

TCP/11/16(172)

Planning Application 11/01666/FLL – Alterations and repositioning of entrance gateway to Mansfield Place, Isla Road, Perth

**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 2008

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name **JAMES PARR**

Address **3 MANSFIELD PLACE
ISLA ROAD
PERTH
PH2 7HG**

Contact Telephone 1 **[REDACTED]**
Contact Telephone 2 **[REDACTED]**
Fax No **[REDACTED]**

E-mail* **[REDACTED]**

Agent (if any)

Name **[REDACTED]**

Address **[REDACTED]**

Contact Telephone 1 **[REDACTED]**
Contact Telephone 2 **[REDACTED]**
Fax No **[REDACTED]**

E-mail* **[REDACTED]**

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

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Planning authority **PERTH + KINROSS COUNCIL**

Planning authority's application reference number **11/01666/FLL**

Site address **MANSFIELD PLACE ISLA ROAD PERTH PH2 7HG**

Description of proposed development **ALTERATIONS TO EXISTING GATEWAY**

Date of application **28 Sept '11** Date of decision (if any) **16 Feb '12**

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

Nature of application

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

Reasons for seeking review

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

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

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

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

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.

See separate document.

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.

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.

O.S. Site Map.

Photographs of gateway

Letter of 21st Sept from P. Sweeney

Notice of refusal

Plan of proposal

2 pages of e-mail copies

Statement of reasons for appeal.

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

Checklist

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

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

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

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

Signed

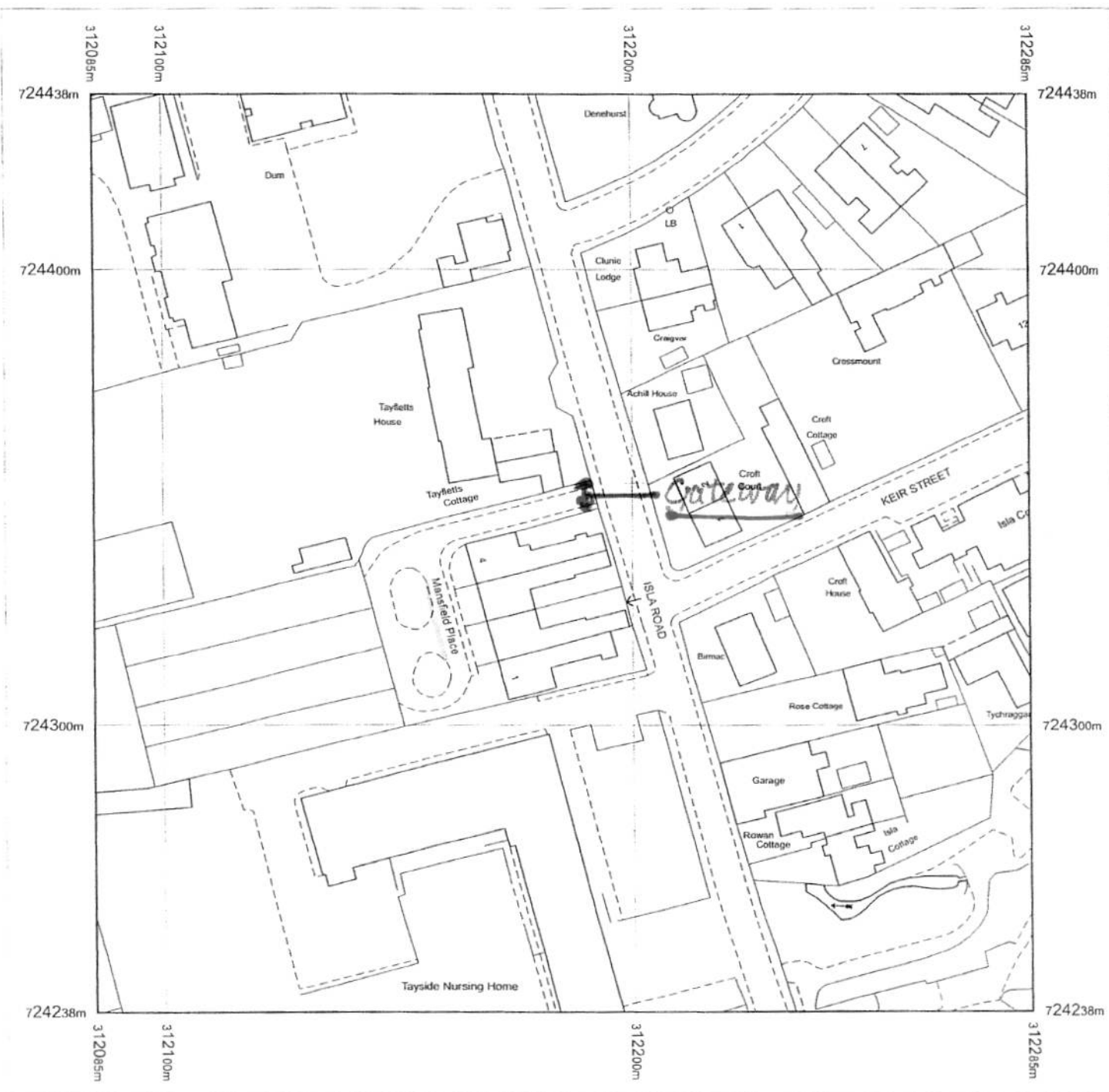


Date

21 Feb 12



Proposed Alterations to gateway Mansfield Pl. Isla Road.



