LRB-2021-19
Planning Application – 20/00756/FLL – Erection of a dwellinghouse, land 30 metres south of Moucums View, Hayfield, Leslie Road, Scotlandwell

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Planning Application – 20/00756/FLL – Erection of a dwellinghouse, land 30 metres south of Moucums View, Hayfield, Leslie Road, Scotlandwell

PAPERS SUBMITTED BY THE APPLICANT

Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100398504-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Derek Scott Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Scott	Building Number:	21
Telephone Number: *	0131 535 1103	Address 1 (Street): *	Lansdowne Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH12 5EH
Email Address: *	scott.planning@btconnect.com		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Derek Scott Planning
First Name: *	John	Building Number:	21
Last Name: *	Beales	Address 1 (Street): *	Lansdowne Crescent
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH12 5EH
Fax Number:			
Email Address: *	enquiries@derekscottplanning.com		

Site Address Details

Planning Authority:	Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:	MOUCUMS VIEW
Address 2:	HAYFIELD
Address 3:	LESLIE ROAD
Address 4:	
Address 5:	
Town/City/Settlement:	SCOTLANDWELL
Post Code:	KINROSS

Please identify/describe the location of the site or sites

Northing	701544	Easting	318864

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of Dwelling House (20/00756/FLL) on land 30 metres south of Moucums View, Hayfield, Leslie Road Scotlandwell KY13 9JE

Type of Application

What type of application did you submit to the planning authority? *

☒ Application for planning permission (including householder application but excluding application to work minerals).

☐ Application for planning permission in principle.

☐ Further application.

☐ Application for approval of matters specified in conditions.

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached statement

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Please refer to attached statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00756/FLL

What date was the application submitted to the planning authority? *

12/06/2020

What date was the decision issued by the planning authority? *

01/03/2021

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? * ☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

An accompanied inspection would be preferred.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. * ☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? * ☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * ☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * ☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * ☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Derek Scott

Declaration Date: 19/05/2021

REVIEW REQUEST STATEMENT

Erection of Dwelling House (20/00756/FLL)

On land 30 metres south of

MOUCUMS VIEW
HAYFIELD
LESLIE ROAD
SCOTLANDWELL
KY13 9JE

Prepared by

Derek Scott Planning
Planning and Development Consultants

21 Lansdowne Crescent
Edinburgh
EH12 5EH
Tel No: 0131 535 1103
E-Mail: enquires@derekscottplanning.com
www.derekscottplanning.com

On behalf of

Mr. John Beales

Executive Summary

ERECTION OF DWELLING HOUSE (20/00756/FLL) ON LAND 30 METRES SOUTH OF MOUCUMS VIEW, HAYFIELD, LESLIE ROAD, SCOTLANDWELL KY13 9JE

- **The application site, which measures 0.1055 hectares (1055 sq. metres) is located to the south of the dwelling house known as Moucums View (owned by applicant) and accessed, along with two other dwellings, from a private road/lane (Hayfield) off Leslie Road, in Scotlandwell. The site is currently occupied by a single garage; it is bounded to the south by agricultural land (also owned by applicant); to the east by an approved housing plot; and to the west by garden ground relating to a property in Bankfoot Park.**

- **Planning Permission was granted for the erection of a two-storey dwelling house on the plot to the east of the application site by the Council's Local Review Body on 25th August 2015 under Planning Permission Reference Number 14/01482/FLL (also owned by applicant). Permission was subsequently granted (Section 42 application) on 29th June 2017 under Planning Permission Reference Number 16/00680/FLL for the removal of Condition No. 2 on 14/01482/FLL which had required visibility splays of 2.4m x 43 m to be provided at the junction of Hayfield with Leslie Road. The permissions for the dwelling house referred to remain live.**

- **The application submitted to the Council under Planning Application Reference Number 20/00756/FLL had sought detailed planning permission for the erection of a modern contemporary designed two-storey dwelling house with an integral garage set at a lower ride height. The overall height of the dwelling house proposed is equal in height to that approved for the house on the adjacent plot to the east under Planning Permission Numbers 14/01482/FLL and 16/00680/FLL. Materials proposed include natural slate on the roof and smooth white rendered walls with natural stone and timber features. The site will be accessed off Hayfield which it will share with three existing dwelling houses and the dwelling house approved under the terms of Planning Permission Reference Numbers 14/01482/FLL and 16/00680/FLL.**

- **The application was refused by the Appointed Planning Officer for a total of four reasons but relating to two specific issues namely, design and access.**

  Design

  (1) That the two-storey dwelling proposed was out of character with the single storey and 1 ½ storey dwelling houses within the immediate vicinity of the site and as a consequence would not positively contribute to the surrounding built environment in terms of appearance, height, scale and massing; and

  Access

  (2) That the existing access arrangements at the junction of Hayfield with Leslie Road had inadequate visibility splays to cope with the additional traffic generated by the

dwelling house proposed and could not be provided with visibility splays of 2.4m x 43m in both directions.

- **The reasons for the refusal of the application are contested on the following grounds:**

Design

- **Although there are no two storey dwelling houses within the immediate vicinity of the proposed dwelling house, two storey properties are a scale of domestic architecture that is represented in other locations within the village including properties directly opposite the site access on Leslie Road.**

- **As shown in the images below the dwelling house proposed is entirely respectful to and in keeping with the siting, height, scale and massing of the dwelling house approved on the adjacent site under the terms of Planning Permission Reference Numbers 14/01482/FLL and 16/00680/FLL.**

Access

- **The National Roads Development Guide clearly states that private roads can serve up to five dwelling houses.**

- **The Council, in granting permission under the terms of Planning Permission Reference Number 16/00680/FLL, considered that the existing visibility splays were of a sufficient standard to service four dwelling houses notwithstanding the fact that they did not meet the 2.4m x 43m standards now being sought. The traffic generated by one additional dwelling house to the four referred to, does not, in our opinion, present a safety hazard to road users on either Hayfield or Leslie Road;**

- **'*Designing Streets – a Policy Statement for Scotland'* states, inter-alia and in the context of the setback dimension from the public road, *'that a minimum of 2m may be considered in some very lightly trafficked and slow speed situations.'* Given the 20mph speed limited presently existing or the 30-mph limit existing previously along with the associated traffic calming measures within the village, the application of the 2m rather than 2.4m requirement is considered appropriate in this instance;**

- **Good levels of visibility exist to the east and west along Leslie Road at its junction with Hayfield from a point measured 2m back from the carriageway as shown in the images below; and**

Clear visibility exists to east and west along Leslie Road from a point 2 metres back from the road edge.

- **An examination of Crash Data (www.crashmap.co.uk) reveals that there have been no reported accidents at the junction of Leslie Road/Hayfield between 1999-2020 (data only available to June 2020). There is consequently no evidence to suggest that the existing junction is unsafe.**

- **In view of the considerations outlined it is evidently clear that the reasons for the refusal of the application do not stand up to scrutiny. It is respectfully requested, as a consequence of that, that this request to review the Planning Officer's decision be upheld and that planning permission be granted for the proposal as applied for.**

REVIEW REQUEST

ERECTION OF DWELLING HOUSE (20/00756/FLL) ON LAND 30 METRES SOUTH OF MOUCUMS VIEW, HAYFIELD, LESLIE ROAD, SCOTLANDWELL KY13 9JE

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JB Document 1 - Review Request Forms

JB Document 2 - Planning Application Documents Relating to Planning Application Reference Number 20/00756/FLL

2(a) – Planning Application Forms
2(b) – Location Plan
2(c) – Location Plan
2(d) – Existing Site Plan
2(e) – Proposed Site Plan
2(f) – Proposed Ground Floor Plans
2(g) – Proposed First Floor Plans
2(h) – Proposed Elevations

JB Document 3 – Report of Handling 20/00756/FLL

JB Document 4 – Decision Notice 20/00756/FLL

JB Document 5 – Transportation Consultation Response 20/00756/FLL

JB Document 6 – Planning Application Documents Relating to Planning Application Reference Number 14/01482/FLL

6(a) – LRB Decision Notice
6(b) – Approved Location Plan
6(c) – Approved Site Plan
6(d) – Approved Floor Plans
6(e) – Approved Elevations
6(f) – Notice of Initiation of Commencement of Development

JB Document 7 – Planning Application Documents Relating to Planning Application Reference Number 16/00680/FLL

7(a) – Decision Notice
7(b) – Report of Handling
7(c) – Location Plan
7(d) – Transportation Consultation Response

JB Document 8 – Designing Streets – A Policy Statement for Scotland

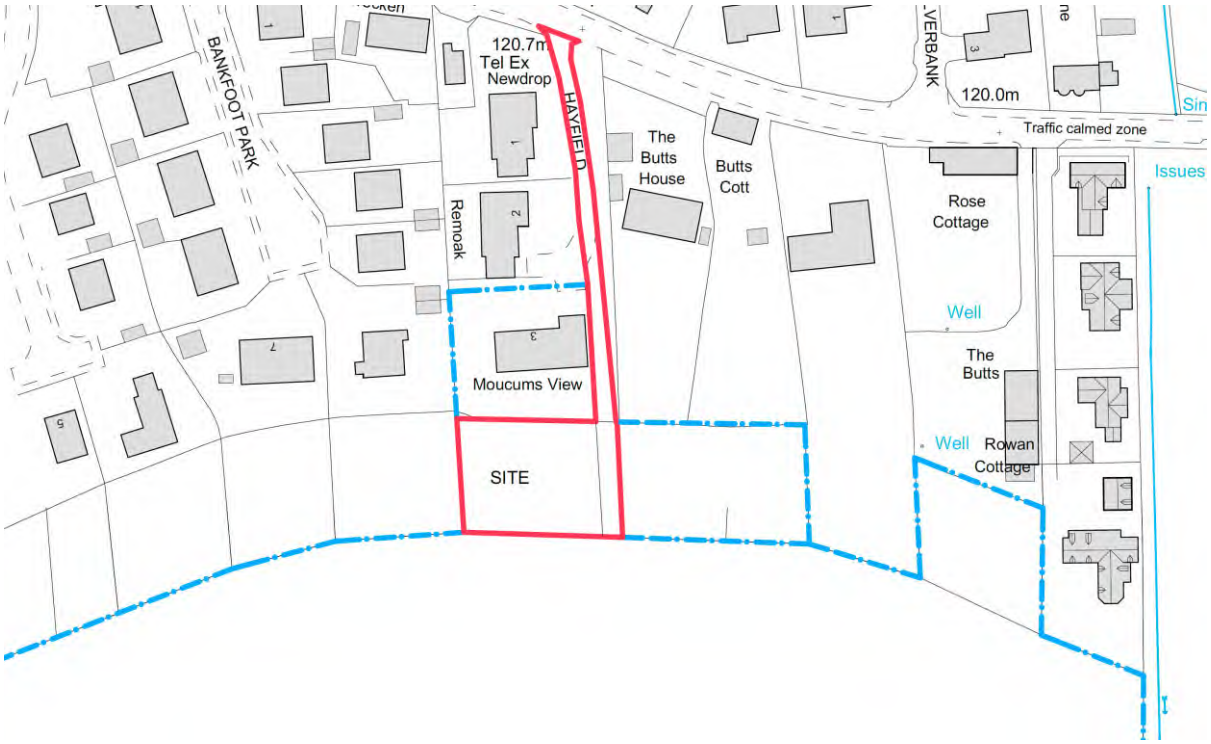
JB Document 9 – Extracts from National Roads Development Guide

REVIEW REQUEST

ERECTION OF DWELLING HOUSE (20/00756/FLL) ON LAND 30 METRES SOUTH OF MOUCUMS VIEW, HAYFIELD, LESLIE ROAD, SCOTLANDWELL KY13 9JE

1. INTRODUCTION

1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants (Edinburgh & Dunfermline) in association with Shand Architecture (Architect – Crook of Devon, Kinross). It is in support of a request to review the decision of the Appointed Planning Officer in relation to a planning application **(**See **JB Document 2)** which had sought detailed planning permission for the erection of a dwelling house on land 30 metres to the south of Moucums View, Hayfield, Leslie Road, Scotlandwell.



Location Plan

1.2 The application was refused permission by the Appointed Planning Officer via delegated powers on 01st March 2021 under Planning Application Reference Number 20/00756/FLL (See **JB Documents 3 & 4**). This Review Request has been prepared on behalf of the applicant, Mr. John Beales, who is the owner of the application site.

2. Site Location and Description

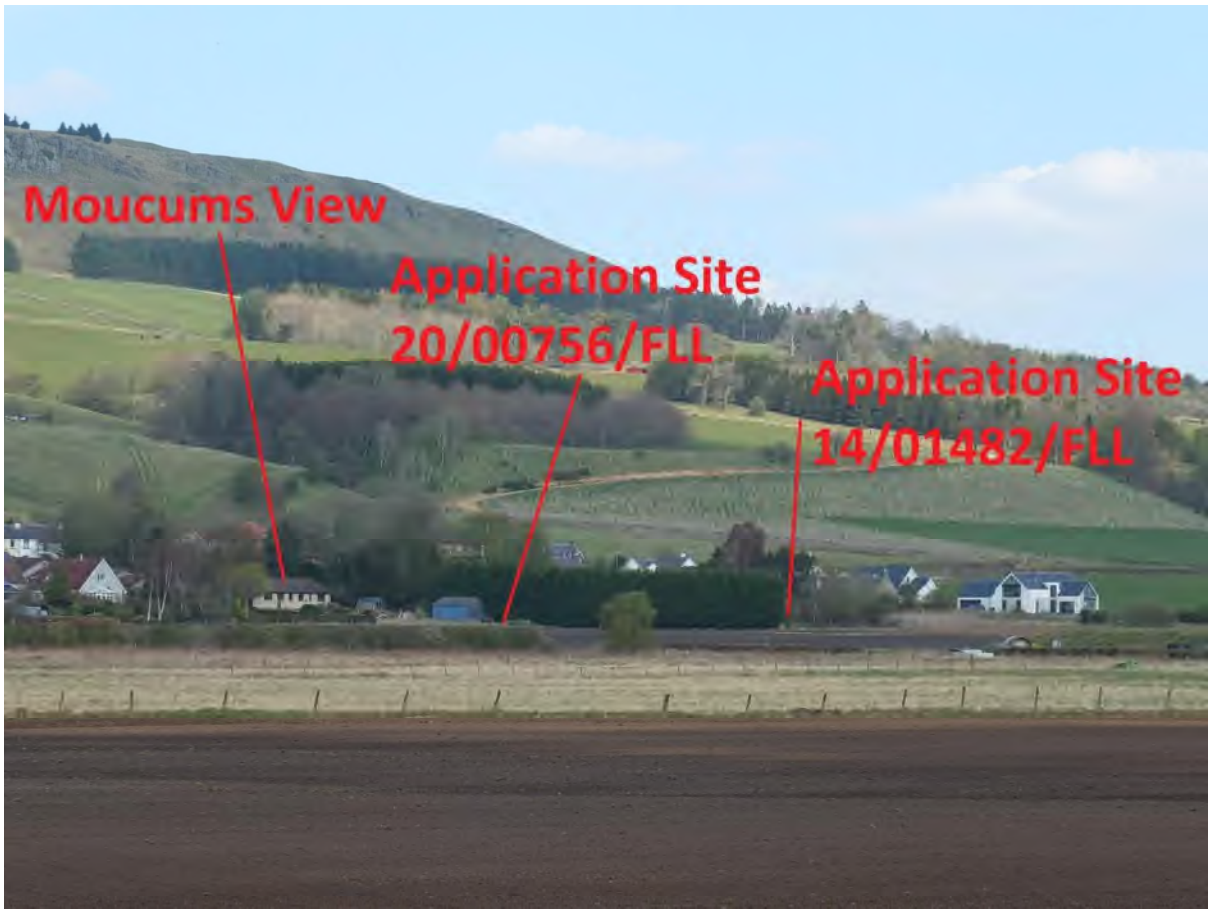
2.1 The application site, which measures 0.1055 hectares (1055 sq. metres) is located to the south of the dwelling house known as Moucums View (owned by applicant) and accessed, along with two other dwellings, from a private road/lane (Hayfield) off Leslie Road, in Scotlandwell. The site is currently occupied by a single garage (blue); it is bounded to the south by agricultural land (also owned by applicant); to the east by an approved housing plot; and to the west by garden ground relating to a property in Bankfoot Park.

2.2 Planning Permission was granted for the erection of a two-storey dwelling house on the housing plot to the east by the Council's Local Review Body on 25th August 2015 under Planning Permission Reference Number 14/01482/FLL (See **JB Document 6**) (also owned by applicant); Permission was subsequently granted (Section 42 application) on 29th June 2017 under Planning Permission Reference Number 16/00680/FLL (See **JB Document 7**) for the removal of Condition No. 2 on 14/01482/FLL which had required visibility splays of 2.4m x 43 m to be provided at the junction of Hayfield with the Leslie Road.

Approved Site Plan relating to Planning Permission Reference Number 14/01482/FLL to east of site.

2.3 According to a '*Notice of Initiation of Commencement of Development'* form submitted to the Council (See **JB Document 6f**), development works in implementation of the permission granted under the terms of Planning Permission Reference Number 14/01482/FLL were commenced on 25th July 2017. The permission granted under the terms of Planning Permission Reference Number 16/00680/FLL was due to expire on 28th June 2020 but due to extensions granted under Emergency Covid Powers implemented by the Scottish Government does not now expire until 31st March 2022.

South elevation of dwelling house approved under Planning Permission Reference Number 14/01482/FLL to east of Site.



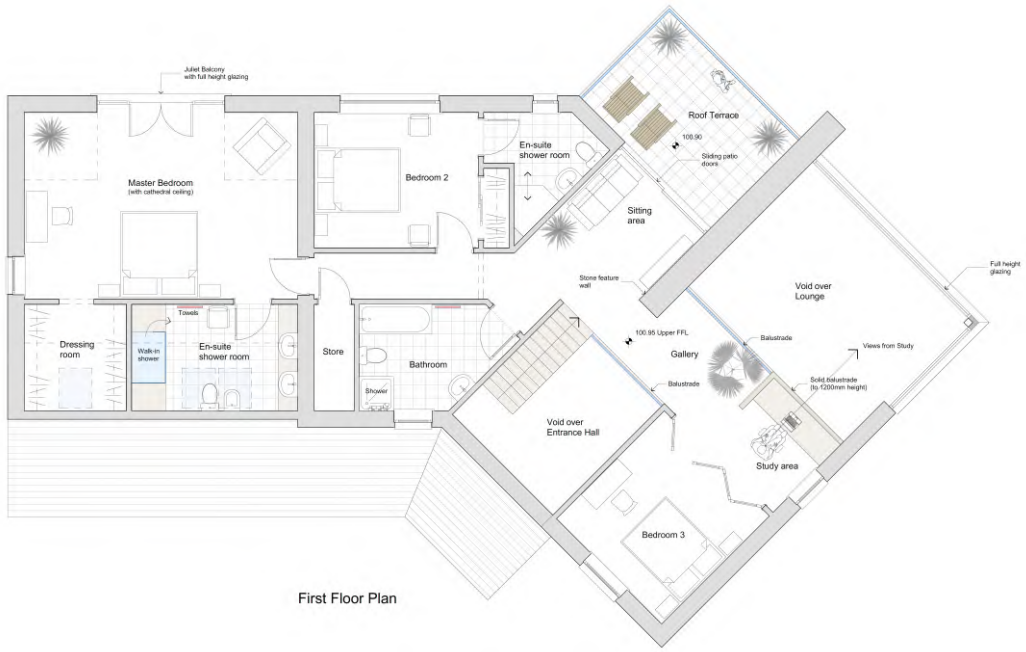
View of Application site from the Causeway to the south of Scotlandwell

2.4 The application site is visible to the south of Scotlandwell from the Causeway set against rising land to the north and a mixture of single and two storey houses as shown in the image above.

3. Description of Proposed Development

3.1 The application submitted and subsequently refused by the Appointed Planning Officer had sought detailed planning permission for the erection of a modern contemporary designed two-storey dwelling house with an integral garage set at a lower ride height. The overall height of the dwelling house proposed is equal in height to that approved on the adjacent plot to the east under Planning Permission Numbers 14/01482/FLL and 16/00680/FLL. Accommodation proposed within the ground floor of the proposed dwelling includes a living room, kitchen/dining area, utility, office and WC; and on the first floor 3 bedrooms (2 en-suite) and a bathroom. Materials proposed include natural slate on the roof and smooth white rendered walls with natural stone and timber features.

Site Plan

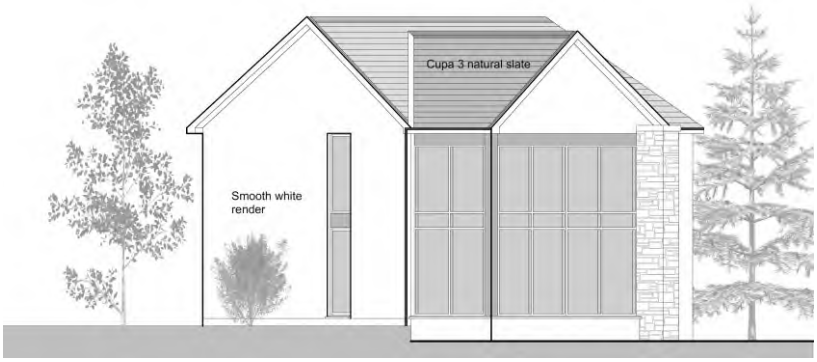


3.2 The site will be accessed off Hayfield which it will share with three existing dwelling houses and the dwelling house approved under the terms of Planning Permission Reference Numbers 14/01482/FLL and 16/00680/FLL.

North Elevation

South Elevation

East Elevation



West Elevation

Dwelling proposed under 20/00756/FLL beside Dwelling approved under 14/01482/FUL & 16/00680/FLL

4. Assessment of Development Proposals

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), hereinafter referred to as '*The Act,'* states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) and the adopted Perth and Kinross Local Development Plan 2. Other key material considerations in the determination of the application include Scottish Planning Policy, the National Roads Development Guide, Consultation Responses, Third Party Representations and Planning History.

Tay Plan

4.4 The Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) was approved by Scottish Ministers in October 2017 and sets out proposals for the development of the region in the period between 2016 and 2036. This plan provides the strategic framework for the determination of planning applications and the preparation of local development plans. Whilst the plan contains no specific policies or proposals which are considered to be of direct relevance to either the site or the proposed development it is worth citing the overall vision of the document which is as follows:

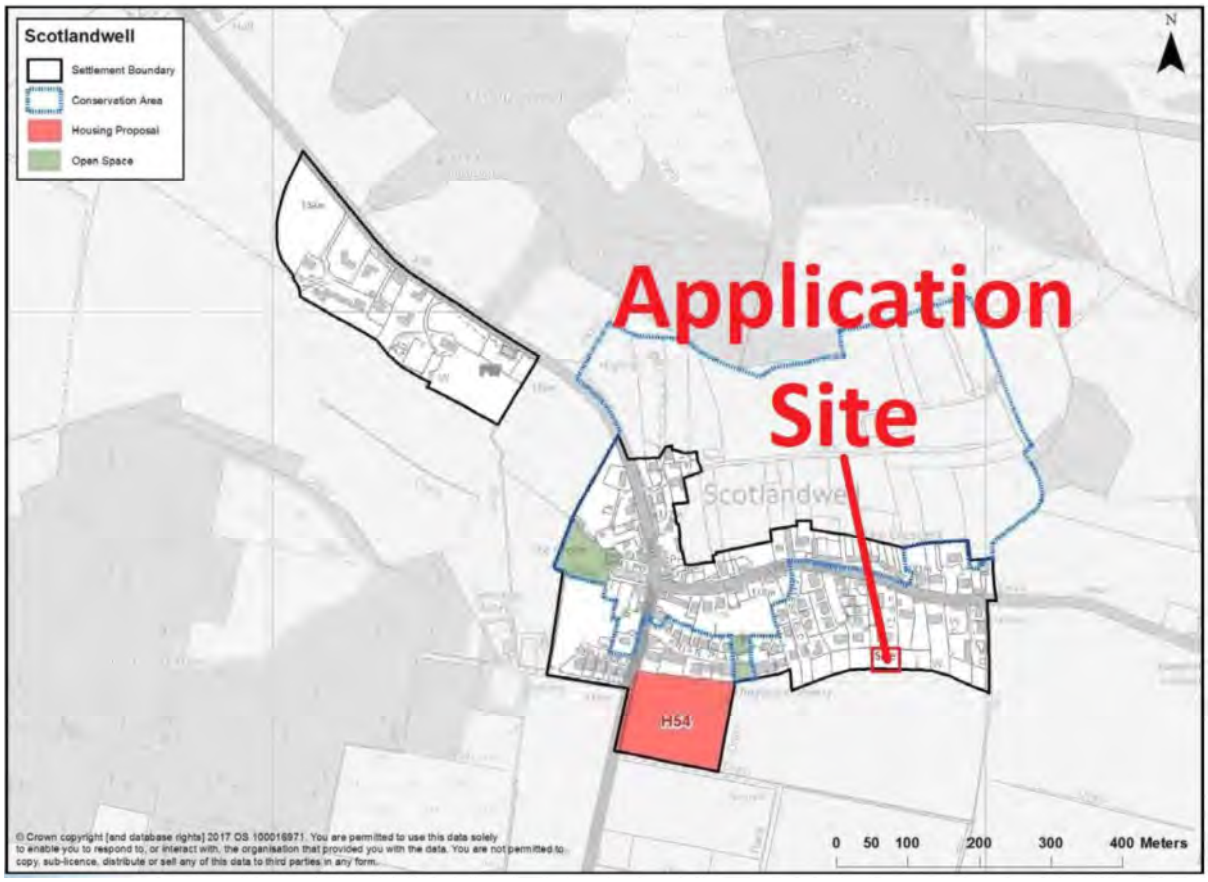
'By 2036, the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place

of first choice where more people choose to live, work, study and visit and where businesses choose to invest and create jobs.'

The dwelling house propsoed does not conflict in any way with the overall vision within the Plan referred to.

Perth and Kinross Local Development Plan 2

4.5 The Perth and Kinross Local Development Plan 2 was adopted by Perth and Kinross Council in November 2019. The application site (identified in red below) lies within the Scotlandwell Settlement Envelope where the principle of residential development is acceptable.



4.6 Key polices within the Plan which are of relevance to the determination of the application include the following:

- **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 60B** – Transport Standards and Accessibility Requirements – New Development Proposals

4.7 **Policies 1A and 1B,** both on the subject of '*Placemaking'* state the following:

'*Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.*

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.' (Policy 1A)

'All proposals should meet all the following place making criteria:

(a) *Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
(b) *Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
(c) *The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
(d) *Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
(e) *All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
(f) *Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.*
(g) *Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*
(h) *Incorporate green infrastructure into new developments to promote active travel and make connections where possible to blue and green networks*
(i) *Provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials (with consideration of communal facilities for major developments).*
(j) *Sustainable design and construction.'* (Policy 1B)

4.8 As noted previously the application seeks permission for the erection of a predominantly two storey dwelling house on the site in a modern contemporary design. Whilst the existing dwellings immediately adjoining and surrounding the site are a mixture of single and 1.5 storey units there are other two storey dwellings existing in the settlement, including properties on Leslie Road opposite the site entrance. These render this scale of domestic architecture appropriate to and in keeping with its wider setting. Whilst the dwelling house applied for in the current application is two storeys, it is the same height as the 1.5 storey dwelling house approved under Planning Permission Reference Numbers 14/01482/FLL and 16/00680/FLL. As a consequence of this, both dwellings will complement each other when viewed from the south where they can be seen in the wider settlement context and against a background of rising land to the north. As far as siting and locational considerations are concerned the dwelling proposed occupies a central location on the site respecting both the established pattern of development on Highfield and the building line established through the granting of planning permission for the dwelling house on the plot to the east. The materials proposed are also considered to be entirely appropriate, comprising, as noted previously, smooth white render, stone/timber cladding and a slate roof. As a consequence of these considerations it is our considered opinion that the proposal complies with the terms of Policies 1A and 1B in the Local Development Plan.

Two storey houses existing on Leslie Road which add diversity and interest to Street Scene

4.9 Policy 5 on '*Infrastructure Contributions'* states the following

'Where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the

Council will look at the cumulative long-term effect of new development. Contributions will be sought for:

(a) *the provision of on-site facilities necessary in the interests of comprehensive planning; and/or*
(b) *the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure.*

Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required. In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.

The Council currently seeks specified developer contributions towards Primary Education, Auchterarder A9 Junction Improvements and Transport Infrastructure. Other contribution requirements will be assessed on a case-by-case basis.

Perth City Centre Zone
Within the Perth City Centre Zone, proposals for fewer than 20 dwellings will not be required to contribute towards Primary Education or Transport Infrastructure. Where a proposal is for 20 or more dwellings, the contribution requirement will be assessed on a case-by-case basis.

Primary Education and New Housing Development
Primary Education contributions will be sought from residential proposals for the primary school catchment areas scheduled within the Council's Supplementary Guidance. This schedule is based upon schools that are currently operating at or above 80% of total capacity and where the cumulative impact of extant planning permissions and Local Development Plan allocations would result in the school projected to be operating at or above 100% of total capacity.

Where the Council has invested in primary schools to support future development a contribution will be sought from new residential development within the relevant primary school catchment area. The areas where contributions are to be required will be reviewed annually and published in the Council's Supplementary Guidance.

In assessing new development against the Primary Education contribution requirement, the following principles will apply.

Applies to:

- *dwellings with two or more bedrooms;*
- *change of use to create a dwelling house with two or more bedrooms.*

Exemptions for:

- *affordable and Council housing;*
- *applications for dwellings which are not likely to place an additional burden on the existing schools, for example student accommodation linked to a college/university or holiday accommodation;*
- *single bedroom dwellings;*
- *sheltered housing.*

Auchterarder A9 Junction Improvements

All new development proposals within the Auchterarder A9 Junction Improvement Area may be required to contribute towards the junction improvements.

In assessing new development against the Auchterarder A9 Junction Improvement contribution requirement the following principles will apply.

Applies to:

- *residential dwellings;*
- *non-residential development where a transport assessment is required;*
- *development outwith the Auchterarder A9 Junction boundary, within the Strathearn Housing Market Area, which is identified to have a significant impact on the junction.'*

4.10 Our client has no difficulty in principle with meeting any request for developer contributions provided such requests are demonstrated as being essential to enable the development to proceed and meets all of the tests outlined in Circular 3/2012 on '*Planning Agreements and Good Neighbour Developments.*' Setting that aside it is our understanding from the Report of Handling on the application that in this particular instance no such contributions would be required.

4.11 Policy 17 on '*Residential Areas'* states the following:

'The Plan identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected and, where possible, improved. Changes away from ancillary uses such as employment land, local shops and community facilities, for example pubs and restaurants will be resisted unless there is demonstrable market evidence that the existing use is no longer viable as commercial venture or community-run enterprise.

Generally, encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:

(a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.
(b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.
(c) Proposals which will improve the character and environment of the area or village.
(d) Business, homeworking, tourism or leisure activities.
(e) Proposals for improvements to community and educational facilities.'

4.12 The application site lies within an established residential area within the settlement boundary where the principle of residential development of the nature proposed in the application should be considered acceptable. The dwelling is located centrally within the plot with a minimum distance of nine meters maintained between widows and the boundaries of adjacent gardens to the east, west and north. Areas of private open space exceeding those required as outlined in the Supplementary Placemaking Guidance have also been provided. As noted previously in Paragraph 4.8 the scale, massing and height of the building proposed is considered to be in character with the surrounding architectural context and will not result in adverse visual effects.

4.13 Policy 32 on *'Embedding Low and Zero Carbon Generating Technologies in New Developments'* states the following:

'*Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.*

This requirement will not apply to the following developments:

- *Alterations and extensions to buildings.*
- *Change of use or conversion of buildings.*
- *Ancillary buildings that stand alone and cover an area less than 50 square metres.*
- *Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.*
- *Buildings which have an intended life of less than two years.'*

4.14 Our client has no difficulty in confirming that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero carbon technologies.

4.15 Policy 60B on '*Transport Standards and Accessibility Requirements – New Development Proposals'* states the following:

'*All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, prior to private car journeys. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available, including opportunities for active travel and green networks.*

All development proposals (including small-scale proposals) should:

(a) *be designed for the safety and convenience of all potential users;*
(b) *incorporate appropriate mitigation on-site and/or off-site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads;*
(c) *incorporate appropriate levels of parking provision not exceeding the maximum parking standards laid out in SPP, including application of maximum on-site parking standards to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport;*
(d) *fit with the strategic aims and objectives of the Regional Transport Strategy and the Tay Cities Deal;*

(e) *support the provision of infrastructure necessary to support positive changes in Low and Ultra Low Emission Vehicle transport technologies, such as charging points for electric vehicles, hydrogen refuelling facilities and car clubs, including for residential development.*

In certain circumstances developers may be required to:

(a) *prepare and implement travel plans to support all significant travel generating developments;*
(b) *prepare a Transport Assessment and implement appropriate mitigation measures where required.*

Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:

(a) *direct links to the core paths networks are or can be made available;*
(b) *access to local bus routes with an appropriate frequency of service which involve walking no more than 400m are available;*
(c) *it would not have a detrimental effect on the safe and efficient operation of the strategic road and/or rail network including level crossings;*
(d) *the transport assessment identifies satisfactory mechanisms for meeting sustainable transport requirements, including the implementation of a site travel plan.*

Developers should include consideration of the impact of proposals on the core paths network and local and strategic transport network.

Cycling and Walking
New developments should provide access from the development to off-road walking and cycling provision as part of the green network, and contribute to its enhancement and improved connectivity. Existing active travel routes will be safeguarded and incorporated into development. Cycle parking facilities should be provided.

Car Parking
Development proposals should not exceed maximum on-site parking standards, including disabled parking, to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport.

Where an area is well served by sustainable transport modes, more restrictive standards may be considered appropriate. In rural areas where public transport is infrequent, less restrictive standards may be applied.

Developers of town centre sites will be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.'

4.16 The application site, being located within the settlement envelope, is accessible via a choice of means of transport. Its proximity to Leslie Road which is a public transport (bus based) corridor is of particular note in this regard. The proposal itself provides for generous parking and turning areas within the site in addition to an integral double garage.

4.17 The existing access road serving the site (Hayfield) serves three dwelling houses at present with a fourth dwelling house to the east of the current application site granted under the terms of Planning Permission Reference Numbers 14/01482/FLL and 16/00680/FLL. The original permission approved for the dwelling house referred to (14/01482/FLL) contained, inter-alia, a condition in relation to visibility splays and stated the following:

'The existing access will be provided with visibility splays of 2.4m x 43m measured from the centre line of the new access in both directions along the nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.'

This condition was subsequently removed under the terms of Planning Permission Reference Number 16/00680/FLL. In commenting on that particular application to remove the condition the Transportation Officer, at the time, stated the following within his consultation response (See **JB Document 7d**):

'Further to my previous comments, I have now had a site visit and discussions with the applicants' agent and subsequently the applicant has provided information demonstrating that the existing visibility is the maximum that can be achieved using land within their control.

While the visibility doesn't fully comply with the normal standard, it is still sufficient for the limited additional traffic that will be generated by the development taking into account the typical speeds and volume of traffic in the vicinity.

Therefore, I have no objection to the removal of this condition.'

Good visibility exists to east and west along Leslie Road from a point 2 metres back from the road edge

4.18 The 2.4m x 43m visibility splay referred to is derived from Pages 33-35 of *'Designing Streets – A Policy Statement for Scotland.'* (See **JB Document 8**). These particular visibility splays relate to urban situations where the speed limit is 30 mph. Page 34 of Designing Streets states inter-alia, and in the context of the setback dimension from the public road *'that a minimum of 2m may be considered in some very lightly trafficked and slow speed situations.'* Leslie Road in Scotlandwell is presently subject to a 20 mph speed limit introduced to support physical distancing measures for an eighteen month period from 17th August 2020. At other times it is subject to a 30 mph speed limit. It is possible that the reduced speed limit in place will be extended permanently. Visibility splays with a 2m 'X' distance and a 'Y' distance in excess of 43 metres can be achieved at the junction and in that respect the arrangements as existing should be considered satisfactory and safe.

4.19 Key considerations supporting the access arrangements as existing as a means of servicing the dwelling house proposed in compliance with the terms of Policy 60B include the following:

- The National Roads Development Guide, addressed in Paragraph 4.29 below, clearly states that private roads can serve up to five dwelling houses.

- The Council in granting permission under the terms of Planning Permission Reference Number 16/00680/FLL considered that the existing visibility splays were of a sufficient

standard to service four dwelling houses notwithstanding the fact that they did not meet the 2.4m x 43m standards now being sought. The traffic generated by one additional dwelling house to the four referred to does not, in our opinion, present a safety hazard to road users on either Hayfield or Leslie Road;

- '*Designing Streets – a Policy Statement for Scotland'* states, inter-alia and in the context of the setback dimension from the public road, *'that a minimum of 2m may be considered in some very lightly trafficked and slow speed situations.'* Given the 20mph speed limit presently existing or the 30 mph limit existing previously along with the associated traffic calming measures within the village, the application of the 2m rather than 2.4m requirement is considered appropriate in this instance;

- Good visibility exists to the east and west along Leslie Road at its junction with Hayfield from a point measured 2m back from the carriageway as shown in the images below; and

Good visibility exists to east and west along Leslie Road from a point 2 metres back from the road edge.

- An examination of Crash Data (www.crashmap.co.uk) reveals that there have been no reported accidents at the junction of Leslie Road/Hayfield between 1999-2020 (data only available to June 2020). There is consequently no evidence to suggest that the existing junction is unsafe.

20mph speed limit and traffic calming results in slow vehicle speeds along Leslie Road

4.20 In light of the considerations outlined within Paragraphs 4.5-4.19 of this statement we are of the view that the proposal complies with the terms of the development plan.

Other material considerations

4.21 As noted previously, in addition to the development plan, due cognisance must also be given in the determination of planning applications to other material considerations including Scottish Planning Policy, the National Roads Development Guide, Consultation Responses, Third Party Representations and Planning History as noted below.

Scottish Planning Policy

4.22 The current version of Scottish Planning Policy was published by the Scottish Government in 2014 and updated in December 2020. Its purpose is to set out national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP aims to promote consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

Scottish Planning Policy

The Scottish Government
Riaghaltas na h-Alba

- *the preparation of development plans;*
- *the design of development, from initial concept through to delivery; and*
- *the determination of planning applications and appeals*

4.23 The SPP introduces a presumption in favour of sustainable development. Paragraph 28 of the SPP states that *'the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.'*

4.24 Paragraph 29 of SPP states the following:

'Planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account:

- *giving due weight to net economic benefit;*
- *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*

- *supporting good design and the six qualities of successful places;*
- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*
- *supporting delivery of accessible housing, business, retailing and leisure development;*
- *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*
- *supporting climate change mitigation and adaptation including taking account of flood risk;*
- *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*
- *having regard to the principles for sustainable land use set out in the Land Use Strategy;*
- *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*
- *protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*
- *reducing waste, facilitating its management and promoting resource recovery; and*
- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.'*

4.25 Paragraph 32 of the SPP advises that '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Proposals that accord with development plans should be considered acceptable in principle and consideration should focus on the detailed matters arising.'*

4.26 Paragraph 33 of the SPP advises that *'Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable, development should be assessed according to the principles set out in paragraph 29.'*

4.27 The proposed development of the site is considered to contribute to sustainable development when assessed against the principles outlined in Paragraph 29 of the SPP for the reasons stated below:

- *giving due weight to net economic benefit;*

The proposed development will generate socio-economic benefits by providing housing choice, stimulating job creation and boosting economic investment.

