

TCP/11/16(322) Planning Application 14/00860/FLL – Formation of vehicular access, 57b Glasgow Road, Perth, PH2 0PE

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TCP/11/16(322)
Planning Application 14/00860/FLL – Formation of
vehicular access, 57b Glasgow Road, Perth, PH2 0PE

**PAPERS SUBMITTED
BY THE
APPLICANT**

CHIEF EXECUTIVES
DEMOCRATIC SERVICES

- 5 SEP 2014

Notice of Review

RECEIVED

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)Name FEAL BUSINESS DEVELOPMENT LTDAddress 4 ST LEONARDS BANK
PERTH
Postcode PH2 8EBContact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]E-mail* [REDACTED]**Agent (if any)**N/A.Name [REDACTED]Address [REDACTED]
Postcode [REDACTED]Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]E-mail* [REDACTED]

Mark this box to confirm all contact should be
through this representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

14/00860/FLL

Site address

57B GLASGOW ROAD, PERTH PH2 0PEDescription of proposed
developmentFORMATION OF VEHICULAR ACCESS

Date of application

22 MAY 14

Date of decision (if any)

25 JUL 14

Note. This notice must be served on the planning authority within three months of the date of the decision
notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☐
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THE MAJOR REASON FOR REFUSAL WAS NEVER COMMUNICATED TO APPLICANT. IF MEETING(S) HAD TAKEN PLACE REFUSAL MAY NOT HAVE HAPPENED AS BOTH APPLICANT & PKC PLANNING WOULD HAVE SHARED RELEVANT INFORMATION.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

NO, BUT APPLICANT BEING PRESENT MAY HELP IF ADDITIONAL CONDITIONS/INFORMATION NEEDED

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED — REASON FOR SEEKING A REVIEW.
 ENCLOSED — 1 STAG LANDSCAPES & GARDENS QUOTE 15 JULY.
 — 2 " " " " PLAN FOR
 DRIVE, PARKING & TURNING

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

PLEASE SEE REASON FOR SEEKING A REVIEW.
 PKC TRANSPORT DID NOT COMMUNICATE THE NEED FOR
 TURNING SPACE AT ANY TIME TO APPLICANT OR PKC PLANNING,
 SO THIS INFORMATION WAS NOT SEEN AS RELEVANT ~~UNLESS~~
 UNTIL AFTER REFUSAL.

List of documents and evidence

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.

SEE EARLIER.

PLUS ORIGINAL SUBMISSION MATERIALS.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

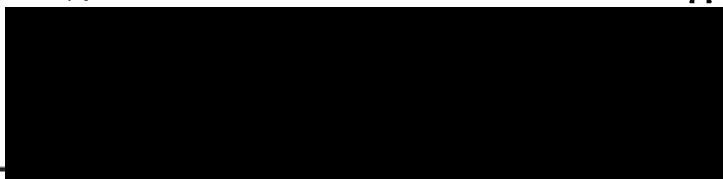
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

03 SEPT 2014.

Reason for Seeking a Review.

It was recommended by the Case Officer and Planning Colleagues, after a meeting with the Case Officer to clarify the reason for the refusal. PKC Transport did not set out all matters to be taken into account in the determination of the original Planning Application, and all necessary information and evidence that was relied on was not declared. Namely, the need for vehicle turning space within the property, to allow forward access on to the road and on to the property.

I refer to the letter to myself dated 28 April and the internal PKC Consultee document of 18 June, plus my telephone conversation following letter of 28 April & the conversation in the garden of 57B Glasgow Road on 09 July. On none of these occasions did PKC Transport ever mention the need for a turning space. (From observation very few properties on the Glasgow Road or York Place have turning spaces).

However from the quote enclosed dated 15 July from Stag Landscape & Garden you can see that on 13 July Stag L & G were instructed to create a Parking and Turning Space to the rear and West of the House, to provide additional utilisation and safety. This was before the Planning decision was made and communicated to me on 25 July. For information I also enclose a scale plan from Stag L & G laying out the proposed Drive, Parking & Turning Space.

Had this requirement and information been made available earlier then the enclosed plans would have been submitted earlier. The original plans reflected the current car parking facilities for most of the neighbours on the Glasgow Road and down into York Place.

STAG LANDSCAPES AND GARDENS

30 Muirfield

Burghmuir

Perth

PH1 1U

07731467907

15th July 2014

Mr and Mrs Martin
4 St Leonards Bank
Perth

Estimate

Further to my visit on Monday 13th July

Details of work at 57B Glasgow Road

- Remove wall and turn it 90 degrees like neighbours
- Dig out from between lamp post and Phone Junction Box back to where slabs are at present, Grading it up to the fence and slabs making a semi level area for parking and turning cars.
- All waste to be deposited on top part of garden and graded out
- Save Slabs and Edging.
- Leave existing slabs by house and use them as level
- Remove tree stumps.
- Lay MOT Type 1 and 20 mm gravel.