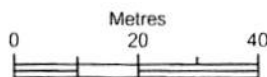
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



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Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey website:
www.ordnancesurvey.co.uk



Mansfield Place

Pillar with early damage

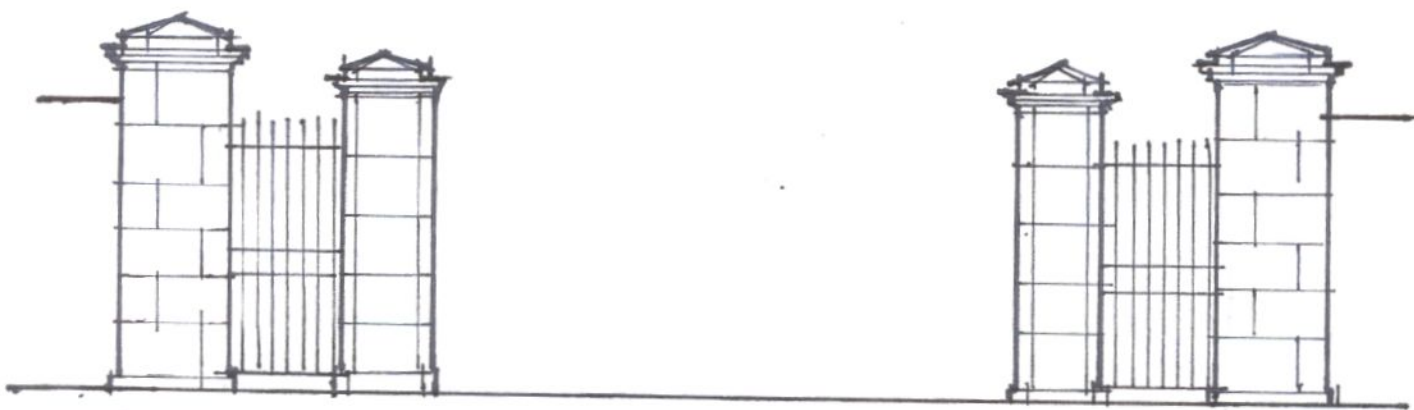


View from Isla Rd

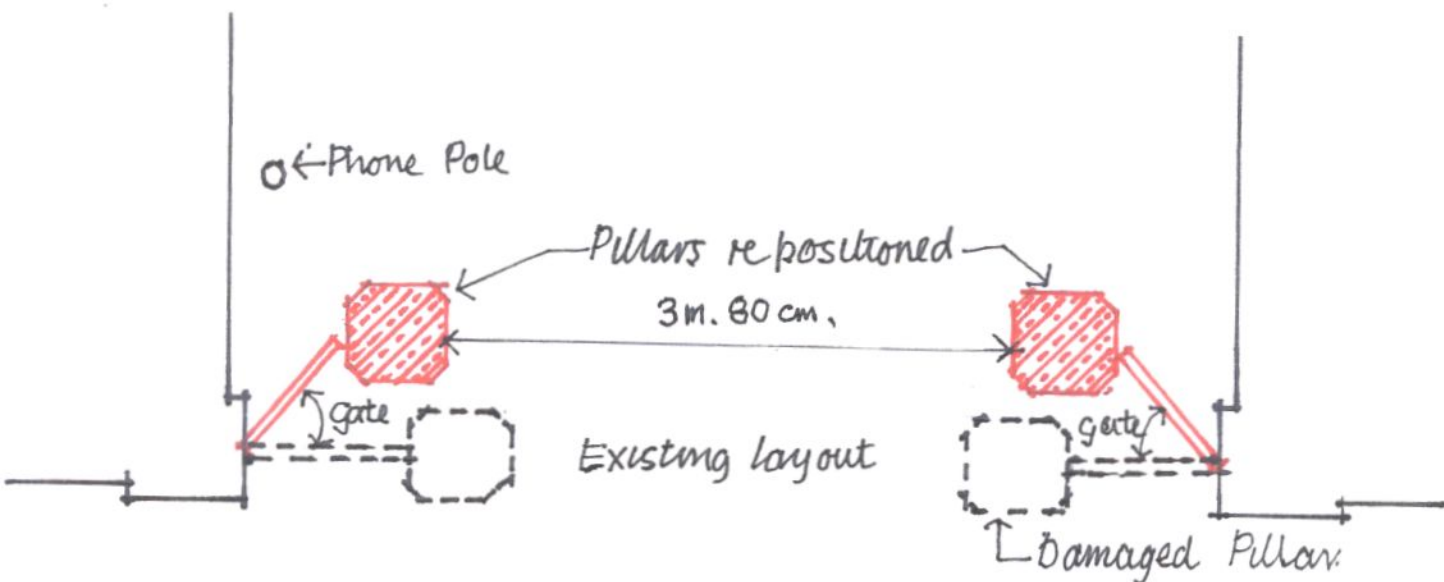


Badly damaged pillar

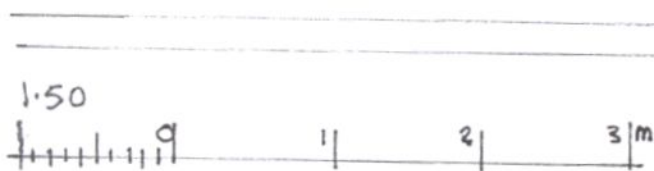
Proposed Alteration to gateway Mansfield Place Isla Road.



Proposed elevation to Isla Road



Isla Road.



**Delayed Office Opening for
Employee Training**

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

**Mr James Parr
3 Mansfield Place
Isla Road
Perth
PH2 7HG**



**Development Control
Head of Service David Littlejohn**

Pullar House 35 Kinnoull Street
Perth PH1 5GD
Tel 01738 475300 Fax 01738 475310

Contact **Philip Sweeney**
Direct Dial (01738) 475814
E-mail: PSSweeney@pkc.gov.uk

Our ref 11/01016/Preapp

Your ref

Date 21 September 2011

Dear Sir

Pre-Application Inquiry:

**Proposed Repositioning of Stone Pillars at No. 3 Mansfield Place, Isla Road, Perth,
PH2 7HG**

Ref No: 11/01016/Preapp

I refer to your letter dated 8 August 2011 and your submitted plans in the above connection.

