

Perth and Kinross Council
Planning & Development Management Committee – 1 July 2020
Report of Handling by Head of Planning & Development (Report No. 20/110)

PROPOSAL: Alterations to public road (B9099), formation of vehicular access and associated works

LOCATION: Land west of Taybank Cottage, Perth Road, Stanley

Ref. No: [19/01373/FLL](#)

Ward No: P5 - Strathtay

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site comprises a section of the B9099 road to the south west of Stanley village and is bounded by a series of 7 residential properties to the east of the road. To the west is an agricultural field that is subject to an application for development of 183 dwellings; 19/01130/AMM which is also on the Agenda for this meeting. That application was deferred at the 11 March 2020 meeting of the Planning and Development Management Committee (PDMC) and the reasons for this deferral were to include: a Member site visit to take place and for this associated application to also be determined by Committee.
- 2 This application proposes the formation of a new priority T-junction with a south-bound right turn ghost island, footpaths, a controlled pedestrian crossing and bus stops on the B9099.
- 3 The new junction is proposed as the sole vehicular access the proposed residential development of 183 dwellings west of the B9099 (19/01130/AMM). Presently, the B9099 at this location is a 6m wide, two lane single carriageway road with a footpath along its east side, and a grass verge along its west side and is within the 30mph speed limits for Stanley. It is now proposed to widen the road westwards, to provide sightlines of 4.5m x 70m in both directions to be achieved and to accommodate a right-hand turn ghost island. The application also seeks to provide a controlled pedestrian crossing, lay by and bus stop between 68 and 90 metres to the north of the proposed access. Further, a south bound bus stop is also proposed 57 metres south of the access.

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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

- 6 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.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Designing Streets 2010

- 9 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 10 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

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 12 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."

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2019

- 14 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 15 The principal relevant policies are, in summary;

Policy 1A: Placemaking

Policy 15: Public Access

Policy 17: Residential Areas

Policy 41: Biodiversity

Policy 47: River Tay Catchment Area

Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure

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

SITE HISTORY

- 16 [15/00010/PAN](#) Proposed masterplan for village expansion. Content of PoAN approved June 2015
- 17 [17/00088/IPM](#) Mixed use development (in principle) for expansion of Stanley village. Application approved by Planning & Development Committee August 2018.
- 18 [19/01130/AMM](#) Erection of 183 dwellinghouses and 4 flats, formation of a vehicular access, play park, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM) (allocated site H30). Being represented to same Planning & Development Management Committee following deferral in March 2020.
- 19 [20/00096/FLL](#) Formation of a crossing point and associated works on Duchess Street. Being presented to same Planning & Development Management Committee.

CONSULTATIONS

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

External

- 21 **Transport Scotland** – No objection.
- 22 **Stanley Community Council** – Object to the proposal based on road safety concerns about the location and design of the access and the southbound bus stop as this stretch of road is well known for speeding. They also expressed concerns about the impact the development will have on existing Perth Road residents from noise and vehicle lights exiting the housing site.

Internal

- 23 **Transport Planning** – No objection.
- 24 **Development Negotiations Officer** – No objection.

REPRESENTATIONS

- 25 Three comments in objection (including from Stanley Community Council and Stanley Development Trust) raises the following matters:
- Lack of capacity on B9099 for volume of traffic;
 - Road safety concerns, as the road gets blocked by service vehicles stopped at the adjacent 7 dwellings;
 - South bound bus stop will cause overtaking; and
 - The access is in the wrong location and should be relocated.
- 26 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

27	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Not Required
	Reports on Impact or Potential Impact	Supporting Statement and Stage 1 & 2 Road Safety Audit

APPRAISAL

- 28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019 (LDP2). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 29 The principle of residential development on the adjoining land is well established through the allocation in LDP2 as Site H30 and by the Planning Permission in Principle (PPP) permission approved in August 2018 (Ref: 17/00088/IPM).
- 30 The principle of vehicular and pedestrian access to the site is also established, as development of the PPP site requires access to be developed successfully. It is necessary, however, to undertake a specific detailed assessment of the proposed access and transport infrastructure within this proposal.

Design of Access and Road Infrastructure

- 31 One of the key issues expressed in the representation, by the Community Council and the Development Trust was the impact on the road network and access into the site. However, a vehicular access point off the B9099 Perth Road was envisaged in both the LDP2 allocation and PPP. It is also recognised that, due to physical constraints, it is not viable for an alternative or secondary vehicular access to be taken off Duchess Street and only a non-vehicular access is proposed at that location (Application Ref: 19/01130/AMM).
- 32 The Council's Transport Planning team has engaged extensively with the applicant's Transport Consultant and following a number of alterations to the proposed design of the junction, bus stops, ghost island and pedestrian crossing point, they have no objection to the proposed design.

Vehicle Access

- 33 Transport Planning also assessed the proposed access in detail and confirm that this is the optimum location in terms of road safety and, in particular, visibility in both directions for cars exiting the associated residential development on Site H30 (19/01130/AMM). To further facilitate safe access into the site, a right turn ghost island for southbound traffic accessing Site H30 is also proposed, which requires the road to be widened westwards into the proposed residential site to accommodate it.

