

TCP/11/16(485) – 17/00160/FLL – Realignment of vehicular access and alterations to boundary wall at Blairingone Church, Main Street, Blairingone, Dollar, FK14 7NY

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TCP/11/16(485) – 17/00160/FLL – Realignment of vehicular access and alterations to boundary wall at Blairingone Church, Main Street, Blairingone, Dollar, FK14 7NY

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100061561-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	JJF Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Joe	Building Name:	35 Aytoun Crescent
Last Name: *	Fitzpatrick	Building Number:	35
Telephone Number: *	07974426615	Address 1 (Street): *	35 Aytoun Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Burntisland
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY3 9HS
Email Address: *	joe.fitzpatrick390@gmail.com		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Neil"/>	Building Number: <input type="text" value="1"/>
Last Name: *	<input type="text" value="Kinnell"/>	Address 1 (Street): * <input type="text" value="Castle Court"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Carnegie Campus"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Dunfermline"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="KY11 8PB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="696956"/>	Easting	<input type="text" value="299049"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Notice of Review 17/00160/FUL

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached Ground of Review

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

1. Decision Notice 2. Report of Handling 3. Location Plan 4. Existing Site Plan 5. Proposed Site Plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00160/FUL

What date was the application submitted to the planning authority? *

29/01/2017

What date was the decision issued by the planning authority? *

02/05/2017

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Joe Fitzpatrick

Declaration Date: 01/08/2017

NOTICE OF REVIEW – Supporting Statement

Planning Application 17/00160/FUL - Realignment of the Existing Vehicular Access and Alterations to Boundary Wall at Blairingone Church Main Street Blairingone Dollar

1st August 2017

EXECUTIVE SUMMARY

This Notice of Review has been submitted on grounds that reasons for refusal 1 to 3 do not relate to the development for which planning permission was applied for. The proposals to realign the access and alter the boundary wall are not in themselves unacceptable to the Council. It is only the perceived opportunity created by the proposed access realignment etc to enable parking to the front of the listed building that is the cause of concern. However, refusal of this application to realign the access etc, as opposed to stopping it up, will not prevent the parking of vehicles at the listed structure since vehicular access can still be gained via an existing alternative access. Therefore, approval of the application will not result in any increased opportunity to park in front of the listed structure. In effect the opportunity to park adjacent to the listed building, including at the front of the building, already exists and refusal of this application for planning permission will not change this fact. Although there is currently no legal right to take vehicular access to the site, the lack of such a right is not a material consideration and cannot form a reason for refusal of planning permission.

No consideration has been given to the practicalities of the domestic use with respect to unloading and loading vehicles. It is impractical, particularly for the elderly and disabled, to carry shopping goods etc the considerable distance from the adjacent car parking area and proposed garage to the domestic property. At no time was the applicant approached to clarify the nature of the proposed use of the vehicular access. In this regard, no consideration has been given to the possibility of allowing access to the front of the building for temporary parking for loading and unloading purposes. Had this been raised then the applicant would have been happy to accept conditions attached to any planning permission granted restricting parking to temporary periods only for loading and unloading purposes. As well as such controls via the planning permission, given that the Council still owns and manages the graveyard area, this is a matter which the Council would also be in a strong position to control through any grant of a servitude right of vehicular access.

Finally, in relation to reasons for refusal 1 to 3 it will be noted that this application for planning permission does not relate to the formation of car parking spaces. The space to park vehicles already exists at the front of the listed structure and has been used for some considerable time for such purposes. Therefore, actual parking of vehicles within this area does not constitute development and planning permission is therefore not required to park vehicles at the front of the dwellinghouse. For these reasons, the visual impact associated with the parking of vehicles is not considered to constitute a material planning consideration in this instance.

The fourth reason for refusal was based on road safety grounds and Transportations recommendation that the existing approval for a double domestic garage be implemented for parking purposes. However, notwithstanding the above considerations relating to loading and unloading, the proposals will result in a realignment of the access so that a vehicle will be positioned to take access to and egress from the adjacent A977 in exactly the same manner as would be the case for vehicles doing so in relation to use of the approved garage if it were to be built.

1.0 INTRODUCTION

- 1.1 An application for planning permission in principle for realignment of the existing vehicular access and alterations to boundary wall at Blairingone Church Main Street Blairingone Dollar (Ref 17/00160/FUL) was submitted to Perth and Kinross Council on the 1st March 2017. On the 2nd May 2017 the application was refused for the following reasons:

1 The proposal does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting. The character of the listed building will not be preserved or enhanced by this proposal due to the negative visual impact of cars parking in front of the converted church.

2 The proposal is contrary to Policy HE2: Listed Buildings, of the Perth and Kinross Council Local Development Plan 2014, as the development is likely to have an adverse impact on the building's appearance and setting.

3 The proposal is contrary to Perth and Kinross Local Development Plan 2014 Policies PM1A and PM1B(c): Placemaking which require that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development would not respect the character and amenity of the area due to the potential detrimental visual impact of parked cars.

4 The proposal is contrary to Perth and Kinross Local Development Plan 2014 Policy TA1B: New Development Proposals which requires that development should provide safe access and appropriate car parking. The proposed alterations would not provide safe access to or egress from the site due to the nature of the adjacent road, the location of the access and the visibility constraints.

A copy of the Decision Notice has been attached with this submission.

- 1.2 The former Church building was converted to a dwellinghouse under planning permission 06/02617/FUL which was approved by Perth and Kinross Council in August of 2008. The permission was associated with approval of a double domestic garage located some distance away from the property within the car parking area for the former Church. Since completing the conversion of the building the owner has had difficulty selling the property due to the lack of vehicular access to the dwellinghouse itself, especially for loading and unloading purposes. The current proposals to realign the access are aimed at enabling safe use of the access by ensuring that vehicles taking access and egress from the site approach the adjacent A977 perpendicularly, as opposed to the oblique angle currently promoted by the existing access. Although it is recognized that the approval for the dwellinghouse included a condition requiring this existing access be stopped up, the current proposals are considered to address the primary road safety issues which led to this condition being applied.

