

Perth and Kinross Council
Planning & Development Management Committee – 31 July 2019
Report of Handling by Head of Planning & Development (Report No. 19/209)

PROPOSAL: Alterations to vehicular access (revised design)

LOCATION: Land north of Hall Road, Guildtown

Ref. No: [18/00859/FLL](#)
Ward No: P2 - Strathmore

Summary

This report recommends approval of a detailed planning application for alterations to an approved vehicular access which is to serve a residential development on the eastern edge of Guildtown as the proposed variation is considered minor, and complies with the relevant provisions of the Development Plan, and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks permission for a variation in design of a consented new road, which will serve a new residential development on the eastern edge of the village of Guildtown. Detailed planning permission exists for a large residential development (08/01456/FLM), and that permission is currently 'live' by virtue of a material operation taking place within the prescribed timescales.
- 2 The 2008 approval granted detailed permission for a new two lane road to be formed from the adopted edge of Hall Road into the main part of the residential site. Hall Road is adopted by the Council to the point of its frontage with the community hall. From that point eastwards, the remainder of the surfaced area is private. The proposed new road will upgrade the private road and also take in an area of the approved residential site to the east.
- 3 To the north and south of the adopted section of Hall Road are existing residential properties, with three further dwellinghouses located off the private section. The Cambusmichael Burns runs along the rest of the southern boundary, with fields beyond.
- 4 The proposed reduction in width extends to approximately a 61m stretch of the road, reducing from the approved 5m to 3.7m. A 1.8m footpath will be provided to the north alongside the existing residential frontages. To the south, a 1m grass verge is proposed between the road and the existing burn.
- 5 At either end of the 61m stretch, the new road will taper in/out steadily to a wider width of 5m at the western end with Hall Road, and to 5.5m at the eastern

end when the road will then continue into the main body of the approved development.

- 6 The proposal has been brought forward to address technical issues with constructing the approved 5m wide road in close proximity to the river bank of the adjacent burn.
- 7 Within the boundary of the application site, a previously consented pumping station is shown as well as a small electricity sub-station. The applicant has indicated that the sub-station will be undertaken by a statutory undertaker and therefore, whilst shown on the plans, would not require the benefit of formal planning permission and is shown only for information purposes. The same applies to the pumping station.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 9 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

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

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 75 Planning for Transport

National Roads Development Guide 2014

- 13 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 14 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 15 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

- 16 There are no specific sections of the TAYPlan which are directly relevant to this proposal.

Perth and Kinross Local Development Plan 2014

- 17 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 18 The site is located within the settlement boundary of Guildtown. To this end, the following policies are applicable to this proposal,

Policy PM1A - Placemaking

- 19 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

- 20 All proposals should meet all eight of the placemaking criteria.

Policy RD1 – Residential Areas

- 21 In identified areas, residential amenity will be protected and, where possible, improved.

Policy TA1B: New Development Proposals

- 22 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, in addition to car.

Proposed Perth and Kinross Local Development Plan 2

- 23 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

SITE HISTORY

- 24 [08/01456/FLM](#) Erection of 64 dwellinghouses with associated infrastructure Application Approved at Development Management Committee – Decision issued 2 February 2011.

CONSULTATIONS

- 25 As part of the assessment of the planning application, the following bodies were consulted:

EXTERNAL

SEPA

- 26 No objection to the proposal in terms of flood risk or potential loss of flood storage on the basis that ground levels upstream will provide for suitable compensatory storage.

INTERNAL

Transport Planning

- 27 No objection to the proposal in terms of all road related matters.

Structures & Flooding

- 28 No objection to the proposal in terms of flooding matters.

REPRESENTATIONS

- 29 12 letters of representations have been received, from 7 separate households all of which objecting to the proposal. The main issues raised within the letters of objection are:

- Impact on residential amenity
- Increase traffic movements
- Pollution
- Loss of car parking

These issues are discussed in detail in the main appraisal section below.

- 30 In addition to the 12 letters of representations, Guildtown Community Association (GCA) have made a representation. They have confirmed that GCA actively participated in the community consultations with the developer in 2008, prior to the initial planning application being submitted and consequently approved for the wider development and that they remain generally supportive of a new residential development to the east of Guildtown, and recognise that with a declining pupil role in the primary school that additional housing will be crucial to support the long term viability of the school.
- 31 In terms of this specific proposal they have stated that they are supportive of this change and see it as a positive mechanism to possibly dissuade drivers from speeding along the (extended) Hall Road - in particular in front of the community hall, which GCA own and run on behalf of the village.
- 32 GCA also made comments in relation to construction of the wider development in relation to the clarification of the temporary access arrangements during the construction phase to ensure that the impact of construction traffic on existing residents is minimised as much as possible during the construction phase.