Total

I thank you for letting me estimate for this work.

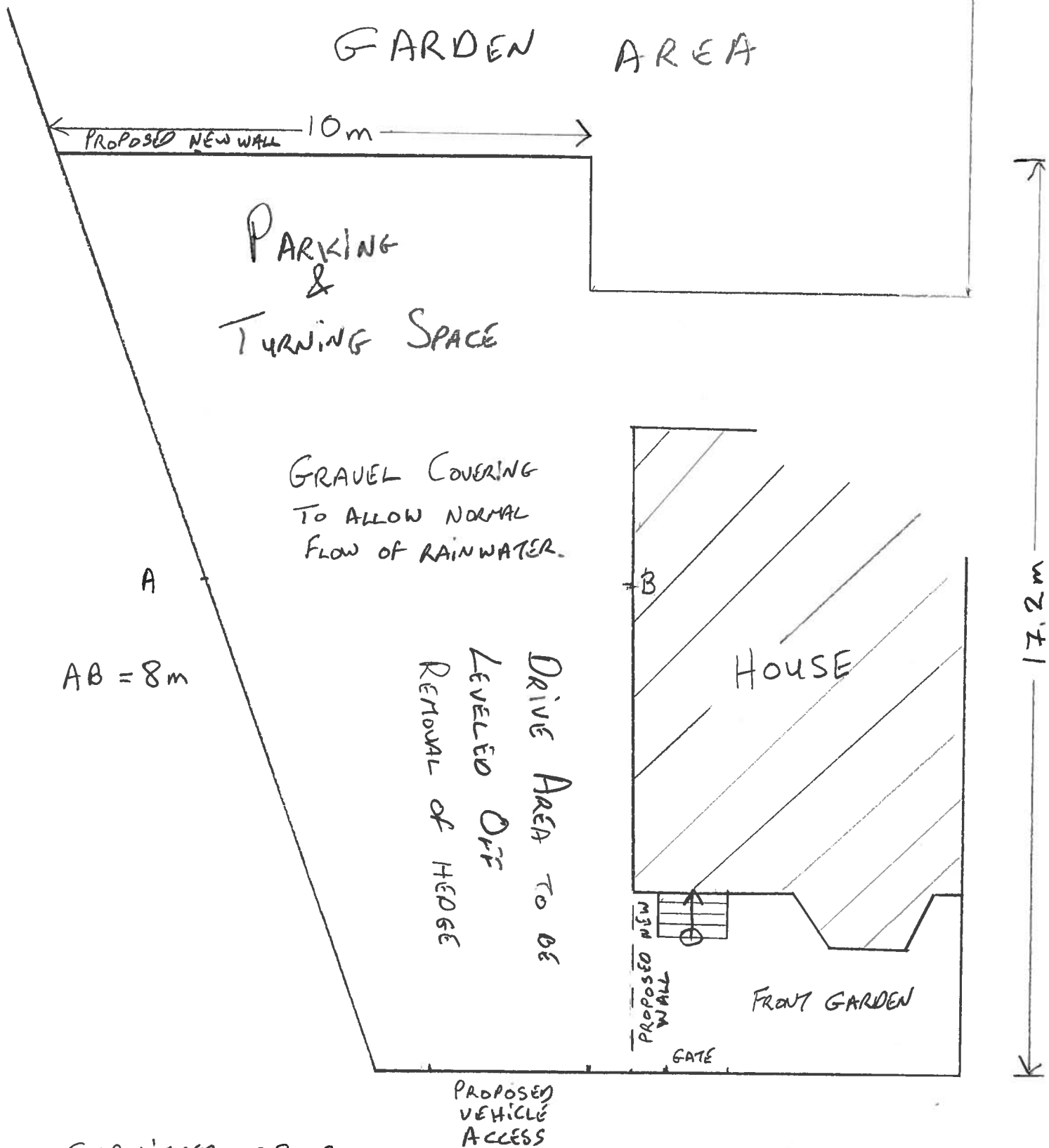


For methods of payment and terms please see overleaf.