- *supporting good design and the six qualities of successful places;*

The design proposals for the dwelling house are of a high quality and support the six qualities of successful places. The proposals are distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around.

- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*

The dwelling house is proposed on a site lying within the Scotlandwell settlement envelope as defined in the Perth and Kinross Local Development Plan. Developing sites of this nature and these characteristics is preferable to the development of green field sites outside settlements and should on that basis be supported.

- *supporting delivery of accessible housing, business, retailing and leisure development;*

The development proposed will facilitate the development of a bespoke individually designed dwelling house. The site is in an inherently accessible location within Scotlandwell benefitting from existing facilities and services within and in close proximity to it including access to public transport, footpaths and cycle ways.

- *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*

It is intended that the dwelling proposed will maximise the use of innovative design technology to ensure that it is inherently sustainable and energy efficient. The site enjoys good access to public transport services with bus stops in close proximity.

- *supporting climate change mitigation and adaptation including taking account of flood risk;*

The proposed development will introduce a range of measures which will support climate change mitigation. This will be achieved through enhanced levels of insulation and efficient heating systems/low carbon energy sources. The location of the house and its relationship to the village will contribute to sustainable transport movements all of which supports climate change mitigation. The site is not at risk of flooding.

- *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*

The site enjoys good access to the existing public path network and therefore ease of access to sport and recreational facilities.

- *having regard to the principles for sustainable land use set out in the Land Use Strategy;*

The application proposals have been developed in due cognisance of the principles of sustainable land use with particular reference to the following:

- the proposal will deliver a number of benefits including the development of a bespoke family home.

- The land on which the development is being proposed lies within the settlement. It is not presently used for any particular purpose and its proposed use for the development of a new house is not significant in land use terms.

- The proposals for the site, have evolved through a thorough understanding and appreciation of the area's eco-system.

- The development proposal will appear as an integral part of the existing settlement and well related to other dwelling houses within it (existing and proposed).

- *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*

The development of the site will not result in an adverse effect on the area's cultural heritage.

- *protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*

The retention of existing landscape features and the provision of further planting and landscaping will ensure that the character and appearance of the area is improved and its biodiversity credentials enhanced.

- *reducing waste, facilitating its management and promoting resource recovery;*

Recycling and refuse facilities will be incorporated into the design. Collection of waste will be undertaken in line with local authority procedures. Every effort will be made to ensure that waste is minimised on site and recycled in accordance with sound principles of sustainability where possible.

- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*

The site will be developed at an appropriate density befitting of the locality and the landscape/townscape context within which it is proposed. The amenity of existing development bordering the site will be protected in accordance with Council standards with particular reference to issues such as privacy, overlooking, loss of light, overshadowing etc.

4.28 In view of the above, the application proposals are considered to represent a sustainable form of development; a consideration to which significant weight should be given to in the determination of this review request.

National Roads Development Guide

4.29 The National Roads Development Guide which supports *'Designing Streets – a Policy Statement for Scotland'* has been produced by the Society for Chief Officers of Transport in Scotland, supported by Transport Scotland and Scottish Government Planning and Architecture Division.

Paragraph 2.1.4 of the Guide states that '*Generally 5 or fewer dwellings (more if a 'brownfield site', e.g. redeveloped from steadings) will be served by a 'private access' which, as there is no right of public access, will not require Construction Consent and will not be available for adoption. Such layouts should provide adequate turning facilities and a satisfactory junction with a public road.'*

Hayfield, in the event of the current application being approved will serve a total of five dwellings and as such is compliant with the terms of the paragraph outlined.

Consultation Responses

4.30 According to the Report of Handling on the application consultations have been undertaken with the following departments/services within the Council:

(Portmoak) – Scottish Gliding Centre
Transport Planning
Scottish Water
Development Contributions Officer.

4.31 The Scottish Gliding Centre did not respond within time but in any event the application is within the Scotlandwell Settlement envelop adjacent to existing and approved dwelling houses and as such should present no issues of concern. Transport Planning have objected to the application on the grounds that the existing junction (Hayfield/Leslie Road) cannot support the additional traffic that would be generated from the house as a result of inadequate visibility splays. As outlined within Paragraphs 4.18-4.19 above and Paragraph 5.2 below that stance has been contested. Scottish Water have no objections to the application. The Council's Development Contribution Officer has advised that no contributions are required in association with the proposal.

Third Party Objections

4.32 Two letters of representation have been submitted to the Council opposing the development proposal. Grounds of objection and our responses to them are outlined below:

Adverse effect on Visual Amenity

Response – The application seeks consent for the erection of a modern contemporary designed two storey dwelling with an integral garage at a lower ridge height. Whilst there are no two storey dwellings (two storeys with no accommodation in the roof space) surrounding the site there are two storey houses at other locations in Scotlandwell including some in close proximity thereby rendering this to be an acceptable form of domestic architecture in the settlement. It should also be noted that the dwelling house on the plot adjacent which was approved under Planning Application Reference Numbers 14/01482/FLL and 16/00680/FLL, whilst 1.5 storeys in height, is the same as the dwelling proposed in the current application. Given these considerations and when the site is viewed from the south in the context of the existing settlement and the rising hills to the north it is not considered that the proposal will result in an adverse effect on visual amenity.

Contrary to Development Plan Policy

Response – As demonstrated within Paragraphs 4.4-4.20 previously we are of the view that the proposal complies with Development Plan Policy as contained within Tay Plan and the Perth and Kinross Local Development Plan.

Road Safety Concerns

Response – As demonstrated within Paragraphs 4.18-4.19 we do not consider that the addition of one further dwelling house accessed off Hayfield raises safety concerns sufficient to justify the refusal of the application.

Private Road Ownership

Response – The ownership status of the road is not a material planning consideration. The National Roads Development Guide clearly states that it is quite acceptable to serve up to five dwelling houses via a private road.

Doesn't respect building pattern

Response - The dwelling house proposed is entirely respectful to the established building pattern in the area. Of particular note in this regard is the fact that the site is within the settlement and it respects the building line established through the Council's earlier granting of permission for the erection of the dwelling house on the plot to the east.

Dwelling height too high

Response – As noted previously the proposed dwelling, at two storeys in height, is an appropriate form of domestic architecture in Scotlandwell where there are other two storey houses existing. Furthermore, it is the same height as the dwelling house approved on the adjacent plot to the east.

Planning History

4.33 Attention has been drawn on numerous occasions within this appeal statement to the permission granted for the erection of a dwelling house on the adjacent plot to the east under Planning Permission Reference Numbers 14/01482/FLL and 16/00680/FLL. The permissions referred to establish an important precedent in favour of permitting dwelling houses on similarly located plots within the settlement boundary and in that respect it lends considerable support to the granting of planning permission for our client's proposal on this site.

4.34 Having considered the proposal against the terms of the development plan and all other material considerations we are firmly of the view that the application should not have been refused by the Planning Officer and should now be granted permission by the Local Review Body.

5. Response to Reasons for Refusal

5.1 The planning application was refused for a total of four reasons. The first and second reasons relate to design considerations and the third and fourth reasons relate to access considerations. The said reasons and our responses to them are outlined below:

1. *The proposal is contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) and the supplementary Placemaking Guidance 2020 as the proposal by virtue of the design and height of the dwelling is not considered to positively contribute to the surrounding built environment in terms of design, appearance, height, scale and massing.*

2. *The proposal is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019) as the design and height of the dwelling would not ensure that the proposal contributes positively to the quality of the surrounding built environment by respecting the design, character, appearance and amenity of the place.*

5.2 The first and second reasons for the refusal of the application relate to '*design*' issues and as a consequence of this we are responding to both together. Page 3 of the Planning Officer's Report on the application states the following in relation to design and layout considerations which forms the basis for the design related reasons of refusal. It states the following:

'The dwelling is proposed centrally within the site. It is a two-storey dwelling with an integral garage which is set at a lower ridge height. The finish materials are smooth white render, stone/timber cladding and a slate roof.

The surrounding dwellings are mostly single storey and 1 ½ storey, the plot approved to the east is 1 ½ storey. Where properties in the vicinity have more than one storey the accommodation is either fully contained within the roof space or served by dormer windows. The proposal has the upper floor windows which are not contained within the roof. There are 2 storey dwellings within Scotlandwell but none within close proximity of the site. I consider that the erection of a two storey dwelling on this edge of settlement site adjacent to a single storey dwelling is out of character and therefore the design and density of does not complement its surrounding in terms of appearance, height, scale and massing contrary to Policy 1 Placemaking, Policy 17 Residential Areas and the supplementary Placemaking Guidance.'

It is apparent from the above that the Planning Officer's concerns on design issues relate to the relationship between the two storey dwelling proposed and the adjacent single storey dwelling to the north (Moucums View). In making that comparison the Planning Officer does not give appropriate cognisance in his determination of the application to the 1.5 dwelling storey dwelling house to the east which has been granted under Planning Permission Reference Numbers 14/01482/FLL and 16/00680/FLL. As previously noted, the dwelling house proposed in this application is smaller in terms of its footprint and is of the same height to that dwelling. It will not result in a massing of development that is out of character with its immediate neighbour to the east or the wider area.

Whilst we acknowledge that there are no two storey dwelling houses within the immediate vicinity of the dwelling house proposed it nonetheless represents a scale of domestic architecture present within the wider settlement and as a consequence should be considered appropriate. This is particularly evident in views of the site from '*The Causeway'* to the south of Scotlandwell where the development proposed will be seen in the wider context of the surrounding settlement and the backdrop of the hills to the north. As a consequence of these

considerations the dwelling house, as proposed, will not detract from the surrounding built environment in terms of design, appearance, height, scale or massing and furthermore will not detract from the design, character, appearance or amenity of the place as the reasons for refusal allege.

3. *The proposal is contrary to the Perth and Kinross Local Development Plan 2 2019, Policy 60B: New Development Proposals as the development is not designed for the safety and convenience of all potential users due to the proposed increase in traffic and that the existing junction cannot support the additional traffic and that the applicant is not in ownership of the land required to provide the necessary visibility splay.*

4. *The proposal fails to comply with the visibility splay standards set out in Designing Streets: A Policy Statement for Scotland (The Scottish Government: 22 March 2010; Page 33), which states for a 30mph street, a visibility splay of 2.4 metres by 43 metres shall be provided. The applicant has failed to provide supporting evidence to show the available visibility splay for Hayfield nor what improvements can be made to support the additional traffic.*

5.3 The third and fourth reasons for the refusal of the planning application relate to access issues and specifically to our client's inability to provide visibility splays measuring 2.4m x 43m at the junction of Hayfield with Leslie Road. As noted in Paragraph 4.19 previously there are a number of considerations to be taken into account in the assessment of the application insofar as traffic safety is concerned including the following:

(i) The National Roads Development Guide clearly states that private roads can serve up to five dwelling houses.

(ii) The Council, in granting permission under the terms of Planning Permission Reference Number 16/00680/FLL, considered that the existing visibility splays were of a sufficient standard to service four dwelling houses notwithstanding the fact that they did not meet the 2.4m x 43m standards now being sought. The traffic generated by one additional dwelling house to the four referred to does not, in our opinion, present a safety hazard to road users on either Hayfield or Leslie Road;

(iii) '*Designing Streets – a Policy Statement for Scotland'* states, inter-alia and in the context of the setback dimension from the public road, *'that a minimum of 2m may be considered in some very lightly trafficked and slow speed situations.'* Given the 20mph speed limited presently existing or the 30 mph limit existing previously along with the associated traffic calming measures within the village, the application of the 2m rather than 2.4m requirement is considered appropriate in this instance;

(iv) Good visibility exists to the east and west along Leslie Road at its junction with Hayfield from a point measured 2m back from the carriageway; and

(v) An examination of Crash Data (www.crashmap.co.uk) reveals that there have been no reported accidents at the junction of Leslie Road/Hayfield between 1999-2020 (data only available to June 2020). There is consequently no evidence to suggest that the existing junction is unsafe.

5.3 In light of the considerations outlined above we do not accept the Planning Officer's reasons for the refusal of the application.

6. Summary and Conclusions

6.1 Having considered the proposed development against the terms of both the development plan and other material considerations, as required under the terms of the Town and Country Planning (Scotland) Act 1997 (as amended), we have demonstrated and are very firmly of the opinion that the application/review request should be upheld and planning permission granted for the dwelling house applied for. Our position on this appeal can be summarised as follows:

- The application site, which measures 0.1055 hectares (1055 sq. metres) is located to the south of the dwelling house known as Moucums View (owned by applicant) and accessed, along with two other dwellings, from a private road/lane (Hayfield) off Leslie Road, in Scotlandwell. The site is currently occupied by a single garage; it is bounded to the south by agricultural land (also owned by applicant); to the east by an approved housing plot; and to the west by garden ground relating to a property in Bankfoot Park.

- Planning Permission was granted for the erection of a two-storey dwelling house on the plot to the east of the application site by the Council's Local Review Body on 25th August 2015 under Planning Permission Reference Number 14/01482/FLL (also owned by applicant). Permission was subsequently granted (Section 42 application) on 29th June 2017 under Planning Permission Reference Number 16/00680/FLL for the removal of Condition No. 2 on 14/01482/FLL which had required visibility splays of 2.4m x 43 m to be provided at the junction of Hayfield with Leslie Road. The permissions for the dwelling house referred to remain live.

- The application submitted to the Council under Planning Application Reference Number 20/00756/FLL had sought detailed planning permission for the erection of a modern contemporary designed two-storey dwelling house with an integral garage set at a lower ride height. The overall height of the dwelling house proposed is the same as that approved for the house on the adjacent plot to the east under Planning Permission Numbers 14/01482/FLL and 16/00680/FLL. Materials proposed include natural slate on the roof and smooth white rendered walls with natural stone and timber features. The site will be accessed off Hayfield which it will share with three existing dwelling houses and the dwelling house approved under the terms of Planning Permission Reference Numbers 14/01482/FLL and 16/00680/FLL.

- The application was refused by the Appointed Planning Officer for a total of four reasons but relating to two specific issues namely, design and access.

  Design

  (1) That the two storey dwelling proposed was out of character with the single storey and 1 ½ storey dwelling houses within the immediate vicinity of the site and as a consequence would not positively contribute to the surrounding built environment in terms of appearance, height, scale and massing; and

  Access

  (2) That the existing access arrangements at the junction of Hayfield with Leslie Road had inadequate visibility splays to cope with the additional traffic generated by the dwelling house proposed and could not be provided with visibility splays of 2.4m x 43m in both directions.

- The reasons for the refusal of the application are contested on the following grounds:

Design

- Although there are no two storey dwelling houses within the immediate vicinity of the proposed dwelling house, two storey properties are a scale of domestic architecture that is represented in other locations within the village including properties directly opposite the site access on Leslie Road.

- The dwelling house proposed is entirely respectful to and in keeping with the siting, height, scale and massing of the dwelling house approved on the adjacent site under the terms of Planning Permission Reference Numbers 14/01482/FLL and 16/00680/FLL.

Access

- The National Roads Development Guide clearly states that private roads can serve up to five dwelling houses.

- The Council in granting permission under the terms of Planning Permission Reference Number 16/00680/FLL considered that the existing visibility splays were of a sufficient standard to service four dwelling houses notwithstanding the fact that they did not meet the 2.4m x 43m standards now being sought. The traffic generated by one additional dwelling house to the four referred to does not, in our opinion, present a safety hazard to road users on either Hayfield or Leslie Road;

- '*Designing Streets – a Policy Statement for Scotland'* states, inter-alia and in the context of the setback dimension from the public road, *'that a minimum of 2m may be considered in some very lightly trafficked and slow speed situations.'* Given the 20mph speed limited presently existing or the 30 mph limit existing previously along with the associated traffic calming measures within the village, the application of the 2m rather than 2.4m requirement is considered appropriate in this instance;

- Clear visibility exists to the east and west along Leslie Road at its junction with Hayfield from a point measured 2m back from the carriageway; and

- An examination of Crash Data (www.crashmap.co.uk) reveals that there have been no reported accidents at the junction of Leslie Road/Hayfield between 1999-2020 (data only available to June 2020). There is consequently no evidence to suggest that the existing junction is unsafe.

6.2 In view of the considerations outlined it is evidently clear that the reasons for the refusal of the application do not stand up to scrutiny and that this application should not have been refused planning permission. It is respectfully requested, as a consequence of that, that this request to review the Planning Officer's decision be upheld and that planning permission be granted for the proposal as applied for. We reserve the right to respond to any submissions on the review request from either the Appointed Officer, Consultees or Third Parties.

Signed 

Derek Scott

Date 19th May 2021

Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

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The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

☒ Application for planning permission (including changes of use and surface mineral working).

☐ Application for planning permission in principle.

☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)

☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed new detached house with integral garage

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Shand Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Studio One
Last Name: *	Shand	Building Number:	
Telephone Number: *	01577840202	Address 1 (Street): *	Crook of Devon
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kinross
Fax Number:		Country: *	UK
		Postcode: *	KY13 0UL
Email Address: *	stuart@shandarchitecture.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	[redacted]
First Name: *	John	Building Number:	[redacted]
Last Name: *	Beales	Address 1 (Street): *	[redacted]
Company/Organisation		Address 2:	[redacted]
Telephone Number: *		Town/City: *	[redacted]
Extension Number:		Country: *	[redacted]
Mobile Number:		Postcode: *	[redacted]
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority: Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1: MOUCUMS VIEW

Address 2: HAYFIELD

Address 3: LESLIE ROAD

Address 4:

Address 5:

Town/City/Settlement: SCOTLANDWELL

Post Code: KINROSS

Please identify/describe the location of the site or sites

Northing 701544 Easting 318864

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

Site Area

Please state the site area: 1055.00

Please state the measurement type used: ☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Vacant/garden ground

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☒ Yes – connecting to public drainage network

☐ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * ☒ Yes ☐ No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

Recycling bin store area adjacent to garage

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☒ Yes ☐ No

How many units do you propose in total? * 1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Stuart Shand

On behalf of: Mr John Beales

Date: 12/06/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- [x] Site Layout Plan or Block plan.
- [x] Elevations.
- [x] Floor plans.
- [ ] Cross sections.
- [ ] Roof plan.
- [ ] Master Plan/Framework Plan.
- [x] Landscape plan.
- [ ] Photographs and/or photomontages.
- [ ] Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	☐ Yes	☒ N/A
A Design Statement or Design and Access Statement. *	☐ Yes	☒ N/A
A Flood Risk Assessment. *	☐ Yes	☒ N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	☐ Yes	☒ N/A
Drainage/SUDS layout. *	☐ Yes	☒ N/A
A Transport Assessment or Travel Plan	☐ Yes	☒ N/A
Contaminated Land Assessment. *	☐ Yes	☒ N/A
Habitat Survey. *	☐ Yes	☒ N/A
A Processing Agreement. *	☐ Yes	☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

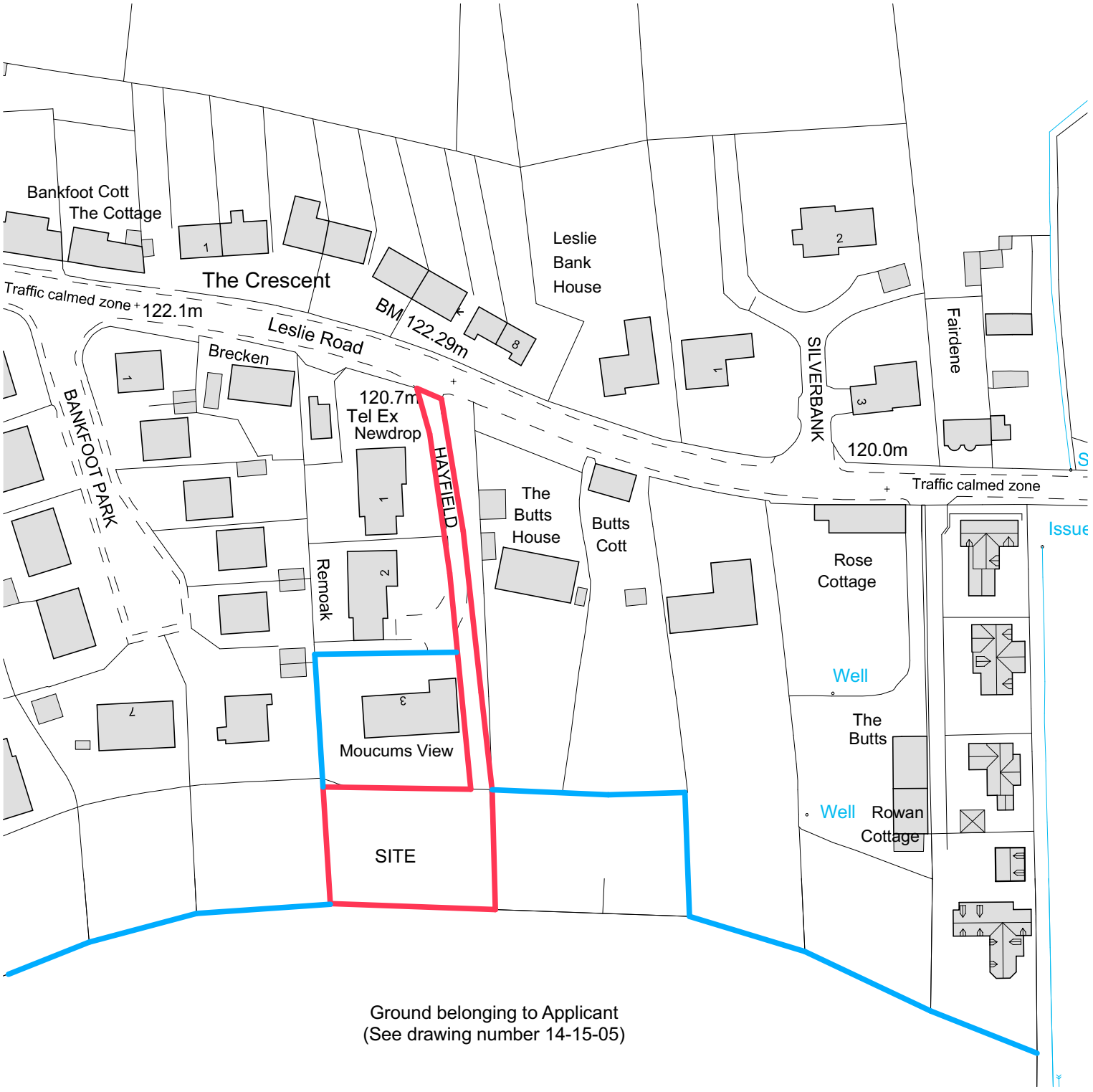
Declaration Name: Mr Stuart Shand

Declaration Date: 12/06/2020

Payment Details

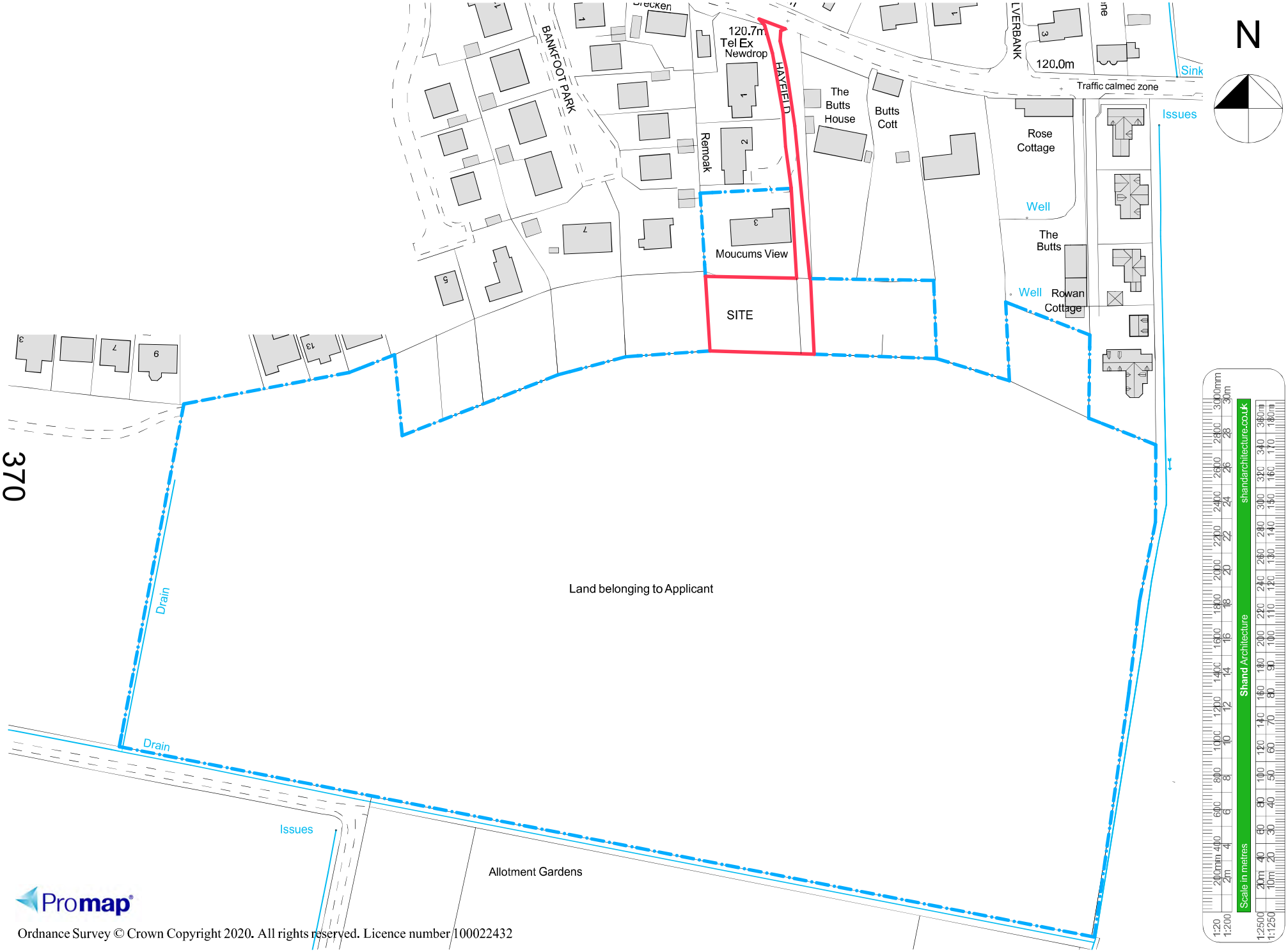
[redacted]

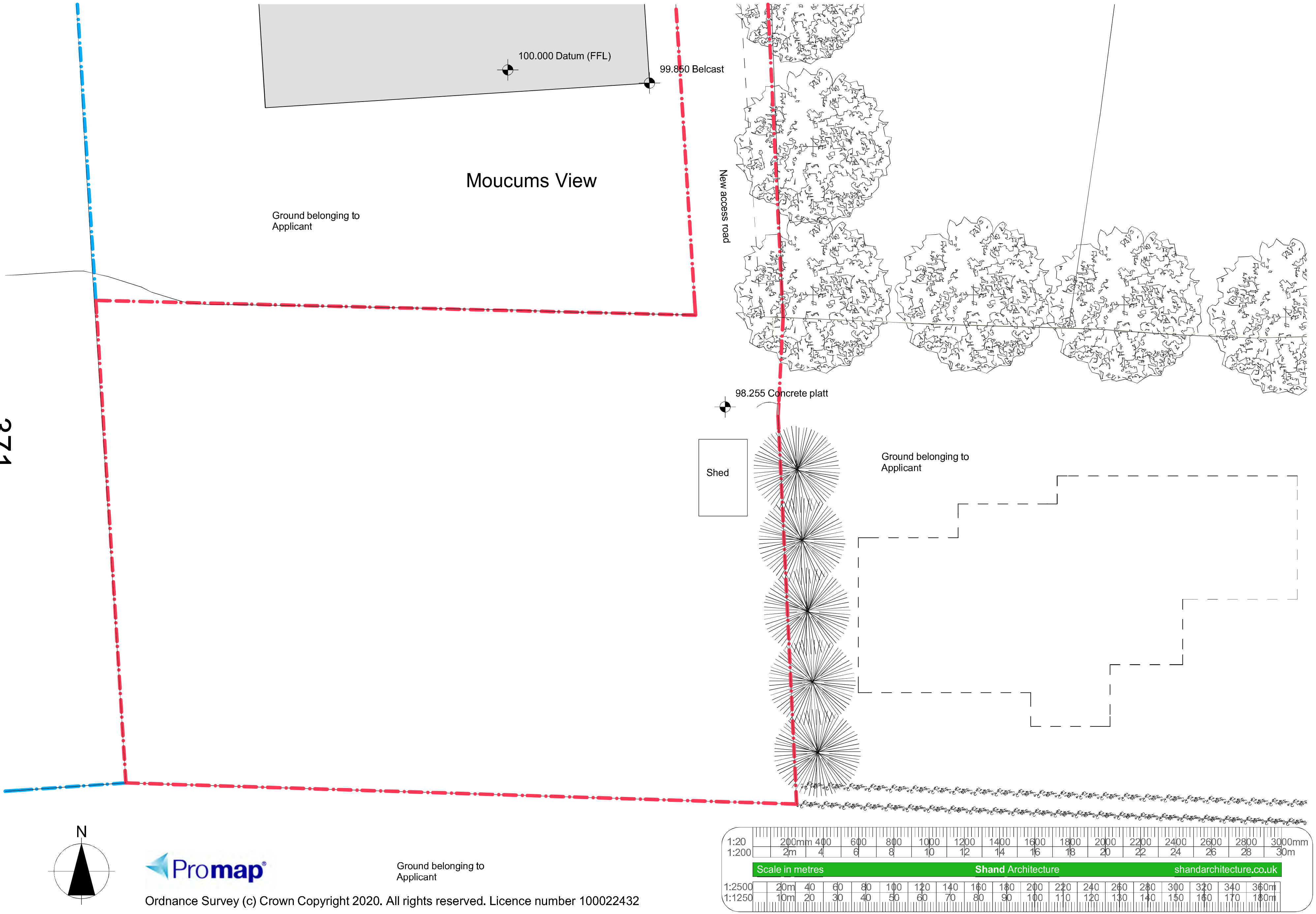
Created: 12/06/2020 09:49



Promap

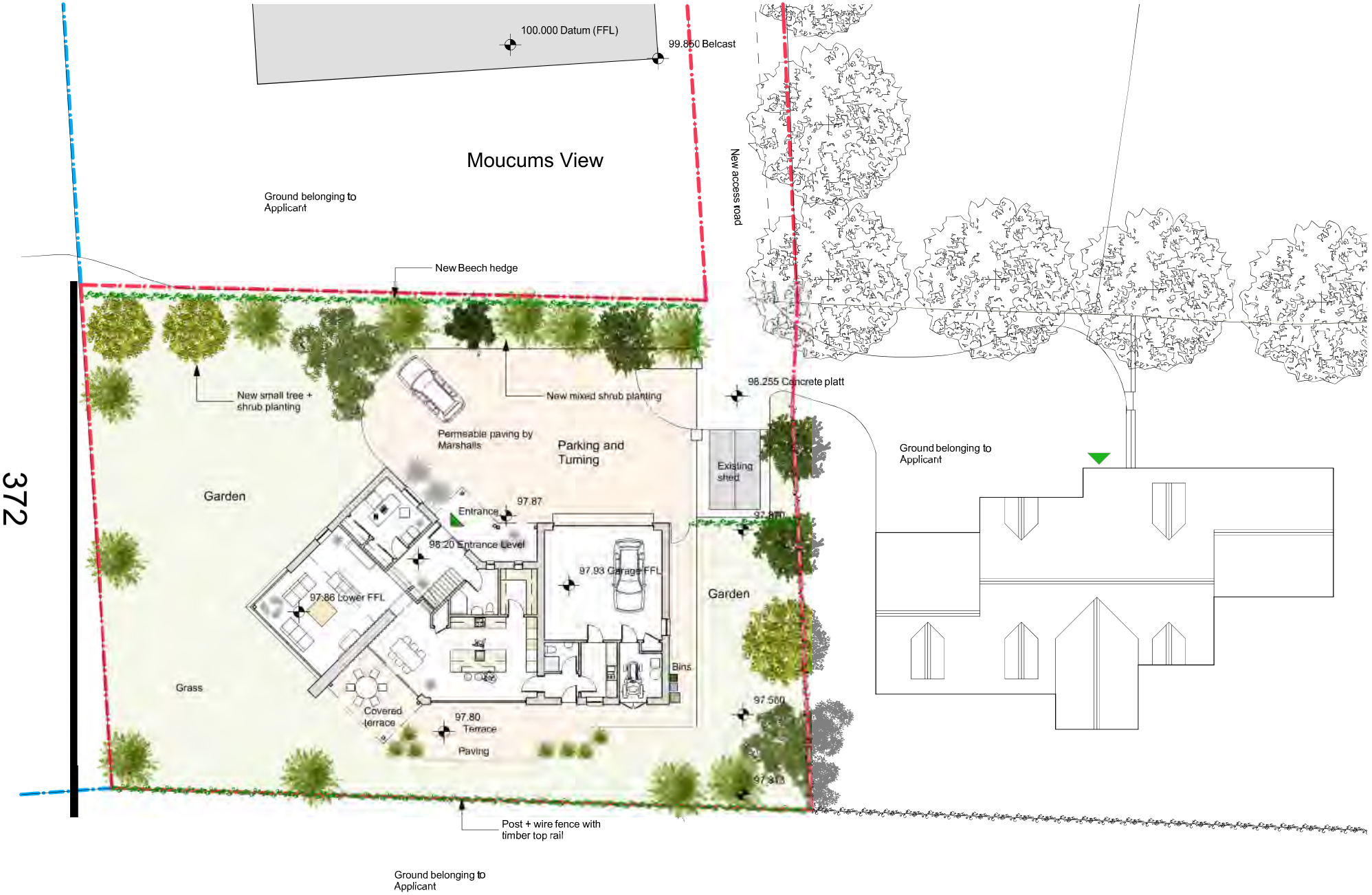
Shand Architecture www.shandarchitecture.co.uk Studio One, Crook of Devon, Kinross KY13 0UL E-mail :- stuart@shandarchitecture.co.uk	Project: Proposed House at Hayfield, Leslie Road, Scotlandwell, Kinross KY13 9JE	Date: February 2020	Scale: 1:1250	
	Drg. Title: LOCATION PLAN	Drg. No.: 19-09-10		A4


BANKFOOT PARK
HAYFIELD
LVERBANK
120.7m
Tel Ex
Newdrop
120.0m
Sink
Traffic calmed zone
Issues
The Butts House
Butts Cott
Rose Cottage
Well
The Butts
Well
Rowan Cottage
Remoak
Moucums View
SITE
Land belonging to Applicant
Drain
Drain
Issues
Allotment Gardens
370
N
Promap
Ordnance Survey © Crown Copyright 2020. All rights reserved. Licence number 100022432
Scale in metres
Shand Architecture
shandarchitecture.co.uk
Chartered Architect
Shand Architecture
Studio One, Crook of Devon, Kinross KY13 0UL
stuart@shandarchitecture.co.uk shandarchitecture.co.uk
Project
Proposed House
Adjacent to Moucums View,
Hayfield, Scotlandwell, Kinross
Drg. Title
OVERALL LOCATION PLAN
Date 3.3.2020
Stage Planning
Revision A B C D E F G H J K L
Scale 1:1250
© Shand Design Limited
A3
Project No. 19-09
Drg. No. 11



Chartered Architect
Shand Architecture
Studio One, Crook of Devon, Kinross KY13 0UL
stuart@shandarchitecture.co.uk shandarchitecture.co.uk

Project	Proposed House Adjacent to Moucums View, Hayfield, Scotlandwell, Kinross
Drg. Title	EXISTING SITE PLAN
Date	August 2019
Stage	Planning
Revision	A B C D E F G H J K L
Scale	1:200
A3	
Project No.	19-09
Drg. No.	12



N

Promap

1:20 200mm 400 600 800 1000 1200 1400 1600 1800 2000 2200 2400 2600 2800 3000mm
1:200 2m 4 6 8 10 12 14 16 18 20 22 24 26 28 30m

Scale in metres — Shand Architecture — shandarchitecture.co.uk

1:2500 20m 40 60 80 100 120 140 160 180 200 220 240 260 280 300 320 340 360m
1:1250 10m 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180m

Chartered Architect
Shand Architecture
Studio One, Crook of Devon, Kinross KY13 0UL
stuart@shandarchitecture.co.uk shandarchitecture.co.uk

Project
Proposed House
Adjacent to Moucums View,
Hayfield, Scotlandwell, Kinross

Drg. Title
PROPOSED SITE PLAN

Date August 2019 | Scale 1:200 | A3 | Project No. 19-09
Stage Planning | © Shand Design Limited | Drg. No. 06D
Revision A B C D E F G H J K L

Ground Floor Plan

Project No.	Title
19-09	PROPOSED LAYOUT - ground floor plan

Scale	1:50 (A2)
Date	August 2019
Stage	Design

Project: Proposed House
Moucums, Hayfield, Scotlandwell, Kinross

04C A2

	dd/mm/yyyy	Revisions	Notes
A	16/8/2019	Various layout revisions	
B	27/9/2019	Minor revisions	
C	16/6/2020	Levels added	
D			
E			

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www.shandarchitecture.co.uk

First Floor Plan

Project No.	Title
19-09	PROPOSED LAYOUT - first floor plan

Scale	1:50 (A2)
Date	August 2019
Stage	Design

Project: Proposed House
Moucums, Hayfield, Scotlandwell, Kinross

05C A2

	Revisions	Notes
	dd/mm/yyyy	
A	16/8/2019	Various layout revisions
B	27/9/2019	Various layout revisions
C	16/6/2020	Levels added
D		
E		

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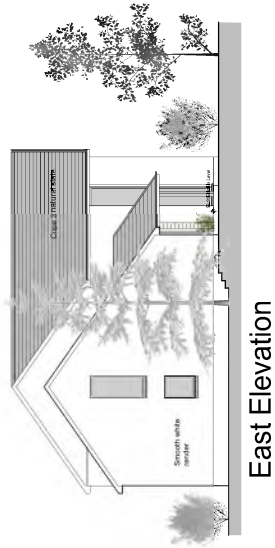
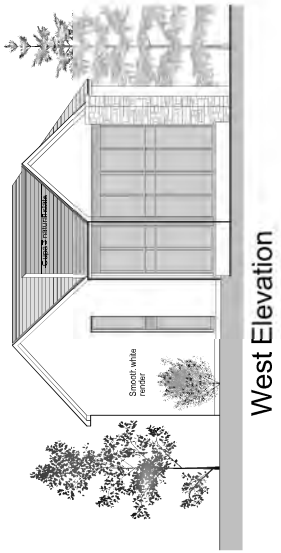
North Elevation



East Elevation

375



West Elevation

South Elevation

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Project

Proposed House
Moucums, Hayfield, Leslie Road,
Scotlandwell
Kinross-shire

Title: ELEVATIONS

Scalebar

Revisions								
	d/m/yyyy	Notes		d/m/yyyy	Notes		d/m/yyyy	Notes
A	16/6/20	Levels added	F			L		
B			G			M		
C			H			N		
D			J			P		
E			K			Q		

Project No. 19-09 | 08A

Scale	1:50; 1:100 (A1)
Date	September 2019
Stage	Planning

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**20/00756/FLL**	
Ward No	**P8- Kinross-shire**	
Due Determination Date	**15th August 2020**	
Draft Report Date	**24th February 2021**	
Report Issued by	**JF**	**Date 01/03/2021**

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 30 Metres South Of Moucums View Hayfield Leslie Road Scotlandwell

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: Transport Planning visited site 2020 and officer has been to site previously

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for the erection of a dwellinghouse at land 30m south of Moucums View Hayfield, Leslie Rd, Scotlandwell. The site is located to the south of the applicant's property and is bound by agricultural land to the south, an approved house plot to the east and a dwelling to the west.