2.0 GROUNDS FOR REVIEW

- 2.1 This Notice of Review has been submitted on grounds that reasons for refusal 1 to 3 do not relate to the development for which planning permission was applied for. Planning permission is being sought for realignment of the access and alterations to the boundary wall. The proposals do not include a change of use to enable the formation of car parking spaces. The parking of vehicles at the front of the former Church building has been ongoing for some considerable time in association with the former use of the Church and ongoing use associated with maintenance of the graveyard by the Council and also by persons attending funerals as well as visiting graves.

- 2.2 The Report of Handling relating to the assessment of this application makes it clear that the actual proposals to realign the access and alter the boundary wall are not in themselves unacceptable to the Council. It is only the perceived opportunity for parking associated with the proposed access realignment that is the cause of concern. However, refusal of this application to realign the access etc, as opposed to stopping it up, will not prevent the parking of vehicles at the listed structure since vehicular access can still be gained via an existing alternative access. The use of this access for such purposes is referred to in the consultation response from Transportation Services, a copy of which is included with this Notice of Review. Therefore, approval of the application will not result in any increased opportunity to park in front of the listed structure. In effect the opportunity to park adjacent to the listed building, including at the front of the building, already exists and refusal of this application for planning permission will not change this fact.
- 2.3 It will be noted that the Council currently owns the land surrounding the dwellinghouse comprising the graveyard. The existing planning permission for the conversion of the Church to a dwellinghouse is associated with a servitude right of pedestrian access only and in the event of this application for planning permission being approved the applicant would still be required to reach agreement with the Council as owner of the graveyard to enable vehicular access. However, although there is currently no legal right to take vehicular access to the site, the lack of such a right would not prevent approval of this application for planning permission by the Local Review Body in that impediments to implementation of such an approval which are associated with ownership matters are not material to the assessment of an application for planning permission.
- 2.4 As a further consideration, it is surprising that the Council has resorted to an outright refusal without first engaging the applicant in discussion on possible ways of managing the parking of vehicles in order to minimize concerns over visual impact whilst also enabling a degree of access for essential purposes. In particular, consideration should be given to the practicalities of the domestic use with respect to unloading and loading vehicles. It is impractical, particularly for the elderly and disabled persons, to carry shopping goods etc, the considerable distance from the adjacent car parking area and proposed garage to the domestic property. In this regard, although parking of vehicles to the front of the property was raised during discussion at a meeting with the Council to address issues associated with relocating the war memorial, such discussions were very limited. Had the depth of the Council's concern been raised then the applicant would have been happy to accept conditions attached to any planning permission granted restricting parking to temporary periods only for loading and unloading purposes. As well as such controls via the planning permission, given that the Council still owns and manages the graveyard area, this is a matter which the Council would also be in a strong position to control through any grant of a servitude right of vehicular access.
- 2.5 Finally, in relation to reasons for refusal 1 to 3, as stated above, this application for planning permission does not relate to the formation of car parking spaces. The space to park vehicles already exists at the front of the listed structure and this space has been used for some considerable time for such purposes. For this reason the actual parking of vehicles within this area does not constitute development and planning permission is therefore not required to park vehicles within the area to the front of the dwellinghouse. In view of this the visual impact associated with the parking of vehicles at the front of the building is not considered to constitute a material planning consideration in this instance in that the potential for such an impact already exists irrespective of the application being refused. The only impediment to such parking of vehicles occurring relates to an ownership consideration as opposed to a requirement under the Planning Acts. In this regard matters relating to ownership are not material to the assessment of an application for planning permission.
- 2.6 The fourth reason for refusal is based on road safety grounds and states that the proposed alterations would not provide safe access to or egress from the site due to the nature of the adjacent road (meaning the A977), the location of the access and the visibility constraints. However, proposals to realign the access are such that once a vehicle has negotiated the access it will be forced into a perpendicular approach to the A977. The whole purpose/

behind the proposals to realign the access is to promote road safety by ensuring just such a perpendicular approach, as opposed to the oblique angle of approach that currently occurs with the existing access alignment. It is this obliqueness of approach that led to Transportation Services seeking to have the existing access stopped up as part of the approval of planning permission for the conversion of the Church to a dwellinghouse. As such the current proposals to realign the access are considered to have addressed the main road safety issue associated with use of the existing access.

- 2.7 In addition, the consultation response from Transportation Services makes a recommendation that the applicant implement the remaining portion of the approval for conversion of the Church to a dwellinghouse relating to the double garage and that this should provide for the car parking requirements associated with use of the dwellinghouse. However, the access and egress to the site from the A977 is at exactly the same location for the double garage approval as that relating to the proposed access realignment. Therefore, given that the realignment proposals will mean that vehicles taking access to and egress from the site will negotiate the transition with the junction A977 in exactly the same manner as those associated with use of the double garage then there is no difference in road safety terms between use of the double garage and use of the realigned access.

3.0 CONCLUSION

- 3.1 In relation to concerns that the proposals will lead to vehicles being parked in front of the dwellinghouse, this does not form a valid reason for refusal of the application in that vehicles can already do so without any requirement for planning permission and can continue to do so in the event that this application is refused due to the existence of an alternative access. In addition, there is no requirement to obtain planning permission to park a vehicle and given that this use already occurs at the site and will continue to do so even if the permission is refused, in this instance the visual impact of cars parked to the front of the dwellinghouse is not considered to be an issue justifying refusal of the application.
- 3.2 It is also considered that Perth and Kinross Council should at least seek a compromise position with the applicant by allowing temporary parking to the front of the dwelling for loading and unloading purposes. It is impractical, particularly for elderly and disabled occupants of the property to be expected to carry goods such as shopping over the distance from the proposed double garage to the dwellinghouse. Such an arrangement can be controlled not only through conditions attached to an approval of planning permission but also through title restrictions placed on any servitude right of access granted by the Council as owner of the land. The applicant is willing to enter into any and all such agreements.
- 3.3 Finally, the concerns over road safety are addressed in that the realignment of the access will ensure that vehicles negotiate entry to and egress from the A977 in exactly the same manner as those using the double domestic garage associated with the dwellinghouse, for which planning permission has already been approved.
- 3.4 In view of the above matters it is considered that the proposed development is entirely consistent with the requirements of Scottish Planning Policy and the Perth and Kinross Council Local Development Plan 2014 with respect to policies relating to visual impact of proposals on listed buildings as well as road safety. There are not considered to be any issues that would dictate a determination of this application otherwise than in accordance with the development plan. Therefore, in relation to Section 25 of the Town and Country Planning (Scotland) Act 1997 it is considered that a favorable determination of this application is merited.