SCALE 1:100

57 B GLASGOW ROAD
PERTH PH2 0PE

PRODUCED BY
STAG LANDSCAPES & GARDENS
EUAN DEAR



SUBMITTED 03 SEP
TO PKC REVIEW

Delayed Office Opening for
Employee Training

*This Office will be closed from 8.45 am –
11.00 am on the 1st Thursday of each
month commencing 6 February 2003.*



**PERTH &
KINROSS
COUNCIL**

**The Environment
Service**

Planning and Regeneration
Head of Service David Littlejohn

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD
Tel 01738 476500 Fax 01738 475310

Contact Tony Maric Ext 75329
Direct Dial (01738) 475329
E-mail amaric@pkc.gov.uk
Website www.pkc.gov.uk

Our ref TM

Your ref

Date 28 April 2014

Frank Martin
4 St Leonards Bank
Perth
PH2 8EB

Dear Sir,

PROPOSED VEHICULAR ACCESS AT 57B GLASGOW ROAD PERTH

I refer to your letter of 28 April regarding the above access and advise you that as the proposed access is onto a principal traffic route (A93), before I can process your application, planning permission is required from the Council as Planning Authority.

I have enclosed the relevant planning application forms to be completed and returned to the Head of Planning and Regeneration, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD. Please note that you can also apply online at the following address

<https://eplanning.scotland.gov.uk/WAM/paperforms.htm;jsessionid=788F20679BC907AD4A6A794D5B23BD58>

I would comment however, that the proposed access is next to a bus stop and would exit onto a bus lane near to a junction. I would therefore currently be minded not to approve any planning application for an access at this site for the above reasons. Please note however, that this is only an initial opinion based on the information provided and is not binding on the Council. The only way to get a definitive answer is to submit a planning application which will be subjected to detailed scrutiny.

If you require further information please contact Tony Maric at the above address.

Yours faithfully

Tony Maric
Transport Planning Officer

cc J Watson, Asset Management and Support, The Atrium, Glover Street, Perth.



MEMORANDUM

To	Susannah Knowles Planning Officer	From	Tony Maric Transport Planning Officer Transport Planning
Our ref:	TM	Tel No.	Ext 75329
Your ref:	14/00860/FLL	Date	08 September 2014

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 14/00860/FLL for planning consent for:- **Formation of vehicular access 57B Glasgow Road Perth PH2 OPE for Feal Business Development Limited**

Insofar as the Roads matters are concerned, the applicant had entered into pre-application discussions with me, and I outlined my concerns to the applicant at this time, including fully answering the points that he has subsequently raised in his application.

The proposed access is close to the junction of Glasgow Road and Rose Crescent and is at the start of a combined bus and cycle lane. It is also located within a bus lay-by. This junction is a major junction on a major arterial traffic route into the City and the bus lane is used by many different local bus services including the high frequency Services 1, 2, 7 (every 10 minutes), Park and Ride (every 15 minutes) as well as by the Express Coach Services of Citylink and Megabus. Indeed my Public Transport colleagues have confirmed that this is the most intensively used bus lane in Perth.

It is my professional opinion that an access at this location would interfere with the safe and efficient operation of the bus lane and bus lay-by as well as the junction and therefore I cannot agree with the applicant's assertions in his application. I appreciate that there may be some historical accesses nearby, but as I am sure you are aware, each application must be considered entirely on its own merits and therefore the existing situation cannot be considered as a prima facie reason to grant permission. I would consider the existing situation with regards to the existing accesses not to be ideal and I would not wish to intensify this situation.

Therefore for all the reasons outlined above, I would recommend **refusal** of this application.

I trust these comments are of assistance.

TCP/11/16(322)
Planning Application 14/00860/FLL – Formation of
vehicular access, 57b Glasgow Road, Perth, PH2 0PE

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT

PERTH AND KINROSS COUNCIL

Feal Business Development Limited
Mr Frank Martin
St Leonards House
4 St Leonards Bank
Perth
PH2 8EB

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 25th July 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/00860/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 22nd May 2014 for permission for **Formation of vehicular access 57B Glasgow Road Perth PH2 0PE** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy TA1B: New Development Proposals criteria (a) as the formation of the new access would not be designed for the safety and convenience of all potential users as vehicles would not be able to enter and exit the access in a forward gear. Additionally the access would interfere with the safe operation of the bus lane and bus stop.
2. The proposal is contrary to Policy PM1B criteria e) of the Perth and Kinross Local Development Plan 2014 which states that all buildings, streets and spaces should create safe, accessible, inclusive places for people. The proposal would be accessed over a bus and cycle lane and causing potential road safety hazard therefore contrary to policy PM1B

Justification

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

Notes

The plans 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

14/00860/1

14/00860/2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/00860/FLL	
Ward No	N10- Perth City South	
Due Determination Date	21.07.2014	
Case Officer	Susannah Knowles	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Formation of vehicular access

LOCATION: 57B Glasgow Road Perth PH2 0PE

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: 26 May 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a semi-detached dwellinghouse number 57 b Glasgow Road, Perth. The application site fronts on to Glasgow Road with no direct vehicle access on to the main road.