The plot to the east of the site which uses the same access was approved after a Local Review Body appeal ref 14/01482/FLL for the erection of a dwelling house. In 2016 an application was submitted for removal of a condition related to visibility splays as the applicant did not own the land at the junction and could not achieve the required visibility. At this time Transport Planning considered that this condition could be removed for the one house approved.

The 2016 application was approved on 29th June 2017 but the development has not commenced expiring June 2020 however due to Covid-19 the duration of planning permissions has been extended so this permission is still live.

The application submitted is for the erection of a two-storey dwelling and field access.

SITE HISTORY

No history in relation to this site.

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 2 (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 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

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 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance 2020
Designing Streets: A Policy Statement for Scotland

CONSULTATION RESPONSES

(Portmoak) Scottish Gliding Centre	No response within time, site located within the existing settlement.
Transport Planning	Objection to proposal
Scottish Water	No objection
Development Contributions Officer	No contributions required

REPRESENTATIONS

The following points were raised in the 2 representations received:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Road Safety Concerns
- Private road ownership
- Doesn't respect building pattern
- Dwelling height too high

These issues are addressed in the appraisal section of the report apart from the private road ownership concerns which is not a material planning consideration.

ADDITIONAL STATEMENTS

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

APPRAISAL

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 and the adopted LDP2.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

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 within the settlement boundary of Scotlandwell and the principle of development is considered under Policy 17 Residential Areas. The details of the proposal are further considered under Policy 1 Placemaking and the associated Placemaking Guidance 2020.

The proposal follows on the pattern of approved development on the same building line as the dwelling approved under the 2014 permission, where the LRB considered development in this location out with the existing building line the erection of a dwelling was acceptable. The principle of development is therefore considered to be acceptable however there are concerns over the

design and resultant height of the dwelling. This is considered in the subsequent section.

The access to the dwelling has also been considered under Policy 60B and supplementary guidance, the proposal is considered to be contrary to this policy and is discussed later in the Roads and Access section of the report.

Design and Layout

The dwelling is proposed centrally within the site. It is a two-storey dwelling with an integral garage which is set at a lower ridge height. The finish materials are smooth white render, stone/timber cladding and a slate roof.

The surrounding dwellings are mostly single storey and 1 ½ storey, the plot approved to the east is 1 ½ storey. Where properties in the vicinity have more than one storey the accommodation is either fully contained within the roof space or served by dormer windows. The proposal has the upper floor windows which are not contained within the roof. There are 2 storey dwellings within Scotlandwell but none within close proximity of the site. I consider that the erection of a two storey dwelling on this edge of settlement site adjacent to a single storey dwelling is out of character and therefore the design and density of does not complement its surrounding in terms of appearance, height, scale and massing contrary to Policy 1 Placemaking, Policy 17 Residential Areas and the supplementary Placemaking Guidance.

Residential Amenity

The dwelling is located centrally within the plot and 9metres has been maintained for windows which face the neighbouring property boundaries to the east, west and north. The amenity space provided within the plot is in excess of the minimum standards outlined within the Supplementary Placemaking Guidance.

The field access has been removed from the proposal which reduces the potential impact of the use of the access by farm vehicles on residential amenity.

Roads and Access

Hayfield is a vehicle access that provides access to three residential properties, with consent for an additional property to be constructed, as considered in application 14/01485/FLL. This application is now applying for one further property and a field access.

Initially, the consented property considered in application 14/01482/FLL was refused and the Local Review Board approved the application, resulting in the condition below being applied to the Local Review Board decision notice:

The existing access will be provided with visibility splays of 2.4m x 43m measured from the centre line of the new access in both directions along the

nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.

In 2016, the applicant applied to have the above condition removed, submitting application 16/00680/FLL. The supporting evidence provided by the applicant's agent highlighted that the vehicle access was adequate to cope with the additional traffic likely to be generated by one house. At the point of the application in 2016, it was stated that only one additional house was being added. The application was approved to remove the condition acknowledging that the applicant could not fully comply with the visibility splay condition but the splay available would be sufficient for the limited additional traffic that will be generated by the property consented by the Local Review Body.

The applicant has now applied for one further house and an access to the field to the south of the properties, using Hayfield to access both. No supporting evidence has been provided by the applicant to show the available visibility splay for Hayfield or what improvements can be made to the current visibility splay to support the additional traffic. The current vehicle access, only provides access to residential properties and to have agricultural vehicles passing residential properties, is a cause of concern, as this access is currently only being used for vehicles associated with the residential properties. The current vehicle access to the field is from the B920 to the south of the properties Cragton Villa and Casa.

Transport Planning have consulted with colleagues in Road Safety, their view, after reviewing the previous information is that the access to Hayfield from the public road network was considered suitable to support the residential property approved by the Local Review Body in application 14/01482/FLL. However, this application now proposes to increase traffic further and the Road Safety team have stated that to support the additional traffic, the junction should be upgraded to support the additional traffic and the applicant should show the visibility splay detailed in the condition above can be provided to support this application. As detailed the applicant has no control over the land at the junction and condition would be unable to be implemented.

The agent has since removed the field access and highlighted further points referring to the introduction of a 20mph speed limit and that the junction safety would not change no matter what the number of dwellings.

The temporary 20mph speed restriction is currently in place to support physical distancing measures, but as this is temporary road traffic order, any vehicle access onto the public road network must be designed to the permanent speed limit of 30mph until a road traffic order is promoted and in place to permanently change the speed limit. In relation to the existing visibility it was considered sufficient for the limited additional traffic generated by a single dwellinghouse it is considered that any further increase would impact the safety at this junction.

It is considered that due to the restrictions on visibility at the junction and that the applicant cannot improve visibility the planning authority cannot support **any** additional traffic at the junction. The proposal is therefore considered to be contrary to Policy 60 B and additionally Designing Streets: A Policy Statement for Scotland (The Scottish Government: 22 March 2010; Page 33), which states for a 30mph street, a visibility splay of 2.4 metres by 43 metres shall be provided.

Drainage and Flooding

No drainage or flooding implications.

Developer Contributions

If the proposal had been considered acceptable no Developer Contributions would be required as the local; primary school is not operating above capacity.

Economic Impact

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

This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to remove the field access from the proposal.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is refused on the grounds identified below:
.

Reasons

1 The proposal is contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2, 2019 and the supplementary Placemaking Guidance 2020 as the proposal by virtue of the design and height of the dwelling is not considered to positively to the surrounding built environment in terms of design, appearance, height, scale and massing.

2 The proposal is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 2019 as the design and height of the dwelling would not ensure that proposal contributes positively to the quality of the surrounding built environment by respecting the design, character, appearance and amenity of the place.

3 The proposal is contrary to the Perth and Kinross Local Development Plan 2 2019, Policy 60B: New Development Proposals as the development is not designed for the safety and convenience of all potential users due to the proposed increase in traffic and that the existing junction cannot support the additional traffic and that the applicant is not in ownership of the land required to provide the necessary visibility splay.

4 The proposal fails to comply with the visibility splay standards set out in Designing Streets: A Policy Statement for Scotland (The Scottish Government: 22 March 2010; Page 33), which states for a 30mph street, a visibility splay of 2.4 metres by 43 metres shall be provided. The applicant has failed to provide supporting evidence to show the available visibility splay for Hayfield nor what improvements can be made to support the additional traffic.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

20/00756/1
20/00756/2
20/00756/3
20/00756/5
20/00756/6
20/00756/7

Mr John Beales
c/o Shand Architecture
Stuart Shand
Studio One
Crook Of Devon
Kinross
KY13 0UL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **1st March 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **20/00756/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 16th June 2020 for Planning Permission for **Erection of a dwellinghouse Land 30 Metres South Of Moucums View Hayfield Leslie Road Scotlandwell**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1 The proposal is contrary to Policies 1A and 1B(c) of Perth & Kinross Local Development Plan 2 (2019) and the supplementary Placemaking Guidance 2020 as the proposal by virtue of the design and height of the dwelling is not considered to positively contribute to the surrounding built environment in terms of design, appearance, height, scale and massing.

2 The proposal is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019) as the design and height of the dwelling would not ensure that the proposal contributes positively to the quality of the surrounding built environment by respecting the design, character, appearance and amenity of the place.

3 The proposal is contrary to the Perth and Kinross Local Development Plan 2 2019, Policy 60B: New Development Proposals as the development is not designed for the safety and convenience of all potential users due to the proposed increase in traffic and that the existing junction cannot support the additional traffic and that the applicant is not in ownership of the land required to provide the necessary visibility splay.

4 The proposal fails to comply with the visibility splay standards set out in Designing Streets: A Policy Statement for Scotland (The Scottish Government: 22 March 2010; Page 33), which states for a 30mph street, a visibility splay of 2.4 metres by 43 metres shall be provided. The applicant has failed to provide supporting evidence to show the available visibility splay for Hayfield nor what improvements can be made to support the additional traffic.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1 There are no relevant Informatives

Notes

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 "Online Planning Applications" page

Plan Reference

20/00756/1

20/00756/2

20/00756/3

20/00756/5

20/00756/6

20/00756/7

20/00756/8

Joanne Ferguson

From: Lachlan MacLean
Sent: 01 December 2020 09:02
To: Joanne Ferguson
Subject: RE: 20/00756/FLL Proposed House south of Moucums, Hayfield, Scotlandwell
Attachments: FW: 20/00756/FLL - Erection of a dwellinghouse, Land 30 Metres South Of Moucums View Hayfield, Leslie Road, Scotlandwell; 814982.pdf

Morning Joanne,

I have looking at the email below. I have attached the correspondence that I had with Daryl from Road Safety and I do not feel there has been any material change in the view put forward, so have summarised below.

I'm not sure what Stuart means by Public Service Vehicles and I think we should ask him to clarify. For background, the Public Passenger Act 1981 gives a definition of a Public Service Vehicle
https://www.legislation.gov.uk/ukpga/1981/14/part/I/crossheading/definition-and-classification-of-public-service-vehicles/enacted

Definition and classification of public service vehicles

1 Definition of " public service vehicle "

(1) Subject to the provisions of this section, in this Act " public service vehicle " means a motor vehicle (other than which—

(a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or re

(b) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the business of carrying passengers.

Might be worth us having a quick chat before sending out, just in case we want to add anything further.

Thanks and best regards,
Lachlan

From: Joanne Ferguson <[redacted]
Sent: 19 November 2020 10:57
To: Lachlan MacLean [redacted]
Subject: FW: 20/00756/FLL Proposed House south of Moucums, Hayfield, Scotlandwell

Can we discuss? I'm in a meeting now but free from 11.30

From: Stuart Shand <stuart@shandarchitecture.co.uk>
Sent: 18 November 2020 16:10
To: Joanne Ferguson <[redacted]
Subject: 20/00756/FLL Proposed House south of Moucums, Hayfield, Scotlandwell

Hi Joanne

I have had several discussions with my client regarding his application for a new house in Scotlandwell. Below is a summary of the points discussed:

1. The condition placed on his previous, approved, application regarding visibility splays were not enforceable as he does not own the splay obstructions. JF to comment on history. Transport Planning had requested that the visibility splay was applied to the vehicle access to support the development.

2. The safety of this access will not differ whether three, four or five households use it for access. The supporting information supplied for application 16/00680/FLL does not support this view, indeed, the submission states that the existing access can cope with the "additional traffic likely to be generated by one house." The view at that time was that the existing visibility was considered sufficient for the limited additional traffic generated by a single dwellinghouse and the application was subsequently approved, there has been no material change.

3. Public and private service vehicles use the Hayfield access on a regular basis. Please provide details of public service vehicles that use the Hayfield access.

4. The Community Council, we understand, are supportive of further traffic calming within the village, including a 20mph speed limit. Do you know if this is imminent? A temporary 20mph speed restriction is currently in place to support physical distancing measures, but as this is temporary road traffic order, any vehicle access onto the public road network must be designed to the permanent speed limit of 30mph until a road traffic order is promoted and in place to permanently change the speed limit. Details of the temporary 20mph speed restriction are detailed below.

PERTH AND KINROSS COUNCIL

(SCOTLANDWELL)
(TEMPORARY 20MPH SPEED RESTRI
ORDER 2020

On 17/8/20 the Council made the above Order under S the Road Traffic Regulation Act 1984 to restrict te vehicular traffic to 20mph on the following ro Scotlandwell:- (i) Well Road – for its entire length, a di metres or thereby; (ii) A911 Leslie Road – for its ent distance of 491 metres or thereby; (iii) Jamesfield – length, a distance of 111 metres or thereby; (iv) Bankfoot entire length, a distance of 81 metres or thereby; (v) We for its entire length, a distance of 160 metres or thereb Lane – for its entire length, a distance of 77 metres or Rost Gardens – for its entire length, a distance of 3 thereby; (viii) Friar Place – for its entire length, a dist metres or thereby; (ix) Silverbank – for its entire length, 50 metres or thereby; and (x) Main Street – for its ent distance of 336 metres or thereby. This applies from 19 Council acting as Traffic Authority is satisfied that requirement to implement a 20mph speed restriction t physical distancing safety measures around Scotland restrictions on the above sections of road will be in maximum duration in terms of the Act of 18 months.

5. My client offered to remove the obstructions causing restricted visibility at his own cost, but this was rejected by the owners. Noted.

6. The agricultural field access shown on my site plan is not essential. I have removed this from my drawing and attach a revised copy (19-09-06D). Noted.

Note that a precedent has been set for vehicular access in and out of Hayfield. The road has been in continuous use since 1985.

Can you advise me if these comments will be considered by Roads and also the query regarding the enhanced traffic calming? If further traffic calming is to take place we will consider withdrawing the application pending the works being carried out.

Let me know your thoughts.

Regards

Stuart

--
Stuart Shand
Architect RIBA RIAS

Tel.: 01577-840 202
Mobile: 07734-680 502
Shand Architecture, Studio One, Crook of Devon, Kinross KY13 0UL
www.shandarchitecture.co.uk

R T HUTTON

PLANNING CONSULTANT
The Malt Kiln
2 Factors Brae
Limekilns
Fife KY11 3HG
01383 872000
07881097659
hutton874@btinternet.com
Our ref: 15/04/RTH

Development Management,
Perth and Kinross Council,
Pullar House,
35 Kinnoull Street,
Perth.
14th April 2016.

Dear Sir,

Application to remove condition imposed on planning permission 14/01482/FLL.

In June 2015 the Perth and Kinross Council Planning Review Body granted planning permission for the erection of a dwellinghouse on land 50 metes south east of Moucums View, Leslie Road, Scotlandwell, under Council reference 10/01482/FLL. Four conditions were attached to this permission, and number 2 is the cause of concern to the applicant, Mr John Beales. This condition requires that:

> "The existing access will be provided with visibility splays of 2.4m x 43m measured from the centre line of the new access in both directions along the nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level."

For the reasons explained below Mr Beales wishes to have this condition removed, and the enclosed planning application seeks this change to the permission. The applicant will contact the Council to arrange payment of the application fee and I understand from your staff that no plans are required with this application.

The planning application submitted to build the new house in Scotlandwell included a plan (drawing no. 14-15-0-5) which identified both the full extent of the land included in the planning application site (outlined in red), and the other land in the area owned by the applicant (outlined in blue). A further plan (drawing no. 14-15-09) gave a more detailed picture of the junction of Hayfield and the A911, and this showed both the site boundary and visibility splays of 2.4m x 43m. What is clear from this plan is that these visibility splays extended beyond the site boundary and the applicant's land ownership. It is because of this that Mr Beales is concerned about the terms of condition 4 in that he does not have control of the land needed to comply.

Section 41 of the 1997 Planning Act explains that conditions may be imposed for regulating the development or use of any land under the control of the applicant

whether or not the land is within the application site. Scottish Government planning circular 4/1998, "The use of conditions in planning permissions" sets out Government policy on the use of conditions in planning permissions. It is made very clear in Annex A to this circular that;

" planning authorities may impose conditions regulating the development or use of land **under the control of the applicant** even if it is outside the site which is the subject of the application" (my emphasis).

The circular goes on to set out the tests with which any condition must comply to be considered competent. One such test is that the condition must be capable of enforcement and another is that the conditions must be reasonable. Both of these matters can be seen to relate directly to the request to have condition 4 removed from the planning permission. In that section of Annex A which relates to reasonableness it says:

"Particular care needs to be taken over conditions which require works to be carried out on land in which the applicant has no interest at the time when planning permission is granted..... If the land is outside that site, a condition requiring the carrying out of works on the land cannot be imposed unless the authority are satisfied that the applicant has sufficient control over the land to enable those works to be carried out".

In this case the Council have imposed a condition relating to land outside the clearly defined application site boundary over which the applicant has no control, and at no time during the processing of the planning application did the applicant give any indication that he did have any such control. The condition therefore fails the test of both enforceability and reasonableness, and therefore does not comply with government policy nor legislation. For these reasons the applicant considers that the condition should be removed.

However, Mr Beales is aware that the condition was imposed with the best of intentions to ensure that the access to the new house would be safe, but considers that in its present form the existing access is more than adequate to cope with the additional traffic likely to be generated by one house. At the present time Hayfield provides access for 3 houses, and we are not aware of there having been any issue of road safety in its use to date. We would also point out that the visibility at this junction is no worse than others in the area. Bankfoot Park, immediately to the west of Hayfield, serves 11 houses, and Jamesfield , the next junction along also serves 11 houses. It would therefore seem somewhat perverse to insist on greater visibility for a development of only 4 houses.

Also significant in the consideration of this application is the traffic controls in place and proposed along the A911 through Scotlandwell. At the entrance to the village are calming features with signs indicating that the village is traffic calmed. It is also understood that is the intention of the Council to introduce a 20mph speed limit through the village. Both of these features result in lower traffic speeds, and therefore an extended visibility splay is less important.

I trust that this provides sufficient information to allow registration of the planning application and I look forward to receiving confirmation of this.

Yours faithfully,

[redacted]

R T Hutton BSc(Hons) MRTPI

Joanne Ferguson

From: Daryl McKeown
Sent: 14 August 2020 14:21
To: Lachlan MacLean
Subject: FW: 20/00756/FLL - Erection of a dwellinghouse, Land 30 Metres South Of Moucums View Hayfield, Leslie Road, Scotlandwell
Attachments: 668761.docx; 750414.docx; 814982.pdf; 964963.pdf

Lachlan

In your explanation, you have highlighted the key issue below – the existing visibility was considered sufficient for the limited additional traffic generated by a single dwelling. If the volume of traffic is due to increase then the junction needs to be upgraded. I recommend that PKC asks for the original visibility splay (2.4m x 43m). If it cannot be provided, Planning Permission should be refused.

Daryl

Daryl McKeown, Project Officer
Traffic and Network, Housing and Environment
Perth & Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD
Phone: 01738 477387 Email: dmckeown@pkc.gov.uk

From: Lachlan MacLean [redacted]
Sent: 14 August 2020 10:56
To: Daryl McKeown [redacted]
Subject: RE: 20/00756/FLL - Erection of a dwellinghouse, Land 30 Metres South Of Moucums View Hayfield, Leslie Road, Scotlandwell

Thanks Daryl,

There is quite a bit of history with this application. Initially, the neighbouring property considered in application 14/01482/FLL was refused for not complying with the Local Development Plan 2014 as attached (668761.docx). This was then appealed by the applicant who managed to get the Local Review Board to approve the application, this resulted in the conditions below being applied in (750414.docx) and resulted in the condition below being applied:

The existing access will be provided with visibility splays of 2.4m x 43m measured from the centre line of the new access in both directions along the nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

The applicant then realised that this could not be achieved, so asked for the condition to be removed in application 16/00680/FLL to remove the condition for the visibility splay to be removed. No drawings were submitted at that stage, as they weren't required for the application. They felt the condition was unfairly applied as they did not have control of the land (814982.pdf). At that point of the application, it was stated that only one additional house was being added. The application was approved to remove the condition as it was the opinion at that time, that the visibility didn't fully comply with the standard but would be sufficient for the limited additional traffic that will be generated. It was also noted that the hedge growth and planting could be addressed through the Roads (Scotland) Act (964963.pdf). No details of the available splay have been documented, which I would have preferred for there to have been.

Now we are in a position that one other house is being added, with a new field gate access. No details of the of the available splay have been supplied in this application, but we could request? The access has always been a domestic access, but there is a concern that the field gate would make this an agricultural and housing access, which would not be a good mix and would be a cause for concern for me. I have asked the planner if we can condition the use of the access, but we are waiting on feedback from the team leaders.

Hope this helps, but if you would like me to ask for the splays, to be documented, we could request this?

Thanks and best regards,
Lachlan

PERTH & KINROSS COUNCIL

Lachlan MacLean
Project Officer – Transport Planning

Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

[redacted]

From: Daryl McKeown [redacted]
Sent: 13 August 2020 15:53
To: Lachlan MacLean <[redacted]
Subject: RE: 20/00756/FLL - Erection of a dwellinghouse, Land 30 Metres South Of Moucums View Hayfield, Leslie Road, Scotlandwell

Lachlan

I need more information. Is the existing private access to be used? What are the visibility splays? There are none shown on the drawing. Why was the neighbouring visibility relaxed?
On the ground there is a narrow verge and a lot of vegetation at the back of it. The access is on the inside of a slight bend so what visibility can actually be achieved? Where is the new field gate going? Is this not an existing domestic access?

Daryl

Daryl McKeown, Project Officer
Traffic and Network, Housing and Environment
Perth & Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD
[redacted]

From: Lachlan MacLean <[redacted]
Sent: 21 July 2020 08:07
To: Daryl McKeown <[redacted]
Subject: RE: 20/00756/FLL - Erection of a dwellinghouse, Land 30 Metres South Of Moucums View Hayfield, Leslie Road, Scotlandwell

Morning Daryl,

I have been having a look at this one again, and it would appear that a new field gate is being added to the vehicle access. Looking on Google, I don't think the access have been used for agricultural machinery before. I see there is an objection to this road being used for farm machinery that came in on 17 July 2020, attached.

Thanks and best regards,
Lachlan

From: Lachlan MacLean
Sent: 15 July 2020 07:13
To: Daryl McKeown <[redacted]
Subject: 20/00756/FLL - Erection of a dwellinghouse, Land 30 Metres South Of Moucums View Hayfield, Leslie Road, Scotlandwell

Morning Daryl,

20/00756/FLL - Erection of a dwellinghouse, Land 30 Metres South Of Moucums View Hayfield, Leslie Road, Scotlandwell

I was away to submit my comments for the above application and wanted you to have a look at the above application and let me know that you are happy for another house to be built off this access?

https://planningapps.pkc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBT823MKJT000

A relaxation to the visibility splay has been given for the neighbouring property, which was agreed with Niall Moran, are you happy this applies to this property. From the layout, I don't think it would be possible to build anything further off this access.

https://planningapps.pkc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O5O60DMK09Z00
https://planningapps.pkc.gov.uk/online-applications/files/C2ECEDA0C4AF02D821F2533C6F2640D6/pdf/16_00680_FLL-ADDITIONAL_TRANSPORT_PLANNING_COMMENTS-964963.pdf

Let me know your thoughts, that would be appreciated.

Thanks and best regards,
Lachlan

PERTH & KINROSS COUNCIL

Lachlan MacLean
Project Officer – Transport Planning

Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD
[redacted]

PERTHSHIRE BIG TREE COUNTRY


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Our Ref: TCP/11/16(339)

REVIEW DECISION NOTICE

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Moucums View, Leslie Road, Scotlandwell

Application for Review by Mr J Beales against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 14/01482/FLL

Application Drawings: 14/01482/1 14/01482/2 14/01482/3 14/01482/4 14/01482/5 14/01482/6

Date of Review Decision Notice – 25 August 2015

Decision

The PKLRB overturned the decision to refuse planning permission for the reasons given below and allowed the review, subject to the imposition of appropriate conditions.

1 Introduction

1.1 The above Application for Review was first considered by the PKLRB at a meeting on 31 March 2015. The Review Body resolved that:

(i) having regard to the material before the Local Review Body and comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;

(ii) the Transport Planning Officer be requested to provide further information to the Local Review Body with regard to:

- The visibility possible at the junction (how much of the 2.4m by 43m specified can be provided?)
- The width of the road (could it accommodate a fire engine?)
- The proximity of the access track to the existing dwellinghouse (and clarification of the minimum distance required).

(iii) the agent, interested parties and the Development Quality Manager be invited to comment on the further information received from the Transport Planning Officer;

(iv) following receipt of all further information and responses the application be brought back to a future meeting of the Local Review Body.

1.2 Following receipt of the requested information, the PKLRB convened on 30 June 2015. The Review Body comprised Councillor J Giacopazzi, Councillor I Campbell and Councillor D Cuthbert.

1.3 The following persons were also present at the meeting:
C Elliott, Legal Adviser; D Harrison, Planning Adviser; and P Frazer, Committee Officer.

Also attending:
C Brien, G Peebles and K Stirton (all The Environment Service); members of the public, including agents and applicants.

2 Proposal

2.1 The proposal is for the erection of dwellinghouse, land 50 metres south east of Moucums View, Leslie Road, Scotlandwell. The application was refused consent in terms of a decision letter dated 28 October 2014.

3 Preliminaries

3.1 The PKLRB was provided with copies of the following documents:

(i) the drawings specified above;
(ii) the Appointed Officer's Report of Handling;
(iii) the refusal notice dated 28 October 2014;
(iv) the Notice of Review and supporting documents;
(v) consultation responses and representations to the planning application and notice of review;
(vi) further information requested from Transport Planning;
(vii) comments from the Applicant's agent on the further information received.

3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.

3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.

3.4 Having regard to the material before them, the PKLRB resolved that the Review of the decision to refuse could be determined without further procedure.

4 Findings and Conclusions

4.1 The PKLRB, by majority decision, decided that, notwithstanding the limitations of the access arrangements, the site, which lies within the settlement boundary, was sufficiently large to accommodate the proposal without undue loss of amenity or privacy to adjoining properties. It was also recognised that other development of a similar character and pattern had taken place in the locality. Consequently, the proposal was viewed as being in accordance with Perth and Kinross Local Development Plan 2014 regarding Policies PM1A, PM1B and RD1.

4.2 Having regard to the Development Plan, the material considerations set out in the Report of Handling, the other papers before it, and, in particular, the conclusion set out in the preceding paragraph, the PKLRB determined to uphold the application and grant planning permission subject to the following conditions:

(1) The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason – To ensure that the development is carried out in accordance with the plans approved.

(2) The existing access will be provided with visibility splays of 2.4m x 43m measured from the centre line of the new access in both directions along the nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

(3) 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.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

(4) Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

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. No work shall be commenced until an application for building warrant has been submitted and approved.

5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

4.3 The minority view of Councillor Cuthbert was that the proposed development did not respect the existing building line and was not convinced that concerns regarding road access and visibility could be adequately addressed. Councillor Cuthbert therefore considered the application should be refused for the reasons outlined by the Appointed Officer.

Gillian Taylor
Clerk to the Local Review Body

Our Ref: TCP/11/16(339)

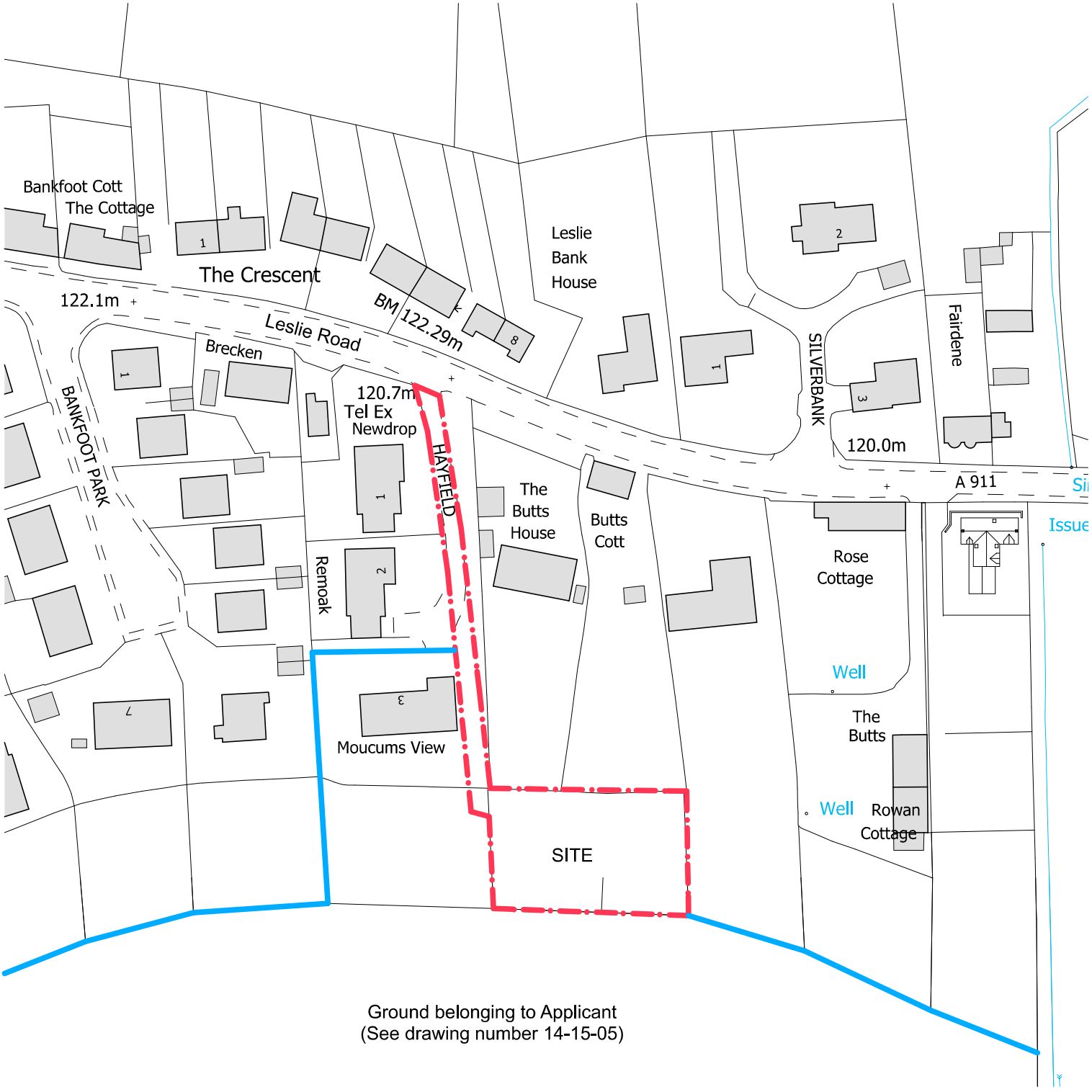
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

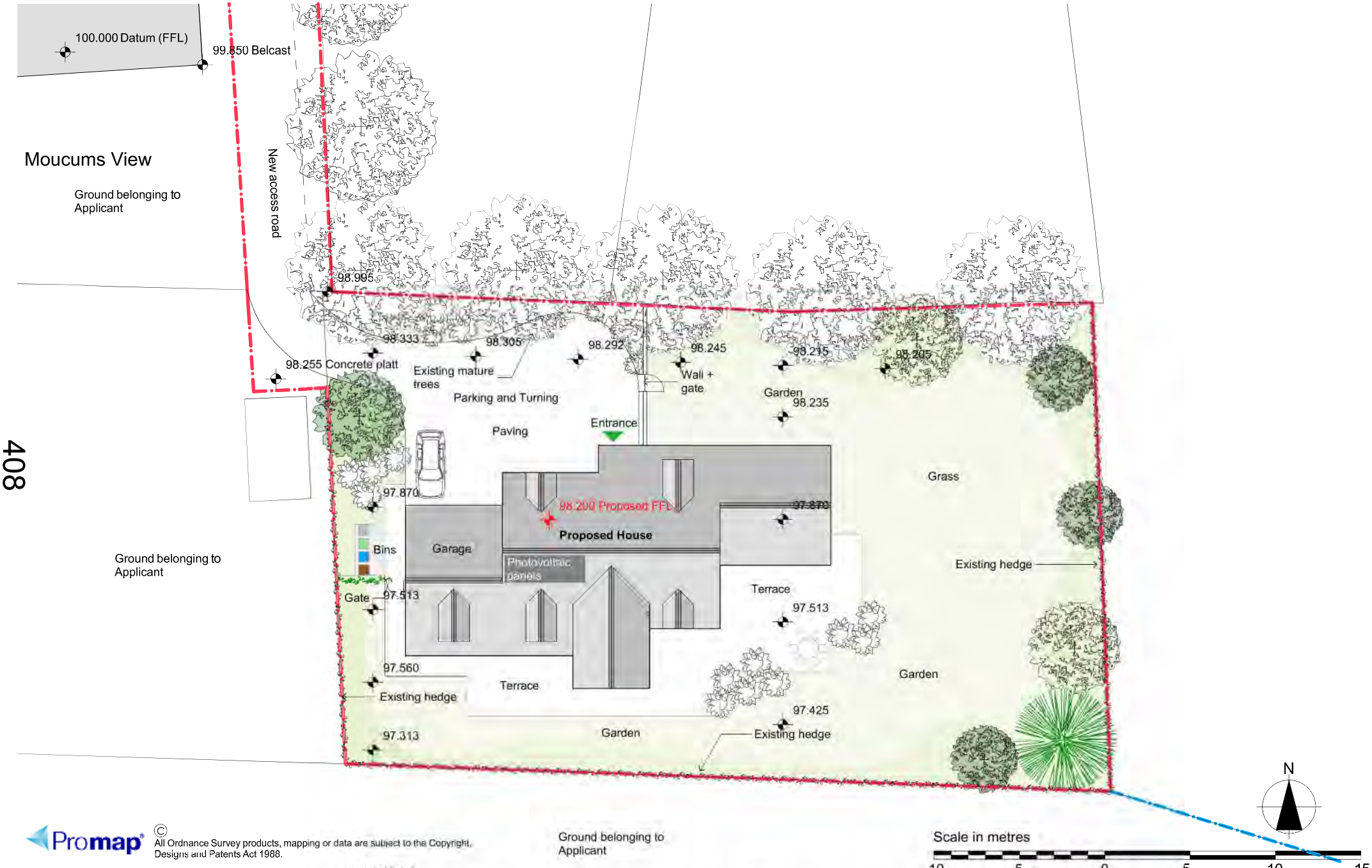
Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.

2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.



