

Perth and Kinross Council  
Planning & Development Management Committee – 1 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/111)

**PROPOSAL:** Formation of a crossing point and associated works

**LOCATION:** Land north of 53 Duchess Street, Stanley

Ref. No: [20/00096/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 is located at the western end of Duchess Street just before the bridge crossing of the Perth-Inverness railway line, with the access to Active Kids visitor attraction beyond. The site is bounded by residential properties to the east and north along Duchess Street. To the south is an existing access to a field that is subject to an application for a 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 seeks the formation of a new uncontrolled pedestrian crossing and connection with the existing footpath on Duchess Street. The proposed crossing is just before the termination of the 30mph speed limit.

**NATIONAL POLICY AND GUIDANCE**

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

**National Planning Framework**

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

document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

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

- 7 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**

- 8 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**

- 9 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**

- 10 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**

- 11 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.”*

- 12 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**

- 13 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.
- 14 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

- 15 [15/00010/PAN](#) Proposed masterplan for village expansion. Content of PoAN approved June 2015
- 16 [17/00088/IPM](#) Mixed use development (in principle) for expansion of Stanley village. Application approved by Planning & Development Committee August 2018.
- 17 [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.
- 18 [20/01373/FLL](#) Formation of an access on B9099 Perth Road. Being presented to same Planning & Development Management Committee.

## CONSULTATIONS

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

### External

- 20 **Network Rail** No objection to the proposal.

### Internal

- 21 **Transport Planning** – No objection to the proposal provided certain conditions are included with any permission
- 22 **Development Negotiations Officer** – No objection to the proposal.

## REPRESENTATIONS

- 23 None received.

## ADDITIONAL STATEMENTS

- 24
- |  |                               |
|--|-------------------------------|
| Screening Opinion  | Not Required                  |
| Environmental Impact Assessment (EIA):<br>Environmental Report | Not applicable                |
| Appropriate Assessment   | Not Required                  |
| Design Statement / Design and Access<br>Statement              | Not Required                  |
| Reports on Impact or Potential Impact                          | Stage 1 & 2 Road Safety Audit |

## **APPRAISAL**

- 25 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**

- 26 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).
- 27 The principle of pedestrian access to the site is also established, as development of the PPP site requires sustainable access options for residents. It is necessary, however, to undertake a specific assessment of the proposed infrastructure detail of this proposal.

### **Design and Location**

- 28 The Council's Transport Planning team has engaged extensively with the applicant's Transport Consultant. Transport Planning has advised that the proposed footpath located on the north side of Duchess Street should form a connection with the existing public footpath leading into Stanley Village, including the primary school. This would allow for a continued public footpath connection and 'safe route to school' between Stanley and the H30 LDP2 site. This crossing and footpath would then be maintained by Perth & Kinross Council as the Roads Authority as it is presently registered as a private footpath. Transport Planning has raised no issue in terms of design, location or road safety. The proposal is considered to comply with LDP Policy 60 - Transport Standards and Accessibility Requirements.

### **Road Safety Audit**

- 29 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.
- 30 One potential risk that was identified in the RSA was the sightlines for eastbound drivers approaching Stanley affecting the visibility of pedestrians at the proposed uncontrolled crossing point because of the concrete parapets of the adjacent railway bridge.

- 31 Drivers may not see, nor expect, pedestrians waiting to cross the road immediately on the east side of the bridge. This could result in a pedestrian stepping out into the path of an eastbound vehicle, resulting in a serious collision. To greatly reduce this risk, drop kerbs and tactile paving on the north kerb line are proposed to be positioned to optimise sightlines between pedestrians and eastbound drivers. In addition, a danger ahead warning sign with a “Pedestrians Crossing” sub-plate will be provided on the west side of the bridge. Transport Planning has not raised any issue with the proposed recommendations in terms of road and pedestrian safety and this design and signage strategy is considered to be acceptable.

### **Residential Amenity**

- 32 Residential amenity requires to be considered under LDP2 Policy 1: Placemaking and Policy 17: Residential Areas.
- 33 It is considered that the provision a pedestrian crossing and improved footpath on Duchess Street would have a minimal impact on existing residential properties as the proposal is minor in nature and will improve the pedestrian connection with Stanley village and, in time, access from the existing village to the community woodland and core paths in and beyond Site H30.
- 34 For new residents within Site H30, the proposed pedestrian crossing and footpath will provide an easy to use and sustainable connection with Stanley village including a ‘safe route to school’ for many children attending the primary school at the opposite end of the same street.
- 35 The proposal is considered will have a positive impact and will comply with LDP2 Policy 17: Residential Areas as the proposed impact is considered acceptable.

### **Visual Amenity**

- 36 In terms of visual amenity, the degree of change is minor in nature and the impact of the proposed design and associated works is considered to be appropriate when assessed against LDP2 Policies 1: Placemaking and 17 Residential Areas.

### **Drainage and Flooding**

- 37 The degree of change is minor and will not introduce any increased drainage and flood risk to the area.

### **Natural Heritage and Biodiversity**

- 38 It is considered that the impact the access would have on biodiversity is very minor in the overall scheme.

### **Developer Contributions**

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

## **Economic Impact**

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

## **LEGAL AGREEMENTS**

- 41 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**

- 42 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**

- 43 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 pedestrian crossing will provide a sustainable travel option for residents to access Stanley village including the primary school at the eastern end of Duchess Street.
- 44 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 Prior to the commencement of development, a scheme for the installation of an additional street lighting column to the north of the proposed crossing point shall be submitted for the written approval by the Council as Planning Authority. Thereafter, the approved scheme shall be implemented in full and the lighting column be brought into use before occupation of the first dwelling on the associated residential site residential site H30, allocated in the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

Reason: In the interests of pedestrian safety.

## **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](mailto: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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