PERTH AND KINROSS COUNCIL

Profile Projects
c/o JJF Planning
Joe Fitzpatrick
35 Aytoun Crescent
Burntisland
United Kingdom
KY3 9HS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 02 May 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/00160/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 1st March 2017 for permission for **Realignment of vehicular access and alterations to boundary wall Blairingone Church Main Street Blairingone Dollar FK14 7NY** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting. The character of the listed building will not be preserved or enhanced by this proposal due to the negative visual impact of cars parking in front of the converted church.
2. The proposal is contrary to Policy HE2: Listed Buildings, of the Perth and Kinross Council Local Development Plan 2014, as the development is likely to have an adverse impact on the building's appearance and setting.

3. The proposal is contrary to Perth and Kinross Local Development Plan 2014 Policies PM1A and PM1B(c): Placemaking which require that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development would not respect the character and amenity of the area due to the potential detrimental visual impact of parked cars.
4. The proposal is contrary to Perth and Kinross Local Development Plan 2014 Policy TA1B: New Development Proposals which requires that development should provide safe access and appropriate car parking. The proposed alterations would not provide safe access to or egress from the site due to the nature of the adjacent road, the location of the access and the visibility constraints.

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

17/00160/1

17/00160/2

17/00160/3

17/00160/4

17/00160/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/00160/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	30.04.2017	
Case Officer	Diane Barbary	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Realignment of vehicular access and alterations to boundary wall

LOCATION: Blairingone Church Main Street Blairingone Dollar FK14 7NY

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: 6 March 2017

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Blairingone Church is a category C listed former parish church located on the A977 in an open setting to the east of Blairingone. Planning permission and listed building consent were granted in 2007 to convert the church to a dwellinghouse. The church has subsequently been fully converted, although the proposal to build a double garage on adjacent ground to provide parking for the property has not been implemented.

The current application seeks planning permission for partial demolition of the boundary wall and realignment of the existing access at the south eastern corner of the churchyard, and blocking of the historic access at the south western corner, with a view to improving vehicular access to the front of the church from the adjacent access road off the A977. The wall is protected under the same listing as the church, and the proposed alteration would therefore require an application for listed building consent, which has not been submitted.

The associated historic churchyard and working cemetery is owned and managed by Perth and Kinross Council, and, while the owner of the dwellinghouse has pedestrian right of access, there is no legal right of vehicular access for the owner of the church at present. Vehicles requiring access for use or maintenance of the cemetery use a new access to the north of the church.

SITE HISTORY

06/02617/FUL Conversion of redundant church to form a dwellinghouse and construction of a new build double garage and workshop with new access from existing road

06/02618/LBC Alterations and amendment to layout of church to form dwellinghouse

07/02368/LBC Modification of previous consent (06/02618/LBC) for alterations and amendment to layout of church to form dwellinghouse

07/02387/MOD Modification of previous consent (06/02617/FUL) for alterations and amendment to layout of church to form dwellinghouse

12/01249/LBC Relocation of existing war memorial within graveyard 25 October 2012 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: 16/00788/PREAPP

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 HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

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 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

Historic Environment Scotland Policy Statement 2016

This document replaces the 2011 Scottish Historic Environment Policy, and provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings.

CONSULTATION RESPONSES

Conservation Team: Case officer is conservation officer so no formal response has been issued

Transport Planning: Recommend refusal of the application as the proposed access would be substandard in terms of visibility and geometry.

Fossway Community Council: No response

The Coal Authority: No response

REPRESENTATIONS

No representations 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	Submitted
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 listed building policy states that there is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting. The placemaking policies state that development must contribute positively to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place.

The proposal is to alter the existing stone boundary wall to improve visibility and enable safe vehicular access and egress between the converted church and the A977. Subject to the appropriate legal agreement, this would enable the area to the south of the church, immediately in front of the principal elevation, to be utilised as a parking area for residents. Vehicles parked in this location would obstruct key views of the building and churchyard, and detract from the historic character and amenity of their setting. The proposal is therefore considered to be contrary to policies PM1 and HE2.

Policy TA1B in relation to transport standards states that new development must provide safe access and appropriate car parking, designed for the safety and convenience of all potential users. It is considered that the proposal does not comply with this policy, as the proposed access would be substandard in terms of visibility and geometry. The consented scheme (07/02387/FLL) included parking and a double garage outwith the churchyard, which remains a satisfactory means of providing safe access and appropriate parking for residents of the former church.

Design and Layout

The churchyard at present has a simple, rubble wall to the east, with a stone dwarf wall along the south boundary. There is a current access, wide enough for vehicles to enter the site, at the south eastern corner of the site. An opening at the south western corner is overgrown and provides pedestrian access only. It is proposed to block this with stone to match, and realign the south east access to increase visibility and improve the potential for vehicles to safely enter and leave the site from/ to the A977. As outlined above, the proposal has been reviewed by the Council's Transport Planning Team and is

not considered to satisfactorily address the safety issues in relation to the visibility and geometry of the current access.

It is noted that an application for listed building consent would be required for the alterations. However, if appropriate materials and methods were utilised to ensure new work matched the existing, the proposed alterations follow the existing boundary line and do not result in a significant change to the appearance or character of the existing opening. The extent of the proposed alterations is not therefore considered to have an unacceptable impact on the historic character or interest of the listed boundary wall.

No headstones are located adjacent to the area of wall proposed for demolition. There would still be potential for uncovering burial remains in the course of works, in which case the applicant would be required to arrange for re-interment with PKC Burial Services and cover any associated costs.

The proposals have been designed with a view to enabling residents of the converted church to park in the gravel area to the south of the building, which could accommodate up to two vehicles. I note that the submitted design statement sets out that the visual impact of vehicles parking in front of the church is not relevant to consideration of the current application, given that no development is required to enable this, and no alteration proposed to the existing gravel area. I would take the view, however, that the alteration to the boundary wall would not be proposed were it not intended to use the access for vehicles, which, if the legal right of access was amended accordingly, would inevitably result in vehicles parked to the front of the church.

