

<b>TCP/11/16(504) – 17/01268/FLL – Formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW</b>
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## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 459-468***)
- (b) Decision Notice (***Pages 471-472***)
  - Report of Handling (***Pages 473-479***)
  - Reference Documents (***Pages 465-467***)
- (c) Representations (***Pages 481-486***)



**TCP/11/16(504) – 17/01268/FLL – Formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# 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 2013

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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

**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)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 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) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**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                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input type="checkbox"/>            |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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:

**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:

**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.

The applicant wishes to appeal the decision to refuse this application on a number of grounds:

1. It is not considered the proposals would either interfere or affect the safe operation of the adjacent pedestrian crossing as there is no requirement to alter any existing barriers or other street furniture
2. There are other vehicular accesses onto the same stretch of road in close proximity. The proposals do not infer any greater pedestrian risk than those already in place. In addition, there are no difficulties in joining the main carriageway in the direction of traffic flow.
3. The applicant would agree to the removal/alteration of hedging to improve visibility splays to the adjacent roads/pavements
4. The proposals will result in the ability to provide at least 2 no off-street parking spaces, reducing the burden in the surrounding area
5. The applicant has disabilities affecting mobility as well as brittle asthma and fibromyalgia. Correspondence from a medical professional has already been provided to the case officer as part of the applicant's submission process.

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.

While comments had been made prior to the application submission, no opportunity was given to discuss any potential concerns once an application had been submitted

**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.

1733-PL-01 Location Plan  
1733-PL-02 Existing and Proposed Block Plans  
1733-PL-03A Proposed Plan

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.

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**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.

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**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.**