I can confirm that I have discussed the proposal with my colleagues in the Conservation Section/Transport Planning/Mike Scott from Historic Scotland.

We are all of the opinion that the gates and gatepiers contribute significantly to the streetscape and are an important part of the buildings special character, contributing to its listing. Therefore, we are extremely resistant to the demolition and re-erection of the gatepiers and gates anywhere other than in their original position. The boundary treatment along Isla Road is strong, with tall stone walls intercepted by gatepiers and gates, sometimes linked with sweeping stone walls. To set back one of the more impressive sets of gatepiers and gates will create a disproportionate void in the boundary line when looking along Isla Road.

The gatepiers at present, are set 3m apart, wider than the average single lane carriageway, 2.5m, and still meet today's standard junction widths. The proposal involves repositioning them further back and widening the opening by 80cm.

The general consensus from all (e.g. Historic Scotland, colleagues in the Conservation Section and myself), is that the proposed positioning will not be supported if an application were to be submitted on this basis. The impact would be just too great. However, we may be prepared to compromise on the alignment on the gatepiers and gates on the original footprint, giving the additional desired 80cm, by pivoting the line of the gatepiers from the current position of the outer pedestrian gates. Thus, reducing the distortion of the original design and allowing glimpses of the gatepiers and gates along Isla Road.

I trust that the above points answer your query. I can advise you that should you decide to submit a Planning Application, the relevant planning application forms can be downloaded from the Council's website at www.perthshire.com and by following the links on the left-hand margin of the screen.

I trust however that this letter is of assistance.

Yours faithfully



Philip Sweeney
Planning Officer

Subj: **RE: No. 3 Mansefield Place, Isla Road, Perth 11/00424/Preapp**
Date: 22/09/2011 16:41:58 GMT Daylight Time
From: [REDACTED]
To: [REDACTED]

My correspondence of the 13th is the same as that of the letter of 21st – you sent me two forms of correspondence – an email and a letter.

② *In our telecom. of the 20th we agreed that the "compromise" envisaged the pillars being moved back to provide an opening of 3m.80cm. with the gates still apparently hinged to pilasters and piers.*

Yes, that is my understanding James. I await your submitted application.

Philip.

From: [REDACTED]
Sent: 22 September 2011 15:00
To: Phillip Sweeney
Subject: Re: No. 3 Mansefield Place, Isla Road, Perth 11/00424/Preapp

Dear Philip

Thanks for the email of the 13th and letter of the 21st.

① In our telecom. of the 20th we agreed that the "compromise" envisaged the pillars being moved back to provide an opening of 3m.80cm. with the gates still apparently hinged to pilasters and piers. I have circulated a sketch of this with your email to the other owners and await a reaction.

Best wishes
James.

Subj: **Mansfield, Isla Road, Perth**
Date: 06/10/2011 11:36:41 GMT Daylight Time
From: [REDACTED]
To: [REDACTED]
James,

③ I can confirm that I have received the application for the above.

Is it possible that you would be able to email me photos of the site in question/gatepiers?

Regards,

Philip

Subj: **RE: Mansfield, Isla Road, Perth**
Date: 13/10/2011 12:19:06 GMT Daylight Time
From: [REDACTED]
To: [REDACTED]

Correct James!

④ From: [REDACTED]
Sent: 13 October 2011 12:11
To: Phillip Sweeney
Subject: Re: Mansfield, Isla Road, Perth

Dear Philip

Just a note confirming your assurance that the photos I gave you on the 7th were adequate for your purpose and I was advised that the bill I had received for £61 was an error and should be ignored.

Best wishes

James

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From: [REDACTED]
To: [REDACTED]

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Best wishes

James

Subj: **RE: Re Mansfield Pl. Isla Road Perth.**
Date: 20/02/2012 08:30:55 GMT Standard Time
From: [REDACTED]
To: [REDACTED]

James,

You have misunderstood me here James – when you state that I refused to discuss the matter further, I said that I refused to discuss any part of the impending appeal process? It would be unprofessional for me to comment on an upcoming appeal that is to be determined in an impartial manner.

2 Yes, we were prepared to compromise and assumed that you understood where we – Historic Scotland, Conservation colleagues and myself, were coming from. I had explained to you what required to be done, from our point of view, in order to grant approval. This was not forthcoming and the only possible outcome was for the application to be refused. However, as stated above, there is no point or relevance in me discussing the application now as it will be adjudicated by a Reporter at the Appeal stage.

Regards,

Philip

From: [REDACTED]
Sent: 18 February 2012 12:30
To: Phillip Sweeney
Cc: fwdPeter Barrett
Subject: Re Mansfield Pl. Isla Road Perth.

Dear Philip,

Ref.our telecon.of 16th.of Feb.

1 In your letter of 21Sept.you indicated that you,Historic Scotland and your Conservation colleagues"may be prepared to compromise" on a described proposal.

I employed and recorded every possible means of ensuring that the submission registered on 28th Sept. complied with your suggestion and was therefore surprised to learn that the refusal was based on unmet conditions. I explained that I was totally unaware of any conditions and you refused to discuss the matter further.

James.

Page 1 of 1

3 Subj: **Re: Re Mansfield Pl. Isla Road Perth.**
Date: 20/02/2012 11:32:42 GMT Standard Time
From: [REDACTED]
To: [REDACTED]

Philip

The wording of your compromise was a little difficult to translate and I was meticulous in interpreting it. I confirmed by e-mail showing you the plan in the office prior to lodging.No other conditions were ever mentioned.