While this access has been used for vehicles in the past to allow for maintenance of the churchyard, this has been for short and infrequent periods. Vehicles belonging to residents would be parked outside the church for long periods and in the long term. This is likely to have a significant adverse impact on the historic setting of the church and burial ground. Parked cars in this location would obstruct the principal view of the church from the south. The historic character of the churchyard would be fundamentally altered through use of a substantial portion of the small area between the church and the southern boundary wall as a parking area.

As consent is in place for parking and a double garage on an area of waste ground adjacent to the site, this presents an appropriate solution to both the provision of appropriate parking and protection of the setting of the listed building.

Landscape and Visual Amenity

The former church is on a raised site in an open, rural setting to the north of the A977, and is a prominent and attractive feature of the landscape. Parking of one or more vehicles in front of the principal elevation of the church would detract from the visual amenity of the church and its contribution to the wider landscape setting.

Residential Amenity

The application is not considered to raise any issues in relation to residential amenity.

Roads and Access

The current access is sub-standard in terms of visibility and geometry and requires a difficult manoeuvre onto the current access junction onto the A977. It should also be noted that because of this, the current access has not been used by vehicles for some considerable time, with PKC using a new access at the back of the church to enter the current working cemetery site.

The Council's Transport Planning Officer has reviewed the application, and has confirmed that the proposed altered access would still be sub-standard in terms of visibility and geometry, and would not satisfactorily address the issues in relation to safe access into and out of the site.

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 considered to be contrary to the Perth and Kinross Local Development Plan 2014 and there are no material considerations to justify setting aside the Development Plan. On that basis the application is recommended for refusal subject to the reasons noted below.

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

Conditions and Reasons for Recommendation

1 The proposal does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting. The character of the listed building will not be preserved or enhanced by this proposal due to the negative visual impact of cars parking in front of the converted church.

2 The proposal is contrary to Policy HE2: Listed Buildings, of the Perth and Kinross Council Local Development Plan 2014, as the development is likely to have an adverse impact on the building's appearance and setting.

3 The proposal is contrary to Perth and Kinross Local Development Plan 2014 Policies PM1A and PM1B(c): Placemaking which require that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development would not respect the character and amenity of the area due to the potential detrimental visual impact of parked cars.

4 The proposal is contrary to Perth and Kinross Local Development Plan 2014 Policy TA1B: New Development Proposals which requires that development should provide safe access and appropriate car parking. The proposed alterations would not provide safe access to or egress from the site due to the nature of the adjacent road, the location of the access and the visibility constraints.

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

Not Applicable.

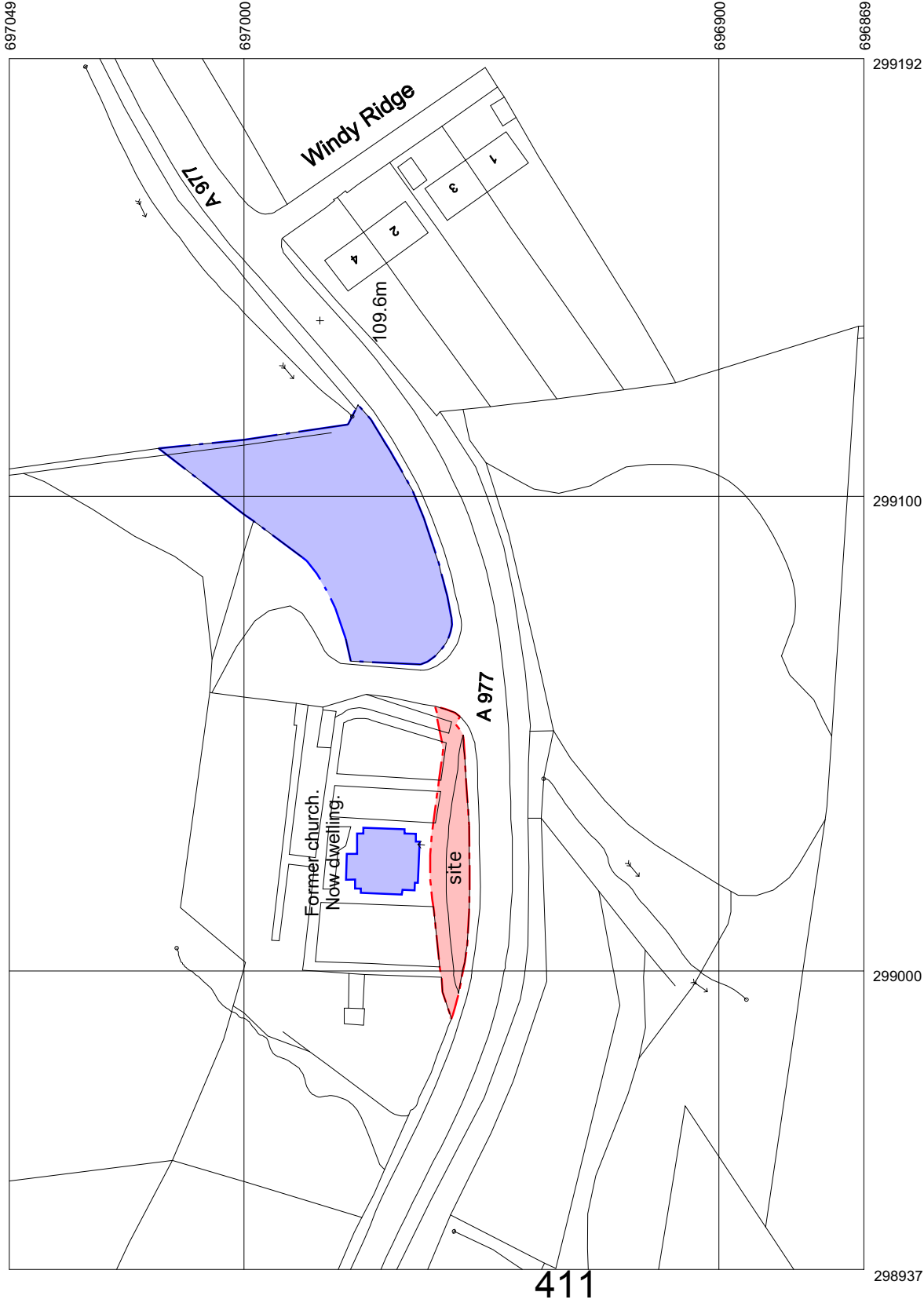
Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

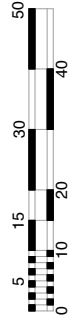
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17/00160/5

Date of Report: 28.04.2017

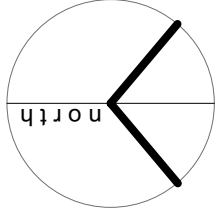


411

Location Plan. 1:1250



1:1250 scale bar.