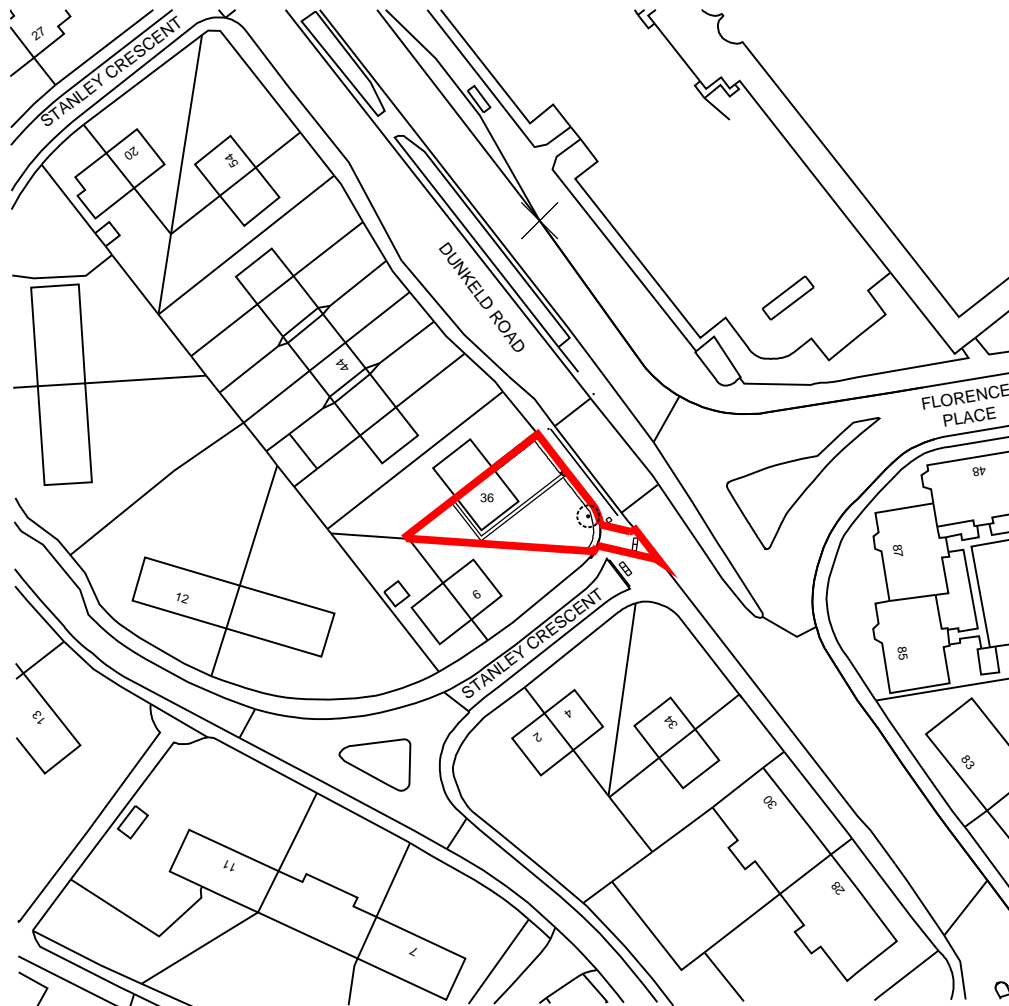
Signed

R Taylor (signed for studioEAST)

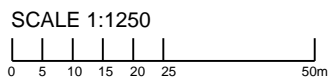
Date

2/10/17



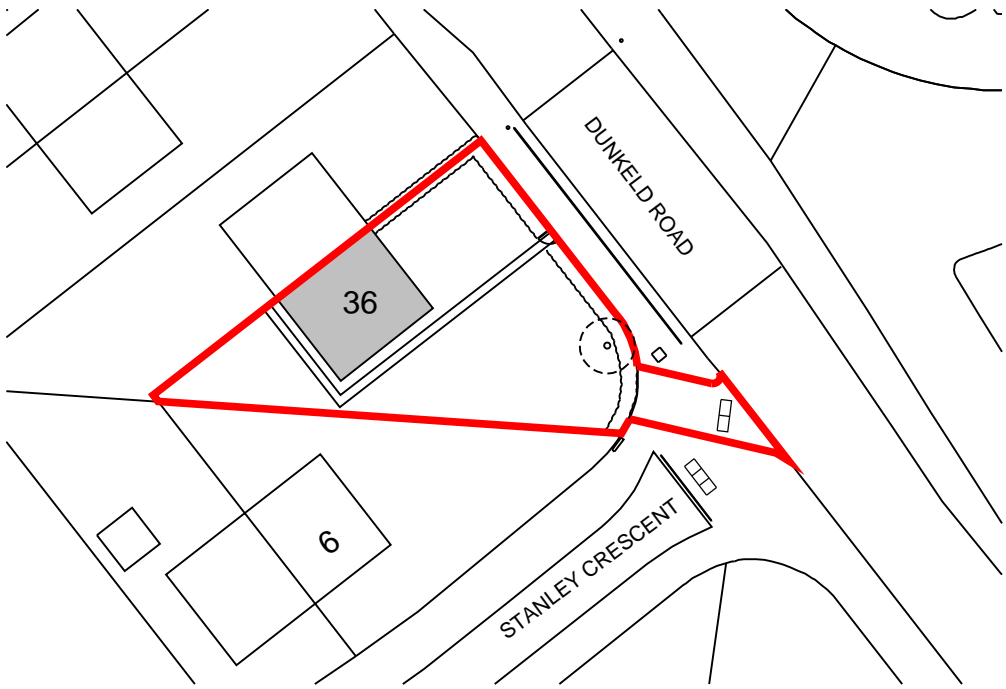


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## Location Plan 1:2500

<b>studio   EAST</b>		<b>Project:</b> New Disabled Vehicle Access 36 Dunkeld Road Perth
<b>Client:</b> Ms Griffin		<b>Job No:</b> 1733
		<b>Date:</b> Aug 17
<b>DWG. NO.</b> PL-01		<b>Purpose:</b> Planning
King James VI Business Centre, Friarton Rd, Perth, PH2 8DY t: 01738 472090 e: hello@studio-east.co.uk		