Regards
James.

Re ; Mansfield Place , Isla Road , Perth .

The gateway to Mansfield Place serves six properties but is much narrower than any in the area despite the fact that most of the others serve single properties.

Even small cars coming from Bridgend must face on coming traffic to enter & on exit the massive pillars block visual splays endangering both drivers onto a busy Isla Road and pavement pedestrians. Additionally, there is frequent wheelchair traffic to & fro Springlands.

There have been several incidents of damage to cars, larger vehicles such as fire engines, removal vans & tankers. Many larger vehicles do not attempt entry & park on Isla Road creating other hazards. Additionally, there is frequent wheelchair traffic to & fro Springlands.

During the winter of 2011 one pillar was severely damaged by frost & the other is showing signs of the same (see `photos).

Early in April I made an initial submission to the planning authority which was rejected. This was followed by two others, the last one suggesting that the pillars & iron gates were moved back some 3meters into the access lane & the opening widened by 80 cms. This was rejected but generated a compromise proposal by the Planning Officer which was accepted by the owners & after all possible confirmation was formally lodged on 28th September. Refusal was allegedly based on certain conditions not having been met – yet no conditions were ever intimated (please see correspondence).

The owners feel very frustrated that the solution to the problem & the reduction of the hazards is still unresolved despite our prompt response at all stages.

We appear to have been unable to convey the dangers to officials & have experienced considerable administrative confusion within the planning department.

The owners hope that the current appeals will allow us to reinstate this structure & remove the dangers.

PERTH AND KINROSS COUNCIL

Mr James Parr
3 Mansfield Place
Isla Road
Perth

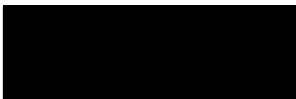
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 16th February 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **11/01666/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 28th September 2011 for permission for **Alterations and repositioning of entrance gateway Mansfield Place Isla Road Perth** for the reasons undernoted.



JP Development Quality Manager

Reasons for Refusal

1. The proposed development is considered to have a detrimental visual impact on the character of the statutorily listed building. Approval would therefore be contrary to Policies 25 and 41 of the Perth Area Local Plan; would be contrary to Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998); ERP 8 of the Perth and Kinross Structure Plan 2003; and, to the Council's statutory duty in relation to listed buildings under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Justification

The proposal is not in accordance with the Development Plan and there are no material considerations which justify an approval.

3 Mansfield Place,
Isla Road,
Perth PH2 7HG
Tel: [REDACTED]
23 Feb '12

Development Control
Perth + Kinross Council

Local Review Body.
Perth + Kinross Council

Directorate for Planning
and Environmental Appeals.

CHIEF EXECUTIVES
DEMOCRATIC SERVICES

24 FEB 2012

RECEIVED

Mansfield Place Isla Rd. Perth Ref 11/0166 FLL

Please find enclosed copies of documents
omitted from yesterday's submission.

Letter from P. Sweeney 18 Oct
Memorandum 14 Oct
My Response 24 Oct,



**Delayed Office Opening for
Employee Training**
*This Office will be closed from 8.45 am –
11.00 am on the 1st Thursday of each
month.*

**Mr James Parr
3 Mansfield Place
Isla Road
Perth
PH2 7HG**



**Planning and Regeneration
Head of Service David Littlejohn**

Pullar House 35 Kinnoull Street
Perth PH1 5GD

Contact Philip Sweeney

www.pkc.gov.uk

Our ref 11/01666/FLL & 11/01667/LBC

Your ref

Date 18th October 2011

Dear Sir

**Proposed Alterations to Gateway/Piers at No. 3 Mansfield Place, Isla Road, Perth
Planning and Listed Building Application Ref Numbers: 11/01666/FLL &
11/01667/LBC**

I refer to the above mentioned Planning and Listed Building Consent Applications that are currently under consideration. I can confirm that as a consequence of the listing criteria of the gateway to Mansfield Place, the Council's Conservation Section are required to be consulted. I duly enclose a copy of their comments for your consideration and hopefully, agreement. I await your response to these comments, in due course.

Yours Sincerely,

Philip Sweeney
Planning Officer

Memorandum

To Philip Sweeney

From Rachel Haworth

Your ref 11/01666/FLL, 7/LBC

Our ref *

Date 14/10/11

Tel No

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Conservation/Design comments

Mansfield Place, Isla Road, Perth – alterations to gateway

The proposal entails the repair and re-alignment of the original gateway to the category B listed Mansfield Place following vehicle damage. The double pair of substantial gate piers and cast iron panels form part of the special character of the building.

I understand that the existing gates have been damaged by vehicle collision, and that repairs are required which may require the structure to be taken down and re-erected. I also appreciate that the proposal attempts to preserve the appearance and character of the existing gateway.

However I question the justification for the alteration proposed, whereby the inner piers will be moved slightly into the driveway and the cast iron sections angled in towards them. The realignment would erode the strong street line established by the historic boundary walls and gateway features of Mansfield Place and other properties along the street, giving the impression of a wider opening when viewed obliquely. The resulting vehicle opening would be 3.8m wide, only 80cm wider than the existing. This exceeds the 3m opening recommended in new-build situations, which the existing opening already complies with.

The proposal therefore seems fairly major in impact for very little benefit in terms of the likely avoidance of future vehicle damage. Unfortunately physical alterations cannot guarantee against future driver error, no matter how wide the opening. I recommend either the proposal is withdrawn and the gates are repaired in situ, preserving their existing appearance and alignment, or a statement of justification is provided explaining in detail why the proposal is considered reasonable and necessary.

If the proposal is pursued, specifications and method statements should also be provided for the work detailing the proposed stonework replacement, mortar repairs and removal and re-fitting of the cast iron panels.