E. Dalton

Design
&
Construction Services.

Kilmory, Crombie Point, Crombie,
by Dunfermline, KY12 8LQ
Tel: 01383 882382

Project

Proposed Access Alterations,
Blairingone Church,
Main Street, Blairingone.
LOCATION PLAN.

Drawn By

ED

Date

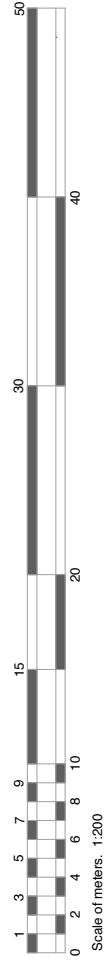
Jan'17

Scale

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C.02



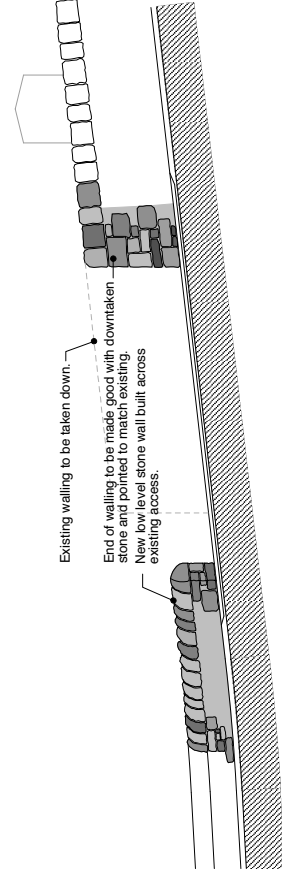
Revisions.
A. Proposed elevations annotated with orientation, positions of existing trees added.

E. Dalton
Design & Construction Services

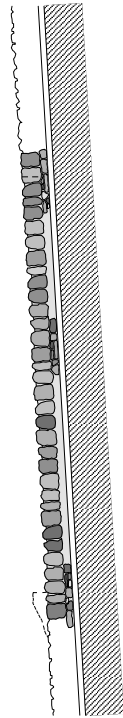
Kilmory, Crombie Point, Crombie,
by Dunfermline, KY12 8LQ
Tel: 01383 882382

Project
Proposed Access Alterations,
Blairingone Church,
Main Street, Blairingone.
BLOCK PLAN & ELEVATION

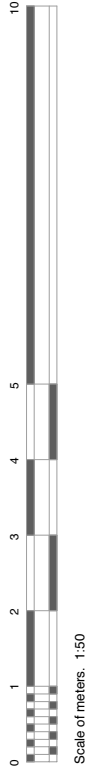
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 Drawn By **ED**



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Elevation A. (South) 1:50

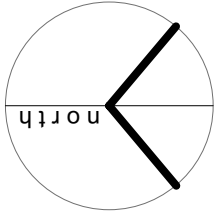


TCP/11/16(485) – 17/00160/FLL – Realignment of vehicular access and alterations to boundary wall at Blairingone Church, Main Street, Blairingone, Dollar, FK14 7NY

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 399-400)*

REPORT OF HANDLING *(included in applicant's submission, see pages 401-410)*

REFERENCE DOCUMENTS *(part included in applicant's submission, see pages 411-412)*



E.Dalton

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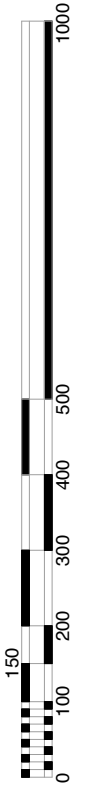
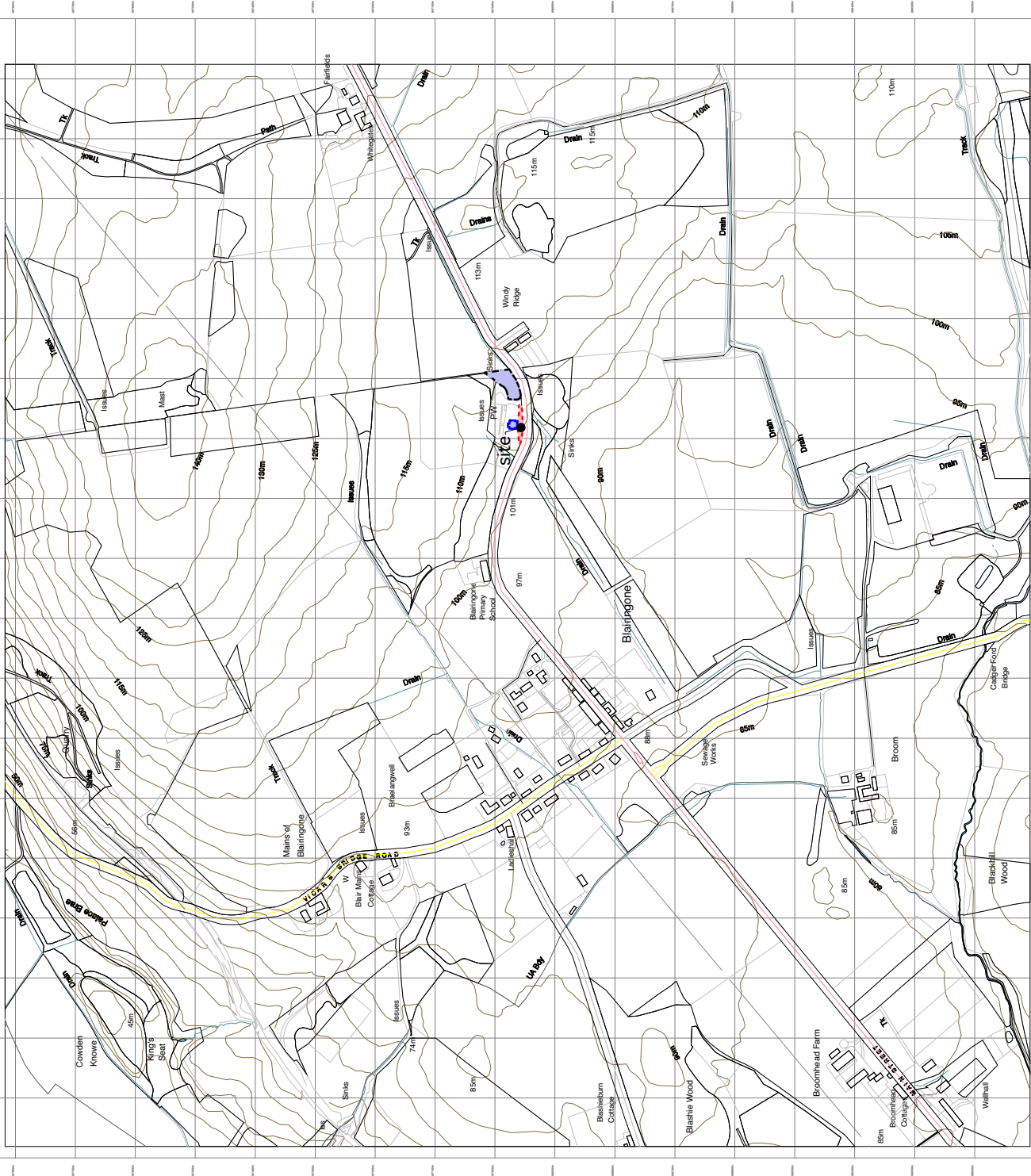
Project
Proposed Access Alterations,
Blairgowne Church,
Main Street, Blairgowne.
LOCATION PLAN.