Existing Block Plan  
1:500



Proposed Block Plan  
1:500

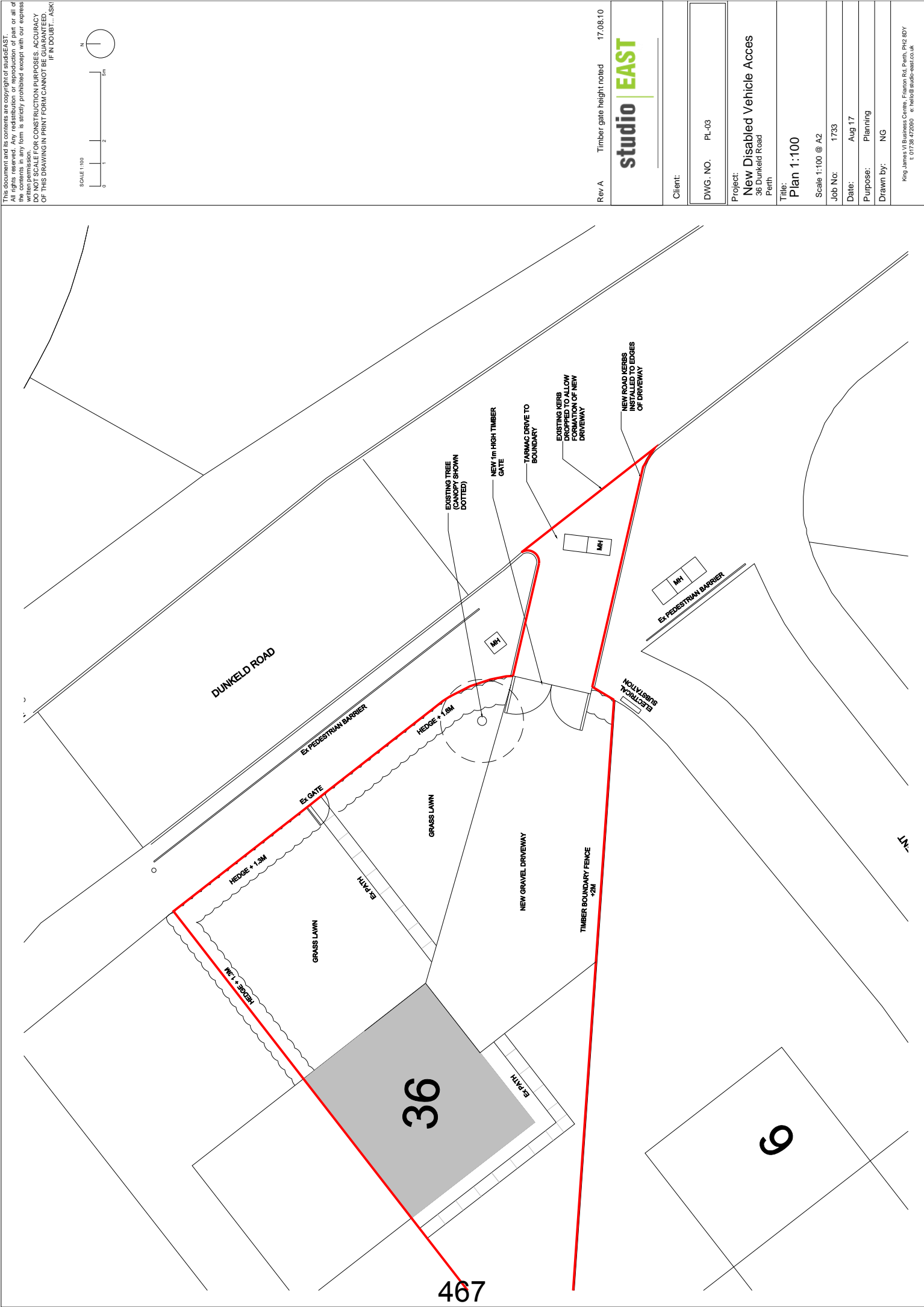


<div>studio   EAST</div>		Project: New Disabled Vehicle Access 36 Dunkeld Road Perth	
Client: Ms Griffin		Job No: 1733	
DWG. NO. PL-02		Date: Aug 17	
		Purpose: Planning	
		King James VI Business Centre, Friarton Rd, Perth, PH2 8DY t: 01738 472090 e: hello@studio-east.co.uk	

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DO NOT SCALE FOR CONSTRUCTION PURPOSES. ACCURACY OF THIS DRAWING IN PRINT FORM CANNOT BE GUARANTEED. IF IN DOUBT... ASK!