This application proposes to form a new vehicular access from the property to the A93 Glasgow Road. The attached dwelling 57 A and other properties on the northerly side of York Place (east of the application site) have direct

vehicle access. To the west of the property between 57 B and 61 (SNP offices) there is an existing access on to Glasgow Road.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

There has been detailed correspondence with the Transport Planning Officers, Tony Maric regarding the proposal. Concerns were expressed by Mr Maric about access to A93.

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, 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 was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space to be retained changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy TA1B - Transport Standards and Accessibility Requirements
Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

OTHER POLICIES

None

CONSULTATION RESPONSES

Transport Planning: Concerns were expressed that an access at this location would interfere with the safe and efficient operation of the bus lane and bus lay-by as well as the junction at Glasgow road and Rose Crescent

REPRESENTATIONS

None received

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

With regards to the aforementioned policy it is felt that the proposed development is contrary to TA1B: New Development Proposal. The proposed development is considered to impact on the safety and convenience of all

potential users. The proposal appears to offer no scope for turning within the site therefore vehicles will have to perform reversing manoeuvres either into or out of the driveway causing a potential road safety hazard.

There are also issues with the new vehicular access being in close proximity to the Glasgow Road and Rose Crescent junction and an access at this location would interfere with the safe and efficient operation of the bus-lane and bus lay-by situated on the Glasgow road. It is considered creating an access at this location would have resultant impact on road safety therefore the application is contrary to the Perth and Kinross Local Development Plan 2014 specifically policy TA1 B: New Development Proposal as the access does not provide safe access into the existing residential property.

Design and Layout

Consent is sought to form a new vehicular access and driveway to an existing residential property. The proposal involves levelling out an area approximately 10metre by 5 metres to the west of the property, within the curtilage of the dwellinghouse. Plans indicate covering the area with gravel which is suitable for driveways and allows free run away of rain. The existing wall approximately 3 metres which is located to the front of the dwellinghouse will be removed to allow vehicular access into the proposed gravel drive way.

I have no concerns in relation to the proposed access and driveway from a planning point of view.

Residential Amenity

No neighbouring residential amenity effected.

Visual Amenity

I do not consider the proposal will create an unacceptable visual impact on the surrounding area.

Roads and Access

Given the nature of the proposal transport planning were consulted over the proposed development and insofar as roads were concerned they recommended the application should be refused. In their professional opinion an access at this location would interfere with the safe and efficient operation of the bus and cycle lane situated on the Glasgow road also the close proximity the access has to the Glasgow road and Rose Crescent junction. After having significant discussion with Transport Planning officer it was concluded that approving the application would be contrary to policy TA1B where new vehicular accesses should be designed for the safety and convenience of all potential users. Given that there is no scope for turning within the site and therefore the applicant has to perform reversing manoeuvres either into or out of the driveway causing potential road safety hazard.

For the reasons stated above I consider that the roads comments carry considerable weight in the assessment of this application. The provision of a safe access is a criteria of Policy TA1B for these reasons, and the resultant impact on roads safety. The application is considered to be contrary to policy TA1B: New Development proposals.

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 not 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 refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period due to lengthy discussion with transport planning officer.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1. The proposal is contrary to Policy TA1B: New Development Proposals criteria (a) as the formation of the new access would not be designed for the safety and convenience of all potential users as vehicles would

not be able to enter and exit the access in a forward gear. Additionally the access would interfere with the safe operation of the bus lane and bus stop.

2. The proposal is contrary to Policy PM1B criteria e) of the Perth and Kinross Local Development Plan 2014 which states that all buildings, streets and spaces should create safe, accessible, inclusive places for people. The proposal would be accessed over a bus and cycle lane and causing potential road safety hazard therefore contrary to policy PM1B

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

14/00860/1

14/00860/2

Date of Report 25.07.2014

PEDESTRIAN
PATH

REAR
GARDEN

REAR
GARDEN

SCALE 1:100

PROPOSED PARKING AREA
FOR 2 CARS MAXIMUM.
AREA LEVELLED SIDE TO SIDE
GENTLE GRADIENT FROM FRONT TO REAR
COVERED WITH DECORATIVE GRAVEL
AGGREGATE SUITABLE FOR DRIVEWAYS
TO ALLOW FREE RUN AWAY OF RAIN

House
57B

House
57A

CURRENT VEHICULAR ACCESS
TO GLASGOW ROAD.