2 Mansfield Place
Isla Road
Perth

24th October 2011

Dear Mr Sweeney,

Gateway Mansfield Place, Ref 11/0166/FLL&11/01667/LBC

Thank you for your letter dated 18th October & the attached memorandum.

Dealing with the points raised;

As stated in my letter of 1st April & in subsequent discussion one pillar was severely damaged by frost & the other is showing early signs of the same.

In my letter of 13th April I pointed out that despite serving six properties the gate is narrower than any in the district .Even small cars coming from Bridgend must face oncoming traffic to make access & on exit there is no visual splay endangering drivers & pedestrians. There are incidents & damage to larger vehicles such as fire engines, removal vans & tankers. Many larger vehicles do not attempt the opening & park in Isla Road.

The owners agree that an 80 cm increase in width seems trivial but coupled with the slight recess of the pillars the dangers are greatly reduced & the elements are retained .They wish to pursue the proposal & have an estimate from J&J Bowie Builders to take down both pillars & rebuild them in the proposed position using replacement stones where necessary. The gates will be taken down, repaired, repainted & reinstated as shown.

We are anxious to produce an enhanced gateway & because of the cause of the damage action is now urgently required.

Yours sincerely

James Parr

TCP/11/16(172)

Planning Application 11/01666/FLL – Alterations and repositioning of entrance gateway to Mansfield Place, Isla Road, Perth

PLANNING DECISION NOTICE (included in applicant's submission, see page 561)

REPORT OF HANDLING

REFERENCE DOCUMENTS (included in applicant's submission, see pages 549 and 551)

CHECKED IN

REPORT OF HANDLING

DELEGATED REPORT

Ref No	11/01666/FLL	PS
Ward No	N12	22/11

PROPOSAL: Alterations and repositioning of entrance gateway

LOCATION: Mansfield Place Isla Road Perth

APPLICANT: Mr James Parr

RECOMMENDATION: refuse the application

SITE INSPECTION: 22 October 2011

OFFICERS REPORT:

The application is in full and relates to Mansfield Place, Isla Road, Perth. Located within the Perth settlement envelope, the application site refers to the original gateway/gatepiers to the category B listed Mansfield Place - a group of two storey semi-detached properties of a traditional, Victorian style vernacular and appearance. The double pair of substantial gate piers and cast iron panels form part of the special character of the properties at Mansfield Place.

It is important to acknowledge that there is a Listed Building Consent application related to this site: 11/01667/LBC.

The proposal seeks detailed Planning Consent for the repair and re-alignment of the original gateway/gatepier at the access drive on Mansfield Place that looks onto Isla Road. It was requested of the applicant to submit a Justification Statement in support of the proposal, but this has not been forthcoming, other than to state that the principal reason for the repair and re-alignment works are as a consequence of vehicle damage. The resulting vehicle opening is proposed to be 3.8 metres wide.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, requires the determination of the proposal to be made in accordance with the relevant provisions of 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 (PALP) Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000). In addition, Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, requires proposal that affect Listed Buildings to preserve or enhance the special architectural and historic interest of the Listed Building.

The determining issues for this application are therefore: (i) Whether in terms of Section 14 (2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposal would preserve or enhance the special architectural interest of the Conservation area; (ii) Whether the proposal is in accordance with the relevant provisions of the Development Plan, (namely, Policies 25 (Listed Buildings) and 41 (Residential and Background Policies) of the Perth Area Local Plan 1995 and ERP 8 of the Structure Plan); and, (iii) Whether an exception to those provisions is justified

by other material considerations, which includes compliance with Scottish Historic Environment Policy 2008 and the recently approved Scottish Planning Policy.

Accordingly, the key determining issues for this proposal are therefore, whether or not the proposal accords with Policies 25 (Listed Buildings) and 41 (Residential and Background Policies) of the PALP. It is clear from the plans submitted that the development proposed will adversely impact on the density, character and amenity of the area concerned and consequently, would not comply with the guidance within Policy 41.

As a consequence of both, the gatepiers and cast iron panels forming part of the special character of the listed Mansfield Place properties, the Council's Conservation Section have been consulted. In their comments, they have stated that they have strong concerns. It is well understood that the purpose of the proposal is as a consequence of damage done to the gatepiers, and that repairs are required which may require the structure to be taken down and re-erected. However, the justification is questioned, whereby the inner piers will be moved slightly into the driveway and the cast iron sections angled in towards them. It is clear that the re-alignment would erode the strong street line established by the historic boundary walls and gateway features of Mansfield Place and other properties along the street, giving the impression of a wider opening when viewed obliquely. As a consequence, the resulting opening would be 3.8 metres wide, only 80cm wider than the existing. This exceeds the 3 metre opening recommended in new-build situations, which the existing opening already complies with.

All of the above points were put to the applicant and it was suggested that the application be withdrawn, and that the gates be repaired in situ, preserving their existing appearance and alignment, or a Justification Statement provided, explaining in detail why the proposal is considered reasonable and necessary. Although the applicant did submit a further letter in support of the proposal, it duplicates previous points made in regard to damage done to the gatepiers from vehicles; and, does not justify why the proposal has been designed sympathetically in relation to the B listed gate piers and cast iron panels. It is clear from, both, a site visit as well as photos taken, that the gate piers and cast iron gates are a predominant - - - .

The proposal therefore, sets an adverse visual impact for what is very little benefit in terms of the likely avoidance of future vehicle damage. It is important to acknowledge that unfortunately, physical alterations cannot guarantee against future driver error, no matter how wide the opening.

It is stated in Policy 25 (Listed Buildings) of the PALP that the setting of Listed Buildings will be safeguarded. It is clear that this proposal does not safeguard against the setting of the special character of this Listed Building, which includes the gate piers and cast iron panels), and, therefore, creates an adverse visual impact.