Drawn By
ED

Date
Jan'17

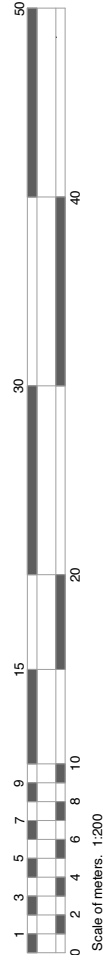
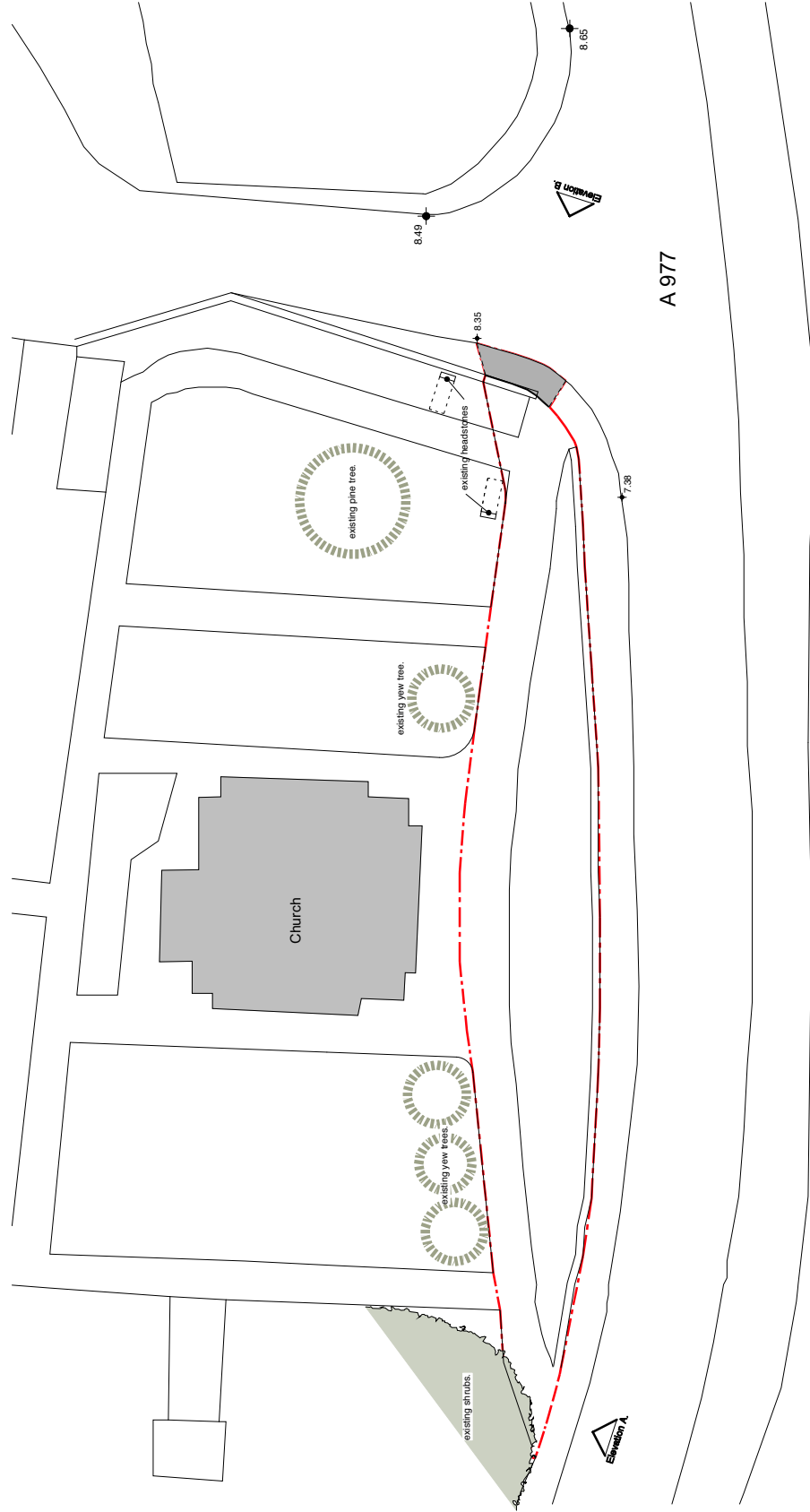
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Drawing No.
1603.
C.03



1:10000 scale bar.

Location Plan. 1:10,000



Existing Block Plan. 1:200

Revisions.
A. ED 07/09/17
Proposed elevations annotated with orientation,
positions of existing trees added.

