

Perth and Kinross Council
Development Management Committee – 19 June 2013
Report of Handling by Development Quality Manager

Formation of a vehicular access at 73A Edinburgh Road, Perth, PH2 8DS

Ref. No: 13/00737/FLL

Ward No: 10 – Perth City South

Summary

This report recommends approval of the application for the formation of a vehicular access at 73A Edinburgh Road, Perth as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 Consent is sought to construct a vehicular access to serve a ground floor flat at 73A Edinburgh Road, Perth. The property comprises a two storey semi-detached block of four flats, two on each side of the block. There is an existing garden area to the front of the property. A shared access path runs along this area to serve both flats. The kerb will be dropped from the footway to the road to allow access. The property is bounded to the front by a metal post and wire fence and a pedestrian gate.

NATIONAL POLICY AND GUIDANCE

- 2 There is no relevant National Planning Policy guidance given the small scale nature of the development.

DEVELOPMENT PLAN

- 3 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2012-2032 and the Perth Area Local Plan 1995 *Incorporating Alteration No.1 Housing Land 2000*.

TAYplan June 2012

- 4 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*

- 5 In the Local Plan the site lies within the settlement boundary of Perth within an area where general residential policies apply.
- 6 The principal relevant policy is in summary:

General Residential Policies

Policy 41

- 7 This identifies areas of residential and compatible uses where existing residential amenity will be retained and where possible improved.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012

- 8 Members will be aware that on the 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.
- 9 The principal relevant policy in summary is:

Policy RD1: Residential Areas

- 10 The Plan identifies areas of residential and compatible uses where existing 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.

SITE HISTORY

- 11 None

CONSULTATIONS

- 12 None

REPRESENTATIONS

- 13 No letters of representation have been submitted.

ADDITIONAL STATEMENTS

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

Policy

- 15 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy of the Development Plan is Policy 41 of the Perth Area Local Plan 1995.

Traffic

- 16 The proposed parking area will provide one off-street parking space for the property and effectively remove one potentially parked car from the road. No objections have been raised by the Council's Transport Planning Section. The proposal will be designed in accordance with Perth & Kinross Council standards for accesses onto a public road. And as a consequence, the proposed access would not conflict with any existing access points from a road safety point of view.

Drainage and Flooding

- 17 The applicant will be advised to seek advice on the disposal of surface water from Scottish Water and the Scottish Environmental Protection Agency.

Residential Amenity

- 18 Only part of the existing front garden area will be surfaced for the parking area. The remainder of the front of the property will still largely be used as garden ground, therefore the proposal is not considered to adversely impact on the character or amenity of the area. The removal of one area of potential on street car parking is considered to be of benefit to the general amenity of the area as it will reduce on street clutter and congestion.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 19 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 from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENTS

- 20 None required.

DIRECTION BY SCOTTISH MINISTERS

- 21 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.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 22 The proposed formation of a vehicular access for off-street parking 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 subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type A, Fig 5.5 access detail to the satisfaction of the Planning Authority.

Reasons

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of pedestrian and traffic 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

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 The applicant is advised that in terms of Sections 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 Environmental Protection Agency.

Background Papers: None

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Date: 03 June 2013

**Nick Brian
Development Quality Manager**

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Perth & Kinross Council

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73A Edinburgh Road Perth



The Environment Service

Formation of a vechicle access



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↑ Scale
1:2000