Rev A	Timber gate height noted	17.08.10
studioEAST		
Client:		
DWG. NO.	PL-03	
Project:		
New Disabled Vehicle Access		
36 Dunkeld Road		
Perth		
Title:		
Plan 1:100		
Scale 1:100 @ A2		
Job No:	1733	
Date:	Aug 17	
Purpose:	Planning	
Drawn by:	NG	
King James VI Business Centre, Fife Road, Perth, PH2 8DY		
t: 01733 472850 c: info@studio-east.co.uk		





<b>TCP/11/16(504) – 17/01268/FLL – Formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW</b>
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## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 465-467)*



# PERTH AND KINROSS COUNCIL

Miss Kathleen Griffin  
36 Dunkeld Road  
Perth  
PH1 5AW

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 6th September 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01268/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 10th August 2017 for permission for **Formation of vehicular access 36 Dunkeld Road Perth PH1 5AW** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal would create an unsatisfactory vehicular access onto a public road which would i) interfere with the safe operation of a pedestrian crossing, ii) jeopardise road and pedestrian safety and iii) obstruct the free movement of pedestrians and other road users. To this end, the proposal is contrary to the overarching principals of Policy PM1B criteria (e) of Perth and Kinross Council's adopted Local Development Plan 2014 which seeks to ensure that all new proposals create safe, accessible, inclusive places for all people.

### Justification

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

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

**Plan Reference**

**17/01268/1**

**17/01268/2**

**17/01268/3**



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	17/01268/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	09.10.2017	
Case Officer	Gillian Peebles	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Formation of vehicular access

**LOCATION:** 36 Dunkeld Road Perth PH1 5AW

### 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:** 31 August 2017

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning consent is sought for the formation of a vehicular access at a semi-detached two storey residential property located on the west side of Dunkeld Road, Perth. The site has an irregular layout with angled boundaries due to its location close to the end of the cul de sac at Stanley Crescent. The property is surrounded by residential properties, many of which have vehicular accesses onto the Dunkeld Road.

Earlier communications have taken place (February 2016) between the applicant and Transport Planning in respect of a proposed access in this location and the advice given was a vehicular access would not be allowed as it would interfere with the safe operation of the pedestrian crossing at this location. Nonetheless, a full planning application has been received.

## **SITE HISTORY**

None recent.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: N/A

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **Policy RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. 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 PM1A - Placemaking

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

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

### OTHER POLICIES

None

### CONSULTATION RESPONSES

Transport Planning – object to the proposal as the access would interfere with the safe operation of the pedestrian crossing causing danger to both pedestrians and other road users.

### REPRESENTATIONS

The following points were raised in the 1 representation(s) received:

1. The exit is between two pedestrian barriers hence a funnelling effect across the new exit.
2. The angle of exit is towards oncoming traffic hence the driver would have to make a sharp turn to join the northerly road on the dual carriageway.
3. The exit is at the end of restrictions due to a light controlled pedestrian crossing.

The above points are addressed in the Appraisal section of the report.

### ADDITIONAL STATEMENTS RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	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**

The site is located within the settlement boundary of Perth where Policies RD1: Residential Areas and Policy PM1A and B: Placemaking are directly applicable.

Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A of the Local Development Plan seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

The criteria in particular which are relevant to this application from the second policy on Placemaking, Policy PM1B is;

(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.

It is considered that the proposed development does not comply with the above policy.

### **Design, Layout and impact on Road/Pedestrian Safety**

It is important to note that the purpose of this application is to provide a convenient parking space which will benefit the needs of a less abled body. The proposal is to form a dropped access on the Dunkeld Road allowing access into the front garden of the property. The location of the property is adjacent to a pedestrian crossing which is situated between the application site and Asda. A pedestrian barrier is located at the edge of the public footpath to the north east of the dwellinghouse which almost runs the entire length of the applicant's boundary. There is also a pedestrian barrier located at the end of Stanley Crescent, therefore, the location of the proposed access is severely restricted and is proposed between both safety barriers.