Having taken cognisance of the relevant criterion, (both Policies 25 and 41), I consider the development is in contravention of the guidance contained within the Development Plans. As a consequence of the above mentioned material considerations, there is no reasoned justification for approving this application. On that basis, this application is recommended for refusal.

NATIONAL PLANNING POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through the National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- The Scottish Government's view of the purpose of planning,
- The core principles of the operation of the system and the objectives for key parts of the system,
- Statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- Concise subject planning policies, including the implications for development planning and development management, and
- The Scottish Government's expectations of the intended outcomes of the planning system.

Of particular relevance to this application are paragraphs 110 – 125 on the Historic Environment.

Historic Scotland: Scottish Historic Environment Policy (SHEP), 2009

This document, produced by Historic Scotland, offers advice to Planning Authorities on how to deal with Planning Applications which affect Listed Buildings, their settings and Conservation Areas. SHEP replaces the Memorandum of Guidance and sets out Scottish Ministers policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.

DEVELOPMENT PLAN

The Development Plan comprises of the Perth and Kinross Structure Plan 2003 and the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000). There is one strategic issue of relevance raised in the Perth and Kinross Structure Plan 2003, as follows:-

Perth and Kinross Structure Plan 2003

Environment and Resources Policy 8 will seek to ensure the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. New development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweighs the cultural interest in the site. The same protection will be afforded to sites proposed for designation. Other important archaeological sites or landscapes will also be protected from inappropriate development.

In summary, the principal development plan policies are raised in the Perth Area Local Plan 1995. These are as follows:

Policy 25**Perth Area Listed Buildings**

There will be a presumption against the demolition of Listed Buildings and a presumption in favour of consent for development involving the sympathetic restoration of a Listed Building, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

Policy 41**Perth Area general residential**

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 obvious 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.

OTHER POLICIES

None specific.

SITE HISTORY

11/01667/LBC Alterations and repositioning of entrance gateway

At time of writing, this application is still awaiting determination.

CONSULTATIONS

The Conservation Section have commented and confirmed that they object.

TARGET DATE: 28 November 2011

REPRESENTATIONS RECEIVED:

None received.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not required
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Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Not required

LEGAL AGREEMENT REQUIRED

None required

DIRECTION BY SCOTTISH MINISTERS

None required

REASONS:

- 1 The proposed development is considered to have a detrimental visual impact on the character of the statutorily listed building. Approval would therefore be contrary to Policies 25 and 41 of the Perth Area Local Plan; would be contrary to Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998); ERP 8 of the Perth and Kinross Structure Plan 2003; and, to the Council's statutory duty in relation to listed buildings under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

JUSTIFICATION :

The proposal is not in accordance with the Development Plan and there are no material considerations which justify an approval.

INFORMATIVES

None.

TCP/11/16(172)
Planning Application 11/01666/FLL – Alterations and repositioning of entrance gateway to Mansfield Place, Isla Road, Perth

WRITTEN SUBMISSION

- Email from Appointed Officer, dated 30 April 2012

From: Phillip Sweeney
Sent: Monday, April 30, 2012 10:26 AM
To: TES Planning - Generic Email Account; Gillian Taylor
Subject: LRB - Alterations and Repositioning of Entrance Gateway to Mansfield PI, Isla Road, Perth

Dear Gillian,

Your Ref: TCP/11/16/(172)

I refer to your letter dated 26 April 2012 in the above connection.

In the above mentioned letter, it is stated that I am required to provide further information regarding "the other compromise proposals". However, although there was a compromise discussed prior to the submission of the application, (that was eventually refused and passed to the LRB), it was never taken forward at the application stage. Instead, the application that was submitted was an alternative design and was NO way, connected to the compromise. Therefore, the only possible outcome was for the application to be refused.

I, therefore, cannot provide any further information on the application or the compromise proposal.

Regards,
Philip

TCP/11/16(172)

Planning Application 11/01666/FLL – Alterations and repositioning of entrance gateway to Mansfield Place, Isla Road, Perth

WRITTEN SUBMISSION

- Applicant's response to email from Appointed Officer

Audrey Brown - Democratic Services

From: [REDACTED]
Sent: 07 June 2012 21:36
To: Audrey Brown - Democratic Services
Subject: Fw: Ref : 11/01666/FLL Gateway to Mansfield Place Isla Road,Perth
Attachments: MANSFIELD PLACE GATEWAY 1.tif; D.Russell ReporterPage 1. 2.tif; D.Russell Rporter Page2 3.tif; D Russell Repiorter Page 3.tif

Dear Audrey ,

Thank you for your letter of 1st June advising that the Mansfield Place appeal will be on the agenda of the local review body meeting on 12th June.

The Written Submission from the Appointed Officer had been added to the documents and was so far from the recorded facts that I must make the strongest protest in the hope that copies can be sent to the members of the LRB who will attend the 12th June meeting.

The damage to the pillar was caused by frost during the winter of 2010/11 and the owners were anxious to explore the possibility of reducing the dangers of the current layout .

The initial rejected suggestion was submitted on 1st April 2011 followed by two others. The last was made on 8th August and was initially considered "hopeful" (copy attached) .It was rejected in a letter by P Sweeney dated 21st September along with his description of a compromise which he felt would be acceptable to the officials involved.I was meticulous in translation & had the current proposal fully confirmed by emails on Sept 22nd prior to formal submission.

I received a Memorandum dated 14th October from Rachel Howarth who was obviously opposed but gave conditions" if the proposal is pursued " - there was no request for further information or action

A letter giving the decision was withheld for over a month because the Planning Department had to be assured for the third time that the charge of £61 did not apply .