	Shand Architecture www.shandarchitecture.co.uk Studio One, Crook of Devon, Kinross KY13 0UL E-mail :- stuart@shandarchitect.co.uk	Project: Proposed House at Hayfield, Leslie Road, Scotlandwell, Kinross KY13 9JE	Date: May 2014	Scale: 1:1250
		Drg. Title: LOCATION PLAN	Drg. No.: 14-15-01	



Shand Architecture
www.shandarchitecture.co.uk
Studio One, Crook of Devon, Kinross KY13 0UL
E-mail :- stuart@shandarchitect.co.uk

Project: Proposed House at Hayfield, Leslie Road, Scotlandwell, Kinross-shire

Drg. Title: SITE PLAN

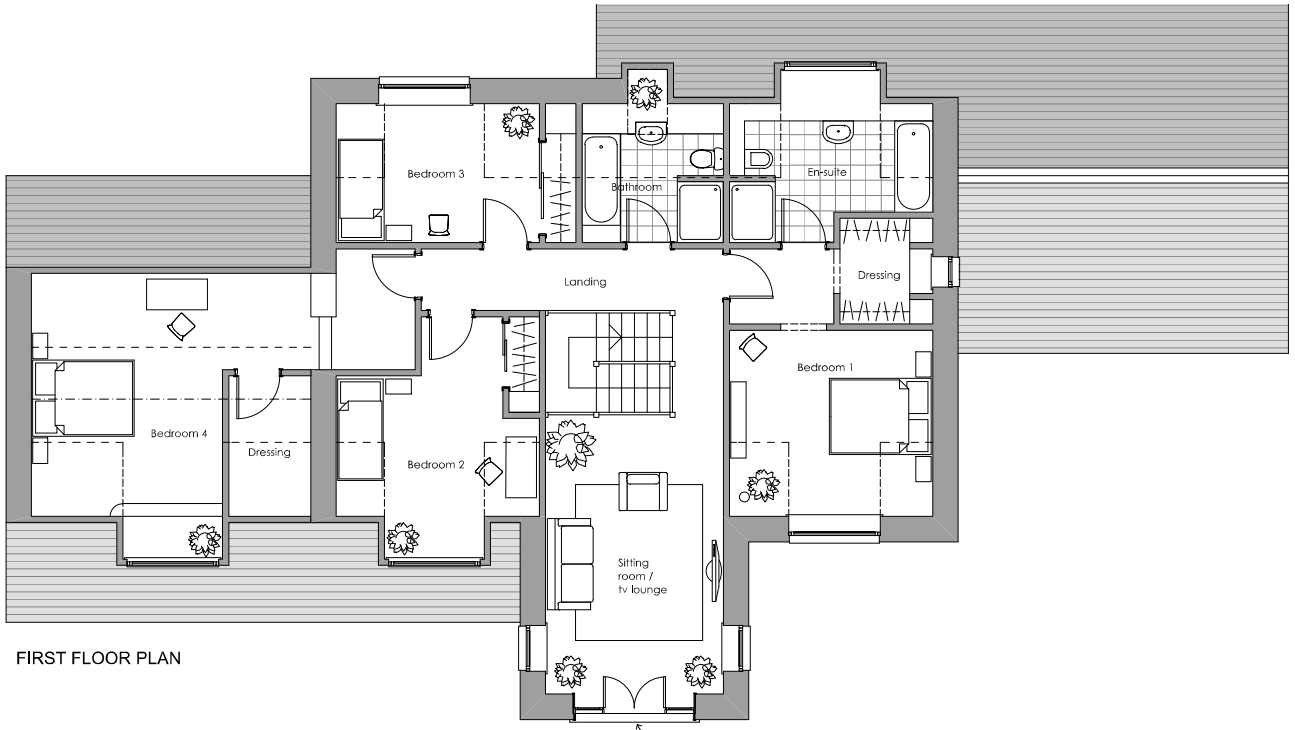
Date: 7.7.2014 Scale: 1:200

Revision: A B C D E F G H J

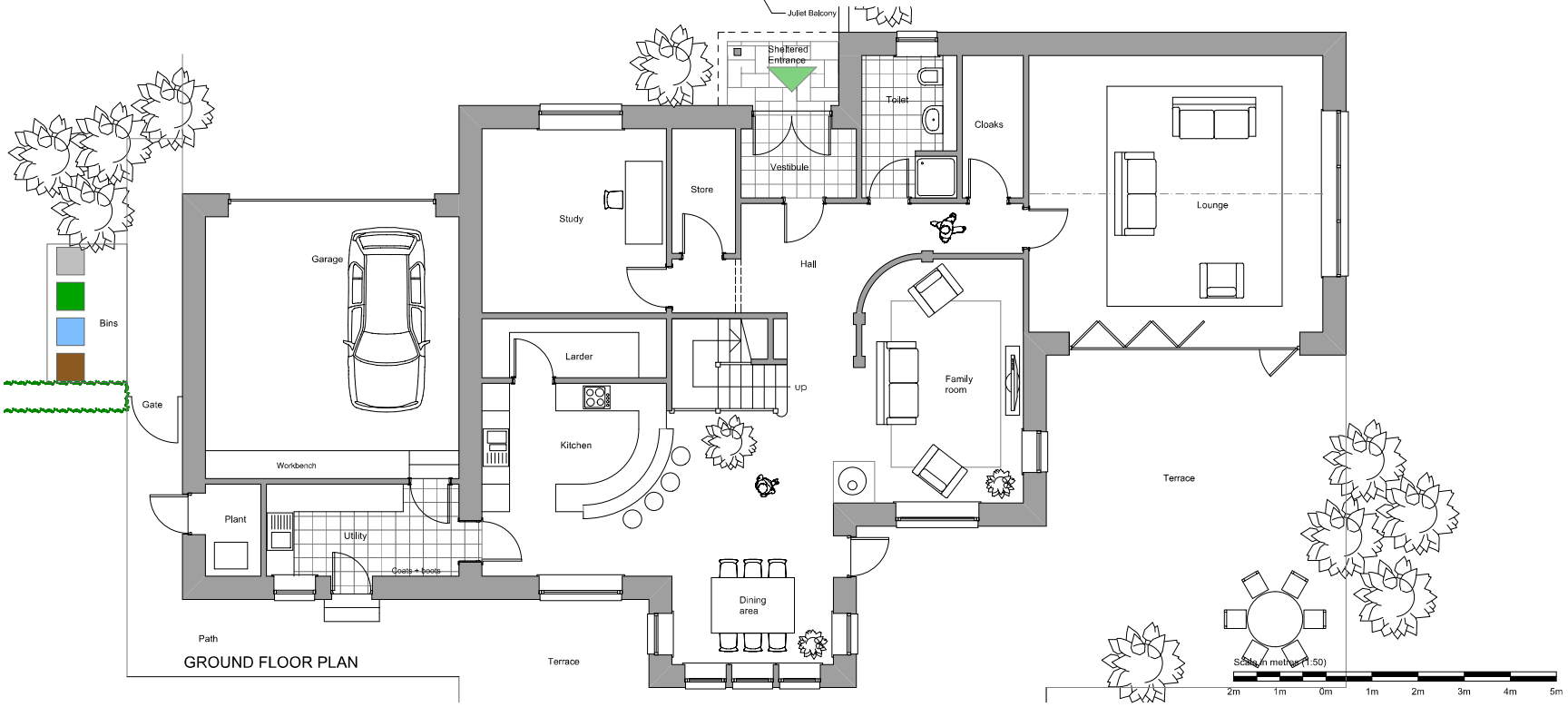
14-15-02 A

Architects Eco House Design One-off Houses Steading Developments Housing Developments Renovations Re-Modelling Conservation Areas Commercial Developments Conversions House Extensions Care Homes Master Planning

409



FIRST FLOOR PLAN



GROUND FLOOR PLAN

Notes

Revisions

K		
J		
H		
G		
F		
E		
D		
C		
B		
A		

Shand Architecture
Studio One, Crook of Devon, Kinross KY13 0UL
Tel.: 01577-840 202
stuart@shandarchitect.co.uk
www.shandarchitecture.co.uk

Project

Proposed House
Hayfield, Leslie Road
Scotlandwell
Kinross-shire

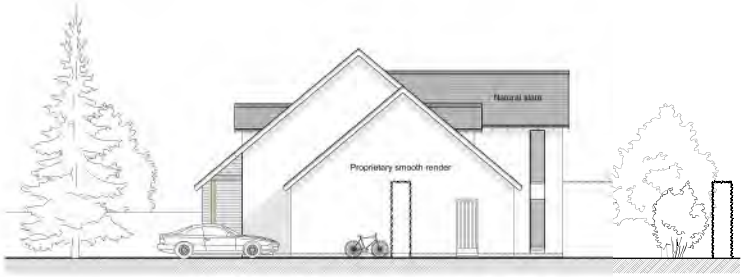
Title

FLOOR PLANS

Scale	1:50; 1:100
Date	June 2014
Drg. No.	14-15-03 ©
Stage	Planning

North Elevation

East Elevation



West Elevation

Scale in metres (1:100)

5m 4m 3m 2m 1m 0m 5m 10m

South Elevation

Scale in metres (1:50)

2m 1m 0m 1m 2m 3m 4m 5m

410

Notes

Revisions

K		
J		
H		
G		
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D		
C		
B		
A		

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Project

Proposed House
Hayfield, Leslie Road
Scotlandwell
Kinross-shire

Title

ELEVATIONS

Scale	1:50; 1:100
Date	June 2014
Drg. No.	14-15-04 ©
Stage	Planning

PERTH & KINROSS COUNCIL

Planning & Development Services

Notice of Initiation of Development

Town and Country Planning (Scotland) Act 1997 (as amended)

A person who has been granted planning permission and intends to start development is required to inform the planning authority of the onsite start date before the development commences. Failure to do so will be a breach of planning control and enforcement action could be taken. Please complete the form below and return to Development Management, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Application reference number	14/01482/FLL
Proposal description	ERECTION OF DWELLINGHOUSE
Date of Decision Notice	25/8/2015
Date works are to commence	25/7/2017
Have all suspensive conditions been discharged? If so please provide date this was confirmed	N/A
Name & address of developer (including email address and telephone number if available)	MR J. BEALES MOLLUMS VIEW LESLIE ROAD SCOTLANDWELL
Name & address of landowner (If a different person)	
Name & address of site agent (including email address and telephone number if available)	N/A (AGENT : SHAND ARCHITECTURE stuart@shandarchitect.co.uk 01577-840 202

PERTH AND KINROSS COUNCIL

Mr John Beales
c/o RT Hutton Planning Consultant
The Malt Kiln
2 Factors Brae
Limekilns
Fife
KY11 3HG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 29 June 2017

Town and Country Planning (Scotland) Acts.

Application Number **16/00680/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 15th April 2016 for planning permission for **Removal of condition 2 (visibility splays) of permission 14/01482/FLL for the erection of a dwellinghouse** at Land 50 Metres South East Of Moucums View Leslie Road Scotlandwell subject to the undernoted conditions.

Interim Head of Planning

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 turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

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

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

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 No work shall be commenced until an application for building warrant has been submitted and approved.

5 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk

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 "Online Planning Applications" page

Plan and Document Reference

16/00680/1

16/00680/2

16/00680/3

16/00680/4

16/00680/5

16/00680/6

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**16/00680/FLL**	
Ward No	**N8- Kinross-shire**	
Due Determination Date	**14.06.2016**	
Case Officer	**Joanne Ferguson**	
Report Issued by		**Date**
Countersigned by		**Date**

PROPOSAL: Removal of condition 2 (visibility splays) of permission 14/01482/FLL for the erection of a dwellinghouse

LOCATION: Land 50 Metres South East Of Moucums View Leslie Road Scotlandwell

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: 12 May 2016

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for the removal of condition 2 (visibility splays) of permission 14/01482/FLL for the erection of a dwellinghouse at Land 50 Metres South East Of Moucums View, Leslie Road, Scotlandwell. The site is located within the settlement boundary of Scotlandwell bound by residential development to the north and areas of open space to the east/west (within

settlement boundary) and an open field (outwith the settlement boundary) to the south.

SITE HISTORY

14/01482/FLL Erection of dwellinghouse 30 October 2014

PRE-APPLICATION CONSULTATION

Pre application Reference: various discussions

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 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *"By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs."*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking
Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking
All proposals should meet all eight of the placemaking criteria.

OTHER POLICIES

Roads Development Guide
CONSULTATION RESPONSES

Portmoak Community Council Initial objection removed

Transport Planning No objection

REPRESENTATIONS

The following points were raised in the 3 representations received (which included one letter from the Community Council and one from the Kinross-shire Civic Trust):

- Concerns for public safety/road safety

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	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 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

Developments of this scale relating to an existing access and the addition of one house to the existing access are considered to be acceptable in principle and would not raise any significant policy concerns.

Nevertheless, detailed consideration must be given to the specific details of the proposal within the context of the application site, and whether it would have an adverse impact on road traffic safety or public amenity.

Roads and Access

The condition applied to consent 14/01482/FLL of a visibility splay of 2.4m x 43m is the standard applied to junctions where the speed limit is 30mph. To reduce this standard, the applicant would need to demonstrate that the 85th percentile wet weather speeds are lower that this in which case a lower visibility requirement would be applicable (as per page 33 of designing streets).

The applicant originally hadn't supplied any supporting information and did not indicate what current visibility exists and what they could achieve.

A visit to the site was undertaken with the agent and Transport Planning. The applicant has also provided information demonstrating that the existing visibility is the maximum that can be achieved using land within their control.

While the visibility doesn't fully comply with the normal standard, it is still sufficient for the limited additional traffic that will be generated by the development taking into account the typical speeds and volume of traffic in the vicinity.

In addition, some of the current impairment to achieving a fully compliant visibility splay from hedge growth and planting is within the public road boundary and therefore would be a matter to be addressed through the Roads (Scotland) Act.

Therefore Transport Planning have no objection to the removal of this condition.

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 2012 and the adopted Local Development Plan 2014. 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 due to the requirements to meet on site and request further information from the agent/applications.

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 turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

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

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

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 No work shall be commenced until an application for building warrant has been submitted and approved.

5 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk

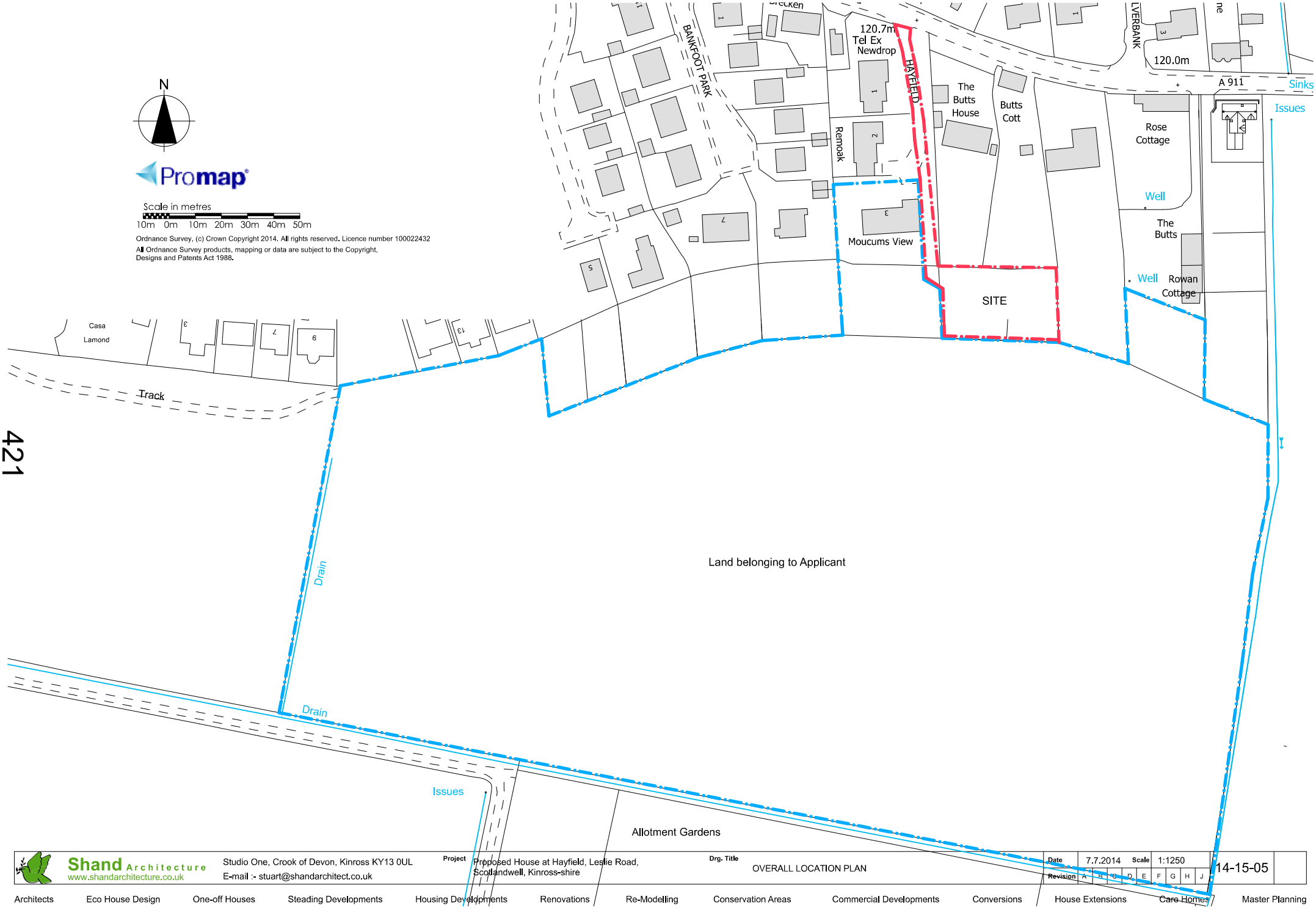
Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/00680/1
16/00680/2
16/00680/3
16/00680/4
16/00680/5
16/00680/6

Date of Report 29.06.17



Shand Architecture
www.shandarchitecture.co.uk

Studio One, Crook of Devon, Kinross KY13 0UL
E-mail :- stuart@shandarchitect.co.uk

Project: Proposed House at Hayfield, Leslie Road, Scotlandwell, Kinross-shire

Drg. Title: OVERALL LOCATION PLAN

Date: 7.7.2014 Scale: 1:1250

Revision: A B C D E F G H J

14-15-05

Architects | Eco House Design | One-off Houses | Steading Developments | Housing Developments | Renovations | Re-Modelling | Conservation Areas | Commercial Developments | Conversions | House Extensions | Care Homes | Master Planning

Comments to the Development Quality Manager on a Planning Application

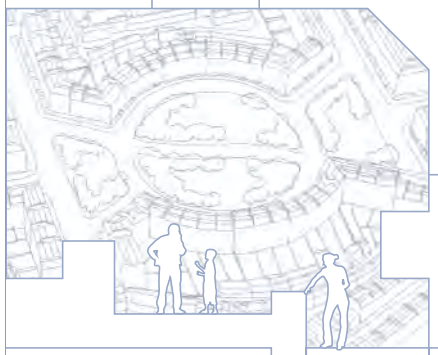
Planning Application ref.	16/00680/FLL	**Comments provided by**	Niall Moran
Service/Section	Transport Planning	**Contact Details**	x76512
Description of Proposal	Removal of condition 2 (visibility splays) of permission 14/01482/FLL for the erection of a dwellinghouse		
Address of site	Land 50 Metres South East Of Moucums View Leslie Road Scotlandwell		
Comments on the proposal	Further to my previous comments, I have now had a site visit and discussions with the applicants' agent and subsequently the applicant has provided information demonstrating that the existing visibility is the maximum that can be achieved using land within their control. While the visibility doesn't fully comply with the normal standard, it is still sufficient for the limited additional traffic that will be generated by the development taking into account the typical speeds and volume of traffic in the vicinity. Therefore, I have no objection to the removal of this condition.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	27 April 2017		

A Policy Statement for Scotland

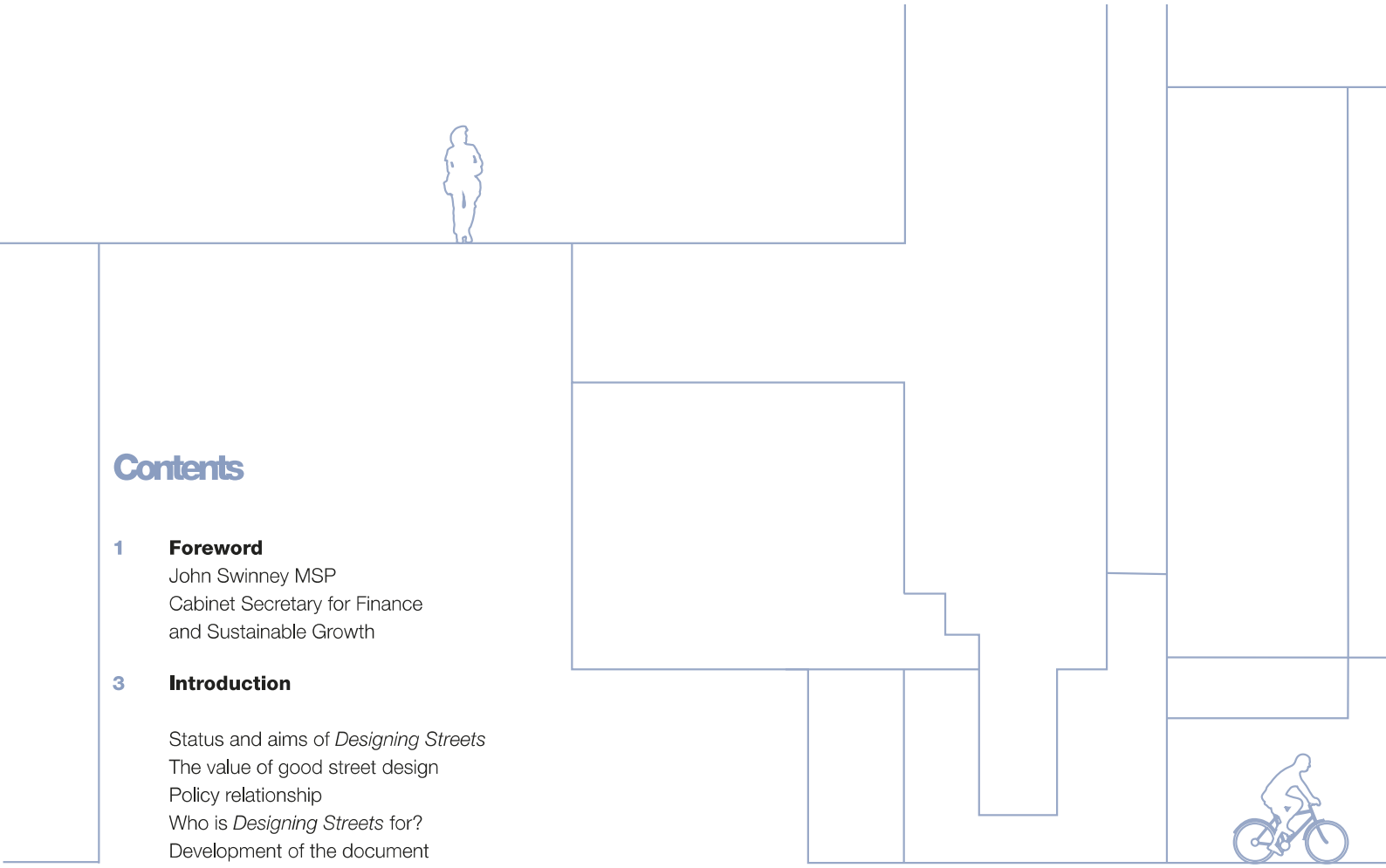
designing streets

Policies

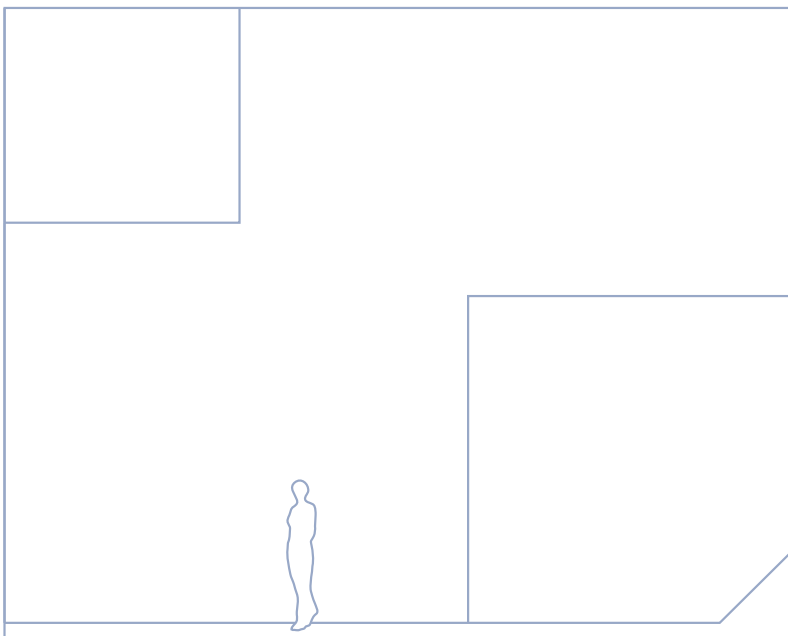
- Street design must consider place before movement.
- Street design guidance, as set out in this document, can be a material consideration in determining planning applications and appeals.
- Street design should meet the six qualities of successful places, as set out in *Designing Places*.
- Street design should be based on balanced decision-making and must adopt a multidisciplinary collaborative approach.
- Street design should run planning permission and Road Construction Consent (RCC) processes in parallel.



The Scottish Government



Contents



ISBN: 978-0-7559-8264-6

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

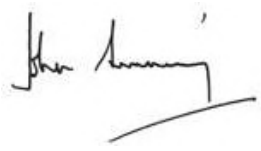
Produced for the Scottish Government by
RR Donnelley B63780 3/10

Foreword

Scotland's best streets provide some of the most valuable social spaces that we possess. The process of street design offers an opportunity to deliver far more to our society than simply transport corridors. Well-designed streets can be a vital resource in social, economic and cultural terms; they can be the main component of our public realm and a core element of local and national identity. Well-designed streets can also be crucial components in Scotland's drive towards sustainable development and responding to climate change. Attractive and well-connected street networks encourage more people to walk and cycle to local destinations, improving their health while reducing motor traffic, energy use and pollution.

Historically, Scotland has produced a wealth of unique and distinctive streets, squares, mews and lanes, and I believe that there is a great deal that can be learned from our past successes in this regard. *Designing Streets* is now positioned at the heart of planning, transport and architecture policy. This document underpins Scottish Ministers' resolve to move away from a prescriptive, standards-based approach in order to return to one which better enables designers and local authorities to unlock the full potential of our streets to become vibrant, safe and attractive places.

I welcome *Designing Streets* as a new policy document which puts place and people before the movement of motor vehicles. The Scottish Government is committed to an agenda of sustainable development that focuses on the creation of quality places and Scottish Ministers believe that good street design is of critical importance in this effort. This policy statement represents a step change in established practices and, given the direct influence that streets can have on our lives and environment, I believe it to be an essential change.



John Swinney MSP
Cabinet Secretary for Finance and Sustainable Growth

place
before movement

Introduction

Status and aims of *Designing Streets*

This document is the first policy statement in Scotland for street design.

The premise upon which the document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. *Designing Streets* does not, thus, support a standards-based methodology for street design but instead requires a design-led approach. This demands taking into account site-specific requirements and involves early engagement with all relevant parties. *Designing Streets* marks the Scottish Government's commitment to move away from processes which tend to result in streets with a poor sense of place and to change the emphasis of policy requirements to raise the quality of design in urban and rural development.

The value of good street design

Streets exert an immense influence upon our lifestyles and behaviour. Street design also has a direct influence on significant issues such as climate change, public health, social justice, inclusivity and local and district economies. *Designing Streets* recognises these pressures and seeks to build a collective response through the design of new streets and the regeneration of existing streets that is informed by as wide a range of issues and stakeholders as possible. Through the introduction of this policy, the Scottish Government seeks to ensure that specific interests are no longer promoted without an appreciation of the wider context. Collaboration and awareness between what have often previously existed as singular processes is vital if the aims of *Designing Streets* are to be met.

Policy relationship

This document sits alongside *Designing Places*[1], which sets out government aspirations for design and the role of the planning system in delivering these. Together, they are the Scottish Government's two key policy statements on design and place-making. Both documents are national planning policy and are supported by a range of design-based Planning Advice Notes (PANs).

Designing Streets updates and replaces *PAN 76 New Residential Streets*[2] (which is now withdrawn) and, in doing so, marks a distinct shift, raising the importance of street design issues from the subject of advice to that of policy. In addition, all previous road guidance and standards documents based on *DB32*[3] principles are superseded by *Designing Streets*. Many local authorities in Scotland have developed their own street design guidance and there is still an important role for local guidance to ensure that street design responds to local context. These existing documents may contain information on construction details and local palettes of materials which is still relevant, however information on principles, layout and street geometry which is not consistent with *Designing Streets* should be revised. *Designing Streets* should be adopted by all Scottish local authorities or should provide the basis for local and site-specific policy and guidance.

Designing Streets is **not a standards-based document**. Balanced decision-making **is at the core** of this policy. **Design-led solutions** must be employed.

Who is *Designing Streets* for?

Designing Streets is aimed at everyone who plays a part in creating or determining the quality of streets; architects, engineers, planners, developers, politicians, local authorities and, indeed, anyone who has an interest in how street design is taken forward. It is important that professionals understand all of the key issues and do not restrict their interest to any one particular area.

Designing Streets is expected to be used predominantly for the design, construction, adoption and maintenance of new streets, but it is also applicable to existing streets subject to re-design.

Development of the document

Designing Streets was developed for the Scottish Government by a multi-disciplinary team of roads and transportation engineers, urban designers, planners and legal advisors, led by WSP UK. The document has been informed by case studies and best practice, and was subject to significant stakeholder consultation. It derives, in essence, from *Manual for Streets*[4], which was produced for the Department for Transport, the Welsh Assembly Government and Communities and Local Government. *Manual for Streets* is evidence-based guidance which focuses on lightly trafficked residential streets and cited and commissioned detailed research. *Designing Streets* has been tailored to meet Scotland's needs and, as a policy document, does not reproduce this evidence in detail.

Streets and roads

Streets have to fulfil a complex variety of functions in order to meet people's needs as places in which to live, to work and to move around. Their design requires a thoughtful approach that balances potential conflicts between different users and objectives. A clear distinction can be drawn in functional terms between roads and streets as follows:

- Roads are thoroughfares whose main function is to facilitate the movement of motor traffic.
- Streets have important public realm functions beyond those related to motor traffic. They are typically lined with buildings and public spaces and, whilst facilitation of movement is still a key function, they normally support a range of social, leisure, retail and commercial functions.

All thoroughfares within urban settings and rural boundaries should normally be treated as streets.

Reference should no longer be made to road hierarchies based on terminology such as local distributor/local access roads.

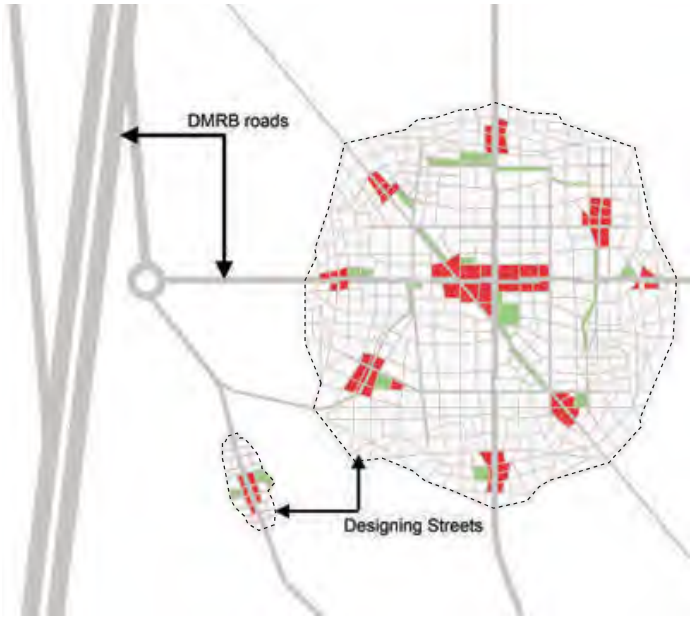
The relationship of *Designing Streets* to main and busy streets

Designing Streets provides policy that should be followed in designing and approving all streets. Whilst its technical advice is aimed particularly at residential and lightly trafficked streets, many of the key principles are also applicable to other types of street, for example rural and high streets. When considering busier streets, the movement function of the street may well become more significant or complex but this should be resolved through an integrated design approach and should not compromise the quality or the sense of place.

Design Manual for Roads and Bridges (DMRB)[5] is the standard for the design, maintenance and improvement of trunk roads and motorways. There are some locations, however, where a more sensitive design that follows the principles of *Designing Streets* may well be appropriate, such as where a small burgh High Street is also a trunk road.

Most importantly, a multi-disciplinary approach, full community engagement and a balanced appreciation of context and function is fundamental to successful outcomes in such cases.

The diagram below shows where streets and roads exist and where they often meet.



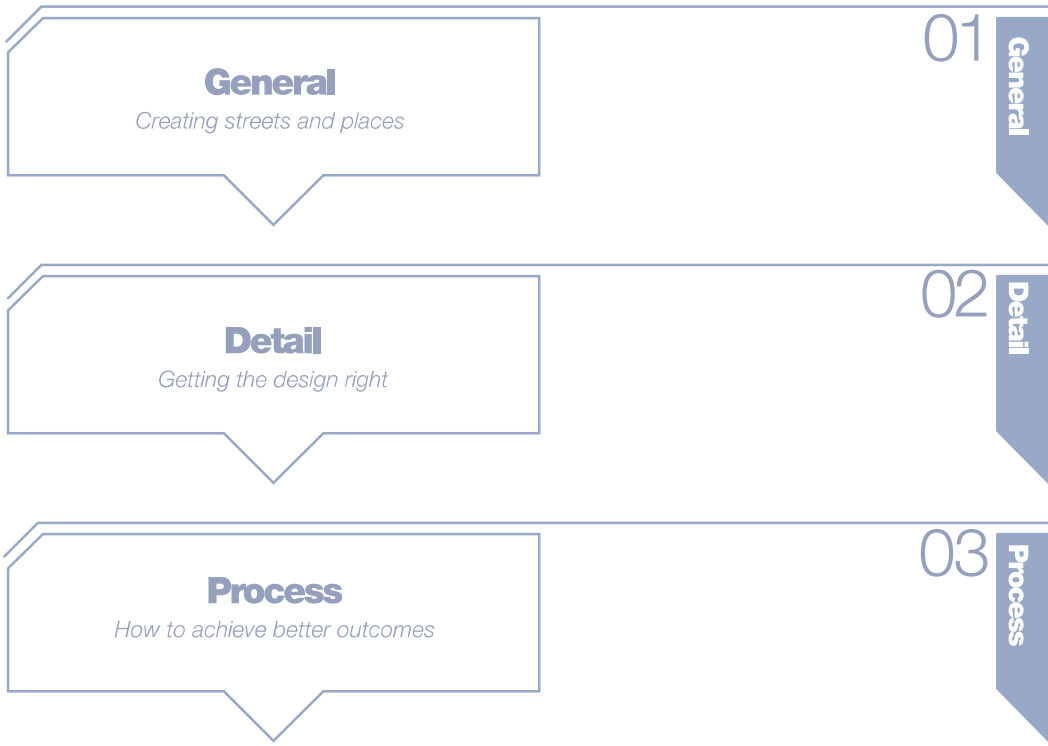
Designing Streets policy and guidance should be applied within all urban and rural boundaries

How to use this document

Designing Streets is split into three parts plus an annex:

- **Part 1: General –** Creating streets and places
- **Part 2: Detail –** Getting the design right
- **Part 3: Process –** How to achieve better outcomes

The document begins with an overview of creating places, with street design as a key consideration. It then looks at the detail of how to approach the creation of well-designed streets. This is followed by a description of processes which should be followed in order to achieve the best outcomes. Within each part, the policies are highlighted, and then supported by background information. **The Annex** provides a series of questions and answers on some of the more technical issues.



Creating streets and places

Keith Hunter

Creating streets and places

Good street design can promote a better quality of living for everyone. Sustainable patterns of behaviour can be influenced greatly by the intelligent design of streets. It is therefore essential that all parties involved in street design ensure that streets contribute as positively to their environment as is possible.

Creating good streets is not principally about creating successful traffic movement: it is about creating successful places.

policies

- **Street design must consider place before movement**
- **Street design guidance, as set out in this document, can be a material consideration in determining planning applications and appeals**

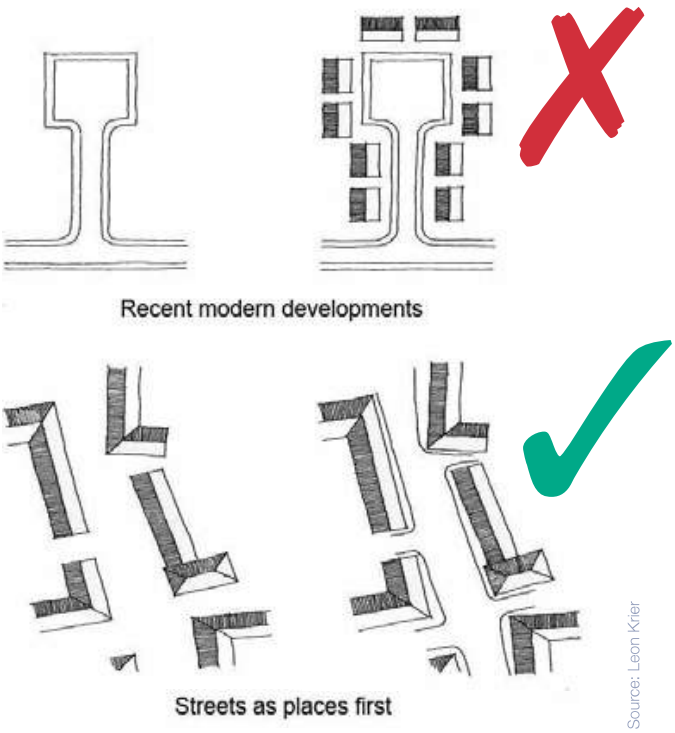
Streets have two key functions: **place** and **movement**.

In the more recent past, vehicle movement has often dominated the design of streets, resulting in many streets being out of context with their location and overly influenced by prescriptive standards. The prime concern of *Designing Streets*, in contrast, is to reverse this trend and shift the focus firmly back to the creation of successful places through good street design.

A 'sense of place'

A sense of place can be considered as the character or atmosphere of a place and the connection felt by people with that place. A positive sense of place is fundamental to a richer and more fulfilling environment. It comes largely from creating a strong relationship between the street and the buildings and spaces that frame it. A positive sense of place encompasses a number of aspects, most notably the street's:

- local distinctiveness;
- visual quality; and
- potential to encourage social and economic activity.



Source: Leon Krier

Consider the place before vehicle movement

Movement

Providing for movement along a street is vital, but it should not be considered independently of the street's other functions. The need to cater for motor vehicles is well understood by designers, but the passage of people on foot and cycle has often been neglected. Walking and cycling are important modes of travel, offering a more sustainable alternative to the car, making a positive contribution to the overall character of a place, public health, social interaction and to tackling climate change through reductions in carbon emissions.

Achieving the right balance between place and movement

Streets should no longer be designed by assuming 'place' to be automatically subservient to 'movement'.

Good street design demands that issues of place and movement are considered together. The status of a street is dependent on its relative importance within a network in terms of both these considerations, and its status should commonly determine the design approach taken. It is only by considering both functions that the right balance will be achieved, but the focus of street design should be on creating a positive sense of place that is supported by an appropriate movement pattern. Other than in the design of motorways and some other inter-urban roads, it is seldom appropriate to focus solely on either place or movement functions, even in streets carrying heavier volumes of traffic, such as high streets.

Place status denotes the relative significance of a street, junction or section of a street in human terms. The most important places will usually be near the centre of any settlement or built-up area, but important places will also exist along arterial routes, in district centres, local centres and within neighbourhoods.

In new developments, locations with a relatively high place function would be those where people are likely to gather and interact with each other, such as outside schools, in local town and district centres or near parades of shops. Streets that pass through these areas need to reflect the importance of these places in their design, which in new developments should be identified at the masterplan/scheme design stage.

Movement status can be expressed in terms of traffic volume and the importance of the street, or section of street, within a network. Movement status should be considered in terms of all modes of movement, including vehicle traffic, pedestrian and cycle flows and public transport. Movement status can vary along the length of a route. Another way of assessing the movement status of a street is to consider the geographical scale of the destinations it serves. Here, movement status can range from national networks (including motorways) through to city, town, district, neighbourhood and local networks, where the movement function of motor vehicles is slightly lower.

place
comes first

Place and movement matrix

Defining the relative importance of particular streets/roads in terms of place and movement functions should inform subsequent design choices. For example:

- motorways – high movement function, low place function;
- high streets – medium movement function, high place function; and
- residential streets – low to medium movement function, medium to high place function.

This way of looking at streets can be expressed as a two-dimensional matrix (right) where the axes are defined in terms of place and movement. Areas where people are likely to gather and interact with each other will have a high place function.

The matrix recognises that, whilst some streets are more important than others in terms of traffic flow, some are also more important than others in terms of their place function and deserve to be treated differently. This approach allows designers to break away from previous approaches to hierarchy, whereby street designs were only based on traffic considerations.

Once the relative significance of the movement and place functions has been established, it is possible to set objectives for particular parts of a network. This will allow the local authority to select appropriate design criteria for creating new links or for changing existing ones.

Movement and place considerations are important in determining the appropriate design speeds, speed limits and urban structure, along with the level of adjacent development and traffic composition.

Street design guidance, as set out in this document, can be a **material consideration** in determining planning applications and appeals

Planning Permission may be refused and the refusal defended at appeal or local review *solely* on design grounds.