Non-Vehicular Access, Paths and Public Transport

- 34 Pedestrian access and active travel routes are a specific requirement of Site H30 in LDP2 and the terms of the PPP. Through this application, pedestrian and cycling access to Stanley village is proposed from the eastern boundary, connecting with a path from the proposed residential site onto the B9099 Perth Road. A signalised pedestrian crossing is proposed (slightly off-set from the footpath) at this location, some 68 metres north of the access, to connect with the existing footpath into Stanley. This crossing will help facilitate a safe pedestrian route to Stanley village for residents including for children attending the primary school.
- 35 A new bus stop, also located just north of the proposed access and off the main road in a lay-by, will facilitate public transport provision into the village. A further bus stop is proposed just south of the access to provide a public transport connection to Luncarty and Perth. Transport Planning have raised no issue in terms of design, location or road safety. The proposal is thus considered to comply with LDP2 Policy 60 - Transport Standards and Accessibility Requirements and should be delivered in advance of any residential unit associated with 19/01130/AMM (Condition 2).

Road Safety Audit

- 36 A Road Safety Audit (RSA) (Appendix 1) was carried out on behalf of the applicant. The objective of an RSA is to identify any aspects of a road design or

construction scheme that could give rise to road safety concerns and, where possible, to suggest modifications that would improve the road safety of the proposal.

- 37 In terms of road traffic collision information, one collision near the proposed junction is recorded during the 5-year period 2014-18. This took place in mid-January 2017 as a consequence of a single vehicle losing control during icy conditions and resulted in a slight injury to the car driver.
- 38 The RSA examined the alignment of the proposed junction and identified no alignment or road safety problems. Transport Planning agree with this conclusion.
- 39 The audit did however identify the potential risk of aquaplaning for vehicles which travel northwards towards the right-hand bend, entering Stanley village. To address this, the proposed design of the carriageway includes the widening of the road on its west side and a footpath added to provide a greater surface area for water to be drained. This additional carriageway width and footways will be drained westwards, towards the development, in advance of the right-hand bend (Condition 3).
- 40 The RSA advises that the new junction and altered alignment will generate new turning manoeuvres. It is therefore recommended that temporary 'New Road Layout Ahead' signs are provided as mitigation on both approaches to raise awareness and to influence driver behaviour and adherence to the 30mph speed limit.
- 41 The RSA did not identify any road safety risks with the proposed pedestrian crossing or either bus stops. Again, Transport Planning agrees with this assessment.

Residential Amenity

- 42 Residential amenity requires to be considered under LDP Policy 1 – Placemaking and Policy 17 – Residential Areas.

Existing Residential Amenity

- 43 The Transport Assessment submitted with 19/01130/AMM estimates approximately 139 and 136 vehicle trips generated in the AM & PM peak periods respectively. This equates to an increase of just over 2 cars per minute in traffic on the B9099 Perth Road. This is considered by Transport Planning to be an acceptable impact on existing traffic flow. Consequently, it is considered that there would be a minimal impact on the existing residential properties in terms of traffic flow. Otherwise, the proposed access and new road layout is not considered to have any adverse amenity impact – it will not inhibit access or egress to the nearby residential properties. The proposal is therefore considered to comply with LDP2 Policy 17 – Residential Areas as the proposed impact is considered acceptable.

Landscape and Visual Amenity

- 44 To accommodate the proposed access and northbound lay-by, bus stops and pedestrian crossing, some existing roadside verge and hedgerow will be lost. This impact is assessed as part of 19/01130/AMM; however, it is considered that the impact of the access on the landscape is minor and mitigated in the overall scheme. The provision of a safe access and enhanced provision of public transport and pedestrian access would outweigh the loss of this verge area.
- 45 In terms of visual amenity, the degree of change was envisaged in the site's allocation in both the LDP and LDP2 and the permission granted under the PPP. The proposed junction design is considered to sit visibly comfortably in the surrounding landscape context and attention has been paid to the adjacent properties. Overall, the visual impact of the proposed junction design and associated works is appropriate when assessed against LDP2 Policies 1: Placemaking and 17: Residential Areas as part of the urban fabric of Stanley village.

Drainage and Flooding

- 46 The RSA identified that all road surface drainage must flow westwards to prevent any road safety issues from potentially occurring (Condition 3). No flood risk issues have been identified and as such the proposal will not have an impact on the nearby River Tay.

Natural Heritage and Biodiversity

- 47 As already mentioned, to accommodate the proposed works some existing roadside verge and hedgerow will be lost. It is considered that the impact the access will have on biodiversity is minor in the overall scheme.

Developer Contributions

- 48 None required for this element of the overall proposal.

Economic Impact

- 49 Mainly limited to the construction phase in terms of employment opportunities.

LEGAL AGREEMENTS

- 50 None required. There is an existing Section 75 legal agreement in place for all the Stanley Expansion sites under the PPP (17/00088/IPM). This agreement covers: affordable housing, provision of sports facilities, open space, play areas and core path provision and maintenance.

DIRECTION BY SCOTTISH MINISTERS

- 51 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

- 52 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. The proposed location of the access is in the optimum location to allow safe access and egress on/off the B9099.
- 53 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

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

- 2 The approved scheme shall be implemented in full, prior to the occupation of the first residential unit on the associated residential site H30, allocated in the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

Reason: In the interests of road and pedestrian safety.

- 3 The developer shall ensure that during and after the construction of the development that all surface water is controlled, treated and discharged along the western boundary of the B9099 road under the principles of SUDS and all to the satisfaction of the Council as Flood Authority.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

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 required.

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 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges

standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.

- 7 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
- 8 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 9 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.
- 10 The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
- 11 Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

Background Papers: 1 letter of representation and Stage 1 & 2 Road Safety Audit.

Contact Officer: Steve Callan 01738 475337

Date: 18 June 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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