According to P.Sweeny`s email of 20th February rejection was based on some requested conditions not having been met .

Copies of all the letters and emails referred to above are in the submitted documents totally demolishing the unrelated contents of P.Sweeny`s Written Submission .This is yet another item in the chain of the Planning Departments mistakes and administrative confusion which has plagued this relatively minor project since April 2011.

After the refusal I appealed for listed building consent and in the process saw the lengthy Report of Handling in which it twice wrongly claims that I was asked for a Justification Statement.

In the LRB meeting of 27th March the Independent Planning Consultant was extremely supportive drawing attention to other deeply recessed and wider gates on Isla Road - on asking he was told that refusal was based on the lack of a Justification Statement . The concern of the LRB members is clear in their letter of 26th April to the Appointed Officer.

In the light of the 27th March meeting & the Scottish Ministers Reporters appreciation of the dangers (attached) the owners feel that they must make the strongest possible plea to have the submission of 8th August reviewed - it gives maximum reduction of danger & relates well to the neighbouring gates with the line of Isla Road, preserved by the stone walls and pillasters all the elements will be preserved. Additionally , the cost would be the same as "the compromise" with much greater value.

The owners would regard this handsome & much safer gateway as a worth while outcome to the lengthy negotiations . If required I would be pleased to offer any further explanations or assurances at the 12th June meeting.

Attachments .

Yours Sincerely

James Parr

This email is sent on behalf of Nutricia Ltd, registered no. 00275552, registered address Newmarket House, Newmarket Avenue, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XQ.

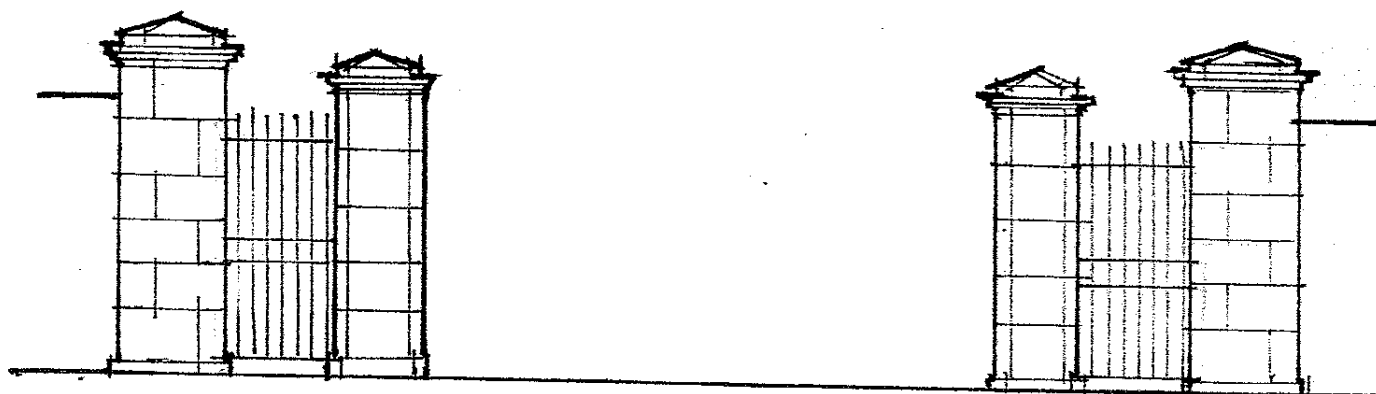
This email is sent on behalf of Nutricia Ltd, registered no. 00275552, registered address Newmarket House, Newmarket Avenue, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XQ.

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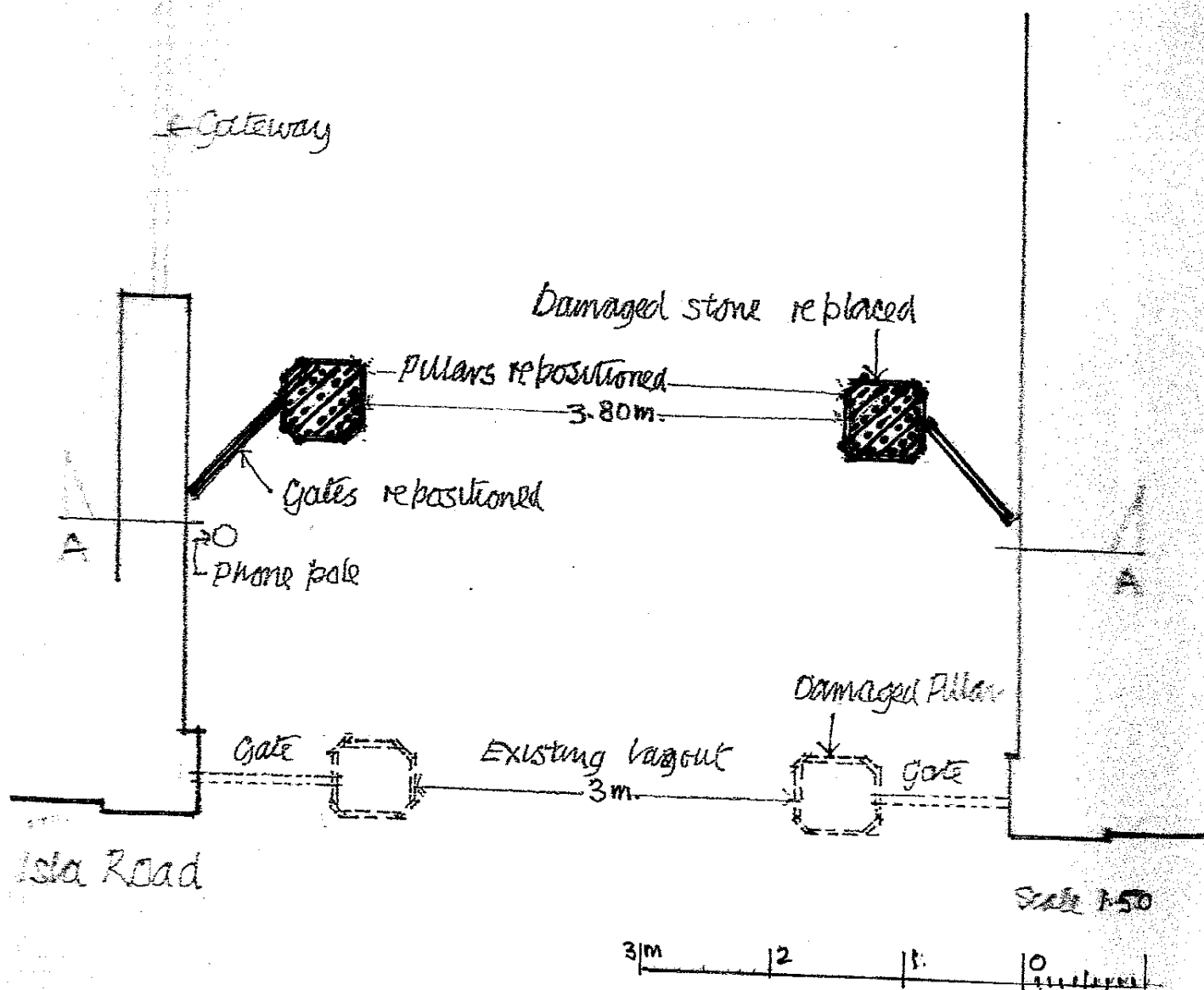
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Proposed Alteration to gateway Mansfield Place Isla Road. 8 Aug '11