- 33 The issues raised by GCA are also discussed in the main appraisal section below.

ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	None

APPRAISAL

- 34 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the terms of the extant consent and the minor variation between that and what is currently proposed.

Principle

- 35 The proposed development relates to a change in specification for a road that will serve an approved residential development. The principle of a road at this location is therefore established. The key considerations are whether the width of the new road is acceptable in terms of road and pedestrian safety, and whether the changes are acceptable in terms of the impact on visual and residential amenity.

Roads Safety

- 36 Within the letters of representations, the principal concerns relate to the appropriateness of the width of the road. The proposal has been reviewed by the Transport Planning Team, and is considered acceptable and in line with the principles contained within the National Roads Development Guide and Policy TA1B of the LDP. Both seek to ensure (amongst other things) that new developments are served by safe and accessible accesses which are suitable for the level of traffic expected, refuse vehicles, emergency vehicles and other HGVs.
- 37 The initial 2008 permission was approved with only one vehicular access, with a second possible vehicular access to the north via Northfield Road indicatively shown, but not part of the permission. At the time, it was envisaged that Hall

Road was to be the sole means of accessing the site and therefore a two lane road was required.

- 38 The applicant has since secured a second vehicular access into the residential development via Northfield Road, and detailed planning permission for that access as well as a revised layout has been approved by the Council (18/01034/FLL). The securing of a second vehicular access at the opposite end of the development is considered to be a significant justification for accepting a reduction in width of a section of the extended Hall Road. Upon completion, residents' and visitors traffic movements will be split between the two access points and traffic thereafter dispersed onto other local roads.
- 39 The applicant has indicated that the northern section of the wider development will be advanced first, with a connection on to Northfield Road the means of accessing the northern part of the site. Development would then progress south, with Hall Road eventually being opened up. Whilst this planning application only relates to a change to the specification of the extended Hall Road, I see it reasonable to attach a condition to this permission restricting the timing of the use of Hall Road, until such time as the northern access route is open, bearing in mind that part of the justification for supporting the change in width is the presence of the second vehicular access. This was also suggested by GCA as being appropriate.
- 40 As with many sections of narrow roads, upon completion a localised traffic flow priority system will be introduced for the reduced width stretch of road with vehicles traveling east having priority. Eastwards priority will reduce the potential for vehicles to be idling outside existing properties (on Hall Road), and will take into account the better visibility of approaching vehicles when traveling west once they are approaching the priority area. The applicant has agreed to this approach, and a condition will clarify the location of appropriate signage and associated road markings (Condition 2).
- 41 A traffic flow priority arrangement will also act as a speed calming measure, which the extant permission did not include. As the extended Hall Road will comprise a straight length of road of circa 230m, the need for vehicles to slow down and navigate a short traffic flow priority area is a welcome addition to the development and this view is shared by GCA in their comments.
- 42 In terms of parking provision, the three properties that are accessed via the existing private access currently have limited provision. I understand that the private road is currently used by some residents for additional parking provision. The proposed new road will no longer allow parking on the existing surfaced area or grassed area to the frontage of the dwellings. However, all three directly affected properties do have some off-street parking within their own curtilages, and new dropped kerbing to allow vehicular access to each is proposed. I accept that the informal areas to the front of the dwellings may be more convenient and easier to use for the residents than their own spaces, but the withdrawal of the use of private land for their own parking needs is not a matter for planning to resolve. The other property to the south has sufficient off street parking provision within their curtilages.

- 43 In terms of bus provision, and the impact that the narrow stretch of road may have on potential bus routes entering the development, it will be a matter for the operator of a potential bus service to consider this further upon completion of the development. However, there are existing bus stops on Main Road and the majority of the proposed dwellings associated with the wider residential development will be within 400m of the existing stops. This distance is recommended in Policy TA1 of LDP as an acceptable distance for people to walk to a bus stop.
- 44 Based on the above, I consider the proposed narrowing of part of the Hall Road extension to be acceptable and in line with the principles of the National Roads Development Guide and also Policy TA1 of the LDP.