Designing Streets is national planning policy and its policies should be taken into account by local authorities when determining planning applications and producing guidance. *Designing Places* and *Designing Streets* stand together as the two key design policy statements for Scotland.

Getting the design right

John Thompson and Partners

Getting the design right

The issues around good street design are highly dependent on context and may vary considerably in their nature and complexity from one circumstance to another. However, an approach which is underpinned by a consideration of the six qualities of successful places set out in *Designing Places* has clear benefits as a methodology to ensure that key issues are addressed. This policy statement elaborates on issues of street design in relation to these qualities and also describes an approach to the development of well-designed streets from large-scale to detailed considerations.

policy

Street design should meet the six qualities of successful places, as set out in *Designing Places*

- Distinctive
- Safe & pleasant
- Easy to move around
- Welcoming
- Adaptable
- Resource efficient

These six qualities provide a framework which should be used when considering street design. To help show how they relate to each other, the table on the following pages identifies some of the key considerations which relate to 'quality'. This information is then further supported by more detailed technical information on how to create good street design.

The six qualities of successful places: Key considerations for street design

distinctive

Street design should respond to local context to deliver places that are distinctive

Block structure

- The urban form should be distinctive with landmarks and vistas that provide good orientation and navigation of an area

Context and character

- The requirements and impact of pedestrians, cycles and vehicles should be reconciled with local context to create streets with distinctive character
- Opportunities should be taken to respond to, and to derive value from, relevant elements of the historic environment in creating places of distinctive character

safe & pleasant

Streets should be designed to be safe and attractive places

Pedestrians and cyclists

- Street user hierarchy should consider pedestrians first and private motor vehicles last
- Street design should be inclusive, providing for all people regardless of age or ability

Achieving appropriate traffic speed

- Design should be used to influence driver behaviour to reduce vehicle speed to levels that are appropriate for the local context and deliver safe streets for all

Reducing clutter

- Signs and street markings should be kept to a minimum and considered early in the design process
- Street lighting should be as discreet as possible, but provide adequate illumination
- Street furniture should be located for maximum benefit and to reduce pedestrian obstruction

easy to move around

Streets should be easy to move around for all users and connect well to existing movement networks

Connections within a place

- Street design should provide good connectivity for all modes of movement and for all groups of street users respecting diversity and inclusion

Public transport

- Public transport planning should be considered at an early stage in the design process

Junction types and arrangements

- Junctions should be designed with the considerations of the needs of pedestrians first
- Junctions should be designed to suit context and urban form – standardised forms should not dictate the street pattern

welcoming

Street layout and detail should encourage positive interaction for all members of the community

Walkable neighbourhoods

- Street layouts should be configured to allow walkable access to local amenities for all street users

Streets for people

- Streets should allow for and encourage social interaction

adaptable

Street networks should be designed to accommodate future adaptation

Connections to wider networks

- Street patterns should be fully integrated with surrounding networks to provide flexibility and accommodate changes in built and social environments

Integrating parking

- Parking should be accommodated by a variety of means to provide flexibility and lessen visual impact

Service and emergency vehicles

- Street layouts should accommodate emergency and service vehicles without compromising a positive sense of place

resource efficient

Street design should consider orientation, the integration of sustainable drainage and use attractive, durable materials that can be easily maintained

Orientation

- Orientation of buildings, streets and open space should maximise environmental benefits

Drainage

- Streets should use appropriate SUDS techniques as relevant to the context in order to minimise environmental impacts

Utilities

- The accommodation of services should not determine the layout of streets or footways

Planting

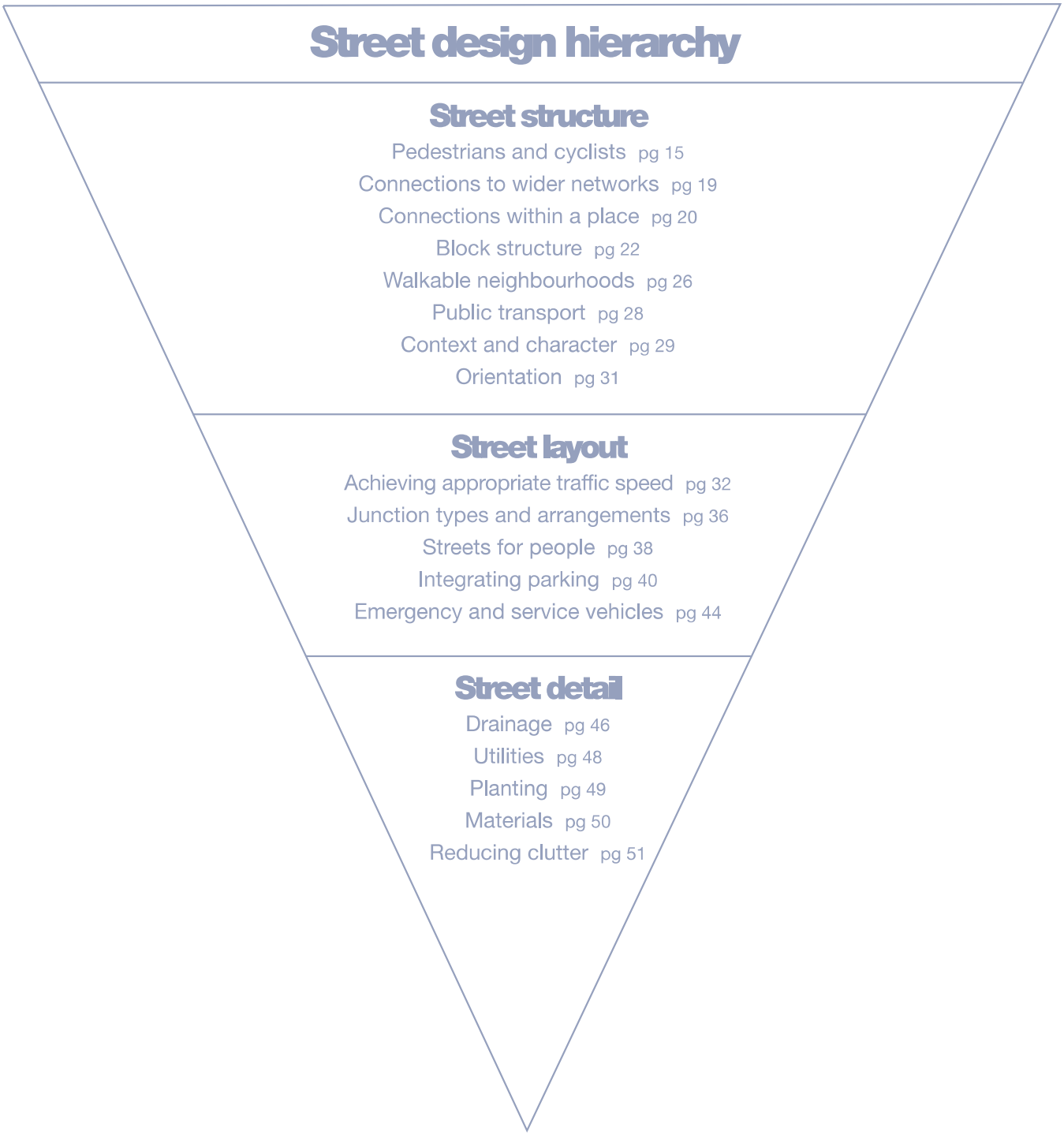
- Street design should aim to integrate natural landscape features and foster positive biodiversity

Materials

- Materials should be distinctive, easily maintained, provide durability and be of a standard and quality to appeal visually within the specific context

When designing streets, it is important to consider the relevant issues in a hierarchical way, working from issues of structure through to layout and geometry and on to matters of detail. The guidance in *Designing Streets* is structured in this way to help inform the understanding and approach of those involved in street design.

Guidance in support of the considerations in the preceding table is now ordered hierarchically, providing information on street design from macro to micro scales. The hierarchy is a guide to understanding and addressing relevant issues, however there will be overlaps between issues dependant on specific circumstances.



Street structure

Pedestrians and cyclists

Key considerations

- Street user hierarchy should consider pedestrians first and private motor vehicles last
- Street design should be inclusive, providing for all people regardless of age or ability

Pedestrians

Walking is the most sustainable form of transport. Streets should be designed, not only to allow for walking, but to actively encourage it to take place. The propensity to walk is influenced not only by distance, but also by the quality of the walking experience. All streets should offer a pleasant walking experience. Sightlines and visibility towards destinations or intermediate points are important for navigating and personal security, and they can help people with cognitive impairment. Pedestrians may be walking with purpose or engaging in other activities such as play, socialising, shopping or just sitting. The issues for street design in relation to these activities are explored later in the document.

Gillespies

Within the context of *Designing Streets*, pedestrians include wheelchair users, mobility scooter users and people pushing wheeled equipment such as prams.

Pedestrian movement

The layout of our towns and cities historically suited pedestrian movement though, over time, motor vehicles have come to dominate our streets. A return to the prioritisation of pedestrian movement over vehicle movement has implications for the design of crossings and street interfaces.

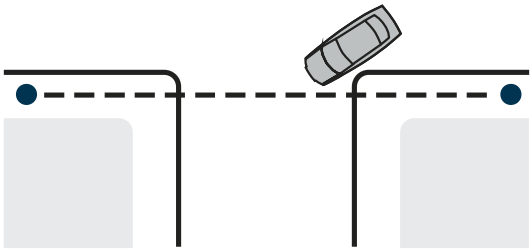
Edinburgh New Town
The block dimensions are of a scale that encourages walking

Surface level crossings can be of a number of types, as outlined below:

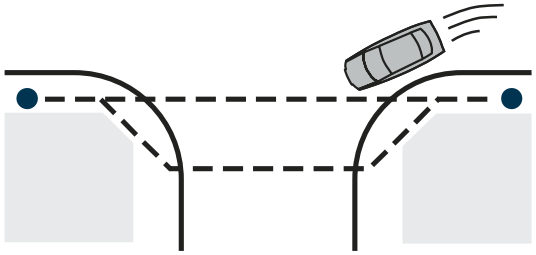
- **Uncontrolled crossings –** should have dropped kerbs.
- **Informal crossings –** can be created through careful use of paving materials and street furniture to indicate a crossing place which encourages slow-moving traffic to give way to pedestrians.
- **Formal crossings –** of which the *Zebra* crossing type involves the minimum delay for pedestrians when used in the right situation. There are four types of Signalised crossings – *Pelican, Puffin, Toucan* and *Equestrian* crossings. *Puffin* crossings have a variable crossing time; they use pedestrian detectors to match the length of the crossing period to the time pedestrians take to cross. *Toucan* and *Equestrian* crossings operate in a similar manner to *Puffin* crossings except that cyclists can also use *Toucan* crossings, while *Equestrian* crossings have a separate crossing for horse riders. *Equestrian* crossings can also be combined with cycle and pedestrian facilities. Signalised crossings are preferred by the older people and people with visual and mobility impairments.

There are a number of general principles which should be observed in the design of crossing places as follows:

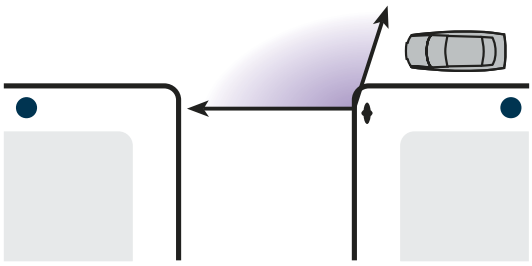
- Consideration should be given to the raising of crossings, of whichever type to footway height where possible. Footway surfacing of contrasting colour should be used to demonstrate pedestrian priority and tactile paving should be used to indicate the change in condition to visually impaired pedestrians.
- Pedestrian refuges and kerb build-outs, used separately, or in combination, effectively narrow the carriageway and so reduce the crossing distance.
- Footbridges and subways should be avoided; they are usually unsuccessful and create hostile environments – the ground level should be prioritised for pedestrians.
- Pedestrian desire lines should be kept as straight as possible at side-street junctions. Small corner radii minimise the need for pedestrians to deviate from their desire line.



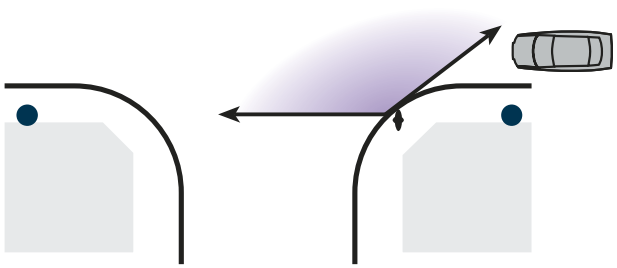
- Pedestrian desire line (– –) is maintained
- Vehicles turn slowly (10-15 mph)



- Pedestrian desire line deflected
- Detour required to minimise crossing distance
- Vehicles turn faster (20-30 mph)



- Pedestrian does not have to look further behind to check for turning vehicles
- Pedestrian can easily establish priority because vehicles turn slowly



- Pedestrian must look further behind to check for fast turning vehicles
- Pedestrian cannot normally establish priority against fast turning vehicles

The effects of corner radii on pedestrians

With small corner radii, large vehicles may need to use the full carriageway width to turn. Swept-path analysis can be used to determine the minimum dimensions required. The footway may need to be strengthened locally in order to allow for larger vehicles occasionally overrunning the corner.

The approach to footways and pedestrian movement should be design-led. Any footway should be fit for purpose, but should give primary importance to delivering positive, attractive spaces. There is no maximum width for footways. In lightly-used streets (such as those with a purely residential function), the unobstructed width for pedestrians should generally be 1.5 – 2 m, however this can be varied to accommodate character and practical requirements. Additional width should be considered between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops.

Porch roofs, awnings, garage doors, bay windows, balconies or other building elements should allow for clear movement of pedestrians underneath.

Designers should attempt to keep pedestrian (and cycle) routes as near to level as possible along their length and width, within the constraints of the site. Longitudinal gradients should ideally be no more than 5%, although topography or other circumstances may require steeper gradients.

Andrew Cameron WSP

Raised crossover, but located away from the desire line for pedestrians and therefore ignored – the crossover should be nearer the junction with, in this case, a steeper ramp for vehicles entering the side street

This can cause particular difficulty for pedestrians with mobility or visual impairments

John Thompson & Partners, Queen Elizabeth Park

Inviting pedestrian link

Cyclists

Cyclists should generally be accommodated on the carriageway. Only where traffic volumes and speeds are high should the need for a cycle lane be considered.

Cyclists are more likely to choose routes that enable them to keep moving. Routes that take cyclists away from their desire lines and require them to concede priority to side-street traffic are less likely to be used. Designs should contain direct, barrier-free routes for cyclists.

The design of junctions affects the way motorists interact with cyclists. It is recommended that junctions are designed to promote slow motor-vehicle speeds. This may include short corner radii as well as vertical deflections.

- Cycle tracks are more suited to leisure routes over relatively open spaces. In a built-up area, they should be well overlooked.
- The headroom over routes used by cyclists should normally be 2.7 m (minimum 2.4 m). The maximum gradients should generally be no more than 3%, or 5% maximum over a distance of 100 m or less, and 7% maximum over a distance of 30 m or less. However, topography may dictate the gradients, particularly if the route is in the carriageway. A cycle route with a steep gradient may be better than none at all.

Cycling by Design 2010, alongside the *Cycling Action Plan for Scotland*, is due for publication in April 2010 and will be available at **www.transportscotland.gov.uk**.

Local Transport Note 2/08 Cycle Infrastructure Design[6] contain further details on designing for cycles.

Inclusive design

Inclusive design should be a first principle in street design. The *Disability Discrimination Act 2005*[7] makes it unlawful for a public authority, without justification, to discriminate against a disabled person when exercising its functions.

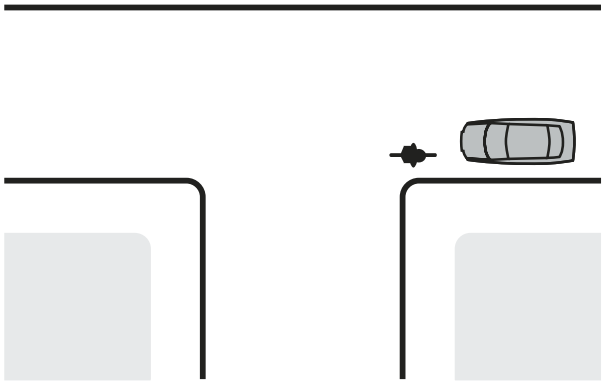
PAN 78, Inclusive Design[8], contains information on inclusion and the roles and responsibilities of those involved in the built environment. An inclusive environment is one which can be used by everyone, regardless of age, gender, ethnicity or disability.

Issues around disability and age are especially relevant to those involved in the design of the external environment. Particular effort should be made to engage with representatives from these groups and consider specific requirements when developing street design. This should be undertaken at an early stage in the design process.

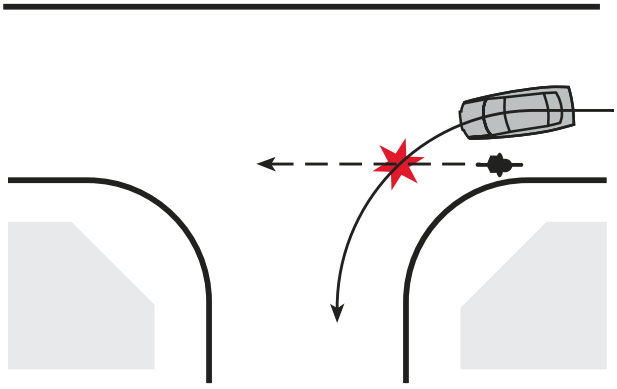
The requirements upon designers and decision makers regarding mobility equality are discussed later in this document in the Annex.

The Department for Transport document, *Inclusive Mobility*[9] provides detailed information on inclusive design. The Transport Scotland document, *Disability Discrimination Act: Good Practice Guide for Roads*[10] contains information on inclusive design in the construction, operation and maintenance of road infrastructure.

John Thompson & Partners



- Cycle and car speeds compatible



Devon County Council

- Danger from fast-turning vehicles cutting across cyclists

The effect of corner radii on cyclists near turning vehicles

Connections to wider networks

Key consideration

- **Street patterns should be fully integrated with surrounding networks to provide flexibility and accommodate changes in built and social environments**

Connecting layouts to their surroundings

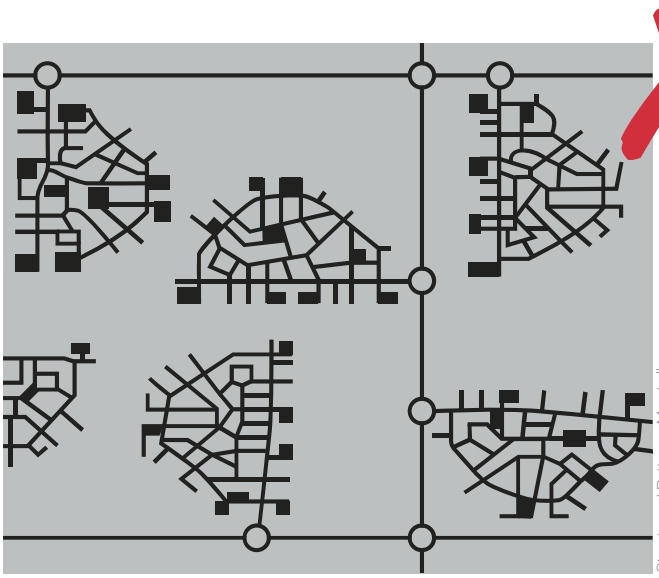
Street networks should, in general, be connected. Connected or 'permeable' networks encourage walking and cycling, and make navigation through places easier. They also lead to a more even spread of motor traffic throughout an area and so avoid the need for distributor roads with less desirable place characteristics.

Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. New developments and alterations to existing street networks should be designed with multiple access points that connect with, and complement, existing street patterns.

The movement framework

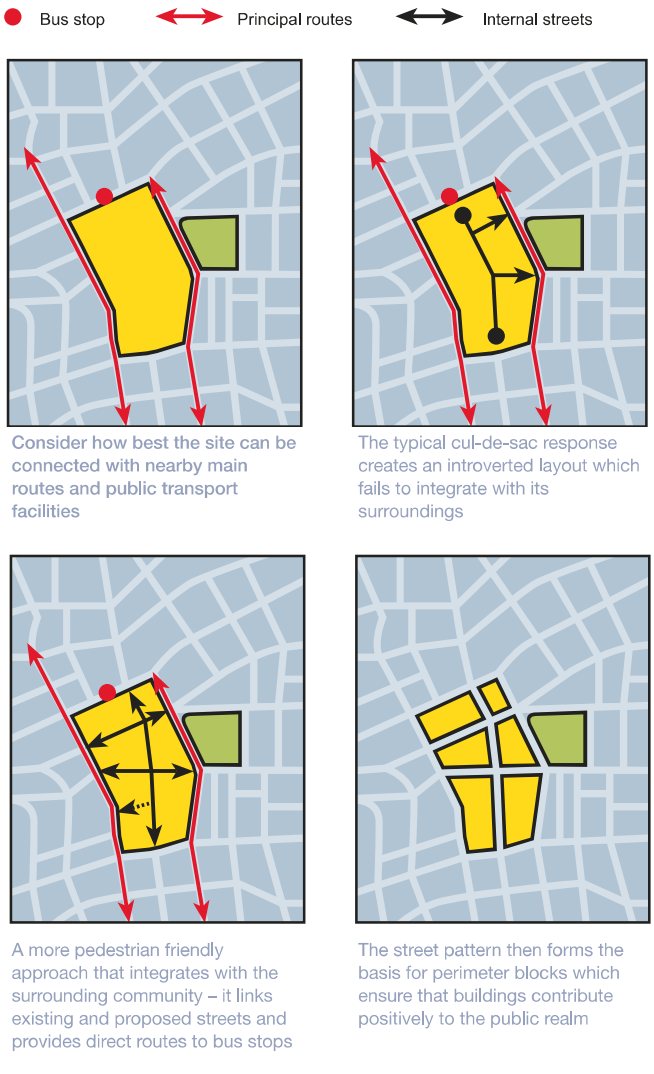
A key consideration for achieving sustainable development is how design can influence the way that people choose to travel. Designers need to respond to a wide range of policies aimed at making car use a matter of choice rather than habit or dependence. Regional and local transport strategies can directly inform the design process as part of the policy implementation process.

It is recommended that the movement framework for a new development is based on the user hierarchy in the previous section, *Pedestrians and cyclists*. Applying the hierarchy will lead to a design that increases the attractiveness of walking, cycling and the use of public transport. Delays to cars resulting from adopting this approach are unlikely to be significant in residential areas. The movement framework should also take account of the form of the buildings, landscape and activities that contribute to the character of the street and the links between new and existing routes and places.



Streets and Patterns, Marshall

Internally permeable neighbourhoods lacking direct connections with one another – to be avoided



Consider how best the site can be connected with nearby main routes and public transport facilities

The typical cul-de-sac response creates an introverted layout which fails to integrate with its surroundings

A more pedestrian friendly approach that integrates with the surrounding community – it links existing and proposed streets and provides direct routes to bus stops

The street pattern then forms the basis for perimeter blocks which ensure that buildings contribute positively to the public realm

The Urban Design Compendium

Integrating new developments into the existing urban fabric is essential

Connections within a place

Key consideration

- **Street design should provide good connectivity for all modes of movement and for all groups of street users, respecting diversity and inclusion**

Connected street networks

In recent decades, the dominant patterns of development have been those in which housing, employment, retail and other facilities have been created in a segmentary fashion or zoned in separate areas, which are often poorly connected with one another. Such developments often increase the reliance on car use and discourage movement on foot.

Government policy now supports the creation of mixed-use neighbourhoods with well-connected street patterns, where daily needs are within walking distance of most residents. Layouts built on these more traditional lines are likely to be more adaptable and will lead to lower car use, thus contributing to wider transportation and environmental objectives.

The dispersed and zoned layout, as shown in the suburban sprawl diagram opposite, should not be used when designing new developments and this model should be avoided, where practicable, when considering existing or infill developments.

Suburban sprawl

Developments and streets should generally be structured around a compact and walkable layout. The diagram illustrating mixed and connected neighbourhoods, opposite, illustrates how this can be achieved; these layouts have a mix of uses spread throughout, rather than a zoned approach to use.

To create a permeable network, it is generally recommended that streets with one-way operation are avoided. They require additional signs and result in longer vehicular journeys and higher speed.

Mixed and connected neighbourhoods

Case study

Residential streets: Polnoon

Polnoon is located at the western edge of Eaglesham village, an 18th-century Conservation Area village in East Renfrewshire. Planning permission for the site had been obtained in 2006 for the development of housing in a typical standards-led, cul-de-sac layout.

In 2008, the Scottish Government, Mactaggart & Mickel Ltd and East Renfrewshire Council worked in a collaborative process to re-design the site to develop a new neighbourhood in accordance with the principles of *Designing Streets* and *Designing Places*.

The sequence of diagrams illustrates the differences between the initial cul-de-sac layout and the more permeable, pedestrian-friendly design developed through the collaborative re-design process.

The new layout offers a clear hierarchy of shared surface public realm spaces – streets, lanes, courtyards and a central square – which were designed to reduce vehicle speeds and create a more pedestrian-friendly environment. The re-designed new neighbourhood contains improved spatial permeability, an increased density from 92 to 121 dwellings and a more contextual treatment for standard house type elevations. Planning permission and RCC processes were run in parallel.

B-Plan

A simple, but key technique which was used in developing the Polnoon masterplan was the Bavarian B-Plan tool. This is an effective method for developing ideas by colour coding the three key issues in a layout: 'movement' in yellow, 'buildings' in red and 'open space' in green. The B-Plan images to the right show the differences between the previous consent and the re-designed masterplan.

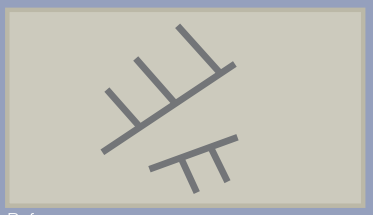
The Polnoon project sets a new standard for residential development across Scotland. The project clearly illustrates that, by putting place before movement when considering the design of streets, a better place can be created.

Detailed information on the Polnoon project can be found at: **www.scotland.gov.uk/Topics/Built-Environment/AandP/Projects/Polnoon**

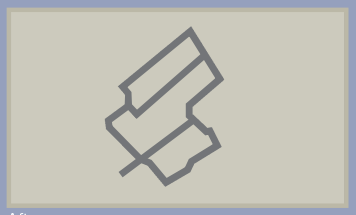
Layout

Before – Cul de sac

After – Hierarchy of streets



Before

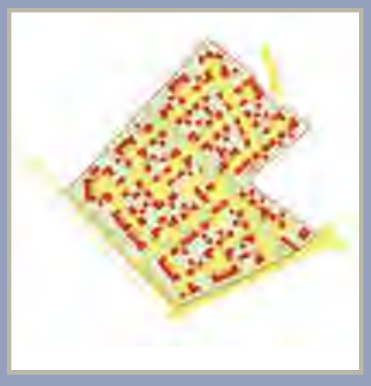


After

Bavarian B Plan: Bringing movement, buildings and open space all together

Before

- 18% Movement
- 15% Buildings
- 15% Open space (Public)
- 52% Open space (Private)



After

- 23% Movement
- 20% Buildings
- 15% Open space (Public)
- 42% Open space (Private)

Block structure

Key consideration

- **The urban form should be distinctive with landmarks and vistas that provide good orientation and navigation of an area**

Structure

The structure of a street network can take a variety of forms, from formal grid layouts to more irregular arrangements.

It is important to consider the street structures that are appropriate in any given situation. It may be that an existing grid structure is continued in order to maintain connectivity or perhaps it may be more appropriate to break an existing pattern to respond to important external factors such as vistas, topography or significant building lines. What is important is that responses to layout structure should be design-led and responsive to context. They should not be the product of standard approaches or the application of inappropriate models.

The principle of integrated access and movement means that the perimeter block is usually an effective structure for residential neighbourhoods. A block structure works in terms of providing direct, convenient, populated and overlooked routes. In addition, it makes efficient use of land, offers opportunities for enclosed private or communal gardens, and is a tried and tested way of creating quality places.

Within a block structure, the designer has more freedom to create innovative layouts. The layouts illustrated in this section, and variations on them (such as a 'broken grid' with the occasional courtyard), are recommended when planning residential and mixed-use neighbourhoods.

Consideration should be given to the layout and impact of Sustainable Urban Drainage Systems (SUDS) when working on street and block layouts, as these can have determining effects on the overall urban structure. Detailed guidance on SUDS is given in this document in the section *Street detail, Drainage*.

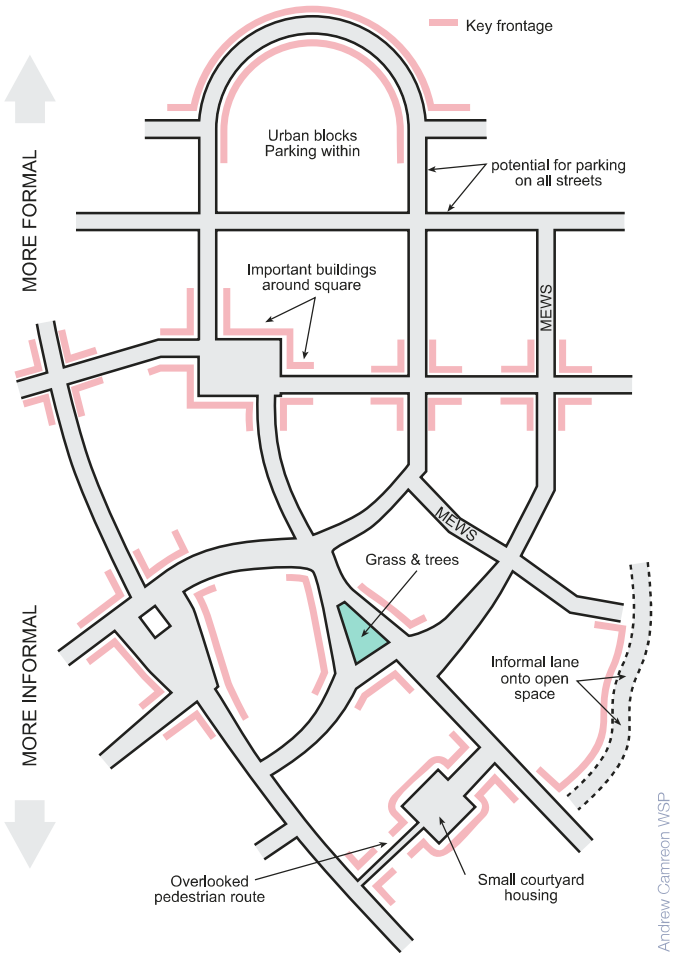


Diagram illustrating a range of street and place typologies

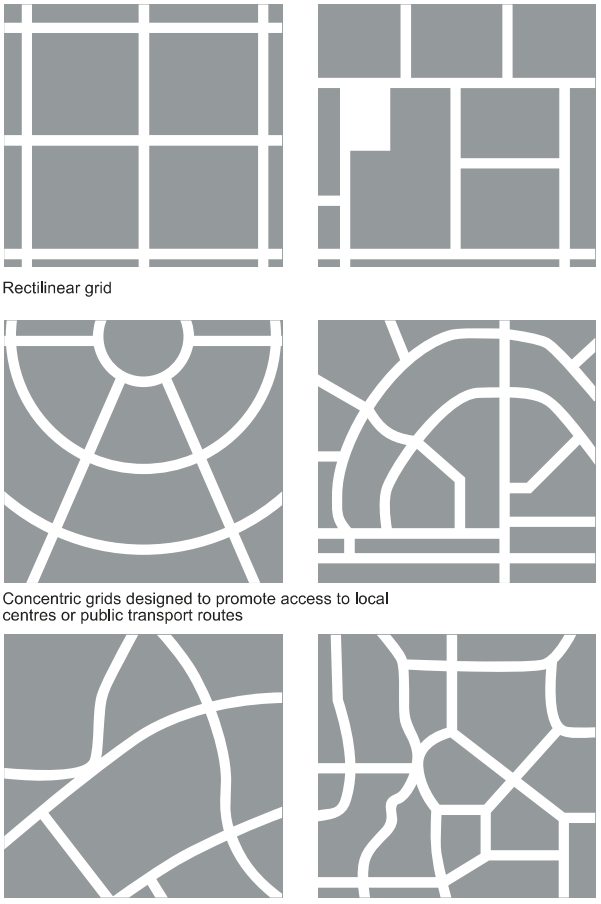
Street patterns

Short and curved or irregular streets can contribute to variety and a sense of place, and may also be appropriate where there are topographical or other site constraints, or where there is a need to introduce some variation for the sake of interest. However, layouts that use excessive or gratuitous curves should be avoided, as they are less efficient, reduce legibility and make access for pedestrians and cyclists less direct.

Straight streets maximise connections between places and can better serve the needs of pedestrians who prefer direct routes. The regular spacing of junctions, where drivers are required to slow, can be an effective method for reducing vehicle speeds on straight road layouts.

Conventional culs-de sac, are strongly discouraged. The preference is for networked routes and spaces which connect new residential and mixed use areas together and link with existing development forms.

Short culs-de sac may occasionally be required because of topography, boundary or other constraints. Caution must, however, be exercised when planning for culs-de sac, as they concentrate traffic impact on a small number of dwellings, require turning heads that are wasteful in land terms and lead to additional vehicle travel and emissions, particularly by service vehicles. Through connections for pedestrians and cyclists should be provided where possible but should be wide, well lit and well overlooked with active frontages.



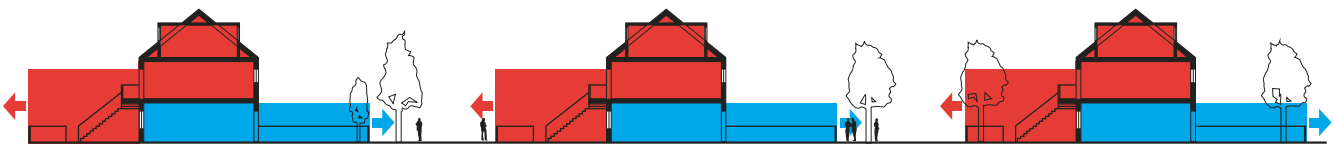
Variations in block structure

Backs and fronts

In general, it is recommended that different treatments are employed in the design of the fronts and backs of houses and other buildings. The basic principle is 'public fronts and private backs'.

Exceptions to this may be employed where the building form contains a double frontage, such as a colony house type. Colony streets can increase the density of a typical terrace and provide positive street edges in a distinctive manner.

Busier streets should also follow this principle. Frontage development and multiple access points on busier streets add to activity intensity and traffic calming as well as a sense of place.



Section through colony street illustrating double frontage

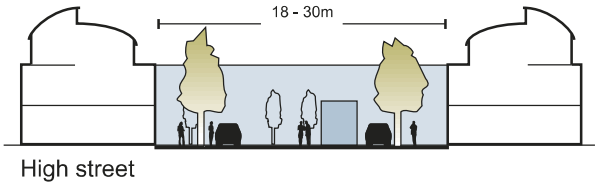
Width

Width between buildings is a key dimension and needs to be considered in relation to function and aesthetics. There are no fixed rules on street widths but account should be taken of the variety of activities taking place in the street and of the scale of the buildings on either side. The distance between frontages in residential streets typically ranges from 10 m to 18 m, although there are examples of widths significantly less than this working well.

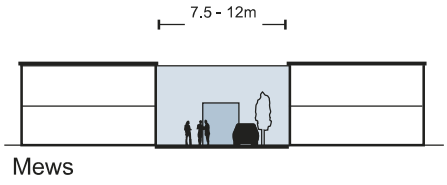
Rigid standards on street widths should be avoided and new streets should be laid out with consideration given to the relationship between scale and the nature of the space created.

Height

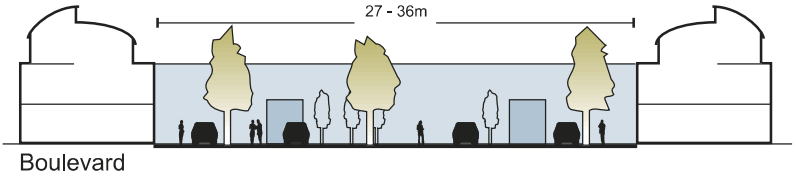
The public realm is defined by height as well as width or, more accurately, the ratio of height to width. It is therefore recommended that the height of buildings (or mature trees where present in wider streets) is in proportion to the width of the intervening public space to achieve the level of enclosure appropriate to the character and function of the street. Where building height is increased, it is important to avoid creating spaces with an oppressive or claustrophobic nature.



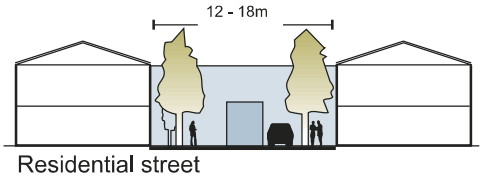
High street



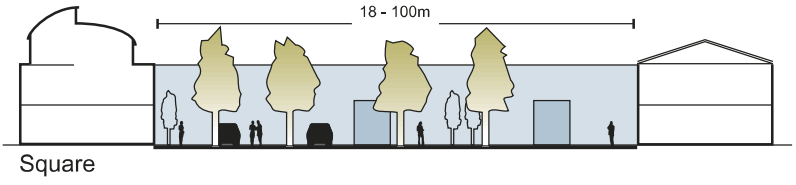
Mews



Boulevard



Residential street



Square

Length

Street length can have a significant effect on the quality of a place. Acknowledging and framing vistas and landmarks can help bring an identity to a neighbourhood and orientate users. However, long straights can encourage high traffic speeds, which should be mitigated through careful design (see *Street Layout* section – *Achieving Appropriate Traffic Speeds*).

Buildings at junctions

The arrangement of buildings and footways has a major influence on defining the space at a junction. It is better to design the junction from this starting point rather than purely on vehicle movement. In terms of streetscape, a wide carriageway with tight, enclosed corners makes a better junction than cutback corners with a sweeping curve. This might involve bringing buildings forward to the corner. Junction treatments are explored in more detail in the *Street Layout* section.

John Thompson & Partners

Variation in building height can add visual interest

Squares & spaces

A street and block structure can be enhanced with punctuations of public space. This may take the form of parks, green edges or formal and informal squares. The introduction of small, informal squares in a residential area can support navigation, provide social areas for people to gather and children to play, slow traffic speed and create positive character.

The design of squares, both small and large, should respond to the context of the place. A square will not be successful unless it is aligned with the potential activities of a place and the building forms.

