

TCP/11/16(382)
Planning Application – 15/00915/FLL - Formation of a
vehicular access, Eastlea and St Leonards, 68 and 66 Main
Street, Abernethy, PH2 9LA

INDEX

- (a) Papers submitted by the Applicant (***Pages 179-184***)
- (b) Decision Notice (***Pages 187-188***)
 - Report of Handling (***Pages 189-196***)
 - Reference Documents (***Pages 197-200***)

TCP/11/16(382)

**Planning Application – 15/00915/FLL - Formation of a
vehicular access, Eastlea and St Leonards, 68 and 66 Main
Street, Abernethy, PH2 9LA**

**PAPERS SUBMITTED
BY THE
APPLICANT**

16 OCT 2015

RECEIVED

RECEIVED

19 OCT 2015

Notice of Review

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)Name **MR BARRY WALKER**Address **68 MAIN STREET
ABERNETHY**Perth **PERTH**Postcode **PH2 9LA**Contact Telephone 1 Contact Telephone 2 Fax No E-mail* **Agent (if any)**Name **MR STEVEN JOHNSTON**Address **THE GROVE
NEWBURGH ROAD**Perth **ABERNETHY**Postcode **PH2 9LH**Contact Telephone 1 Contact Telephone 2 Fax No E-mail* 

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?

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

15/00915/FLL

Site address

68 AND 66 MAIN STREET, ABERNETHY, PERTH.Description of proposed
development**FORMATION OF A VEHICULAR ACCESS EASTLEA AND
ST LEONARDS 68 AND 66 MAIN STREET ABERNETHY
PERTH PH2 9LA**

Date of application

30-05-15

Date of decision (if any)

03-08-15

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.

CHIEF EXECUTIVES
DEMOCRATIC SERVICES

20 OCT 2015

RECEIVED

Nature of application

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

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

Review procedure

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

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

- | | |
|-------------------------------------------------------------------|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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

Site inspection

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

- | | Yes | No |
|--------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

THE REASON FOR THIS APPLICATION IS TO PROVIDE VEHICULAR ACCESS AND PARKING SPACES TO THE REAR OF THE PROPERTIES. AT PRESENT RESIDENTS PARK ON THE PUBLIC ROAD ADJACENT TO THE PROPERTIES CLOSE TO A 90° BEND. PARKING CLOSE TO THIS BEND CAN OBSTRUCT THE PASSAGE OF LARGER VEHICLES. THE PROPOSAL WOULD ALLOW FOR PARKING SPACES WITHIN THE REAR GARDENS OF THE PROPERTIES TOGETHER WITH A SHARED DEDICATED TURNING AREA TO ALLOW VEHICLES TO ENTER AND LEAVE IN A FORWARD GEAR. THE AREA WOULD BE CONSTRUCTED USING MATERIALS SYMPATHETIC TO THE GENERAL AREA. THE PROPOSED PAVEMENT CROSSING WOULD BE CONSTRUCTED TO THE STANDARD AND SPECIFICATION REQUIRED BY PERTH AND KINROSS ROADS AUTHORITY.

THE APPLICATION WAS REFUSED ON THE GROUNDS THAT IT WAS DETRIMENTAL TO PEDESTRIAN SAFETY DUE TO THE PROXIMITY OF THE GABLE END OF N° 66 TO THE REAR OF THE FOOTWAY REDUCING THE AVAILABLE VISIBILITY. THE STANDARD FOOTWAY WIDTH REQUIRED IN AN URBAN RESIDENTIAL AREA IS 1.80 METRES. THE MINIMUM FOOTWAY WIDTH OF THE PROPOSED ACCESS IS 2.65 METRES. THE VISIBILITY AT THE PROPOSED ACCESS THEREFORE MEETS THE MINIMUM STANDARD REQUIRED AND IS BETTER THAN MANY OTHER DOMESTIC ACCESSSES IN THE VILLAGE.

THERE WERE NO OBJECTIONS RAISED FOR THIS PROPOSAL.

IN VIEW OF THE ABOVE I RESPECTFULLY REQUEST THAT THE APPEAL BE UPHOLD.

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.

THE APPOINTED OFFICER DID NOT MAKE ANY CONTACT WITH US.

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.