Temporary Construction Access

- 45 Within the GCA letter of representation, a general comment concerning the control of the means of temporary construction access was made. As this application is part of a wider development, I see it reasonable to condition the submission of a construction traffic management plan for the further consideration of my colleagues in the Transport Planning Team. I understand that the intended build programme is north to south, which would negate the need to use Hall Road as a construction haul road. It would also be impractical if construction is occurring to the north. However, the further submission of such information would be beneficial to manage potential amenity impacts (Condition 3).

Visual Amenity

- 46 Permission already exists for a new road in this location. The change in width of the road will therefore not have any additional visual impact from what already benefits from detailed planning permission and could be built out. I therefore consider the proposal consistent with Policy PM1A of the LDP as there will be little additional impact on the local environment.

Residential Amenity

- 47 The proposed narrowing of the previously consented road (in part) will have little additional direct impact on the residential amenity enjoyed by existing residents along Hall Road in terms of noise, overlooking or loss of privacy issues. It is noted within some of the letters of representation concerns regarding pollution and noises from idling vehicles.
- 48 The proposed traffic flow priority system will mean that vehicles will primarily be waiting away from the residential properties at the eastern end of the narrow section of road. This will assist in reducing noise and air pollution nuisance occurring to the existing residents of Hall Road. I therefore consider the proposal in accordance with Policy RD1 of the LDP as existing residential amenity will not be adversely affected by the proposal.

Drainage and Flooding

- 49 In terms of drainage and flooding matters I have no concerns.
- 50 SEPA had initially raised an objection to the proposal on the grounds that part of the new road would be located within an area which would be subject to flood risk. However, after taking into account the terms of the 2008 permission and what could be built out under the terms of the extant planning permission, and consideration of the final ground levels adjacent to the burn up stream, they have confirmed that there would be no loss of flood storage arising from the wider development and have withdrawn their objection.

Impact on Trees/Hedges

- 51 Some small trees/hedges will be removed as part of the development. However their removal has already been agreed as part of the extant permission, and their removal would not have an adverse impact on the character or amenity of the area.

Biodiversity

- 52 There are no known protected species in the area. Whilst the proposed new road is close to the Cambusmichael Burn, the burn is unlikely to be suitable for otters due to the lack of a regular food source. In terms of the removal of the small trees and bushes, a standard informative note will be attached to the permission to alert the applicant to their responsibilities in terms of nesting birds.

Water Pollution

- 53 To ensure that the potential for a pollution incident to occur to the burn is minimised, a construction management plan will be required to be submitted prior to development commencement (Condition 5).

Core Path

- 54 There is a core path which runs along Hall Road, into the land to the east. A standard condition will be attached to the permission to ensure that disruption to this route during construction is kept to a minimum (Condition 4).

Developer Contributions

- 55 Due to the nature of the proposed development, there is no requirement for any Developer Contributions.

Economic Impact

- 56 The proposal in isolation would have limited impact on the local economy of the area. The wider residential development which the proposed road will serve,

will however have a positive impact on the local economy and assist the local school primary roll.

LEGAL AGREEMENTS

- 57 None required.

DIRECTION BY SCOTTISH MINISTERS

- 58 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 59 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

- 60 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the planning application, subject to the following conditions

- 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 road being brought into use, details of a traffic flow priority system shall be submitted for the further written agreement of the Council as Planning Authority. The approved details shall after be implemented in full at all times.

Reason: In the interest of road and pedestrian safety.

- 3 Prior to any further development commencement occurring in relation to the wider development, details of the proposed construction traffic routes and the timing of the use of Hall Road for both construction purposes and residents shall be submitted for the further written agreement of the Council as Planning Authority. The details must not include the public use of Hall Road in advance of the connection with Northfield Road being available for use. The details approved shall be adhered to in full.

Reason; In the interest of road and pedestrian safety.

- 4 Core path BURR/138 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions of the core path (including signage) shall be submitted for the further written agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason - In order to ensure that public access is maintained at all times

- 5 Prior to the commencement of the development a construction management plan shall be submitted for the further written agreement of the Council as Planning Authority. The plan must include details to ensure that the potential for pollution to occur to the adjacent watercourse is minimised and controlled. The approved plan shall thereafter be implemented in full.

Reason – In order to ensure that the adjacent water course is not adversely affected by the development proposed.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

- 4 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 5 Prior to the development commencing, the applicant must contact SEPA in relation to the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

Background Papers: 27 letters of representation
Contact Officer: Andy Baxter 01738 475339
Date: 18 July 2019

DAVID LITTLEJOHN
HEAD OF PLANNING AND DEVELOPMENT

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