My primary concern with this proposal is with regard to public safety to pedestrians and other road users. This area of the Dunkeld Road is particularly busy for both pedestrians and road users. The current proposal would bring the use of the footpath by a private motor vehicle into at least two points of conflict with pedestrians. The vehicle would have to share the proposed access with pedestrians and would be driven and within close proximity to an adjacent pedestrian crossing. Given the angle of the proposed access this would make entry and exit manoeuvres more difficult as the vehicle would not enter or exit in a forward gear. Furthermore, it is debateable if the existing pedestrian barrier would need to be partially removed in order to form the crossing.

It is considered that these acts of driving across and alongside the public footpath, and the potential difficulties in using the access, all occurring on a very busy road, near a supermarket, would interfere with the safe operation of the pedestrian crossing and free flow of traffic and cause danger and inconvenience to other users.

In addition to this, the proposal is contrary to Policy PM1B criteria e) which states that all buildings, streets and spaces should create safe, accessible, inclusive places for people. In this case the proposal would create an unsatisfactory access onto a busy public road with the crossover impacting on pedestrian safety. Furthermore, this will cause a potential safety hazard for other road users.

### **Visual Amenity**

The proposal does not raise any concerns in respect of visual amenity. There are a number of vehicular accesses within the surrounding area.

### **Residential Amenity**

The proposals would not present an adverse impact on the residential amenity of neighbouring properties.

### **Roads and Access**

My colleagues in Transport Planning have objected to the proposal on the grounds of road and pedestrian safety due to the close proximity of the pedestrian crossing.

### **Drainage and Flooding**

There are no drainage and flooding implications associated with this proposed development.

### **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 been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Reasons for Recommendation**

- 1 The proposal would create an unsatisfactory vehicular access onto a public road which would i) interfere with the safe operation of a pedestrian crossing, ii) jeopardise road and pedestrian safety and iii) obstruct the free movement of pedestrians and other road users. To this end, the proposal is contrary to the overarching principals of Policy PM1B criteria (e) of Perth and Kinross Council's adopted Local Development Plan 2014 which seeks to ensure that all new proposals create safe, accessible, inclusive places for all people.

### **Justification**

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

**Informatives**

N/A

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01268/1

17/01268/2

17/01268/3

**Date of Report 5 September 2017**





**TCP/11/16(504) – 17/01268/FLL – Formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW**

## **REPRESENTATIONS**



# Comments for Planning Application 17/01268/FLL

## Application Summary

Application Number: 17/01268/FLL

Address: 36 Dunkeld Road Perth PH1 5AW

Proposal: Formation of vehicular access

Case Officer: Gillian Peebles

## Customer Details

Name: Mr Tony SIMPSON

Address: 47 Bonhard Road, Scone, Perth And Kinross PH2 6QB

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Road Safety Concerns

Comment: Perth Civic Trust do not wish to object to this application but we would like to make the following observations.

1. The exit is between two pedestrian barriers hence a funnelling effect across the new exit.
2. The angle of exit is towards oncoming traffic hence the driver would have to make a sharp turn to join the northerly road on the dual carriageway.
3. The exit is at the end of restrictions due to a light controlled pedestrian crossing.



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	17/01268/FLL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Formation of vehicular access		
<b>Address of site</b>	36 Dunkeld Road Perth PH1 5AW		
<b>Comments on the proposal</b>	<p>I note that the applicant has had previous correspondence (February 2016) with myself and my Road Safety colleagues regarding the suitability of an access at this property.</p> <p>As noted in my letter to the applicant in February 2016, both myself and my road safety colleagues were in agreement that we would not be in favour of such a proposal as the proposed access would require the removal of pedestrian safety barriers at a pedestrian crossing. The proposed access would also interfere with the safe operation of the pedestrian crossing due to being located on the crossing, thus causing danger both to other road users and pedestrians.</p> <p>The situation has not changed from my letter of February 2016 and therefore I would continue to recommend REFUSAL of this application.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	23 August 2017		

