

Perth and Kinross Council  
Development Control Committee –2 June 2010  
Report of Handling by Development Quality Manager

**Formation of Vehicular Access, 225 Tweedsmuir Road, Perth PH1 2HR**

Ref: No: 10/00637/FLL  
Ward No: 11 Perth City North

**Summary**

This report recommends approval of the application for the construction of a vehicular access and parking area to the front garden of 225 Tweedsmuir Road, Perth as the proposal is considered to comply with the Development Plan for the area and there are no material considerations apparent which would outweigh the Development Plan in this instance.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is positioned to the north-east corner of the junction of Tweedsmuir Road with Newhouse Road. The existing property is a flatted unit in a 2-storey block of 4 units.
- 2 The proposal is to provide an off-street parking space for one car in the front garden of this property and the site currently comprises garden ground and is cultivated as a lawn and flower beds and the site is bounded on its roadside frontage by a chain link fence.

**NATIONAL POLICY AND GUIDANCE**

- 3 No relevant National Planning Policy given the small scale of the development.

**DEVELOPMENT PLAN**

- 4 The Development Plan for the area comprises the Approved Perth & Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1995 Incorporating Alteration No.1 Housing Land 2000.

**Perth & Kinross Structure Plan 2003**

- 5 There are no specific policies which relate to the proposal given the small scale of the development.

**Perth Area Local Plan 1995 Incorporating Alteration No.1 Housing Land 2000**

- 6 Under the Local Plan the site lies within the settlement boundary for Perth.

## General Residential and background Policies

### Policy 41

- 7 Proposals Map B identifies areas of residential and compatible uses where existing residential amenity will be retained and where possible improved, where sites in other uses become available for development, housing will generally be the most suitable alternative use. Some scope may exist for infill development, but only where this will not significantly affect the density, character or amenity of the area concerned. Small areas of private and public open space will be retained where they are of recreational or amenity value to their surroundings. Change of use to hotel, boarding and guest house use will be permitted normally only on the main radial routes in the city.

### SITE HISTORY

- 8 None.

### CONSULTATIONS

- 9 **Scottish Water** No concerns have been raised.

### REPRESENTATIONS

- 10 One letter of objection has been lodged against the application based on the proposed proximity of the access in relation to a neighbouring property entrance and safety concerns over children playing in the front garden. This issue is addressed in the Appraisal section of this report.

### ADDITIONAL STATEMENTS

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Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

### APPRAISAL

- 12 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 adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Perth Area Local Plan 1995. The determining issues in this case are whether: the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance;

or if there are any other material considerations which justify a departure from policy. The principal policy is Policy 41 of the Local Plan

### **Road Safety and Parking**

- 13 The proposed parking area will provide off-street parking for the property removing the need for on-street parking at a location close to the busy road junction with Newhouse Road and is of general benefit to the local road network. I therefore see this as a benefit to the immediate area. In addition I am satisfied that the proposed access would not conflict with any existing access points from a road safety point of view.
- 14 In terms of the safety of neighbouring gardens, the key issue is that the access is in a position whereby satisfactory access and egress can be made and activities taking place in other garden areas are the responsibility of the occupiers of those properties.

### **Legal Agreements**

- 15 None required

### **Direction by Scottish Ministers**

- 16 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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.

### **Planning Authority with an Interest in the Land**

- 17 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure to the Development Plan. In this case the development would not represent a significant departure and therefore there is no requirement for a notification in this instance

### **CONCLUSION**

1. The proposed parking area is considered to be reasonable in terms of residential amenity, visual amenity and road safety and there are no material considerations apparent which would outweigh the contents of the Development Plan in this instance

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with the Council's Roads Development Guide Type A Figure 5.5 access detail to the satisfaction of the Council as Planning Authority.