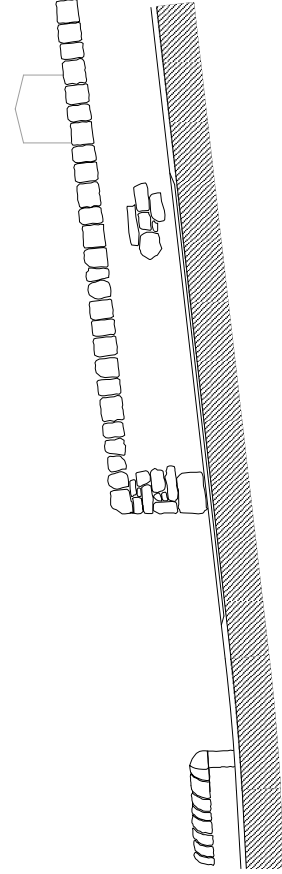
E. Dalton

- Design & Construction Services.

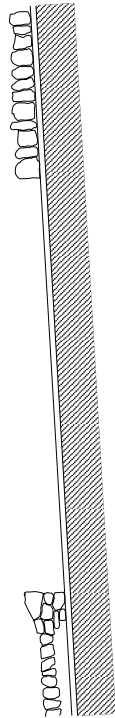
Kilmory, Crombie Point, Crombie,
by Dunfermline, KY12 8LQ
Tel: 01383 882382

Project
Proposed Access Alterations,
Blairingone Church,
Main Street, Blairingone.
**EXISTING BLOCK PLAN &
EXISTING ELEVATIONS.**

Quantity	ED	Date	Jan17	Scale	1:200	Drawn No.	1803	C04
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Elevation B. (East) 1:50



Elevation A. (South) 1:50

DESIGN STATEMENT

Realignment of Existing Vehicular Access,
Part Demolition and Erection
of Two Sections of Boundary Wall
at former Blairingone Parish Church
Blairingone

Applicant: Mr Neil Kinnell

Agent: Mr J Fitzpatrick

23rd February 2017

1.0 Introduction

- 1.1 This design statement is submitted in support of proposals by Mr Neil Kinnell of Profile Projects Ltd for the part demolition of a portion of the boundary wall and erection of a portion of boundary wall at the former Parish Church at Blairingone. The proposals are associated with the realignment of the vehicular access at its junction with the site and the A977 aimed at improving road safety. The former Church building is Category “C” Listed. As a result the boundary wall is listed by association.
- 1.2 Policy PM2 of the Perth and Kinross Local Development Plan 2014 advises that proposals which are considered to affect the character and/or appearance of a Listed Building will require to be supported by a design statement. This design statement is submitted in response to the requirements of Policy PM2 and seeks to set out the design issues relevant to an assessment of the proposals within the context of current design assessment policy and methodology.

2.0 Background

- 2.1 The national policy context relating to design considerations in the assessment of development proposals has been set out by the Scottish Government within a series of design based documents. This current suite of design assessment tools covers subjects such as conservation area management, designing safer places, inclusive design, housing in the countryside, and designing streets. In terms of relevance to the design considerations presented with the development proposed under this application for planning permission the key Scottish Government publications are Scottish Planning Policy (SPP), Planning Advice Note (PAN) 68 – Design Statements, and the Historic Environment Scotland Publication “Managing Change in the Historic Environment – Boundaries.”
- 2.2 SPP emphasises the importance of design in the development process and highlights the role of Planning Authorities in delivering appropriate design solutions. SPP advises that planning authorities should consider six key principles for the creation of successful places when assessing the design qualities of a proposed development. Development should be distinctive, safe and pleasant, welcoming, adaptable, resource efficient, and easy to move around and beyond.
- 2.3 As an aid towards the design assessment process the Scottish Government views design statements as a key component in the design toolkit. They offer an important means of communicating the design rationale associated with specific projects thereby enabling Planning Authorities to effectively fulfil their role in the assessment process. Specific guidance on the nature and scope of design statements has been set out within PAN 68 - Design Statements. In particular PAN 68 provides detailed advice in relation to the methodology to be adopted for design statements so as to ensure that design solutions are tailored to the specific design context within which development is to take place. This design statement has been prepared with reference where relevant to the guidance set out within PAN 68 and seeks to assist Perth and Kinross Council in assessing the design merits of the development proposed.

3.0 Methodology

- 3.1 Considerations relating to design and the impact of a particular proposal on the immediate environment are inherently subjective involving valued judgements which can vary significantly from person to person in relation to the exact same proposal. Much depends on a person’s perspective and the relative weight attached to the various factors in the design equation. For this reason it is often difficult to define the factors which make one design solution more acceptable in relation to another.

- 3.2 This design statement is aimed at enabling some objectivity to be applied to the assessment process by identifying the key principles underpinning a particular design and the factors which have given rise to such a design solution.
- 3.3 The detailed guidance under PAN 68 sets out five key stages in the design appraisal process. Given the limited scale of the proposed development at the property not all components of the design framework are relevant to the design assessment process under this application. The key considerations are:
- Site and Area Appraisal;
 - Identification of the Design Principles;
 - Design Analysis;
 - The Design Solution.

These key considerations form the overall framework for assessment within this design statement.

4.0 Site and Area Appraisal

- 4.1 The application site is dominated by the former Blairingone Church building with the associated grave yard and boundary wall comprising key features in establishing the setting of the Grade “C” Listed Building. The HES listing for the property makes no reference to the boundary wall. However, the wall is nevertheless listed by association with the church building. In particular the boundary wall forms an important feature in terms of providing visual containment for the building and clearly establishing the extent of the associated curtilage.

5.0 Identification of Design Principles.

- 5.1 In seeking to compliment the more general design concepts embodied within the SPP’s six key principles for successful places, the HES publication Managing Change in the Historic Environment – Boundaries sets out a number of key design issues relating to boundary walls. The main issues are considered to be as follows:
- any proposed alterations to an historic boundary feature should take into account the design and material characteristics of the existing boundary wall;
 - any proposed alterations to an historic boundary feature should follow the same line as the historic course of the existing boundary; and
 - any proposed alterations to an historic boundary feature should seek to avoid any significant change to the established curtilage of the associated site.
- 5.2 Although National policy is useful in setting out the general framework for the design assessment process, the context within Perth and Kinross for the assessment of design considerations associated with specific development proposals is set at the local level within a number of key documents. In this regard the local policy context relevant to an assessment of the design merits of the development proposals for the property is set out within the following sources:
- The Perth and Kinross Local Development Plan 2014;
 - The Perth and Kinross Placemaking Guide – Vision for Buildings and New Development.