Cadell 2

Malcolm Fraser Architects

Small residential square

HTA, Oakridge village

HTA, Oakridge village

Local neighbourhood square

J Cooper

Gillespies

Large urban square

Other layout considerations

The layout of a new housing or mixed-use area should take account of the following factors:

- the need to reduce the dominance of vehicle traffic;
- the need to mitigate noise pollution such as from roads or railways;
- the importance of orientation, variety and visual interest (The provision of views and vistas, landmarks, gateways and focal points are means to emphasise urban structure, hierarchies and connections.);
- the need for crime prevention, including the provision of defensible private and communal space, and active, overlooked streets (An appropriate mix of uses can often encourage activity and movement at all times.);
- the management of the transition from the public to the private realm (The space between the fronts of buildings and carriageways, footways or other public spaces needs to be carefully considered. Continuous building lines are preferred as they provide definition to, and enclosure of, the public realm.);
- the handling of building lines (Where no front garden is provided, the setback of dwellings from the street is a key consideration in terms of: defining the character of the street determining a degree of privacy; amenity space for plants or seating, etc.; and functional space for rubbish bins, external utility meters or storage, including secure parking for bicycles.); and
- the handling of car parking (Keeping garages and parking areas level with, or behind, the main building line can be aesthetically beneficial in streetscape terms.).

Walkable neighbourhoods

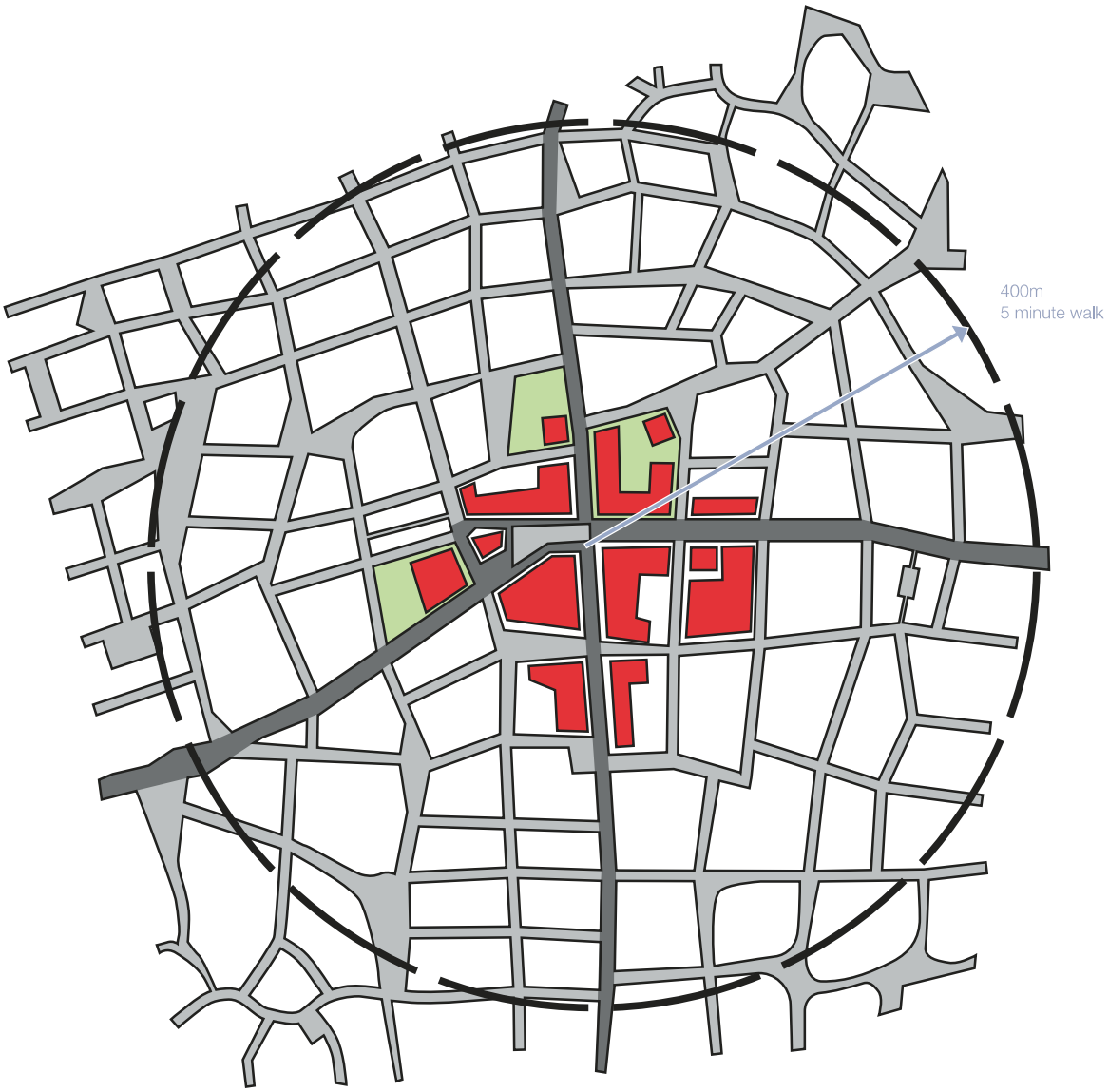
Key consideration

- **Street layouts should be configured to allow walkable access to local amenities for all street users**

The walkable neighbourhood

Walkable neighbourhoods are characterised by having a range of facilities within 5 minutes (up to about 400m) walking distance of residential areas which residents may access comfortably on foot. Where amenities cannot be provided within this area, good public transport links to relevant facilities should be accessible.

In many cases, it may be better for a new development to reinforce existing centres and facilities rather than providing alternative facilities.



Andrew Cameron WSP

Walkable neighbourhoods should be on an appropriate scale, with pedestrian routes matching desire lines as closely as possible. Permeable networks help minimise walking distances.

Good connectivity and the formation of local or district centres are key to establishing walkable neighbourhoods. By concentrating facilities along key routes and junctions, particularly at the convergence of main routes, neighbourhood centres can be established that contribute both practical services and a local identity to a place. Within the larger context, walkable neighbourhoods should have good linkages to other local centres, building a larger network of distinct neighbourhoods. The hierarchy and scale of these neighbourhoods can vary within a town or city; the greater the density of development, the more facilities can be supported.

Density is also an important consideration in reducing reliance on the private car. *Scottish Planning Policy* encourages a flexible approach to density, reflecting the desirability of using land efficiently and the need to promote higher density development in places well served by public transport. Residential densities should be planned to take advantage of proximity to activities, or to good public transport linking those activities.

City of Edinburgh Council

Public transport

Key consideration

- **Public transport planning should be considered at an early stage in the design process**

Bus routes

The principal streets within a development should be the streets on which public transport runs. These should be identified in the design process, working in partnership with public transport operators. Bus routes and stops should form key elements of the walkable neighbourhood. Designers and local authorities should try to ensure that development densities will be high enough to support a good level of service without long-term subsidy. Layouts designed with strong connections to local networks, and which avoid long one-way loops or long distances without passenger catchments, are likely to be more viable.

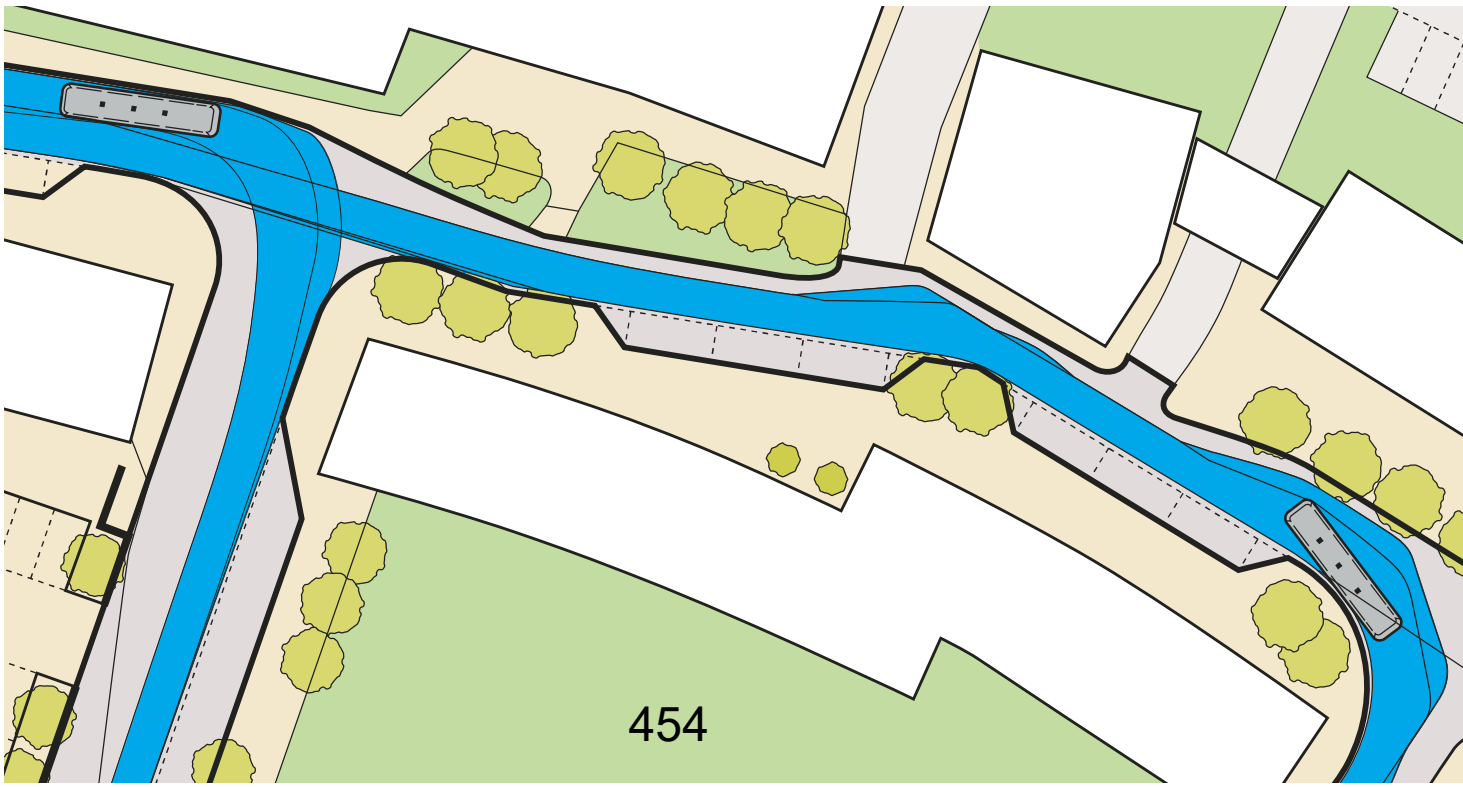
Using a residential street as a bus route need not require restrictions on direct vehicular access to housing. Detailed requirements for streets designated as bus routes can be determined in consultation with local public transport operators. Streets on bus routes should not generally be less than 6.0 m wide (although this could be reduced on short sections with good inter-visibility between opposing flows). The presence and arrangement of on-street parking, and the manner of its provision, may affect width requirements.

Swept-path analysis can be used to determine the ability of streets to accommodate large vehicles. When considering the level of provision required for the movement of buses, account should be taken of the frequency and the likelihood of two buses travelling in opposite directions meeting each other on a route.

Bus stops

In new developments, it is essential to consider the siting of public transport stops and related pedestrian desire lines at an early stage of design. Close co-operation is required between public transport operators, the local authorities and the developer.

- Bus stops should be sited so they can be easily accessed by all pedestrians.
- Bus stops should be placed near junctions so that they can be accessed by more than one route on foot, or near specific passenger destinations. (schools, shops, etc.)
- The bus should generally stop on the street and not in a lay-by.
- Bus stops should be high-quality places that are safe and comfortable to use.
- Footways at bus stops should be wide enough for waiting passengers while still allowing for pedestrian movement along the footway. This may require local widening at the stop.
- Provision should be made within the streetscape for features that that assist passengers getting on and off buses. This may involve areas of raised footway. It is important that such features are integrated within the overall design of the street and do not pose difficulties for those with visual impairments.



Bus tracking in residential layout

Context and character

Key consideration

- The requirements and impact of pedestrians, cycles and vehicles should be reconciled with local context to create streets with distinctive character
- Opportunities should be taken to respond to, and to derive value from, relevant elements of the historic environment in creating places of distinctive character

Character

Streets and the public realm at large play an important part in the development and expression of local character and culture. The character of a place is not determined by the particular materials or physical appearance of a place alone, but also by the patterns of movement and social interaction that it produces. When considering the structure of streets, it is important that street and block forms are selected that will enhance the character of an area.

Street character types in new residential developments should be determined by a sensitive response to site conditions as well as the relative importance of both place and movement functions. When developing layouts, consideration should be given to the character of each individual street as well as the overall urban structure.

Scotland has a wide range of distinctive street typologies and the successful arrangement of these can result in networks with positive characters. When developing street networks it can be useful to consider typologies such as the following, in order to create distinctive environments:

- **high street**
- **mixed-use street**
- **square**
- **crescent/circus**
- **mews**
- **terrace/row**
- **colony**
- **tenement block**
- **avenue**
- **courtyard**
- **cross**
- **lane/loan**
- **vennel/wynd**

The above list is not exhaustive. It is important that the individual characteristics of any of the above street types are well defined and meaningful. Site specific design codes can ensure that the principal elements of a street's character are controlled and distinct.

The street hierarchy of Edinburgh New Town accommodates variety of character within a cohesive urban structure

Main avenue mixed-uses/primary zone

Residential street/secondary zone

Residential and service lane/tertiary zone

Variety

Character can be enhanced and emphasised by variety in the streetscape. Punctuating key views with landmarks or green edges can provide visual cues that aid navigation as well as helping to develop areas of individual character within the overall urban structure. Developing a series of linked spaces with distinctive identities can also aid navigation while providing a cohesive character for a neighbourhood. By employing a network of varied streets, each with particular characteristics, a diverse streetscape with varied visual interest can be achieved. Variation in scale and density can develop areas with distinct physical characteristics as well as reflecting the types of activities that take place in the area.

Landmark/vista stop helps to develop a unique character, emphasise street hierarchy and aid navigation

Green edge signifies a significant junction and a change in street pattern as well as offering visual relief and local amenity

Ground floor commercial and retail space also emphasises the street hierarchy, provides amenity and an active street edge

Orientation

Key consideration

- **Orientation of buildings, streets and open space should maximise environmental benefits**

The orientation of streets can have a large impact on the environmental performance of buildings as well as contributing to perceptions of safety and attractiveness.

Solar impact

Bright, sunny streets can foster a positive sense of place. The layout of streets should be considered in relation to building heights to maximise the amount of light reaching the public realm. This is particularly important in areas where people gather and activities take place. Local shops and facilities should be arranged to provide southerly aspects to the activities that will most benefit from bright, attractive external space.

By arranging streets so that buildings are able to maximise solar gain, it is possible for buildings to reduce heat and light requirements. Principal elevations should address the sun path wherever possible and the presentation of blank gables to the south should be avoided.

On occasion, it may be that narrow, intimate streets are appropriate to a particular context and will not require to have as direct a relationship to the sun path as a large public boulevard or square.

Prevailing wind

Traditionally, many street layouts evolved to respond directly to the prevailing wind direction. This led to streets where pedestrians were sheltered from the extremities of the environment, ultimately producing streets where people were more likely to gather and take ownership of a place. This also led to patterns of development that were particular or unique to the microclimate of a settlement and helped to evolve a distinctive local design response.

Designers should take prevailing wind conditions into account to maximise on-street shelter and also to minimise the impact of cold air infiltration into buildings. This can have an impact on the direction of streets, the scale of individual buildings, street width and the relationship of a settlement to natural landscape features.

Street layout

Achieving appropriate traffic speed

Key consideration

- **Design should be used to influence driver behaviour to reduce vehicle speed to levels that are appropriate for the local context and deliver safe streets for all**

For residential streets, a maximum design speed of 20 mph should normally be an objective.

Designers should aim to create streets that control vehicle speeds naturally by well-crafted design from the outset rather than through unsympathetic traffic-calming measures added at the end of the design process.

The provision of separate pedestrian and/or cycle routes away from motor traffic should only be considered as a last resort. Research has shown that the presence of pedestrians has an effect in reducing traffic speeds.

Evidence from traffic calming schemes suggests that speed-controlling features are needed at intervals of around 60-80m in order to achieve speeds of 20 mph or less. Straight and uninterrupted links should therefore be limited to this range to help ensure that the arrangement has a natural traffic-calming effect. Designs should not rely solely on conventional traffic calming techniques, such as speed cushions and humps; these do little to develop a positive sense of place. Instead, speed-controlling features should be built into the layout of the street, taking advantage of building alignment, parking, road narrowings, landscaping and other design features, rather than resorting solely to vertical deflection.

The range of traffic-calming measures available act in different ways:

- **Psychology and perception –** play a strong part in influencing driver behaviour. Street features and human activity can influence the speed at which people choose to drive. Features likely to be effective include:
  - edge markings that visually narrow the road – speed reduction is likely to be greatest where the edging is textured to appear unsuitable on which to drive;
  - buildings in close proximity to the street;
  - reduced carriageway width;
  - physical features in the carriageway;
  - features associated with potential activity in, or close to, the carriageway, such as pedestrian refuges;
  - on-street parking, particularly when the vehicles are parked in blocks on alternate sides of the street, either in echelon formation or perpendicular to the carriageway;
  - the types of land use associated with greater numbers of people, for example shops; schools and places of work; and
  - landscaping.
- **Street dimensions –** can have a significant influence on speeds. Keeping lengths of street between junctions short is particularly effective.
- **Reductions in forward visibility –** are associated with reduced driving speeds.
- **Changes in priority/or no priority –** at junctions. This can be used to disrupt flow and therefore bring overall speeds down.
- **Physical features –** involving vertical or horizontal deflection can be very effective in reducing speed.
- **Materials –** can reduce speed by both visual perception and by physical characteristics, such as cobbled surfaces.

Reductions in carriageway width are most effective in reducing driving speed.

EDAW

Trees planted in the highway at Newhall, Harlow, help to reduce vehicle speeds

Stopping sight distance

The stopping sight distance (SSD) is the distance within which drivers need to be able to see ahead and stop from a given speed.

The SSD values used in *Designing Streets* are based on research into deceleration rates, driver perception-reaction times and speed. These SSD values are appropriate for residential and lightly trafficked streets. The table below shows the effect of speed on SSD. These values are independent of traffic flow or type of road. It is recommended that they are used on all streets with 85th percentile wet weather speeds up to 60 kph.

Below around 20 mph, shorter SSDs themselves may not achieve low vehicle speeds: the design of the whole street and how this will influence speed needs to be considered at the start of the process; e.g. the positioning of buildings and the presence of on-street parking.

Further information on SSDs, including details of the calculation formula, and also the relationship between visibility and speed is available in *TRL Report No. 332*[11] and *TRL Report No. 661*[12].

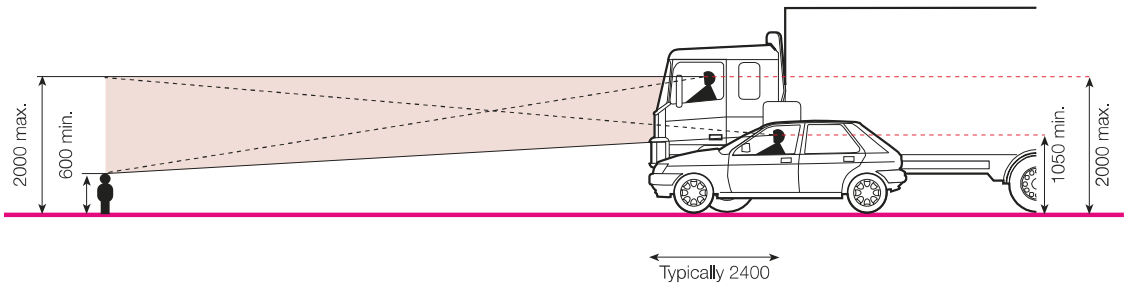
Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
	SSD (metres)	9	12	15	16	20	22	31	36	40	43	56
	SSD adjusted for bonnet length	11	14	17	18	23	25	33	39	43	45	59

Visibility requirements

Visibility should be checked at junctions and along the street. Visibility is measured horizontally and vertically.

Using plan views of proposed layouts, checks for visibility in the horizontal plane ensure that views are not obstructed by vertical obstructions.

Checking visibility in the vertical plane is then carried out to ensure that views in the horizontal plane are not compromised by obstructions such as the crest of a hill, or a bridge at a dip in the road ahead. It also takes into account the variation in driver eye height and the height range of obstructions. Eye height is assumed to range from 1.05 m (for car drivers) to 2 m (for lorry drivers). Drivers need to be able to see obstructions 2 m high down to a point 600 mm above the carriageway.



Visibility splays at junctions

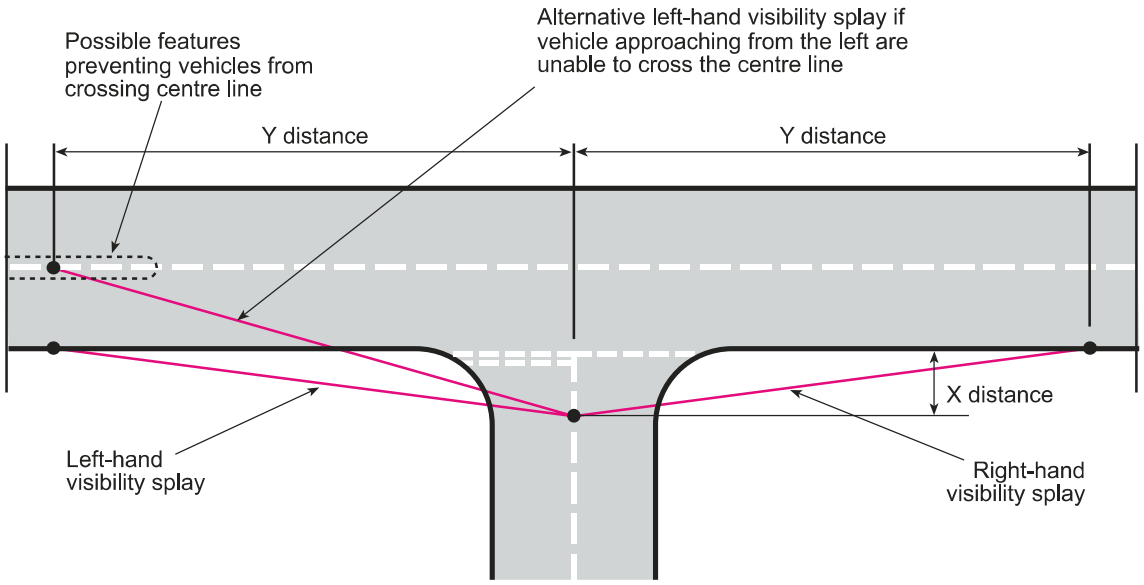
The visibility splay at a junction ensures there is adequate inter-visibility between vehicles on the major and minor arms.

The distance back along the minor arm from which visibility is measured is known as the X distance. It is generally measured back from the 'give way' line (or an imaginary 'give way' line if no such markings are provided). This distance is normally measured along the centreline of the minor arm for simplicity, but in some circumstances (for example where there is a wide splitter island on the minor arm) it will be more appropriate to measure it from the actual position of the driver.

The Y distance represents the distance that a driver who is about to exit from the minor arm can see to his left and right along the main alignment. For simplicity, it is measured along the nearside kerb line of the main arm, although vehicles will normally be travelling a distance from the kerb line. The measurement is taken from the point where this line intersects the centreline of the minor arm (unless, as above there is a splitter island in the minor arm).

When the main alignment is curved and the minor arm joins on the outside of a bend, another check is necessary to make sure that an approaching vehicle on the main arm is visible over the whole of the Y distance. This is done by drawing an additional sight line which meets the nearest wheel track at a tangent.

Some circumstances make it unlikely that vehicles approaching from the left on the main arm will cross the centreline of the main arm – opposing flows may be physically segregated at that point, for example. If so, the visibility splay to the left can be measured to the centreline of the main arm.



X and Y distances

An X distance of 2.4 m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye.

A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.

Using an X distance in excess of 2.4 m is not generally required in built-up areas.

The Y distance should be based on values for SSD.

Forward visibility

Forward visibility is the distance a driver needs to see ahead to stop safely for obstructions in the street. The minimum forward visibility required is equal to the minimum SSD. It is checked by measuring between points on a curve along the centreline of the inner traffic lane. Consideration should be given to vertical geometry and any other obstructions.

There will be situations where it is desirable to reduce forward visibility in conjunction with other methods to control traffic speeds.

Andrew Cameron WSP

An example of the reduction in forward visibility to reduce vehicle speed

Visibility along the street edge

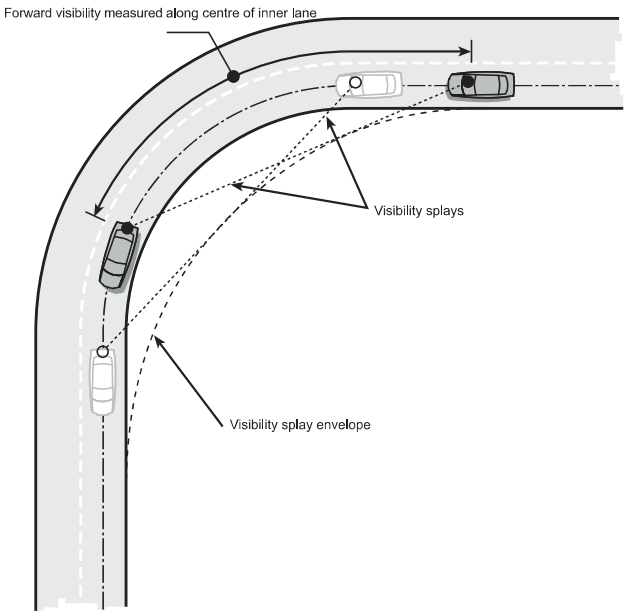
Vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway. The absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. Consideration should be given to whether this will be appropriate, taking into account the following:

- the frequency of vehicle movements;
- the amount of pedestrian activity; and
- the width of the footway.

Obstacles to visibility

Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Defined parking bays can be provided outside the visibility splay if required, and the use of tracked streets that allow for informal parking is also an option. Encroachment of parking space into visibility splays should be avoided where practical.

The impact of other obstacles, such as street trees and street lighting columns, should be assessed in terms of their impact on the overall envelope of visibility. In general, occasional obstacles to visibility that are not large enough to fully obscure a whole vehicle or a pedestrian, including a child or wheelchair user, will not have a significant impact on road safety.



Measurement of forward visibility

Junction types and arrangements

Key consideration

- **Junctions should be designed with the considerations of the needs of pedestrians first**
- **Junctions should be designed to suit context and urban form – standardised forms should not dictate the street pattern**

Junctions

The success of a well-designed junction frequently derives from the way in which buildings frame the space in which the junction sits. Decisions on building placement should be made first, with the quality of the space in mind, and the junction then designed to suit the space created.

Junctions that should be used in residential areas include:

- crossroads and staggered junctions;
- T and Y junctions;
- formal and informal squares; and
- mini roundabouts.

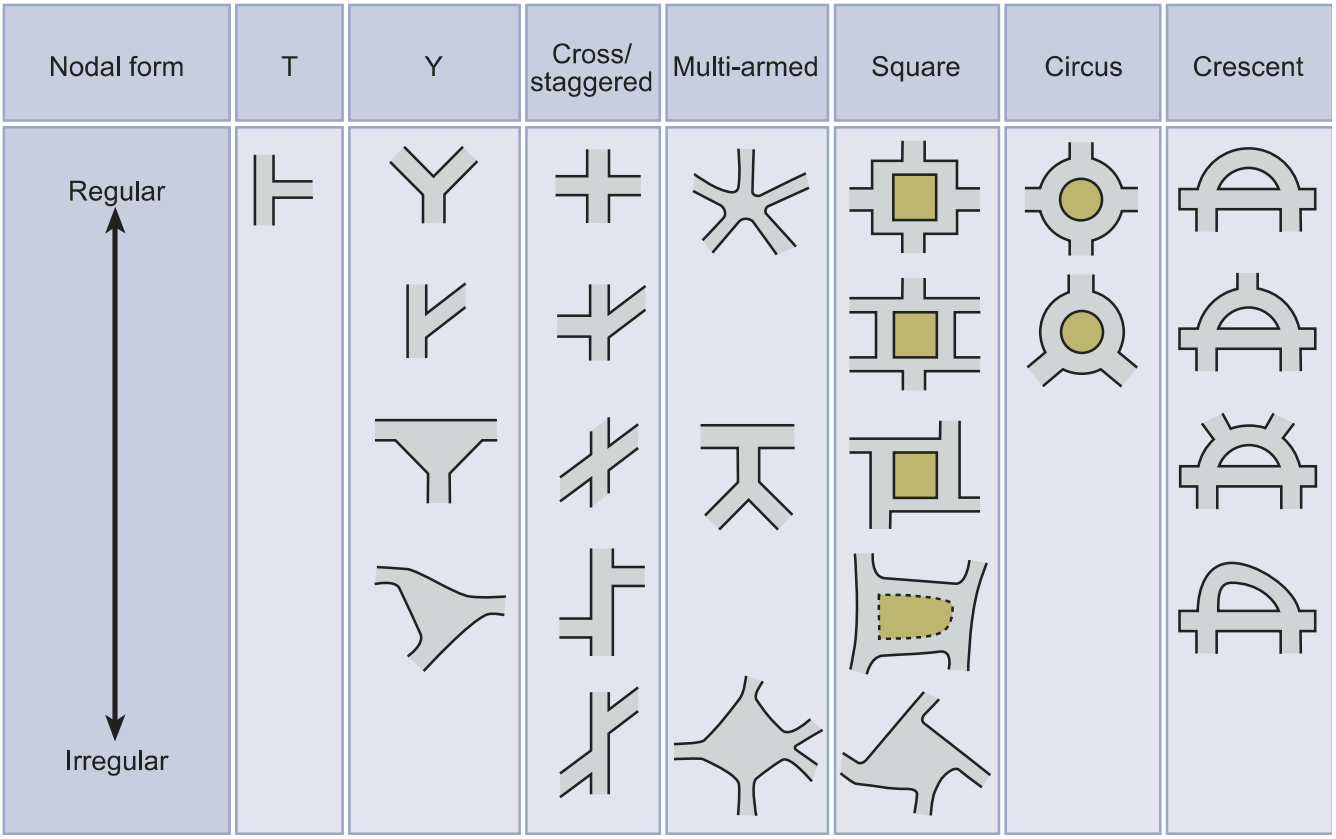
Junctions are generally places of high accessibility and good natural surveillance. Junctions generally, and crossroads junctions in particular, are therefore ideal places for locating facilities such as public buildings, shops and public transport stops.

Junction design should facilitate direct pedestrian desire lines, and this will often mean using small corner radii. The use of swept path analysis will ensure that the junctions are negotiable by vehicles. However, consideration should be given to the robustness of the design and quality of construction to withstand any occasional vehicle overrun.

Crossroads are convenient for pedestrians, as they minimise diversion from desire lines when crossing the street. They also make it easier to create permeable and legible street networks.

Where designers are concerned about potential user conflict, they may consider placing the junction within a square or on a speed table.

Conventional roundabouts are not generally appropriate for residential developments. Mini-roundabouts may have some application in residential areas, as they cause less deviation for pedestrians and are easier for cyclists to use. In addition, they do not occupy as much land. Practitioners should refer to *Mini-roundabouts: Good Practice Guidelines*[13].



David Nicol, WSP

Quadrant kerbstones used instead of large radii at junctions reduce the dominance of the carriageway and respond to pedestrian desire lines – this is reinforced by the placement and form of the adjacent buildings

Spacing of junctions

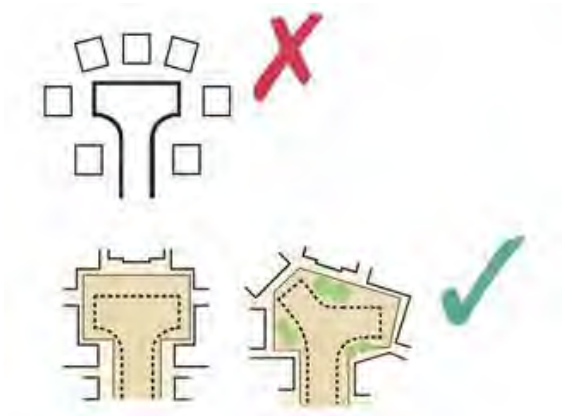
The spacing of junctions should be determined by the type and size of urban blocks appropriate for the development. Block size should be based on the need for permeability and, generally, tends to become smaller as density and pedestrian activity increases.

Smaller blocks create the need for more frequent junctions. This improves permeability for pedestrians and cyclists, and the impact of motor traffic is dispersed over a wider area. Junctions do not always need to cater for all types of traffic. Some of the arms of a junction may be limited to pedestrian and cycle movement only.

Turning areas

Connected street networks will generally eliminate the need for vehicles to turn around.

Where it is necessary to provide for vehicles turning (e.g. in a cul-de-sac or court), a tracking assessment should be made to indicate the types of vehicles that may be making this manoeuvre and how they can be accommodated. The turning space provided should relate to its environment, not specifically to vehicle movement, as this can result in a space with no use other than for turning vehicles. To be effective and usable, the turning space must be kept clear of parked vehicles. It is essential, therefore, that adequate parking is provided for residents in suitable locations.



Overrun areas

Overrun areas should generally be avoided in residential and mixed-use streets. They can:

- be visually intrusive;
- interfere with pedestrian desire lines; and
- pose a hazard for cyclists.

Overrun areas can, however, help to overcome problems with regular or high volume access for larger vehicles.

Frontage access

One of the key differences between streets with a 30 mph speed restriction or below and roads is that streets normally provide direct access to buildings and public spaces. This helps to generate activity and a positive relationship between the street and its surroundings. Providing direct access to buildings is also efficient in land-use terms.

It is recommended that direct access on roads with a 30 mph speed restriction is acceptable with flows of up to 10,000 vehicles per day.

Streets for people

Key consideration

Streets should allow for and encourage social interaction

Streets as social spaces

The design of all streets should recognise the importance of creating places for people to enjoy, rather than simply providing corridors for the movement of traffic. Streets should generally be designed with a focus on social interaction.

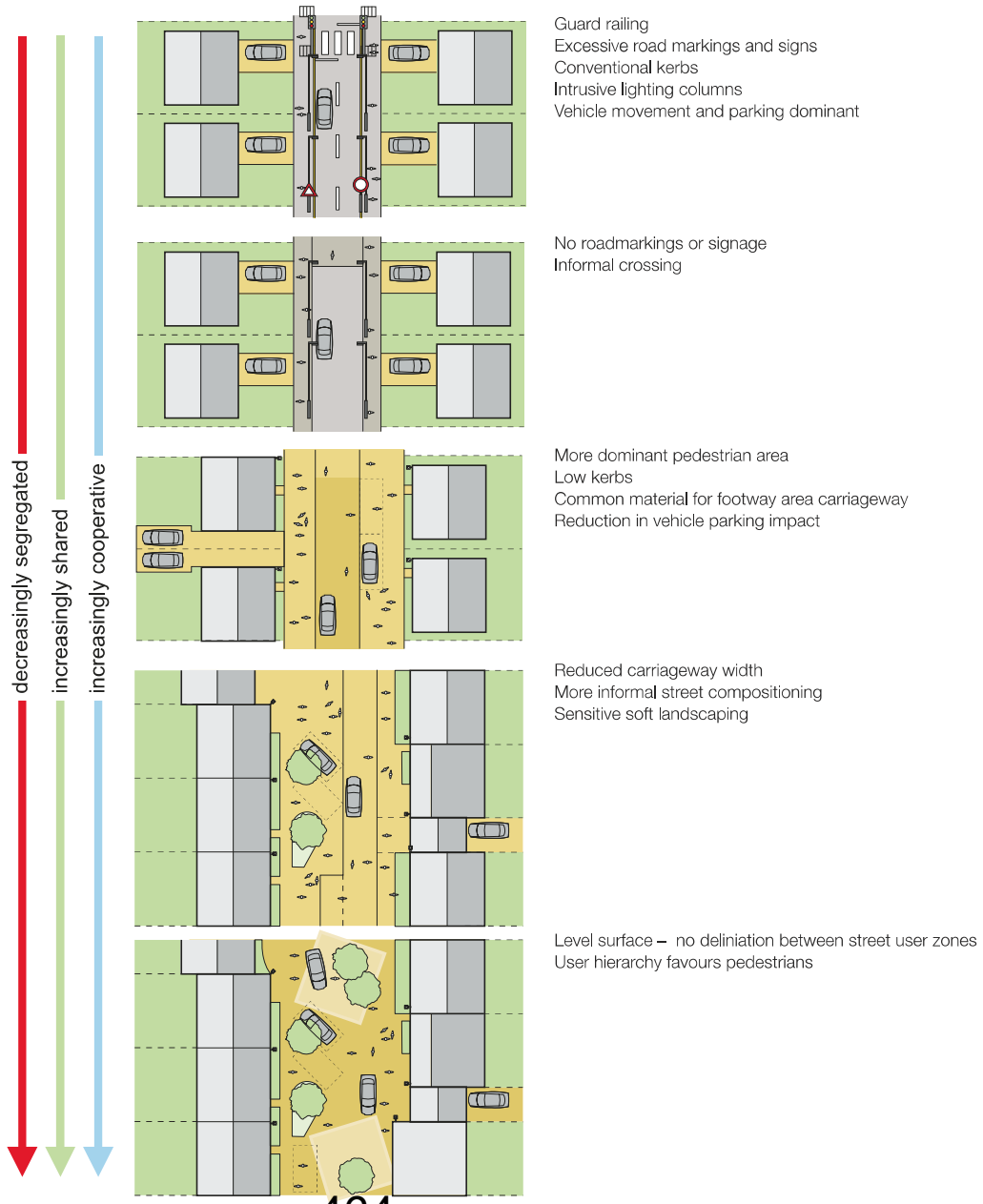
A significant amount of interaction within a community takes place in the external environment, and street design should encourage this by creating inclusive social spaces where children can play, people can stop to chat, and other appropriate activities can take place safely. In order for this to occur, it is essential that vehicular traffic does not dominate the street.

The propensity for people to use a street as a social space is increased by careful design and by applying the user hierarchy where pedestrians are considered first, as indicated in the section *Pedestrians and cyclists*.

Shared Space

A Shared Space is a street or place accessible to both pedestrians and vehicles that is designed to enable pedestrians to move more freely by reducing traffic management features that tend to encourage users of vehicles to assume priority.

Achieving this reduction in dominance can be assisted by the techniques described previously and also by the minimal use of traffic signs, road markings and other traffic management features where appropriate. With less, or no, traffic management measures giving clear indications of priority, motorists are encouraged to recognise the space as being different, drive more slowly, and respond directly to the behaviour of other users (including other motorists).



Home Zones are essentially Shared Spaces, and are provided in residential areas. Home Zones can be formally designated as such under Section 74 of the *Transport (Scotland) Act 2001*,[14] although there is no requirement to do so. Further guidance on the design of Home Zones concept schemes is given in *Home Zones; Challenging the future of our streets*[15], *Home Zone Design Guidelines*[16] and at **www.homezones.org.uk**.

