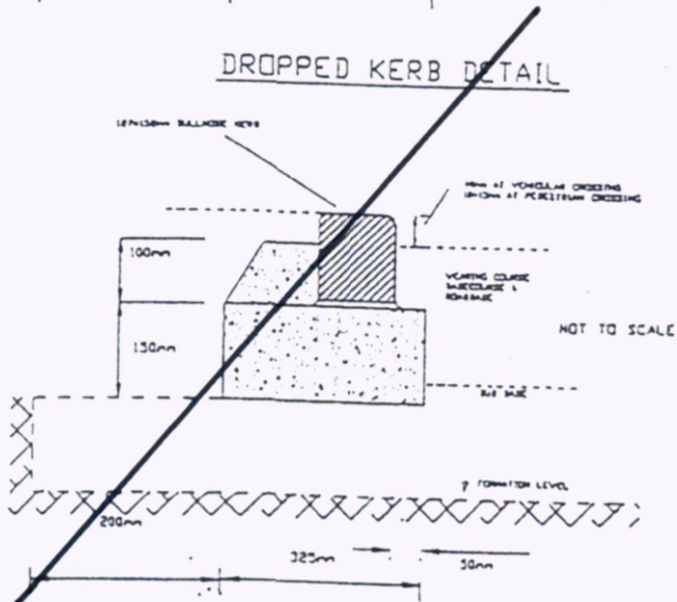
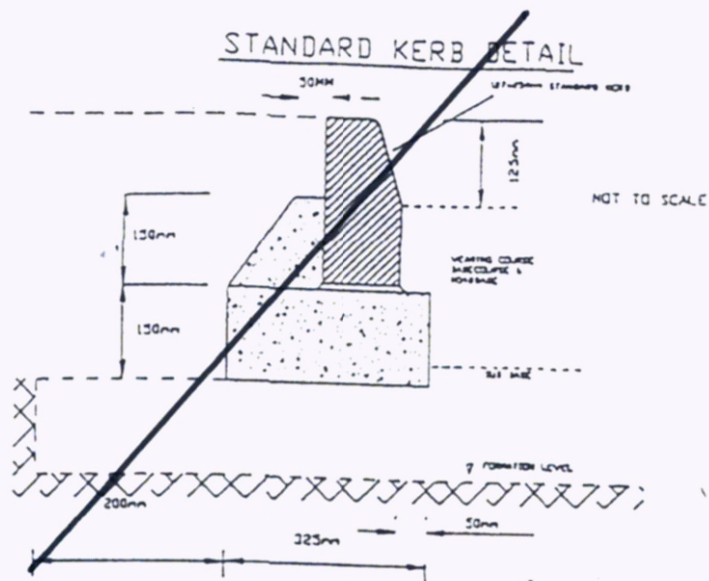
40mm	-	Wearing Course Hot Rolled Asphalt**
50mm	-	Basecourse - Dense Bitumen Macadam
100mm	-	Roadbase - Dense Bitumen Macadam
275mm	-	Sub-base Type 1
450mm	-	Total

or

40mm	-	Wearing Course Hot Rolled Asphalt**
60mm	-	Basecourse - Dense Bitumen Macadam
350mm	-	Roadbase - 75mm



# ROAD STANDARDS FOR VEHICULAR ACCESSSES





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## **REPRESENTATIONS**



**Tracy McManamon**

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**From:** graham harrison <[REDACTED]>  
**Sent:** 07 January 2020 16:47  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 19/02028/FLL

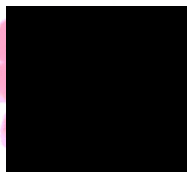
Dear Sirs,

With reference to the above application I wish to raise four points.

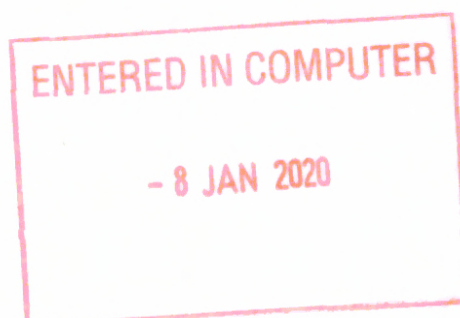
1. The Location Plan shows the proposed position to be in the middle [REDACTED]  
[REDACTED]
2. The boundary claimed by the Applicant appears to encroach [REDACTED]
3. The soakaway for my septic tank [REDACTED] As a consequence of previous groundworks undertaken by the Applicant this failed. I do not wish this to happen again.
4. Lines of sight from the proposed development are poor, especially to the south.

Yours faithfully,

Iain M Gillespie.



Sent from Mail for Windows 10







### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/02028/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Alterations to access		
<b>Address of site</b>	Dalguise Wood Dalguise		
<b>Comments on the proposal</b>	<p>The applicant has shown that visibility splays of 2.0 x 100 metres are achievable at the proposed access onto the B898. This is of a sub-standard design from the required 2.4 x 215 metres. I have concern in terms of road safety with the visibility splay proposed.</p> <p>Insofar as the Roads matters are concerned, I object to this proposal for the reasons stated above.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	17 January 2020		





## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/02028/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Alterations to access		
<b>Address of site</b>	Dalguise Wood Dalguise		
<b>Comments on the proposal</b>	<p>The applicant has shown that improved visibility splays can be achieved, given the intended ad-hoc use of the existing access I view this to be acceptable and am minded to condition as part of the permission.</p> <p>Insofar as the Roads matters are concerned, I have no objection to this proposal on the following conditions</p>		
<b>Recommended planning condition(s)</b>	<p>Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.</p> <p>Prior to the development hereby approved being completed or brought into use visibility splays of 2.0 by 160m to the south shall be provided to the satisfaction of Perth &amp; Kinross Council as planning authority.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>		
<b>Recommended informative(s) for applicant</b>	<p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>		
<b>Date comments returned</b>	13 February 2020		