FOOTPATH

CURRENT
ACCESS

ACCESS
FOR 10 CARS
ROSE CRESCENT

OT BOX

PROPOSED
ACCESS
3.0m.

WALL

LAND
POST

GATE

WALL

FOOTPATH

CURRENT
ACCESS

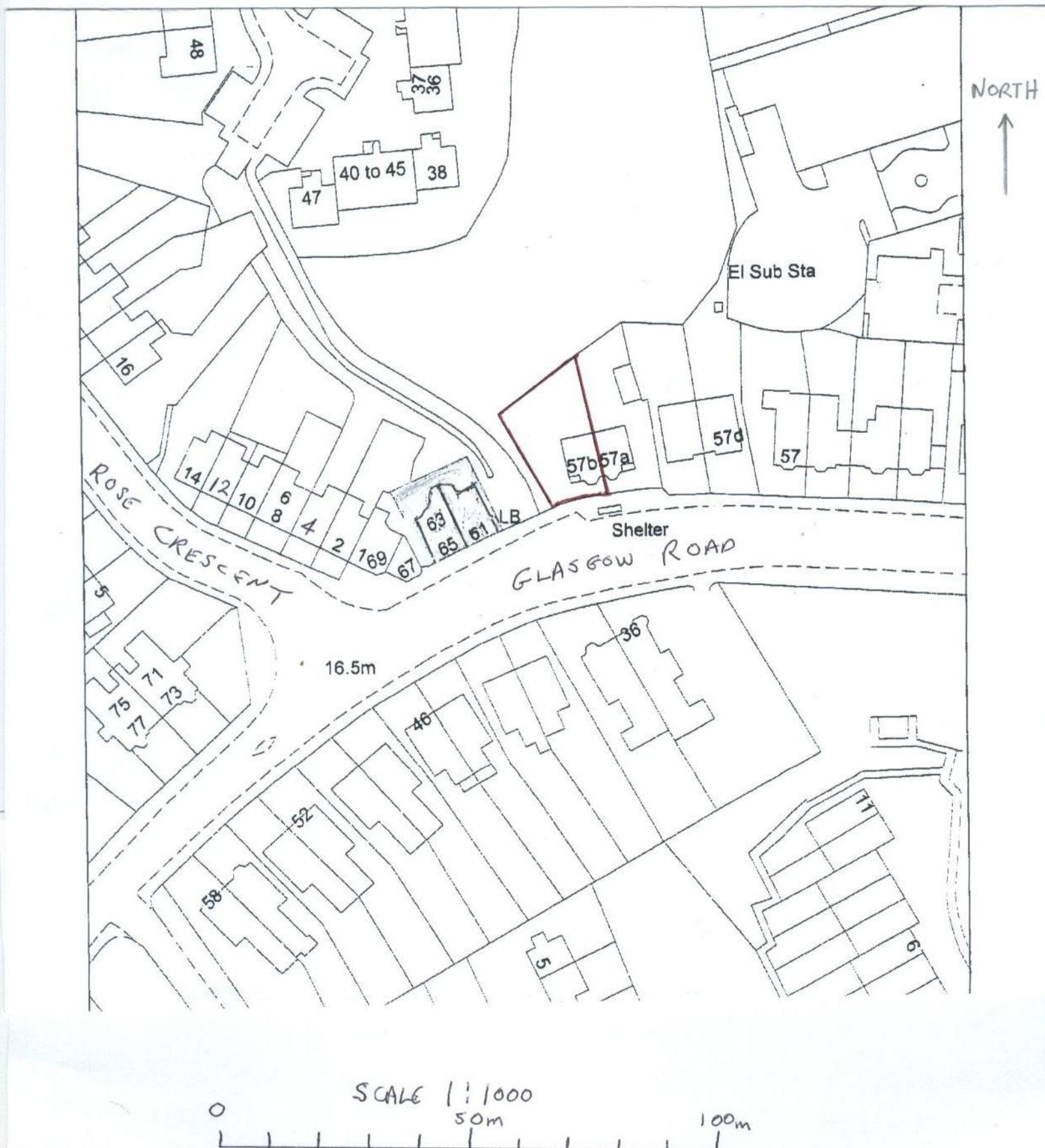
SCALE 1:100

GLASGOW ROAD

BUS SHELTER

GLASGOW ROAD

Householder Application for Planning Permission
57B Glasgow Road – Vehicular Access
Location Map



TCP/11/16(322)
Planning Application 14/00860/FLL – Formation of
vehicular access, 57b Glasgow Road, Perth, PH2 0PE

REPRESENTATIONS

- Representation from Transport Planning, dated 8 September 2014 (*Included in applicant's submission, see page 87*)