Proposed elevation to Isla Road



Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by David Russell, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-340-2002
- Site address: Mansfield Place, Isla Road, Perth PH2 7HG
- Appeal by Mr James Parr against the decision by Perth and Kinross Council
- Application for listed building consent (11-01667-LBC) dated 27 September 2011, and refused by notice dated 24 November 2011
- The works proposed: Alterations and re-positioning of entrance gateway
- Application drawing: Un-numbered A4 elevation and plan for the proposed alteration at 1:50 scale
- Date of site visit by Reporter: 5 April 2012

Date of appeal decision: 13 April 2012

Decision

I allow the appeal and grant listed building consent, subject to the following condition:
Before the works start, a scheme showing detailed specifications and a method statement shall be submitted to, and be approved in writing by, the planning authority; and the works shall be carried out in accordance with the approved scheme.

Reason: To ensure the preservation of the gateway.

Attention is also drawn to the advisory note at the end of this notice.

Reasoning

1. The determining issue in this appeal is whether the effect of the proposed works to the entrance gateway, forming part of a listed building, would be acceptable in view of the duty to have special regard to the desirability of preserving the building and any of its features which are of special architectural or historic interest, while also having regard to any other material considerations which might justify listed building consent being granted or refused.

2. The gateway consists of a double pair of substantial stone gate piers with cast iron hinged gate panels. They provide access to Mansfield Place which is a category B listed building and consists of a group of two storey semi-detached traditional Victorian houses. The gateway forms part of the listed building.



3. The proposed works would entail re-building and re-positioning the inner piers to be set back from the road. The cast iron gate panels would still connect each with the outer piers, but these would be at an angle, rather than parallel with the street. As a result, the two inner piers would be set further apart than the present three metres, at 3.8 metres.
4. I consider that these works would not threaten the preservation of the gateway, which is an important architectural feature of the listed building. Although the historic alignment of the gate piers would be altered somewhat, I do not consider that this would threaten the overall integrity of the listed building or the architectural or historic interest of this feature. The outer piers would remain in their original position, and the connecting cast iron gate panels would be retained.
5. While the necessary repairs to the frost damaged gate piers could be made without any re-positioning, the proposed works would have significant benefits in widening the entrance to reduce the risk of damage to, and by, vehicles. It would also tend to encourage service vehicles visiting the properties in Mansfield Place to use the gateway for access, rather than parking outside on the double yellow lines on Isla Road.
6. The current proximity of the gate piers to the carriageway on Isla Road, combined with the restricted three metres gap, increases the risk of damage to vehicles turning in. It also increases the need for wider turning circles by those about to enter from the south, which may impede other traffic. Re-positioning the inner piers would also improve the visibility for drivers exiting onto Isla Road, and reduce the potential hazards for footway users crossing the entrance.
7. In conclusion, given the minor impact on the preservation of this gateway feature of the listed building, and having regard to the benefits which would be secured by the re-positioning of the inner gate piers, I consider that the proposed works would be acceptable.
8. For these reasons I am also satisfied that the proposed works would not be contrary to Policies 25 or 41 of the Perth Area Local Plan, or Environment and Resources Policy 8 of the Perth and Kinross Structure Plan. Further, I do not agree that the works would erode significantly the street line which is established by the boundary walls along Isla Road. This is not within a conservation area, but the gated vehicular entrances to the two properties immediately to the north have been set much further back from the carriageway on Isla Road to ease vehicular access, and other property entrances have been altered too. I have found no other material considerations which would justify listed building consent being refused.
9. In her consultation response the council's conservation officer stated that, in the event of approval, detailed specifications and a method statement for the proposed works should be provided, and I agree that it is appropriate to impose such a condition.

David A. Russell

Principal Inquiry Reporter

Advisory note

The length of the consent: This listed building consent will last only for three years from the date of this decision notice, unless the works have been started within that period. (See section 16 of the *Planning (Listed Building and Conservation Areas) (Scotland) Act 1997* (as amended).)



