

Perth and Kinross Council  
Planning & Development Management Committee – 29 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/123)

**PROPOSAL:** Alterations and formation of vehicular access and parking area

**LOCATION:** 171 Glasgow Road, Perth PH2 0LY

Ref. No: [20/00569/FLL](#)

Ward No: P10 – Perth City South

### **Summary**

This report recommends approval of the application for alterations and formation of vehicular access and parking area 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**

- 1 Planning permission is sought for the formation of a vehicular access and parking area within the front garden of 171 Glasgow Road, Perth. The site contains a traditional Victorian villa which forms part of a row of semi-detached houses on the north west side of Glasgow Road between Viewlands Terrace and Murray Place. A garage is located within the rear of the property, accessed from Viewlands Terrace, no further off-street parking is provided.
- 2 The dwellinghouse sits at a higher level than the public road, with the front garden sloping down towards it. The front boundary to the public road is a low-level wall with a pedestrian gate, shared fencing separates the plot from the adjoining properties to the north and south. The front wall historically had finished metal railings atop, however, there now remain only small sections, particularly either side of the similarly designed gate, with more recent wire fencing along the remainder of the frontage. These railings and wire are to be removed, to reduce visual obstruction, with sections of the wall beyond the widened opening retained. The existing front garden has trees and other planting along the roadside part, a small area of lawn and gravel areas/paths leading from the gate to the front door of the house. The proposal is to increase the width of the pedestrian opening to 3.3m, providing a vehicular access, and to excavate some of the front garden to reduce the gradient allowing the parking, access and egress of two vehicles.

### **NATIONAL POLICY AND GUIDANCE**

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

## **National Planning Framework**

- 4 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document 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.

## **Scottish Planning Policy 2014**

- 5 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 6 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57

## **Planning Advice Notes**

- 7 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **DEVELOPMENT PLAN**

- 8 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**

- 9 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.”*

- 10 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- 2 – Shaping Better Quality Places

### **Perth and Kinross Local Development Plan 2019**

- 11 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 The principal relevant policies are, in summary;
- 1A – Placemaking
  - 1B – Placemaking
  - 5 – Infrastructure Contributions
  - 17 – Residential Areas
  - 60B – Transport Standards and Accessibility Requirements: New Development Proposals

### **SITE HISTORY**

- 13 None.

### **CONSULTATIONS**

#### **Internal**

- 14 **Transport Planning** – No objection. Initially requested amendments, which have since been made. Conditions relating to the access's gradient, retention of the turning area and the standard of the access are recommended.
- 15 **Development Negotiations Officer** – Advises no contributions are required.

### **REPRESENTATIONS**

- 16 8 representations were received, raising the following concerns:
- Proximity to bus shelter resulting in restricted sight lines
  - Visibility splays not adequate
  - Safety concerns regarding access and egress by vehicles

- Potential danger to cyclists and pedestrians due to crossing pavement/cycle route
- Impact on school children who use this safe route
- Out of character, as other properties in the row do not have front driveways
- Property has existing garage/parking to the rear
- Visual amenity
- Impact on streetscene
- Loss of trees
- Business use of property
- Increase in air pollution
- Noise pollution
- Precedent would be set allowing for other driveways
- Impact on value of other properties in the row
- Impact on structural integrity of 171 and 173 Glasgow Road

- 17 A material consideration is a matter relevant to the planning considerations which is taken into account in assessing a planning application. With the exception of the last 3 points all others above are material considerations and as such are addressed in the Appraisal section of the report. The last 3 points above are issues that are not relevant to the decision and are, therefore, not material considerations.

## **ADDITIONAL STATEMENTS**

18	Screening Opinion	No EIA 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**

- 19 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 Council's Placemaking Guide 2020.

## **Principle**

- 20 The determining factors in the assessment of this application are ultimately whether the principle of the development is acceptable and if the detail of the proposed scheme accords with the relevant provisions of the Local Development Plan. The main purpose of Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals is to guide access and road safety arrangements relating to new build development, however, the contents of the policy are relevant to consideration of this application. Generally, there is a presumption in favour of reducing the number of vehicles parked on the public road providing solutions are designed for the safety and convenience of all potential users. The details of the proposed scheme are considered against the relevant policies below.

## **Traffic and Pedestrian Safety**

- 21 Concerns have been raised in representations regarding the location of the access, the level of visibility/sight lines and potential impact it may have on road and pedestrian safety. Further concerns were also raised in respect of the close proximity of the bus stop and the use of the street by school children. In considering the proposals an additional plan was sought by Transport Planning, setting out the position of street furniture and pedestrian refuge island in the immediate vicinity of the site. A swept path analysis was also requested detailing arrangements for two vehicles to access or egress in a forward facing gear.
- 22 However, the swept path analysis only indicates that one vehicle could enter and leave in a forward gear. In response the applicant's stated intention is that only one vehicle would be parked at the front, although plans show two. It is also clear that several manoeuvres within the site may be required to allow entry/exit in a forward gear, particularly for larger vehicles. However, it is considered that the provision proposed would provide a facility of a reasonable standard and allow many types of vehicle to enter and exit in a forward gear. There is however potential that larger vehicles would not have sufficient space to turn.
- 23 It is important to note that there are numerous driveways/accesses associated to properties within the immediate area where turning is not provided within the site, where visibility is restricted, and roadside infrastructure is closer than is the case here. All such that the standard of these existing arrangements is below that proposed in this application.
- 24 Policy 60B, as stated above, seeks to ensure that an access is designed to ensure the safety of all users. In this regard the Council's Transport Planning team is satisfied initial concerns have been addressed and raise no objection to the final proposals.
- 25 Standard visibility splays relating to a 30mph road are 2.4m x 70m. Views to the north show a good line of sight, however to the south there is a cantilevered bus shelter within the extent of the visibility splay. The shelter being approximately half way between the applicant's vehicular access and Viewlands Terrace.