### **Reasons:**

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

### **B JUSTIFICATION**

The development is considered to be in accordance with the Development Plan and there are no reasons to justify a refusal in this instance

### **C PROCEDURAL NOTES**

None

### **D INFORMATIVES**

- 1 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he 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.
- 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

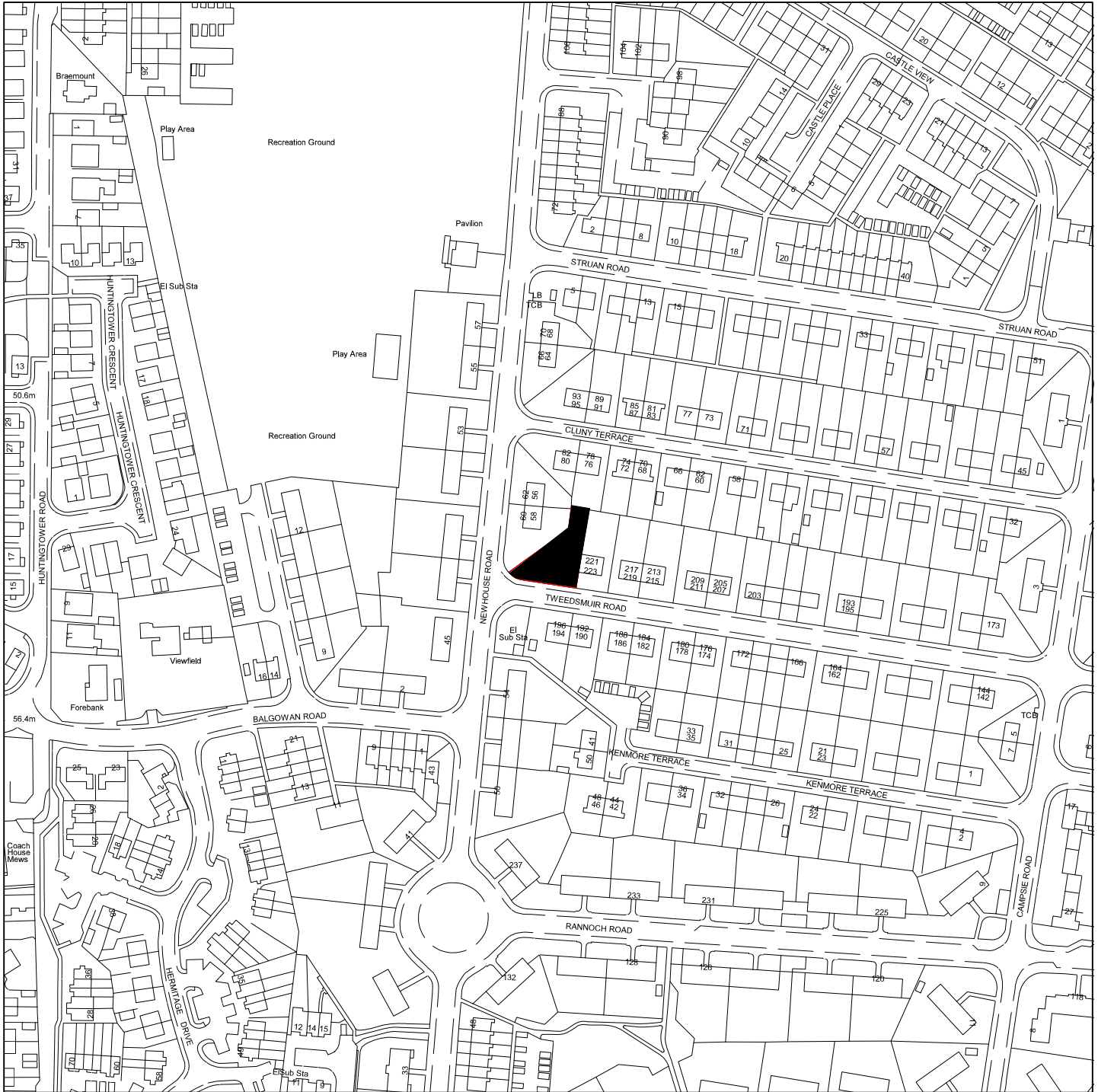
would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 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.

Background Papers: One letter of representation  
Contact Officer: Bruce McNaughton Ext 76512  
Date: 18 May 2010

**Nick Brian**  
**Development Quality Manager**





Scale : 1:2500

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<b>Department</b>	Planning
<b>Comments</b>	
<b>Date</b>	13 May 2010
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