5.2.1 Perth and Kinross Local Development Plan 2014

5.2.2 Policy PM1A of the Perth and Kinross Local Development Plan 2014 states:

Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

5.2.3 This policy is supplemented by the provisions of Policy PM1B which states:

All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (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.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

5.2.4 Policy HE2 of the Perth and Kinross Local Development Plan 2014 relating to listed buildings states a presumption in favour of sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. In particular Policy HE2 advises that proposed alterations should not adversely affect the special interest of a listed building.

5.2.5 The Perth and Kinross Placemaking Guide – Vision for Buildings and New Development

5.2.6 The Placemaking Guide sets out three key principles as part of its vision for the design of buildings and new development:

- To maintain and improve the identity and character of Perth and Kinross;
- To encourage innovation and sustainability in design;
- To encourage well connected welcoming places.

6.0 Design Analysis

- 6.1 The six key principles for the creation of successful places set out with in SPP provide the general framework for the design analysis process. The specific considerations under each of the SPP's six key principles which are considered to be of relevance to the nature and scale of development proposed will involve a development which is consistent with the design principles derived from the HES publication Managing Change in the Historic Environment – Boundaries, as set out at paragraph 5.1 above.
- 6.2 At the more detailed level the design solution for the proposed section of realigned access and alterations to the boundary wall will require to contribute to preserving a sense of identity for the associated Church building in terms of appearance, height, scale, materials, coursing and colour in order to comply with the requirements of Policies PM1 and HE2 of the Local Development Plan.

7.0 The Design Solution

- 7.1 In seeking to arrive at a design solution which reflects the above analysis one of the most fundamental requirements is that the proposed portions of new boundary wall achieve a sympathetic relationship with the existing boundary feature in terms of scale, materials, coursing of the stonework, and the line of the new portion of wall. A further key requirement is that the portion of wall to be demolished should not adversely affect the setting of the listed building by significantly altering the established curtilage and degree of visual containment for the Church building which the overall boundary feature currently provides. In addition, the materials used to form the wearing course for the realigned access should reflect that of the existing access with which it is to be connected.
- 7.2 In terms of the proposed new portions of boundary the proposed design is considered to comply with the design principles set out above in that the proposed height, materials, line and stonework coursing are all consistent with the sections of the original boundary wall with which they will connect. In addition, the new portions of wall will serve to enhance the degree of visual containment for the site and consolidate the overall cartilage of the associated listed building.
- 7.3 The proposed demolition of the section of the existing boundary wall is considered to be consistent with the design principles set out above in that the limited scale of demolition works will ensure that the visual containment and integrity of the curtilage of the listed building are not adversely affected.
- 7.4 Finally, the proposed section of realigned access is considered to be consistent with the above design principles in that the wearing course will match that of the existing access route with which it is to be connected.

8.0 Further Considerations

- 8.1 At a meeting held at the site on the 14th February 2017 to address issues relating to the relocation of the War Memorial and provision of a servitude right of vehicular access to the dwellinghouse, issues relating to the parking of vehicles to the front of the listed building were discussed. In this regard it should be noted that the current proposals do not relate to the formation of car parking spaces. Although two car parking spaces are indicated on the submitted plans these simply relate to existing areas where a vehicle can park and there is no intention to carry out any works to resurface or delineate these two areas. These two parking spaces have historically been used for parking on occasions when vehicles using the existing vehicular access have been parked adjacent to the building. As such the two car parking spaces shown do not involve development under the terms of /

the definition of such set out under Section 26 of the Town and Country Planning (Scotland) Act 1997. Therefore, although this issue may be of relevance in terms of the Council's ownership considerations relating to granting a servitude right of access, the visual impact of vehicles parked to the front of the listed building does not form a material consideration in relation to an assessment of these proposals under Section 25 of Act.

9.0 Summary

- 9.1 The emphasis within Government Guidance is on ensuring the achievement of appropriate design solutions tailored to the specific design context within which development is to take place. A satisfactory design solution is therefore dependant on detailed examination of the development context within which a new development is proposed so as to promote an understanding of the key design characteristics which should inform the design solution.
- 9.2 This design statement has been prepared with reference to the guidance set out within PAN 68 and seeks to assist Perth and Kinross Council in assessing the design merits of the development proposed. The statement provides a detailed analysis of the key design principles relating to the proposed development at the former Blairingone Parish Church and describes how these principles have been brought to bear in defining the design solution.
- 9.3 It is considered that this design statement has demonstrated that the proposals are fully consistent with the local design context and that the development can be justified in relation to the various design requirements set out within SPP relating to the six key principles for successful places and the relevant design issues set out within the HEs publication Managing Change in the Historic Environment – Boundaries, as well as the policy provisions of the Local Development Plan. In addition, the proposals are considered to be consistent with the guiding principles of the Perth and Kinross Council Placemaking Guide.

TCP/11/16(485) – 17/00160/FLL – Realignment of vehicular access and alterations to boundary wall at Blairingone Church, Main Street, Blairingone, Dollar, FK14 7NY

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/00160/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED]
Description of Proposal	Realignment of vehicular access and alterations to boundary wall		
Address of site	Blairingone Church Main Street Blairingone		
Comments on the proposal	<p>I note that the proposal is to realign the existing vehicular access from the church onto the A977. The current access is sub-standard in terms of visibility and geometry and requires a difficult manoeuvre onto the current access junction onto the A977. It should also be noted that because of this, the current access has not been used by vehicles for some considerable time, with PKC using a new access at the back of the church to enter the current working cemetery site.</p> <p>During on-site discussions with the applicant's agent, I indicated that I would not be in favour of realigning the current access and it was agreed that the access should be stopped up to vehicular traffic. I also indicated that my preferred option would be for the applicant to carry out the consent he has to build a garage on waste ground opposite.</p> <p>Having now had the chance to review his application, I am still of the opinion stated above that the access would still be sub-standard in terms of visibility and geometry.</p> <p>Therefore, for the reasons stated above, I recommend <u>REFUSAL</u> of this application.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	06 April 2017		