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:

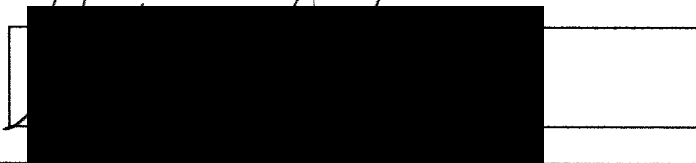
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☐ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

16/10/13

TCP/11/16(382)
Planning Application – 15/00915/FLL - Formation of a
vehicular access, Eastlea and St Leonards, 68 and 66 Main
Street, Abernethy, PH2 9LA

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT

PERTH AND KINROSS COUNCIL

Mr Barry Walker
c/o Steven Johnston
The Grove
Newburgh Road
Abernethy
Perth
PH2 9LH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 03.08.2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/00915/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 30th May 2015 for permission for **Formation of a vehicular access Eastlea And St Leonards 68 And 66 Main Street Abernethy Perth PH2 9LA** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposed works fail to accord with Perth and Kinross Local Development Plan 2014 Policy PM1A as the proposed new access would result in detrimental impacts on pedestrian safety as a result of poor visibility from the access.

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

15/00915/1

15/00915/2

15/00915/3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	15/00915/FLL	
Ward No	N9- Almond And Earn	
Due Determination Date	29.07.2015	
Case Officer	Graham Mitchell	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Formation of a vehicular access

LOCATION: Eastlea And St Leonards 68 And 66 Main Street Abernethy
Perth PH2 9LA

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: 18 June 2015

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is seeking consent for the formation of a vehicular access at Eastlea and St Leonards, 68 and 66 Main Street, Abernethy. The proposed vehicle access will be developed on land between these two neighbouring properties with individual parking spaces being developed within the rear curtilage of each property. The site is located in an established residential area within Abernethy Conservation Area. St Leonards is a C-listed building.

The following information is contained on Historic Scotland's listing for this property:

66 MAIN STREET (Ref:20888)

This building is in the Perth And Kinross Council and the Abernethy Burgh. It is a category C building and was listed on 05/10/1971.

Group Items: N/A, Group Cat: N/A, Map Ref: NO 1909 1640.

Description

Mid 19th century. 2-storey 3-window dark rubble with sandstone dressings, applied consoled doorpiece.

Notes

Re-categorised from a 'B for Group' listing to a category C(S) listing in 2006 as part of the phasing out of the 'B for Group' category. Category C(S) subsequently revised to category C on 3 September 2012. Formerly listed as Napier, Main Street.

SITE HISTORY

12/00427/FLL Formation of a vehicular access 18 April 2012 Application Withdrawn

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

NATIONAL POLICY AND GUIDANCE

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

The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Minister's priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are,

A successful Sustainable Place

- Paragraphs 135 – 151 Valuing the Historic Environment.

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 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 HE3A - Conservation Areas

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

OTHER POLICIES

N/A

CONSULTATION RESPONSES

Internal consultees:

Transport Planning:

No response received.

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	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

Perth and Kinross Local Development Plan 2014 Policies PM1A, HE3A and RD1 seek that development makes a positive contribution to the surrounding built and natural environment whilst preserving or enhancing the character of the conservation area and protecting residential amenity. The proposed works though considered to be minor in nature do create risks for pedestrian safety due to the lack of visibility when exiting the site and so whilst according with HE3A and RD1 they fail to accord with Policy PM1A as they have a detrimental impact on the site by introducing a significant road safety hazard.

Design and Layout

The proposals would see an existing section of stone boundary wall and metal gate removed in order to allow for vehicle access into the site. This section of boundary wall measures approximately 1m x 0.35m and 1.1m in height. It is felt that the removal of this small section of stone wall and the metal gate will be a minor change to the site and is not considered to be detrimental to the overall character of the conservation area or setting of the listed building.

The pavement between the properties and roadside will have a drop kerb section formed and a driveway is proposed from the kerbside to the rear of the properties (a distance of approximately 18.2m with a width of 2.3m for the most part), running between them both before terminating in the rear curtilage of each property with the formation of a single parking space for each property measuring 4.8m x 2.9m and a driveway area between each space measuring approximately 6m x 4m.