- 26 Concerns were raised in representations about the close proximity of the bus shelter to the proposed vehicular access and that pedestrians might block the line of sight further. However, Transport Planning have considered this issue and do not object. It should also be noted that Glasgow Road is not a trunk road, as has been suggested in some representations, and sees a 30mph speed limit. It is noted that Intervention 15 of Perth & Kinross Council's "Spaces for People" programme identifies temporary cycle lanes/segregation for the Glasgow Road, but does not seek speed reductions.
- 27 As a consequence, and subject to conditions, the access gradient, visibility splay provision and access standards are considered appropriate in road and pedestrian safety terms and comply with Policy 60B of LDP2. Conditions 2, 3 and 4 control the detail of these matters.

### **Design/Visual Amenity**

- 28 The development will require the removal of part of a stone wall and excavation of garden ground, both of which will have some impact on visual amenity in the local area.
- 29 It is accepted that these works will have a visual impact on the streetscene. Although whilst representations raise concerns in this regard, and also in terms of disrupting the architectural continuity of the roadside boundary wall in this row of residential properties, this impact will be minimised by the retention of part of the existing boundary wall and that existing raised planting is to be added to with supplementary planting. Further the parking area will sit behind the stone wall and back from the street, reducing the visual impact. As such, the proposal is not considered to result in an unacceptable impact on visual amenity and is considered to be in accordance with LPD2 Policies PM1A and B which relate to placemaking and seek to ensure development contributes to and respects the character of the place.

### **Landscape**

- 30 In terms of impact on the visual landscape, the proposals are considered to be such that they would integrate successfully to their surroundings, in reflection that there are numerous accesses elsewhere on both sides of Glasgow Road. Whilst it is acknowledged a degree of excavation is required in the front garden, cognisance has been taken of existing parking within front gardens where their gradient differs between road and house. The retention of much of the boundary wall and the proposed planting will also reduce the potential impact. As such the proposal is not considered to have an adverse impact on the wider landscape. The impact on trees is discussed below.

### **Residential Amenity**

- 31 The proposed access and parking area will serve an existing dwellinghouse and whilst there will be vehicles turning into and out of the site close to residential properties, the level of movements will not have a severe detrimental impact on the residential amenity of neighbouring properties, particularly given the closeness to Glasgow Road. The development is therefore not considered

to result in a significant increase in traffic generation or associated noise. As such the proposal is considered to be acceptable in terms of impact on residential amenity and in accordance with LDP2 Policy 17: Residential Amenity.

### **Setting a precedent for further development**

- 32 Any approval of this application is not considered to have any bearing on any future proposals for development in the immediate vicinity. Any new proposals for vehicular accesses or for other types of development would be assessed on their own merits against the Development Plan policy applicable at that time.

### **Business Use**

- 33 Concerns have been raised in representations that the applicants' intentions may be to operate a business from the property and the proposal would facilitate this. However, there is no evidence to suggest this property will be used for business purposes. Indeed it may be that a further planning permission may be required should a business be operated from the site, dependant on the nature and extent of that use. This is therefore not a material consideration to this application.

### **Requirement for vehicular access/parking**

- 34 Representations contend that there is no requirement for a new access in this location, as parking is provided to the rear for this property. The agent has clarified that parking to the rear is problematic and whilst there is a garage, it is too small for modern cars. Enlarging it would be difficult to access due to the volume of cars parked on that street. Furthermore, due to the level drop from that road to the rear of the house and requirements for an increased parking area, significant upbuild would be required and a reduction in the size of the more private back garden. Whilst justification of the need for the development is not required by the applicable policies, it is considered that the proposal for a vehicular access and parking within the front garden would help alleviate parking pressures to the rear.

### **Impact on Trees**

- 35 The drawings indicate removal of some small trees/shrubs, with the larger of the trees being retained. Whilst it would have been ideal for such established landscaping to be retained, their removal is necessary to allow for visibility splays. However, compensatory planting is proposed, therefore there will be no unacceptable and long-term significant impact on the character or amenity of the area. As such the proposal is considered in accordance with Policy 17: Residential Amenity and Placemaking policies PM1A and PM1B.

### **Drainage and Flooding**

- 36 In terms of drainage and flooding matters there are no concerns.

### **Developer Contributions**

- 37 No developer contributions are required.

### **Economic Impact**

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

### **LEGAL AGREEMENTS**

- 39 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 40 None.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 41 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and material considerations and in this case, officers are content that the development proposed does not conflict with the Development Plan and there are no material considerations which indicate otherwise.
- 42 Accordingly the proposal is recommended for approval subject to the following conditions.

### **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 gradient of the access shall be constructed so as not to exceed 3% for the first 2.4 metres into the curtilage of the property measured back from the rear of the footway and the access shall be constructed so that no surface water or aggregate is discharged to the public road or footway network.

Reason - In the interests of road safety; to ensure the provision of an adequate gradient of the access.



- 3 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of pedestrian and traffic safety.

- 4 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.

## **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 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.

- 5 The applicant is advised to contact the Street Lighting Partnership to obtain the location of plant. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.

Background Papers: 8 letters of representation  
Contact Officer: Gillian Peebles 01738 475330  
Date: 16 July 2020

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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