Level surfaces

Some Shared Space schemes feature what is often referred to as a shared or level surface, although not all will do so. There is a variety of terminology used to describe this approach; this document will refer to the technique as a level surface. For the purposes of this guidance, a level surface is a street surface that is not physically segregated by kerb or level differences into areas for particular users. Level surfaces work best in relatively calm traffic environments.

The lack of defined areas for pedestrians and vehicles is intended to indicate that the street is meant to be shared equally by all users. Motorists are expected to adapt their behaviour to that of other street users, driving slowly and giving way as appropriate.

The key aims are to:

- encourage low vehicle speeds;
- create an environment in which pedestrians can walk, or stop and chat, without feeling intimidated by motor traffic;
- make it easier for people to move around, particularly wheelchair users and people pushing wheeled equipment such as prams; and
- promote social interaction.

In the absence of a formal carriageway, experience shows that motorists entering the area will tend to drive more cautiously and negotiate the right of way with pedestrians on a more conciliatory level.

Control of car parking needs to be considered in level surface areas. Car parking should be organised to deter cluttered streets and sufficient provision, including the provision of disabled parking spaces, should be allocated around a scheme to ensure that parking is distributed evenly and clearly.

Level surfaces are only one component of the principles of Shared Space and should not be solely relied upon to create good streets or to slow traffic.

Ensuring inclusive design

Shared Space, and level surfaces in particular, can cause problems for some disabled people. The absence of a conventional kerb in level surfaces can pose problems for some blind or partially-sighted people, who often rely on this feature to find their way around. The lack of visual cues may also pose problems for pedestrians with cognitive difficulties. It is therefore important that level surface schemes include an alternative means by which visually-impaired people can navigate. Such elements can be designed in collaboration with local people, including representatives from local disability groups and access panels.

Disability groups should also be invited to provide input throughout the Quality Audit stages. Quality Audits are explained in more detail in Part 3 *How to achieve better outcomes.* Any design solution should be informed by local context and the local community.

Research commissioned by the Department for Transport looking into Shared Space is currently underway and is due for final publication in 2011. The first stage of the research was published in *Shared Space Project Stage 1: Appraisal of Shared Space.*[17] The conclusions of this report include the statement that "*evidence broadly suggests that Shared Space Schemes can deliver benefits: they appear to support economic activity, improve perceptions of personal security, be popular generally with the public and traders and increase freedom of movement for many people including some vulnerable pedestrians.*" The report concluded that "*a case can be made for level surfaces as a valid feature in some settings but that the detailed design of particular schemes needs to recognise and respond to the needs of all users.*"

It should be noted that this is an intermediate report and its findings will be subject to final clarification. Final outcomes of this research should be taken into account when considering Shared Space.

Research commissioned by the Disabled Persons Transport Advisory Committee (DPTAC) on the implications of Home Zones for disabled people was published in 2007. *Designing for Disabled People in Home Zones*[18] contains relevant guidance.

Surface treatments

Shared Space streets are often constructed from paviours or other materials rather than asphalt, which helps emphasise their difference from conventional streets. Research for *Manual for Streets* shows that block paving reduces traffic speeds by between 2.5 mph and 4.5 mph, compared with speeds on asphalt surfaces. The use of block paving can also provide permeable surfaces for drainage.

Block paving may not be appropriate in all Shared Space or level surface areas, and contextual circumstances are key to decisions on materials. Coloured or textured asphalts can provide an effective delineation. Many Scottish towns and villages contain existing areas of successful level surfaces that use traditional materials or simple asphalt surfaces.

Perthshire Housing Association

Integrating parking

Key considerations

- **Parking should be accommodated by a variety of means to provide flexibility and lessen visual impact**

Cycle parking

Providing enough convenient and secure cycle parking at homes and other locations for both residents and visitors is critical to increasing the use of cycles. In residential developments, designers should aim to make access to cycle storage at least as convenient as access to car parking.

Reference should be made to the relevant local guidance and any relevant travel plans to determine the appropriate level of provision of cycle parking. The following key principles should, however, apply:

- Shared cycle parking facilities should be secure, overlooked and convenient to use with shelter provided wherever practical.
- Appropriate provision should be made for all potential users including children and visitors.
- Cycle parking can be provided in a number of ways such as: within garages; bespoke cycle storage; communal areas in flats; and on-street cycle racks.
- Cycle stands need to be located clear of pedestrian desire lines, and generally closer to the carriageway than to buildings.
- Cycle parking should be provided at bus and train stations to assist transition between transport modes.
- Cycle parking should be detectable by blind or partially sighted people.

Andrew Cameron WSP

Cycle parking that has good surveillance and is at a key location – in this example near a hospital entrance

Further guidance on the design of cycling facilities is provided in *LTN 2/08 Cycle Infrastructure design*.[19]

Car parking

The Scottish Government's general planning policy for car parking is set out in the Transport section of the *Scottish Planning Policy (SPP)*[20]. This makes it clear that it is important to consider a design-led approach to the provision of car parking space that is well-integrated with a high-quality public realm. A design-led and contextual strategy for car parking can often lessen the impact on the built environment. Car parking can be provided in a number of ways as set out over the following pages.

On-street parking

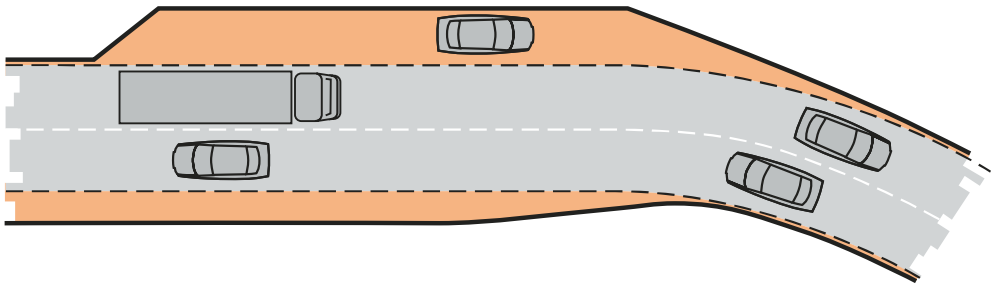
On-street parking in residential streets can help to reduce traffic speeds. This kind of parking can be counted towards the overall provision required in new developments, both for residents and visitors. Parking on adopted roads cannot be allocated to individual properties, but is a common resource.

In the past, on-street parking bays have been rigidly defined, creating an artificial constraint on street layout. More informal parking arrangements are to be encouraged, such as the use of subtle widening within a street or by using end-on or angled parking within a square. Trees, planting or street furniture can be used to discourage indiscriminate parking in an attractive way. Parking violations, however, cannot be acted upon without Traffic Regulation Orders, with traffic signs and road markings to indicate the restrictions in place.

An arrangement of parking bays adjacent to the running lanes is often the preferred way of providing on-street parking. It is recommended that, in most circumstances, at least some parking demand in residential and mixed-use areas is met with well-designed on-street parking:

Breaking up the visual impact can sometimes be achieved by limiting on-street parking to small groups of around five spaces.

In deciding how much on-street parking is appropriate, it is recommended that the positive and negative effects listed in the 'On-street parking' box are considered.



Gradual widening of the carriageway to create more informal on-street spaces, with running carriageway checked using vehicle tracking

On-street parking: positive and negative effects

The positive effects of on-street parking are that it:

- provides a common resource, catering for vehicles used by residents, visitors and service providers in an efficient manner;
- is able to cater for peak demands from various users at different times of the day, for example people at work or residents;
- adds activity to the street and slows traffic;
- is typically well overlooked, providing improved security;
- is popular and likely to be well-used;
- can provide a useful buffer between pedestrians and traffic; and
- potentially allows the creation of areas within perimeter blocks that are free of cars.

The negative effects of on-street parking are that it:

- can be visually dominant within a street scene and can undermine the established character;
- may lead to footway parking unless the street is properly designed to accommodate parked vehicles;
- can be dangerous and intimidating for cyclists, due to car doors opening and cars moving in and out; and
- can impair the social and play function of shared spaces if it is overly dominant.

In most situations, it will not be necessary to provide parking spaces specifically for service vehicles, such as delivery vans, which are normally stationary for a relatively short time.

Off-street parking

Off-street parking will be required in many developments, whether on the house plot, in rear courtyards or in underground structures. On-plot parking should be designed so that the front garden is not overly dominated by the parking space.

Off-street parking includes off-street courtyards and rear courtyards, and the key principles are that that they:

- are not car parks but places which have parking in them;
- should be overlooked by adjoining houses or by buildings entered from the parking area; and
- should normally include, at most, 10 parking spaces. If there are more spaces, the courtyard layout should be broken up.

Parking courts should be considered as positive places

Where spaces are allocated in shared areas, these may not be adopted and do not constitute roads under the *Roads (Scotland) Act 1984*. Alternative arrangements for the future maintenance of these areas will need to be found, whether by a factor or through other agencies.

Care must be taken to ensure good natural surveillance in any off-street parking areas. Vehicular accesses to any off-street parking areas will need to be taken into account within the overall street design.

Karen Esslemont

Discreet undercroft parking

Basement or undercroft parking

The advantage of putting cars underground is that it preserves the street frontage, uses land more efficiently and may be more convenient for drivers accessing the building, particularly in adverse weather. However, as with courtyard parking, much depends on the location and design of the entrance. Careful consideration should be given to the visual impact of undercroft parking at street level.

On-plot parking

Parking within the front curtilage should generally be avoided as it breaks up the frontage, can be unsightly and restricts informal surveillance. On-plot parking may be suitable in restricted situations when integrated with other parking solutions and when considered in terms of the overall street profile.

Garages

Garages are not always used for car parking and this can create additional demand for on-street parking. Car ports are a good alternative. Dimensions for garages should be sufficient to recognise current vehicle sizes in order to encourage their use for car storage.

Parking spaces for disabled people

It is recommended that parking bays for disabled people are designed so that drivers and passengers, either of whom may be disabled, can get in and out of the car easily. They should allow wheelchairs users to gain access from the side and the rear. The bays should be large enough to protect people from moving traffic when they cannot get in or out of their car on the footway side. Dropped kerbs should be conveniently sited to enable drivers who use wheelchairs to gain easy access to footways. Further information is contained in *PAN 78 Inclusive Design.*

Car Parking; What Works Where[21] provides a comprehensive toolkit for designers that gives useful advice on the most appropriate forms of car parking relevant to different types of residential development. Consideration should also be given to the *Safer Parking Scheme* initiative of the Association of Chief Police Officers (ACPO) and aimed at reducing crime and the fear of crime in parking areas. *PAN 77 Designing Safer Places*[22] also discusses this issue.

Motorcycle parking

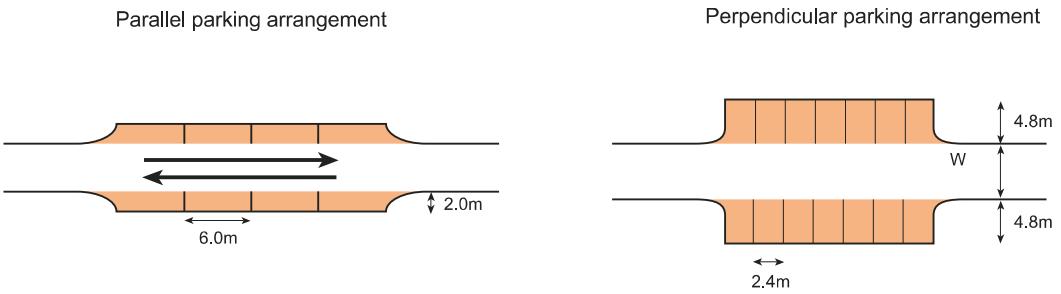
In planning for private residential parking, in most situations motorcycles will be able to use car parking spaces, but in some situations it will be appropriate to provide designated motorcycle parking areas. Guidance on motorcycle parking is contained in *Traffic Advisory Leaflet 02/02.*[23] General advice on designing streets to meet the need of motorcycles is given in the *Guidelines for Motorcycling.*[24]
To estimate the space required for parking motorcycles, it is recommended that a 2.0 m by 0.8 m footprint is allowed per motorcycle.

Dimensions for car parking spaces and manoeuvring space

For parking parallel to the street, each vehicle will typically need an area of about 2 m wide and 6 m long.

For echelon or perpendicular parking, individual bays will need to be indicated or marked. The rectangular bay area should be sized as follows:

- Absolute minimum of 2.4 m wide by 4.8 m long
- Desirable 2.5 m wide by 5.0 m long



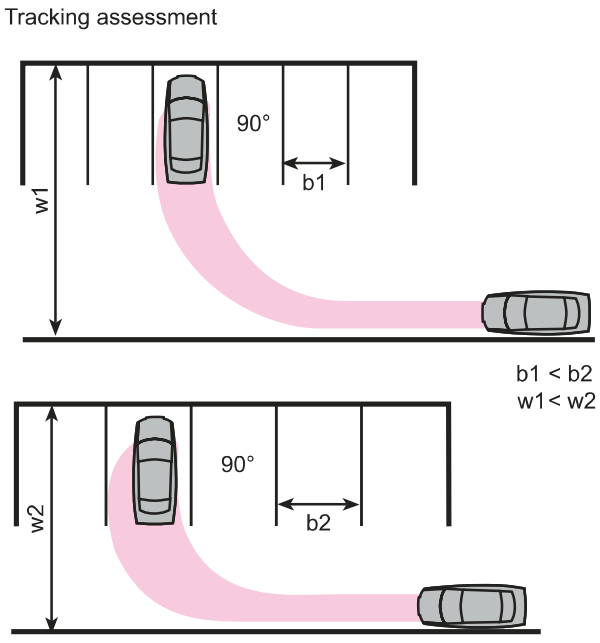
Suggested parallel and perpendicular parking arrangements

The width (W *above*) needed to access echelon or perpendicular spaces conveniently, depends on the width of the bay and the angle of approach. For a 2.4 m wide bay, these values are typically:

- at 90 degrees, W = 6.0 m;
- at 60 degrees, W = 4.2 m; and
- at 45 degrees, W = 3.6 m.

The width requirements can be reduced if the spaces are made wider. Swept-path analysis can be used to assess the effect of wider spaces on reducing the need for manoeuvring space, as illustrated in the diagrams below.

Where space is limited, it may not be possible to provide for vehicles to get into the spaces in one movement. Some back and fore manoeuvring may be required. This is likely to be acceptable where traffic volumes and speeds are low.



The effect on overall street width requirements when wider car parking spaces are provided

Other parking issues

Other issues for the design team and local authority to consider include:

- the appropriate level of car parking provision including the level of provision for disabled people (Blue Badge Holders);
- the negative impacts of conversion of front gardens to parking and parking in conservation areas;
- provision below normal demand (Lower levels can work successfully when adequate on-street parking controls are present and where it is possible for residents to reach day-to-day destinations, such as jobs, schools and shops, without the use of a car.);
- the potential for the use of car clubs which provide neighbourhood-based short-term car hire to members;
- unallocated parking (Not all parking spaces need to be allocated to individual properties. Unallocated parking provides a common resource for a neighbourhood or a specific development.); and
- the hazards and inconvenience to pedestrians caused by footway parking (It is therefore recommended that footway parking be minimised through the design of the street.).

Emergency and service vehicles

Key considerations

- **Street layouts should accommodate emergency and service vehicles without compromising a positive sense of place**

Emergency vehicles

The requirements for emergency vehicles are generally dictated by the fire service requirements. All development proposals should be discussed with the relevant Fire Authorities.

The Association of Chief Fire Officers has expanded upon and clarified these requirements as follows:

- A 3.7 m carriageway (kerb to kerb) is required for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of all points within a dwelling.
- If an authority or developer wishes to reduce the running carriageway width to below 3.7 m, they should consult the local Fire Safety Officer.

Service vehicles

The design of streets should accommodate service vehicles without allowing their requirements to dominate the layout.

On streets with low traffic flows and speeds, it may be assumed that vehicles will be able to use the full width of the carriageway to manoeuvre. Larger vehicles which are only expected to use a street infrequently, such as pantechnicons, need not be fully accommodated – designers could assume that they will have to reverse or undertake multi-point turns to turn around for the relatively small number of times they will require access. The involvement of the local authority in determining design solutions for service vehicles is important.

Well-connected street networks have significant advantages for service vehicles. A shorter route can be used to cover a given area, and reversing may be avoided altogether.

Waste collection vehicles

It is essential that liaison between the designers, the waste, roads, planning and building control authorities, and access officers, takes place at an early stage.

Planning authorities should ensure that new developments make sufficient provision for waste management and recycling and should promote designs and layouts that secure the integration of waste management facilities without adverse impact on the street scene.

Policy for local and regional waste planning bodies is set out in *Scottish Planning Policy*.

Routing for waste vehicles should be determined at the concept masterplan or scheme design stage. Wherever possible, routing should be configured so that the refuse collection can be made without the need for the vehicle having to reverse, as turning areas may be obstructed by parked vehicles.

While it is always possible to design new streets to take the largest vehicle that could be manufactured, this would conflict with the desire to create quality places. It is neither necessary nor desirable to design new streets to accommodate larger waste collection vehicles than can be used within existing streets in the area.

Swept-path analysis can be used to assess layouts for accessibility. Where achieving these standards would undermine quality of place, alternative vehicle sizes and/or collection methods should be considered.

BS 5906: 2005 recommends a maximum reversing distance for refuse vehicles of 12 m. Longer distances can be considered, but any reversing routes should be straight and free from obstacles or visual obstructions.

Section 3.25 of the *Scottish Building Standards (Domestic) Technical HandbooK*[25] provides guidance on achieving the standards set in the *Building (Scotland) Regulations 2004*[26] with regard to solid waste storage and collection point. The collection point can be on-street or may be at another location defined by the waste authority. Key recommendations are that:

- residents should not be required to carry waste more than 30 m (excluding any vertical distance) to the storage point;
- waste collection vehicles should ideally be able to get to within 25 m of the storage point (although *BS 5906: 2005* recommends slightly shorter distances) and the gradient between the two should not exceed 1:12; and
- there should be a maximum of three steps for waste containers up to 250 litres, and none when larger containers are used (The Health and Safety Executive recommends that, ideally, there should be no steps to negotiate).

BS 5906: 2005[27] provides guidance and recommendations on good practice. The standard advises on dealing with typical weekly waste and recommends that the distance over which containers are transported by collectors should not normally exceed 15 m for two-wheeled containers, and 10 m for four-wheeled containers.

Street detail

Drainage

Key considerations

- **Streets should use appropriate SUDS techniques as relevant to the context in order to minimise environmental impacts**

Street drainage

The majority of streets are designed to accommodate the disposal of foul and surface water and this needs to be considered at an early stage in the design of street layouts. This includes consideration of foul drainage, surface water and Sustainable Urban Drainage Systems (SUDS).

Foul drainage

This will normally take the form of drains around the curtilage of buildings which come under the *Building (Scotland) Regulations 2004* and sewers located in the street where the relevant guidance is found within *Sewers for Scotland.*[28]

The adoption process for sewers is set by Section 16 of the *Sewerage (Scotland) Act 1968.*[29] The Scottish Water document *Sewers for Scotland* is a guide to facilitate the procurement, design, maintenance and adoption of sewers by Scottish Water.

Surface water drainage

The street provides a conduit for the storage or disposal of rainwater and, by its nature and its impact on the environment, the management of surface water runoff is a more complex matter than dealing with foul water. Sustainable drainage solutions adoptable by both local authorities and Scottish Water are set out in *The SUDS Manual.*[30] The emphasis is on the sustainable management of surface water, whereby conveyance is maintained between SUDS features in the traditional sense using pipework and open channels with SUDS features enhancing water quality, amenity and biodiversity, whilst controlling run-off quantity.

When considering the management of surface water, designers, developers and authorities need to take account of the *PAN 61: Planning and Sustainable Urban Drainage,*[31] Scottish Planning Policy, and the *Water Environment and Water Services (Scotland) Act 2003 (WEWS Act 2003).*[32] *WEWS Act 2003* transposes the *Water Framework Directive*[33] to assess, protect and enhance water environments in Scotland, into national law. The *Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR)4*[34] have been introduced under *WEWS Act 2003* to allow regulatory controls on this matter.

The *Flood Risk Management (Scotland) Act 2009*[35] requires local authorities to assess and prepare maps of relevant bodies of water and SUDS which will assist in the preparation of flood risk management plans by each local authority.

Land Use Consultants

The planning and management of surface water discharge from buildings and roads requires a co-ordinated approach to evaluating flood risk and developing an integrated urban drainage strategy.

The responsibility for undertaking site specific flood risk assessments in new developments (FRA) rests with the developer. However, *Scottish Planning Policy* advocates a partnership approach, consulting with the relevant stakeholders to compile the FRA. This will involve the local authority as flood authority, the Scottish Environmental Protection Agency (SEPA) and Scottish Water.

Sewers for Scotland recommends, and some local authorities require, that drainage criteria for new development comply with the drainage assessment requirements set out in *Drainage Assessment – A Guide for Scotland.*[36]

Sustainable Urban Drainage Systems

The term Sustainable Urban Drainage Systems covers the whole range of sustainable approaches to surface water drainage management. SUDS aim to mimic natural drainage processes and remove pollutants from urban run-off at source. SUDS comprise a wide range of techniques, including permeable paving, swales, detention basins, filter strips, filter drains, infiltration systems, bio-retention, ponds and wetlands. To realise the greatest improvement in water quality amenity and biodiversity and flood risk management, these components should be used in combination, sometimes referred to as the SUDS Management Train, as described in *The SUDS Manual.*

SUDS are more sustainable than conventional drainage methods because they:

- manage run-off flow rates, using infiltration and the retention of storm water;
- protect or enhance the water quality;
- are sympathetic to the environmental setting and the needs of the local community;
- provide a habitat for wildlife in urban watercourses;
- encourage natural groundwater recharge (where appropriate); and
- can assist in reduction or removal of drainage network constraints.

They do this by:

- dealing with run-off close to where the rain falls (source control);
- managing pollution at its source; and
- protecting water resources from pollution created by accidental spills or other sources.

The use of SUDS is seen as a primary objective by the Government and should be applied wherever practical and technically feasible. Granting of planning permission will be dependent on agreement between the local planning authority and SEPA, as statutory consultees. It is a SEPA requirement that sufficient levels of SUDS are provided.

New guidance, *SUDS for Roads,*[37] has been developed by the SUDS Working Party, including representatives of SEPA, Scottish Water and local authorities, regarding acceptable forms of SUDS to be applied to roads.

Detailed guidance on the selection and design of SUDS is contained in *The SUDS Manual, Sewers for Scotland* and *SUDS for Roads.* All stakeholders need to be aware of the importance of the application of SUDS as part of an integrated urban drainage strategy for a development.

Andrew Cameron, WSP

Utilities

Key considerations

The accommodation of services should not determine the layout of streets or footways

Utilities are an essential component of street infrastructure and can have an important effect on layout issues, such as footway widths. The accommodation of utilities must not, however, compromise the creation of a sense of place or influence the design disproportionately. It is essential to liaise with the utility companies when the layouts of the buildings and streets are being designed.

Service strips should be designed to accommodate the services contained rather than by the application of rigid standards.

The availability and location of existing services should be identified at the outset. Where possible, all utility apparatus should be laid in 'corridors' throughout the site. This will facilitate the installation of the services and any future connections as the development proceeds.

Most residential streets provide routes for statutory undertakers and other services. Detailed advice on providing for utilities in new developments can be found in *NJUG Guidance*[38] and local authority guidelines.

Andrew Cameron WSP

An image of a layout driven by standards and formulaic solutions – the use of large radius bends, overly-dominant lighting columns, large building setbacks, inefficient land use, and inappropriate traffic calming contribute nothing to a positive sense of place

Planting

Key considerations

Street design should aim to integrate natural landscape features and foster positive biodiversity

Intelligent and appropriate planting in street design is encouraged. Planting, particularly street trees, helps to soften the street scene while creating visual interest, improving microclimate and providing valuable habitats for wildlife. Whilst appropriate driver sightlines should be maintained, vegetation can be used to limit excessive forward visibility to limit traffic speeds.

Care should be taken to preserve existing trees, particularly when changes to a street are planned. Consideration should also be given to the relationship of streets to existing and new green networks. Green networks can often provide pedestrian or cycle routes that offer increased connectivity and add a distinctive character area for people to enjoy.

Careful consideration needs to be given to appropriate tree selection, their location and how they are planted. Detailed advice on this issue is contained in the Communities and Local Government document, *Tree Roots in the Built Environment*.[39]

If possible, semi-mature trees should be planted. Slow-growing species with narrow trunks and canopies above 2 m should be considered.

Maintenance arrangements for all planted areas need to be established at an early stage, as they affect the design, including the choice of species and their locations. The approval and maintenance of proposed planting within the street boundary will be required to comply with Sections 50 and 51 of the *Roads (Scotland) Act 1984*.[40]

Alternatives to formal adoption may require innovative arrangements to secure long-term management of planting. These may include the careful design of ownership boundaries, the use of covenants and annual service charges on new properties.

Karen Esslemont EDAW

Atkins

Materials

Key considerations

- **Materials should be distinctive, easily maintained, provide durability and be of a standard and quality to appeal visually within the specific context**

Materials and construction

Places need to look good and work well in the long term. Design costs are only a small percentage of the overall costs, but it is the quality of the design that makes the difference in creating places that will stand the test of time. Well-designed places last longer and are easier to maintain, thus the costs of the design element are repaid over time. The specification for materials and maintenance regimes should be written to provide high standards of durability and environmental performance. Maintenance should be straightforward and management regimes should ensure that there are clear lines of responsibility. The long term success of places can be as dependent on visual appeal as durability. The quality of the design and its appropriateness to an area can have a significant effect on the extent to which a place is liked and well-used.

Local authorities should be prepared to allow the use of alternative materials, landscaping treatments and features to those normally approved if they will help to create a positive sense of place and enhance context.

It is recommended that all materials:

- are easy to maintain;
- are safe for purpose;
- are durable;
- are sustainable (including the manufacturing process and energy use);
- are appropriate to the context; and
- provide clear street definition and hierarchy.

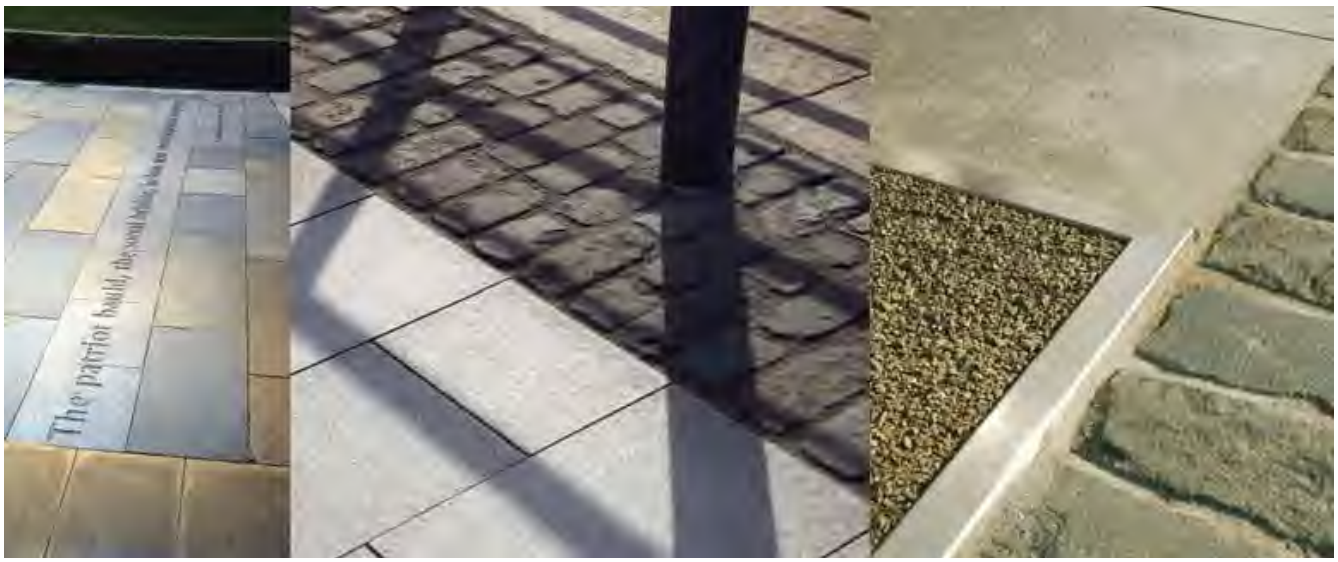
Arrangements for future maintenance

It is important that decisions on the future maintenance arrangements of the streets and public spaces in a development are made early in the design process. If the streets are to be adopted by the local roads authority, the layout and material choices must be acceptable to the authority.

It is possible for streets to remain private but, ideally, a properly-constituted body with defined legal responsibilities will need to be established to maintain the streets to the common benefit of residents.

A road authority will require legal certainty that the streets are going to be properly maintained in perpetuity by these private arrangements. Approval for construction of new private streets will be required under Sections 17 and/or 21 of the *Roads (Scotland) Act 1984* and, under Section 13 of this Act, the local roads authority has powers to require a private road is maintained to a reasonable standard (as set by the authority).

A roads authority may be unwilling to adopt items such as planting and street furniture (e.g. play equipment and public art) which are not considered to relate to the movement functions of the street. If there is no private management company, arrangements can be made for such features to be maintained by another local authority department.



Gillespies and Paul Zanre

Reducing clutter

Key considerations

- Signs and street markings should be kept to a minimum and considered early in the design process
- Street lighting should be as discreet as possible, but provide adequate illumination
- Street furniture should be located for maximum benefit and to reduce pedestrian obstruction

Traffic signs

The Traffic Signs Regulations and General Directions 2002[41] (*TSRGD*), is a regulatory document which details every traffic sign prescribed for use in the UK. It includes all of the prescribed road markings, as a road marking is legally a sign. *TSRGD* also stipulates the conditions under which each sign may be used.

Further advice on the use of signs is contained in the *Traffic Signs Manual,*[42] which gives advice on the application of traffic signs in common situations. Compliance with *TSRGD* is mandatory. The *Traffic Signs Manual* is guidance and there is therefore scope for moving away from its recommendations if justified by local circumstances.

The requirement for signs

No sign is fundamentally required by *TSRGD* per se. Signs are only needed to warn or inform, or to give effect to Traffic Regulation Orders (TROs) and *TSRGD* simply sets out how signs must be used once it has been decided that they are necessary.

Signs are most effective when used sparingly. Designers should ensure that each sign is necessary – they should use the flexibility within the *TSRGD* and associated guidance documents to ensure that signs are provided as required, but do not dominate the visual appearance of streets.

The non-provision of signs and markings may be appropriate in lightly-trafficked environments specifically designed to promote low speeds. It reduces clutter and the relative lack of signage may also itself encourage lower vehicle speeds.

Signs which have no clear purpose should be removed to reduce clutter and to ensure that essential messages are prominent. Although much signage is provided for the benefit of motorised users, it is generally located on the footway and can contribute to clutter.

In the case of new developments, some road authorities seek to guard against having to install additional signs at their own expense later, by requiring all manner of signs to be provided by the developer at the outset. This will lead to clutter and is not recommended. The preferred way of addressing such concerns is to issue a bond to cover an agreed period, so that additional signs, if deemed absolutely necessary, can be installed later at the developer's expense if required.

John Thompson & Partners

Inappropriate signage

Andrew Cameron WSP

Overly dominant signage that detracts from the place

It is desirable to limit the number of posts in footways. Where possible, signs should be attached to adjacent walls, not more than 2 m from the edge of the carriageway, or be grouped on posts.

Existing streets should be subject to a signs audit to ensure that they are not over-signed and, in particular, that old, redundant signs have been removed.

The use of centre lines is not an absolute requirement. There is some evidence that, in appropriate circumstances, the absence of white lines can encourage drivers to drive at lower speeds.

Most unsignalised junctions are designed assuming a dominant flow, with priority indicated by give-way signs and markings. There is no statutory requirement for junction priority to be specified. Unmarked junctions that require drivers to 'negotiate' their way through may be appropriate on lower volume streets, as this can help to control speeds.

Street furniture

Every piece of street furniture should earn its place in the street.

Street furniture should have a clear function and should not be regarded as simple ornamentation. Street furniture should be integrated into the overall design of a street and relate to context.

Street furniture that encourages human activity can also contribute to a sense of place. The most obvious example of this is seating, or features that can act as secondary seating such as low walls or planters. Wherever possible, street furniture should perform more than one function in the interests of reducing clutter and improving amenity.

Seating is necessary to provide rest points for pedestrians, particularly older people or people with mobility or visual impairments, and extra seating should be considered where people congregate, such as squares, local shops and schools. Guidance is given in *PAN 78 Inclusive Design and BS 8300.*[43] Seating can sometimes attract anti-social behaviour and therefore should be located where there is good lighting and natural surveillance.

Guard railing

Guard railing should not be provided unless a clear need for it has been identified. Introducing measures to reduce traffic flows and speeds may be helpful in removing the need for guard railing. In most cases, it is unlikely that guard railing will be required on residential streets.

Andrew Cameron WSP

As well as being visually intrusive, the inappropriate use of guard railings can block pedestrian desire lines, with consequential possible dangers

Lighting

Where streets are to be lit, lighting should be planned as an integral part of the design of the street layout at an early stage. Lighting should illuminate both the carriageway and the footway.

Consideration should be given to attaching lighting units to buildings to reduce street clutter. Under Section 35 (5) of the *Roads (Scotland) Act,* local authorities have the power to fix lighting to walls and buildings, subject to a statutory consultation with involved parties and a specified notice period.

Lighting should be appropriate and sympathetic to the context. A street lighting assessment can be helpful in determining both the level of lighting and the type of equipment used in the area.

In street design, consideration should be given to the purpose of lighting, the scale of lighting relative to human users of the street, the width of the street and the height of surrounding buildings.

Where road and pedestrian area lighting are both required, some road authorities install lamp columns featuring a secondary footway light mounted at a lower height. This can assist in illuminating pedestrian areas well, particularly where footways are wide or shaded by trees.

The colour of lighting is another important consideration. This relates both to people's ability to discern colour under artificial light and the colour 'temperature' of the light. Light colour temperature is a consequence of the composition of the light, ranging simply from blue (cold) to red (warm). Generally, pedestrians prefer whiter lighting.

Lighting should generally be in accordance with *BS EN 13201-2,*[44] *BS EN 13201-3,*[45] and *BS EN 13201-4.*[46] Guidance on lighting design is given in *BS 5489-1*, *Code of Practice for the Design of Road Lighting,*[47] to comply with the requirements of *BS EN 13201*. This is a guidance document only and local circumstances may require different approaches.

Further guidance is contained within *Controlling Light Pollution and Reducing Lighting Energy Consumption,*[48] *PAN 51: Planning, Environmental Protection and Regulation*[49] and *PAN 77: Designing Safer Places.*

Andrew Cameron WSP

Building-mounted lighting

How to achieve better outcomes

Atkins

How to achieve better outcomes

Designing Streets recognises that good design requires to be supported by an informed process. The large number of stakeholders involved in street design demands that the overlaps between professionals, decision makers and the public are fully integrated and work in a collaborative way.

policies

- **Street design should be based on balanced decision-making and must adopt a multidisciplinary collaborative approach**
- **Street design should run planning permission and Road Construction Consent (RCC) processes in parallel**

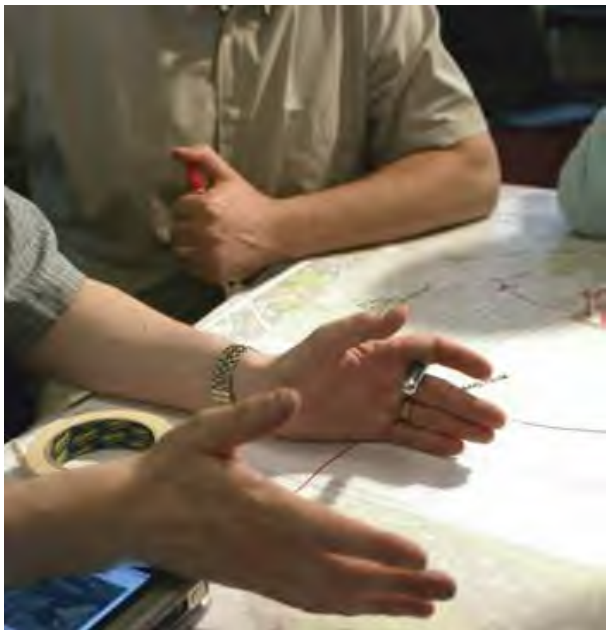
Joint working processes

Street design involves a wide range of contributors and it is essential that these individuals and organisations work together from the earliest point towards a common objective – the delivery of distinctive streets where functionality is accommodated within a positive sense of place.

It is important for the various parts of local authorities to work together when giving input to a development proposal. Developers may be faced with conflicting requirements if different parts of local authorities fail to coordinate their input. This can cause delay and a loss of design quality. This is particularly problematic when one section of a local authority – for example the roads adoption/Roads Construction Consent (RCC) or maintenance engineers – become involved late in the process and require significant changes to the design. A collaborative process of partnership and cooperation is required from the outset between all relevant parties.

Similarly, it is vital that developer teams also work in an integrated manner to deliver quality street design and provide appropriate interfaces with local authorities and other stakeholders. Engagement with agencies is encouraged as early as possible, preferably at pre-application stage. Detailed policy issues must be addressed as early in the process as possible in order to integrate solutions and streamline processes.

Ongoing dialogue between all parties – developer teams, authorities, agencies, the public including disability groups and access panels – is essential.



John Thompson & Partners

Case study

PARC Craigmillar, Edinburgh

PARC Craigmillar is a joint venture company between the EDI Group Ltd and the City of Edinburgh Council. Together with groups and representatives from the Craigmillar community, the Company works on the regeneration of the Craigmillar area in Edinburgh.

Central to the regeneration project is the innovative approach to street design. The project contains successful Shared Space/ Home Zone areas and level surfaces that link the residential streets and new primary schools campus, providing an area in which vehicle movement is secondary to the activity of pedestrians.

Much of the Shared Space area is constructed with permeable paving, which integrates drainage functions within the on-street parking bays and carriageway build-up. The design of the carriageway was undertaken in a collaborative process with the City of Edinburgh Council, to a standard that allowed the Council to adopt the streets including the areas of permeable paving. Careful and efficient incorporation of underground utilities and services was paramount to ensure the successful design of these streets.

PARC Craigmillar's Shared Space development at Wauchope Square has been nationally recognised - winning the best Home Zone category in the UK Street Design awards 2009, awarded by Local Government News.

The work at Craigmillar illustrates how many of the functions of streets can be integrated in both innovative designs and collaborative processes that result in streets with a distinctive and positive character and excellent functionality.

Keith Hunter

Keith Hunter

Joint planning permission & RCC processes

Research carried out for the Scottish Government in 2005 identified ways in which the Roads Construction Consent process could be better integrated with the planning approval process. This process has now been updated accordingly, and will provide greater certainty for developers taking forward more innovative designs and meet government objectives for streamlining the planning process. The chart below illustrates a method to follow to comply with the national policy on this matter.

Residential street approval process

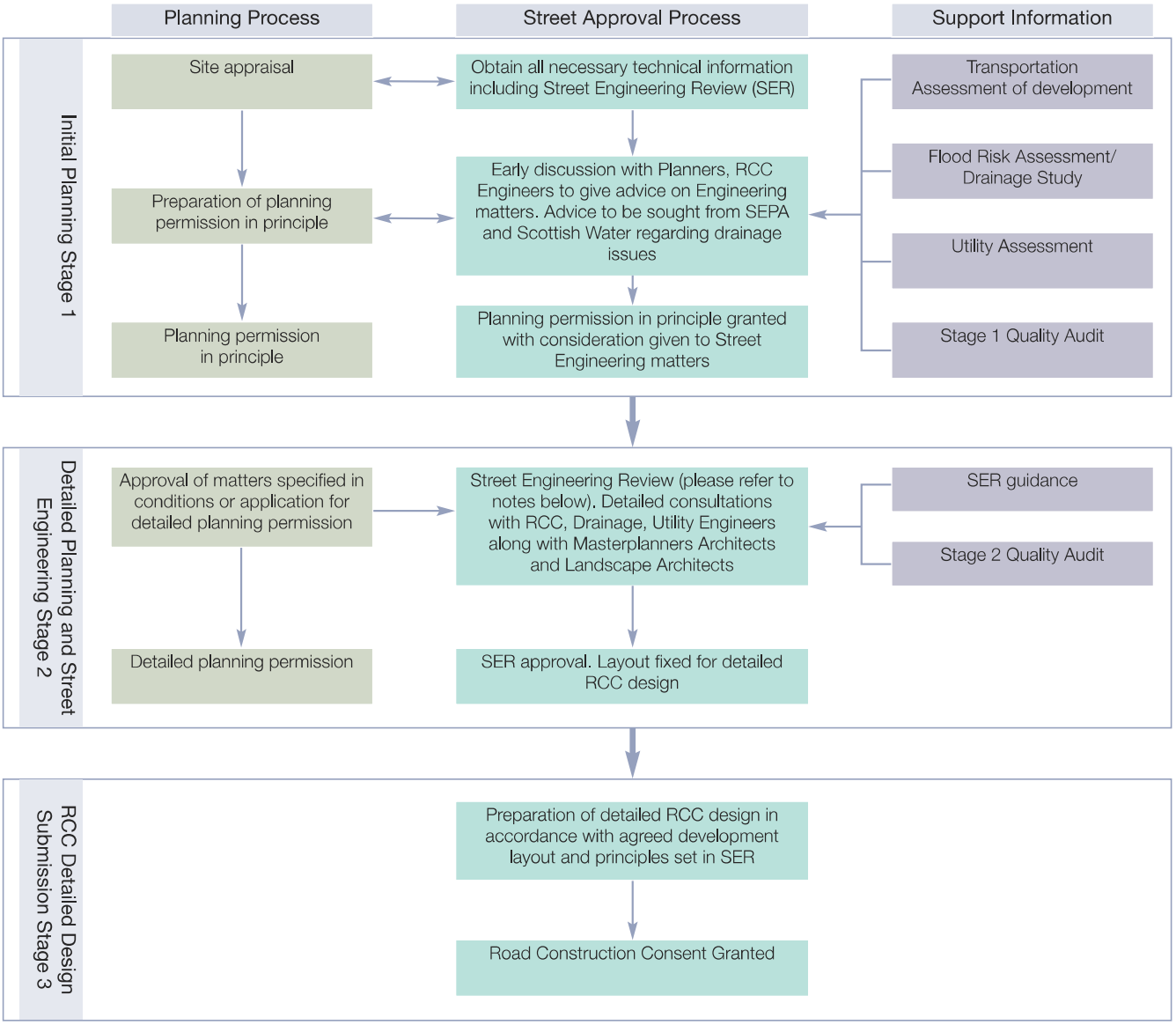


Diagram: Waterman Boreham Transport Planning

Street Engineering Review (SER) Notes

Undertake SER in accordance with Local Authority guidance and relevant national policy/guidance (e.g. *Designing Streets*).

SER to include areas such as:

- Agreement of street layout including landscaping proposals in relation to the following:
  - Vehicle tracking of layout (particular attention to be given to refuse vehicles and buses)
  - Approval of key visibility splays
  - Speed control
  - Agreement of drainage discharge rates
  - Agreement of SUDS techniques
  - Schematic drainage layout for foul and surface water including dimension requirements against building and landscaping
  - Key materials palette
  - Utilities strategy

In some instances, insufficient detail may exist at planning permission in principle stage to justify RCC processes to take place. Balanced decisions on individual applications are required.

Quality Audits

The Quality Audit process aims to allow for more innovative design solutions where over safety-cautious practices can be omitted in favour of creating places that are high quality and enjoyable to use.

A Quality Audit draws together assessments by various professionals, and each may be undertaken within particular guidelines. By grouping the assessments together, any compromises in the design will be apparent, making it easier for decision makers to view the scheme in the round.

Quality Audits can ensure that street designs are appropriate and meet the objectives agreed at the outset. Documented audit and sign-off systems also provide a strong defence against any liability claims that may arise after the scheme has been implemented.

Quality Audits are particularly beneficial in the following circumstances:

- at option testing stage;
- at pre-application stage;
- where strong tensions exist between different objectives, a Quality Audit will aid more balanced decision–making;
- for schemes within existing streets, where a quality audit will provide an opportunity for decision-makers to make a balanced assessment of different considerations before approving a particular solution; and
- for smaller schemes where no Design Statement will be required.

The audit may include documents required by the local planning authority to support an application.

A Quality Audit should be integral to the design and implementation and not a tick box exercise. A typical audit may include some of the following assessments but the content will depend on the type of scheme and the objectives which the scheme is seeking to meet:

- an audit of visual quality
- a review of how the street will be used by the community
- a Road Safety Audit
- an inclusive access audit
- a walking audit
- a cycle audit

Road Safety Audits (RSA)

The purpose of the RSA is to identify potential road safety problems. Road Safety Audits can be a key component within an overall Quality Audit. Road Safety Audits are routinely carried out for many road schemes. The Institution of Highways and Transportation (IHT) Guidelines on RSA sit alongside the relevant standard contained in *DMRB* as the recognised industry standard documents in the UK. The procedures set out in *DMRB*, however, are a formal requirement for trunk roads only.

It is important to understand that RSAs are not mandatory for local road authorities. Many residential streets, where the design is carried out by a developer's consultant, are assessed independently by the local roads authority. In many authorities, there is no requirement for a further check by a Roads Safety Audit team, particularly where it is clear that motorised traffic volumes and speeds, and the degree of potential conflict between different user-groups, is not going to be significant.

An RSA is not a check on compliance with design standards. Audits should take all road users into account, including pedestrians and cyclists. The auditor reviews the proposals and the local authority decides whether or not to accept particular recommendations.

It is also important to note that the design team retains responsibility for the scheme and is not governed by the findings of the report. There is, therefore, no sense in which the scheme passes or fails the RSA process. Designers do not have to comply with the recommendations of a Safety Audit although, in such cases, they would be expected to justify their reasoning within a written report.

The process set out in *DMRB* requires the audit team to be independent of the design team, and road safety issues are therefore often considered in isolation from visual quality and successful place-making issues. It can therefore be difficult to achieve a balanced design through dialogue and compromise. The requirement for independence need not, however, prevent contact between the design team and the audit team throughout the process.

The involvement of road safety professionals as an integral part of the design team is recommended to help to overcome problems. This allows ideas to be tested and considered in more balanced and creative ways, and should overcome situations where perceived safety issues lead to late changes to schemes, often to the detriment of design quality.

Another area of concern with the current system is that RSAs may seek to identify all possible risks without distinguishing between major and minor risks, or quantifying the probability of them taking place. There can also be a tendency for auditors to encourage designs that achieve safety through segregating vulnerable road users from road traffic. Such designs can perform poorly in terms of streetscape quality, pedestrian amenity and security and, in some circumstances, can actually reduce safety levels.

It would therefore be useful if RSAs included an assessment of the relative significance of any potential safety problems. A risk assessment to consider the severity of a safety problem and the likelihood of occurrence would make it considerably easier for decision-makers to strike an appropriate balance. An example of a risk assessment framework is given in *Highway Risk and Liability Claims.*[50]

Conclusion

Good street design impacts upon a wide variety of issues, and it is, thus, essential for all those involved in designing streets to work productively to achieve the goals of this policy document.

The design rationale, processes and justification for a new approach to street design have been clearly laid out. It is, however, of central importance that individuals and organisations adopt both the spirit and the detail of this policy and engage in a proactive manner.

The outcomes for all of those involved in street design are not simply designs, approvals or agreements: they are the delivery of new lively, vibrant and sustainable places of which Scotland can be proud for generations to come.

J Cooper

Annex: Technical questions and answers

What is the legal and technical context?

A complex set of legislation, polices and guidance applies to the design of streets. There is a tendency among some designers and approving authorities to treat design guidance as hard and fast rules because of the mistaken assumption that to do otherwise would be illegal or counter to a stringent policy. This approach is wrong. It restricts innovation, and leads to standardised streets with little sense of place or quality. In fact, there is considerable scope for designers and approving authorities to adopt a more flexible approach on many issues. It is, therefore, Scottish Government policy in *Designing Places* and *Designing Streets* to encourage street design which engenders place and quality.

By copying a standard example without due consideration, designers abrogate their own professionalism. When doing so, they still retain responsibility for the design, as it is their decision to copy a standard example which has been produced by individuals who may never have seen the site in question, and which may therefore not be suitable.

The following comprise the various tiers of instruction and advice:

- the legal framework of statutes, regulations and case law
- government policy
- government guidance
- local policies
- local guidance
- design standards
- evidence and research base and the concept of 'evidence-based design'

The Westminster and Scottish Parliaments and the Courts have established the legal framework. In this respect, certain aspects of transport are reserved to Westminster in terms of the *Scotland Act 1998*[51]. For example, this includes the provisions which are the subject matter of the *Road Traffic Act 1988*[52], namely traffic signs and speed limits.

The Scottish Government develops policies aimed at meeting various objectives which roads and planning authorities are directed to follow. *Designing Places* and *Designing Streets* are such policies. It also issues supporting guidance to help authorities implement these policies, including the guidance in this document.

Evidence-based design has been developed as a concept within recent years. A distinction needs to be drawn between policies, guidance and practices that are, in essence, rule of thumb and that reflect simply a continuation of a conventional approach, and those that are based on science, statistics and designed experimental studies, and regularly challenged to ensure that they are relevant to modern needs and conditions. *Designing Streets* is supported by an evidence base.

Within this overall framework, road and planning authorities have considerable leeway to develop local policies and standards, and to make technical judgements with regard to how they are applied. Other bodies also produce advisory and research material on which they can draw.

What is the risk and liability?

Concerns around risk and liability frequently lead to the rigid application of standards that can stifle design-led, contextual approaches. Roads authorities have often applied a very cautious approach in order to avoid potential liability in the event of damage or injury.

This over-cautious approach is ill-advised, and restricts innovation and responses to local context. Recent case law has established that drivers are primarily responsible for their own safety and although road authorities have a general duty under Section 39 of the Road Traffic Act 1988 to promote safety, this does not create a duty of care.

A major concern expressed by some road authorities when considering more innovative designs, or designs that are at variance with established practice, is whether they would incur a liability in the event of damage or injury.

This can lead to an over-cautious approach, where designers strictly comply with guidance regardless of its suitability, and to the detriment of innovation. This is not conducive to creating distinctive places that help to support thriving communities.

In fact, imaginative and context-specific design that does not rely on conventional standards can achieve high levels of safety. The design of Poundbury in Dorset, for example, did not comply fully with standards and guidance then extant, yet it has very few reported accidents. This issue was explored in some detail in the publication *Highway Risk and Liability Claims 2009.*

Claims against road authorities relate almost exclusively to alleged deficiencies in maintenance. Claims for design faults are extremely rare. The duty of the road authority to maintain the road is set out in the *Roads (Scotland) Act 1984,* and case law has clarified the law in this area.

The courts in Scotland have adopted a cautious approach when considering the duty of care potentially owed by roads authorities. Merely because a roads authority has powers, this does not generally open up the authority to liability. The circumstances in which roads authorities have been held liable in damages have been very restricted. The restrictive approach has also been adopted in circumstances where the risk of an accident may well be foreseeable. (See *Murray v Nicholls* and *Bennett v J Lamont & Sons*).

The Scottish line of authority has been recently reinforced by the House of Lords in the case of *Gorringe v. Calderdale* MBC (2004). A claim was made against a highway authority in England ('roads' authority in Scotland) for failing to maintain a 'SLOW' marking on the approach to a sharp crest. The judgement confirmed a number of important points which were that:

- the authority's duty to 'maintain' covers the fabric of a highway, but not signs and markings;
- there is no requirement for the road authority to 'give warning of obvious dangers' and natural road hazards; and
- drivers are 'first and foremost responsible for their own safety'.

A handful of claims for negligence and/or failure to carry out a statutory duty have been made under section 39 of the *Road Traffic Act 1988*, which places a general duty on road authorities to promote road safety. In connection with new roads, Section 39 (3)(c) states that road authorities 'in constructing new roads, must take such measures as appear to the authority to be appropriate to reduce the possibilities of such accidents when the roads come into use'.

The *Gorringe v. Calderdale* judgment made it clear that *Section 39 of the Road Traffic Act 1988* did not create a duty of care and, therefore, does not form the basis for a liability claim.

Advice to road authorities on managing their risks associated with new designs is given in Chapter 5 of *Highway Risk and Liability Claims (2009)*. In summary, this advises that authorities should put procedures in place that allow rational decisions to be made with the minimum of bureaucracy, and create an audit trail which could subsequently be used as evidence in court.

Suggested procedures include the following key steps:

- set clear and concise scheme objectives;
- work up the design against these objectives; and
- review the design against these objectives through a quality audit.

Balanced decisions

A suggested framework from *Highway Risk and Liability Claims (2009)* which accords with those set out in *Designing Streets* is:

Vision – there should be an overall vision for an area that reflects local and national policy and, where appropriate, the views of the local community

Objectives/Purpose – there should be a robust understanding of what the scheme is intended to do. This will normally include balancing:

- movement and place;
- risk and opportunity; and
- ensuring sustainability.

Design – this should be worked up against the objectives

Quality audit – this is a review of the design against the objectives set

What are the issues regarding disability discrimination?

Road and planning authorities must comply with the Disability Equality Duty under the *Disability Discrimination Act 2005.* This means that in their decisions and actions, authorities are required to have due regard to six principles, which are to:

- promote equality of opportunity between disabled persons and other persons;
- eliminate discrimination that is unlawful under the 2005 Act;
- eliminate harassment of disabled persons that is related to their disabilities;
- promote positive attitudes towards disabled persons;
- encourage participation by disabled persons in public life; and
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

Those who fail to observe these requirements will be at the risk of a claim. Not only is there an expectation of positive action, but the duty is retrospective and local authorities will be expected to take reasonable action to rectify occurrences of non-compliance in existing areas.

The Disability Rights Commission (DRC) has published a *Statutory Code of Practice on the Disability Equality Duty*[53] and it has also published specific guidance for those dealing with planning, buildings and the street environment.

What are the adoption and maintenance issues?

Key considerations

- The quality of the environment created by new development needs to be sustained long after the last property has been occupied. This requires good design and high-quality construction, followed by good management and maintenance.
- Authorities are encouraged to adopt a palette of suitable local and natural materials which allow for more creative design whilst being practical to maintain.
- Resource efficiency and sustainability should be addressed through the use of appropriate materials and systems including SUDS.
- The inclusion of planting (in particular street trees) is encouraged within the street environment.

Roads adoption – legal framework

Provision of roads for new developments is controlled and consented by the local roads authority through the Roads Construction Consent (RCC) process, governed by Section 21 of the *Roads (Scotland) Act 1984*. For the purposes of adoption, all streets are deemed to be roads under this Act.

Under the terms of the RCC, having first secured technical approval of the designs from the local authority, the developer is obliged to construct roads over which there is a public right of passage to an agreed standard. Expenses will be payable by the developer to the roads authority to cover its reasonable costs in inspecting the construction of the works and associated testing.

The Roads (Scotland) Act 1984 sets out the obligations of the developer to construct the roads and maintain them for a set period of normally 12 months. Following the satisfactory discharge of these obligations, the new roads can be offered to the roads authority for adoption. If the road is adopted, it will in the future be maintainable by the roads authority.

Road Bond Security

Where Roads Construction Consent is granted relative to roads associated with housing development, the granting of the consent will require the deposit of sum or surety (Roads Bond) sufficient to meet the cost of constructing the road. The purpose of this bond is to enable the roads authority to meet the cost of constructing or completing the construction of the roads, should the developer fail in his responsibility to do so under the terms of the granted RCC.

Before any roads works commence on such a housing development, the developer will normally be required to have both the Roads Construction Consent and the Roads Bond in place.

Thus, before any construction begins, the developer will normally be required either:

- to secure the payment of the estimated cost of the road works under the requirements of the *Roads (Scotland) Act 1984;* or
- to make an agreement with the road authority under terms of the Act and provide a Bond of Surety.

Private streets

Where a developer wishes streets to remain private, some roads authorities have incorporated conditions into the planning approval to require the developer to design, construct and to make arrangements for the future maintenance of the new streets to a standard acceptable to the authority. This agreement may still require the submission and approval of an RCC under the terms of Section 21 of the Act.

Landscape features adoption

Maintenance arrangements for all planted areas should be established at an early stage, as they affect the design, including the choice of species and their locations. The approval and maintenance of proposed planting within the road boundary will be required to comply with Sections 50 and 51 of the *Roads (Scotland) Act 1984*.

Alternatives to formal adoption may require innovative arrangements to secure long-term landscape management. These may include the careful design of ownership boundaries, the use of covenants and annual service charges on new properties.

What is adoptable?

The roads authority has considerable discretion in exercising its powers as to whether to grant a Roads Construction Consent under Section 21 of the Act.

A roads authority can be required to adopt a road constructed in accordance with an RCC. The streets put forward for adoption must be constructed to the agreed standard and will be subject to a 12 month period of use as a road whilst being maintained to the agreed standard by the developer.

Roads authorities have tended to only adopt streets that serve more than a particular number of individual dwellings or more than one commercial premises. Two to three dwellings is often set as the lower limit, but some authorities have set figures above this.

Design standards for Road Construction Consent

Roads authorities are now encouraged to take a flexible approach to road adoption in order to allow greater scope for designs that respond to their surroundings and create a sense of place. It is recognised, however, that roads authorities will need to ensure that any future maintenance liability is kept within acceptable limits.

One way of enabling designers to achieve local distinctiveness without causing excessive maintenance costs will be for roads authorities to develop a limited palette of special materials and street furniture. Such materials and components, and their typical application, could, for example, be set out in local design guidance and be adopted as a planning policy.

Clear cases must be made where the adoption of designs are sought that differ substantially from those envisaged in a local authority's design guide or *Designing Streets*. Developers should produce well-reasoned design arguments in relation to this.

Roads authorities would normally be expected to adopt:

- residential streets, combined footways and cycle tracks;
- footways adjacent to carriageways and main footpaths serving residential areas;
- Home Zones and level surface streets;
- land within visibility splays at junctions and on bends (in some cases);
- street trees;
- any verges and planted areas adjacent to the carriageway;
- structures, i.e. retaining walls and embankments, which support the road or any other adoptable area;
- street lighting;
- gullies, gully connections and road drains and other road drainage features;
- on-street parking spaces adjacent to carriageways; and
- service strips adjacent to level surface streets.

Private management companies/factors

Any unadopted communal areas will need to be managed and maintained through private arrangements. Typical areas maintained in this way include communal gardens, shared off-street car parking, shared cycle storage, communal refuse storage and composting facilities and sustainable energy infrastructure.

Approval processes for new streets

The design and approval of new streets is governed by both planning and roads legislation. The design process must therefore recognise both sets of requirements. *The Roads (Scotland) Act 1984* is the primary legislation for new roads, and all new roads must receive RCC under Section 21 of that Act prior to construction. Previous practice applied by most local authorities dictates that the formal RCC approval process only starts with the granting of planning permission, or at least with the agreement of the final planning layout. The process thus results in a 2-stage (planning and roads) approval process that not only significantly extends the overall statutory approval process and delays commencement of development construction but, by more rigid application of engineering requirements at this 2nd stage, can lead to a dilution of overall design quality.

Street design requires an integrated approach to approval, involving collaboration between planning officers and RCC engineers. In this way, roads colleagues will be satisfied with the fundamentals of the development proposal, and can approve it in principle concurrent with the granting of planning permission. RCC engineers will have an important role to play as consultees in the planning application process. It is as a consultee that the roads authority can ensure that an appropriate 2-stage approach is adopted. The roads authority should be satisfied that sufficient information has been provided with the planning application to ensure that a subsequent RCC reflecting the design will not alter the details approved under the planning permission. These discussions should take place as early as possible – before a layout is worked up and a planning application submitted. It is important that any principles that have been agreed at this point in the design process are not revisited later, unless there has been a significant change in circumstances.

Planning policies should set the overall benchmark for the design quality of any new development, which includes the new streets as a key part of the public realm. This is why local authorities should have specific planning policies on street design ideally within the development plan, or as Supplementary Planning Guidance (SPG). Planners and road engineers should work together to ensure policies are up to date and allow for the most appropriate street patterns.

The flow chart contained in Part 3 of this document shows how a more integrated system should operate, and the key design decisions which would need to be taken, and signed off, at each stage.

Adoption of SUDS

Adoption issues will need to be clarified at an early stage in the design process, with the likely adopting authorities; Scottish Water, local authority and potential private bodies. The amendments to Section 7 of the *Sewerage (Scotland) Act 1968* published within *SUDS for Roads,* focus on adoption of SUDS at a regional level by encouraging a collaborative approach to shared systems between local authorities and Scottish Water. It is important for a continuous, team-based approach to this matter.

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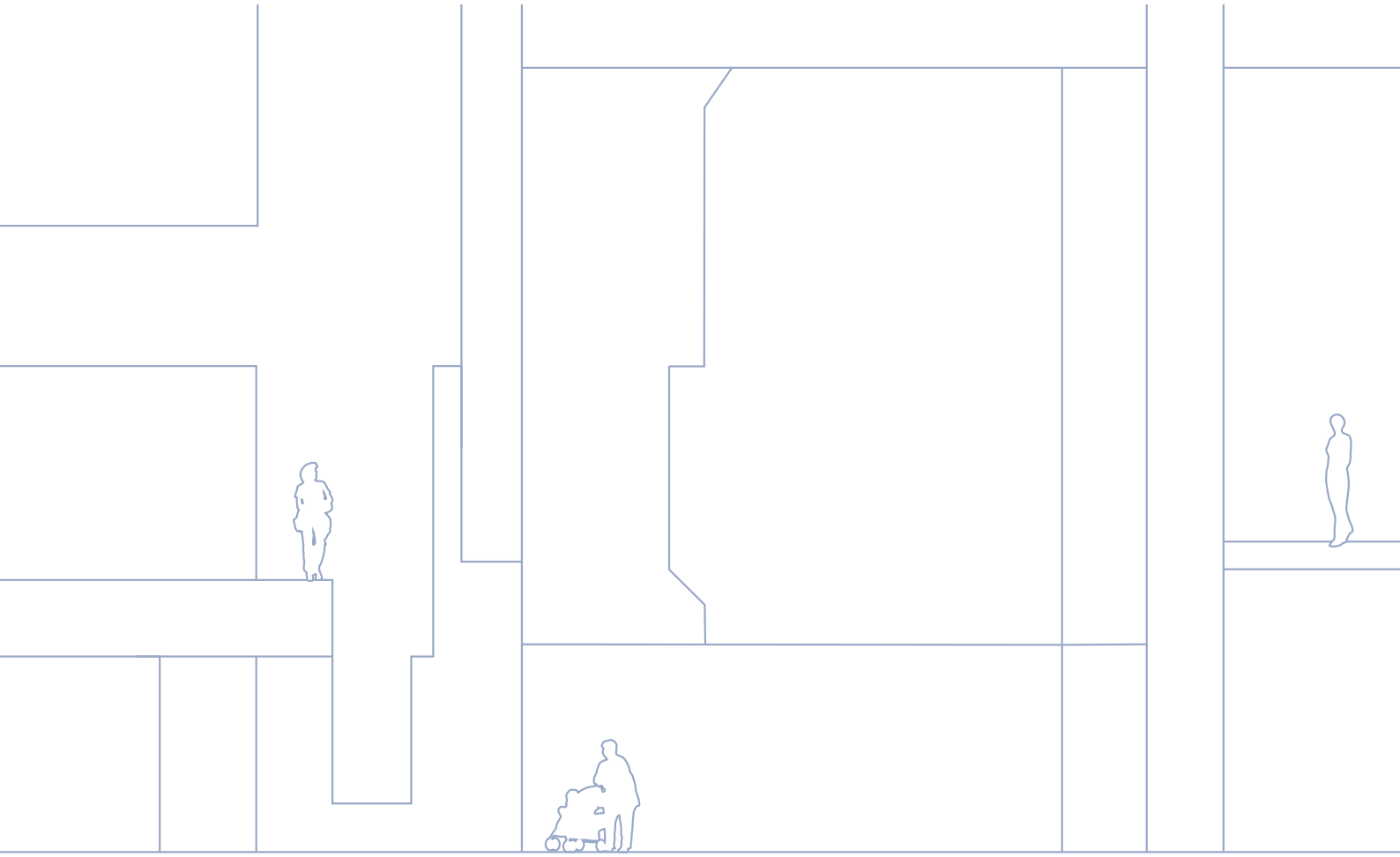
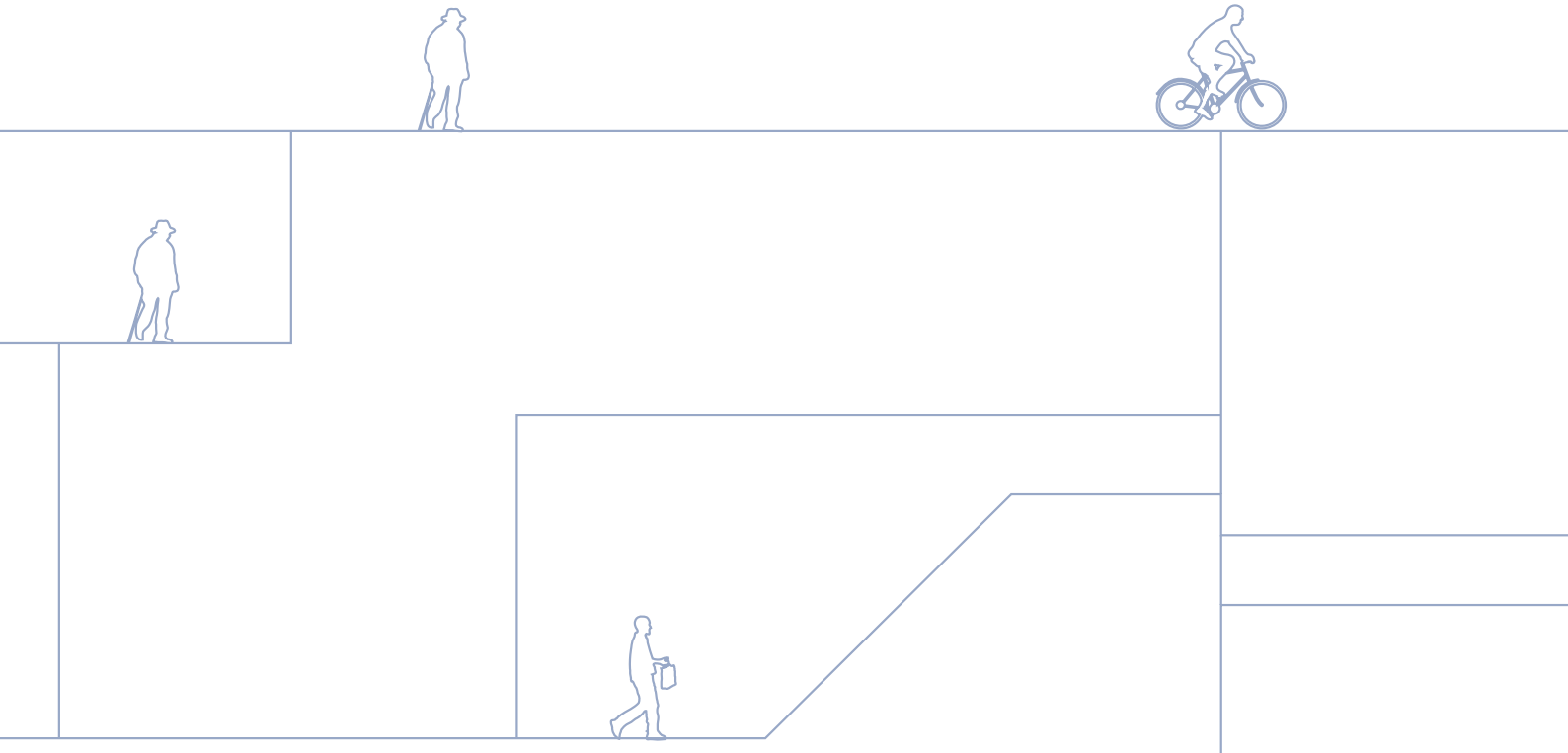
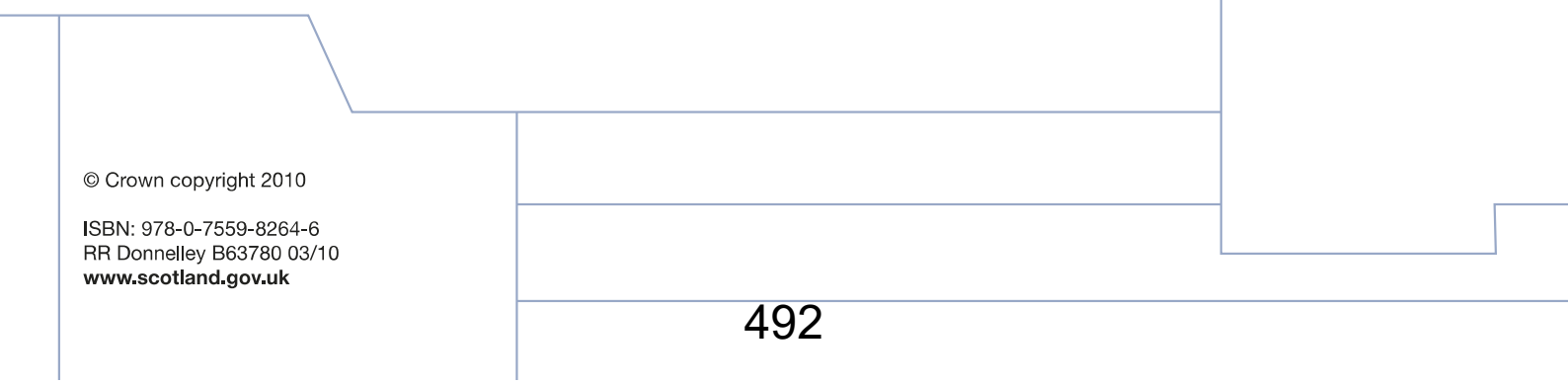
WSP







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www.scotland.gov.uk

LRB-2021-19
Planning Application – 20/00756/FLL – Erection of a dwellinghouse, land 30 metres south of Moucums View, Hayfield, Leslie Road, Scotlandwell

PLANNING DECISION NOTICE *(included in applicant's submission, pages 387-388)*

REPORT OF HANDLING *(included in applicant's submission, pages 377-385)*

REFERENCE DOCUMENTS *(included in applicant's submission, pages 369-375)*

LRB-2021-19
Planning Application – 20/00756/FLL – Erection of a dwellinghouse, land 30 metres south of Moucums View, Hayfield, Leslie Road, Scotlandwell

REPRESENTATIONS

Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: 30M S Of Moucums View Hayfield, Leslie Road, Hayfield, KY13 9JP
PLANNING REF: 20/00756/FLL
OUR REF: DSCAS-0016945-5QW
PROPOSAL: Erection of a dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- There is currently sufficient capacity in the GLENFARG Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- There is currently sufficient capacity for a foul only connection in the LEVENMOUTH PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water

pressure in the area, then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject “Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found here.

- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team
Development Operations Analyst
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

“It is important to note that the information on any such plan provided on Scottish Water’s infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	20/00756/FLL	**Comments provided by**	Lucy Sumner
Service/Section	Strategy & Policy	**Contact Details**	**Development Contributions Officer:** Lucy Sumner
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 30 Metres South Of Moucums View Hayfield Leslie Road Scotlandwell		
Comments on the proposal	**NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.** THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE. **Primary Education** With reference to the above planning application 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 Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.		
Recommended planning condition(s)	**Summary of Requirements** Education: £0 **Total: £0**		
Recommended informative(s) for applicant			
Date comments returned	01 July 2020		

Comments for Planning Application 20/00756/FLL

Application Summary

Application Number: 20/00756/FLL
Address: Land 30 Metres South Of Moucums View Hayfield Leslie Road Scotlandwell
Proposal: Erection of a dwellinghouse
Case Officer: Joanne Ferguson

Customer Details

Name: Mr Stewart Arbuckle
Address: [redacted]

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Road Safety Concerns

Comment:I wish to object on the following points;

Road Safety. Currently Hayfield is a quiet cul-de-sac and increased traffic from the proposed house and previously approved house will totally change this. This will have an adverse affect on the safety of kids playing outside.

Road Access. Hayfield is a private road shared between the three owners. The proposed access shows the access road travelling over our land for with no consent being given for this.

Hayfield Junction. Vehicles exiting Hayfield is challenging at best with very restricted viewing of approaching vehicles and further traffic wont help matters. The traffic calming measures add no assistance for the speed of approaching vehicle speeds. The road within Hayfield is also single carriageway with no passing places. Additional vehicle numbers therefore have no where to pass and reversing back onto Leslie Road is particularly awkward . Equally there is no turning space at the proposed dwelling for delivery vehicles to turn.

Field Access. At the present time there is no pedestrian or vehicle access from Hayfield to the field. The proposed gate therefore opens the private road up to any manner of other vehicles using the private road for access or for further housing opportunity with the land belonging to the applicant.

KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

President – Professor David Munro MBE. Chairman – Mr Alistair Smith.
Secretary – Mrs Eileen Thomas. Treasurer – Mr Ken Miles.

[redacted]

Planning and Development Management
Perth & Kinross Council

by email to: developmentmanagement@pkc.gov.uk

17 July 2020

Dear Sir/Madam

20/00756/FLL Erection of a dwelling house at land 30m South of Moucum's View, Hayfield, Leslie Road, Scotlandwell

Kinross-shire Civic Trust objects to the above application.

The proposal does not respect the existing building line and is therefore contrary to Local Development Plan Policy 1B (Placemaking) part d.

The proposed dwelling for application 20/00756/FLL appears to be 1.75 storeys high and out of keeping with the height, scale and massing of surrounding properties. The proposal is therefore contrary to LDP Policy 1B (Placemaking) part c.

We note the proposed field access and submit that it would be incompatible and undesirable to have farm machinery accessing a narrow lane in a residential area, particularly as the field must, presumably, have another access point currently. We consider this aspect of the proposal to be contrary to LDP Policy 17 (Residential Areas).

A second proposed dwelling is indicated to the east of application 20/00756/FLL's development site. There is a high hedge separating the second proposed dwelling from the field. The hedge is an important landscape feature and should be preserved. In this context, should the council be minded to approve application 20/00756/FLL, we suggest that a planting scheme is conditioned which continues the strong line of hedging along the south boundary of the development site to meet the hedging on the south boundary of the indicative plot to the east.

Yours faithfully

Kinross-shire Civic Trust

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	20/00756/FLL	**Comments provided by**	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	**Contact Details**	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 30 Metres South Of Moucums View Hayfield, Leslie Road, Scotlandwell		
Comments on the proposal	Hayfield in Scotlandwell is a vehicle access that provides access to three residential properties, with consent for an additional property to be constructed, as considered in application 14/01485/FLL. This application 20/00756/FLL is now applying for one further property and a field access. Initially, the consented property considered in application 14/01482/FLL was refused for not complying with the Local Development Plan 2014. This decision was then appealed by the applicant and the Local Review Board approved the application, resulting in the condition below being applied to the Local Review Board decision notice: *The existing access will be provided with visibility splays of 2.4m x 43m measured from the centre line of the new access in both directions along the nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.* *Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.* In 2016, the applicant applied to have the above condition removed, submitting application 16/00680/FLL. The supporting evidence provided by the applicant's agent highlighted that the vehicle access was adequate to cope with the additional traffic likely to be generated by one house. At the point of the application in 2016, it was stated that only one additional house was being added. The application was approved to remove the condition acknowledging that the applicant could not fully comply with the visibility splay condition but the splay available would be sufficient for the limited additional traffic that will be generated by the property consented by the Local Review Board.		

The applicant has now applied in this application 20/00756/FLL for one further house and an access to the field to the south of the properties, using Hayfield to access both. No supporting evidence has been provided by the applicant to show the available visibility splay for Hayfield or what improvements can be made to the current visibility splay to support the additional traffic. The current vehicle access, only provides access to residential properties and to have agricultural vehicles passing residential properties, is a cause of concern, as this access is currently only being used for vehicles associated with the residential properties. The current vehicle access to the field is from the B920 to the south of the properties Cragton Villa and Casa.

Having consulted with colleagues in Road Safety, their view, after reviewing the previous information is that the access to Hayfield from the public road network was considered suitable to support the residential property approved by the Local Review Board in application 14/01482/FLL. However, this application 20/00756/FLL now proposes to increase traffic further and the Road Safety team have stated that to support the additional traffic, the junction should be upgraded to support the additional traffic and the applicant should show the visibility splay detailed in the condition above can be provided to support this application.

A site visit to view the available visibility splays has been undertaken. Photographs have been taken from 2.4m back from the edge of the carriageway to demonstrate the concerns with the current visibility splays. Photograph have been taken to the right and left of the access as shown in Figure 1 and Figure 2.

Figure 1:- Visibility to the right of the vehicle access at 2.4m back from the carriageway

Figure 1, clearly shows that the vegetation is significantly reducing available visibility splay to the right of the vehicle access, to the extent that the vehicle behind the silver van is obscured.

	 **Figure 2:- Visibility to the left of the vehicle access at 2.4m back from the carriageway** Figure 2 shows that the visibility splay to the left of the vehicle access is also constrained. The current vehicle access does not give any access to the fields behind the property, as demonstrated in Figure 3.  **Figure 3:- End of Private Access** Figure 3 shows that there is currently no vehicle access into the field to the rear of Moucums View. The roads team are not able to support the current application in its current form.
Recommended planning condition(s)	
Recommended informative(s) for applicant	
Date comments returned	19 August 2020