Whilst the physical alterations to this site do not pose any issues with regards to the site and character of the conservation area, there are some safety concerns over the proposed driveway which would impact on pedestrian safety. Due to the positioning of the two properties on site, anyone exiting the proposed drive will have their visibility severely limited when trying to look to the left/west due to St Leonards being in a more northerly position than Eastlea. As a result any car will be projecting significantly onto the pavement, risking the safety of pedestrians, before a clear view can be had from the car towards the left. Furthermore the space between the two properties is very narrow and damage to either property, one of which is listed, or even vehicles

using the proposed driveway could be likely. In addition to this the parking spaces to the rear of the properties may not provide sufficient turning space for cars turning in a forward gear to allow for a car entering the drive nose first to be able to turn within this space and face out for exiting onto Main Street nose first. Vehicles reversing out the proposed driveway onto Main Street would cause an even greater risk to pedestrian safety given the limited visibility.

Landscape

The proposals will have no negative impacts on the wider landscape setting.

Residential Amenity

Given the nature of the proposals they will have no negative impacts on neighbouring residential amenity.

Visual Amenity

There will be little change in the general appearance of the site and the removal of such a relatively small section of wall and gate is deemed acceptable.

Roads and Access

There is a lack of visibility to the west of the site which would result in vehicles projecting significantly out over the pedestrian footpath before the driver would be able to see beyond this point so the works would result in a road safety hazard.

Drainage and Flooding

No drainage or flooding implications.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

The proposed works fail to accord with Perth and Kinross Local Development Plan 2014 Policy PM1A as the proposed new access would result in detrimental impacts on pedestrian safety as a result of poor visibility from the access.

Justification

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

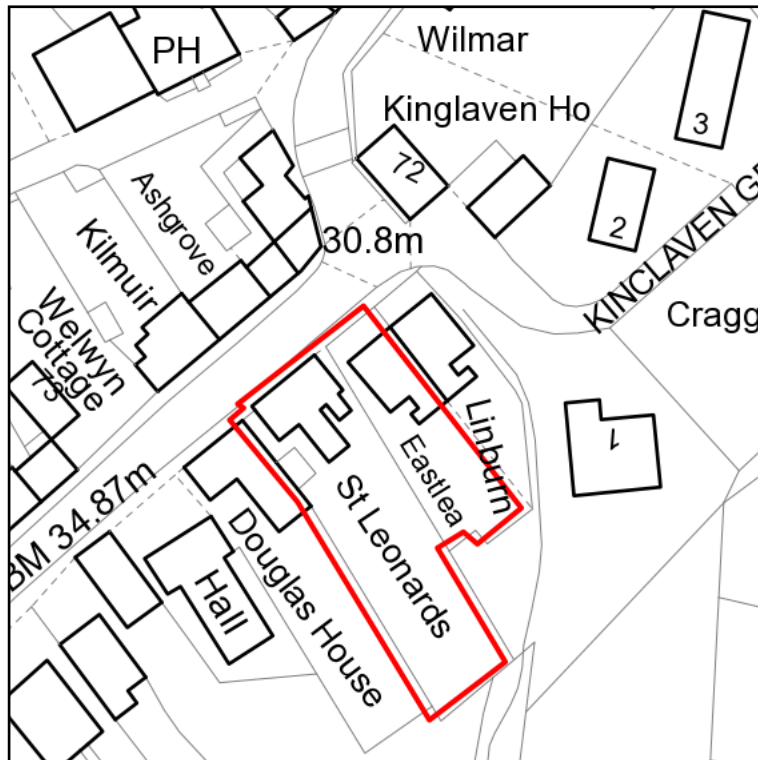
15/00915/1



15/00915/2

15/00915/3

Date of Report 29.07.2015

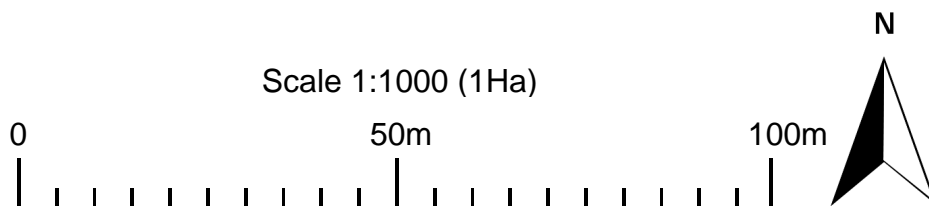
Eastlea, 68 Main Street, Abernethy, Perth, PH2 9LA



	Application Boundary
	Land in Ownership

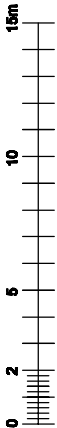
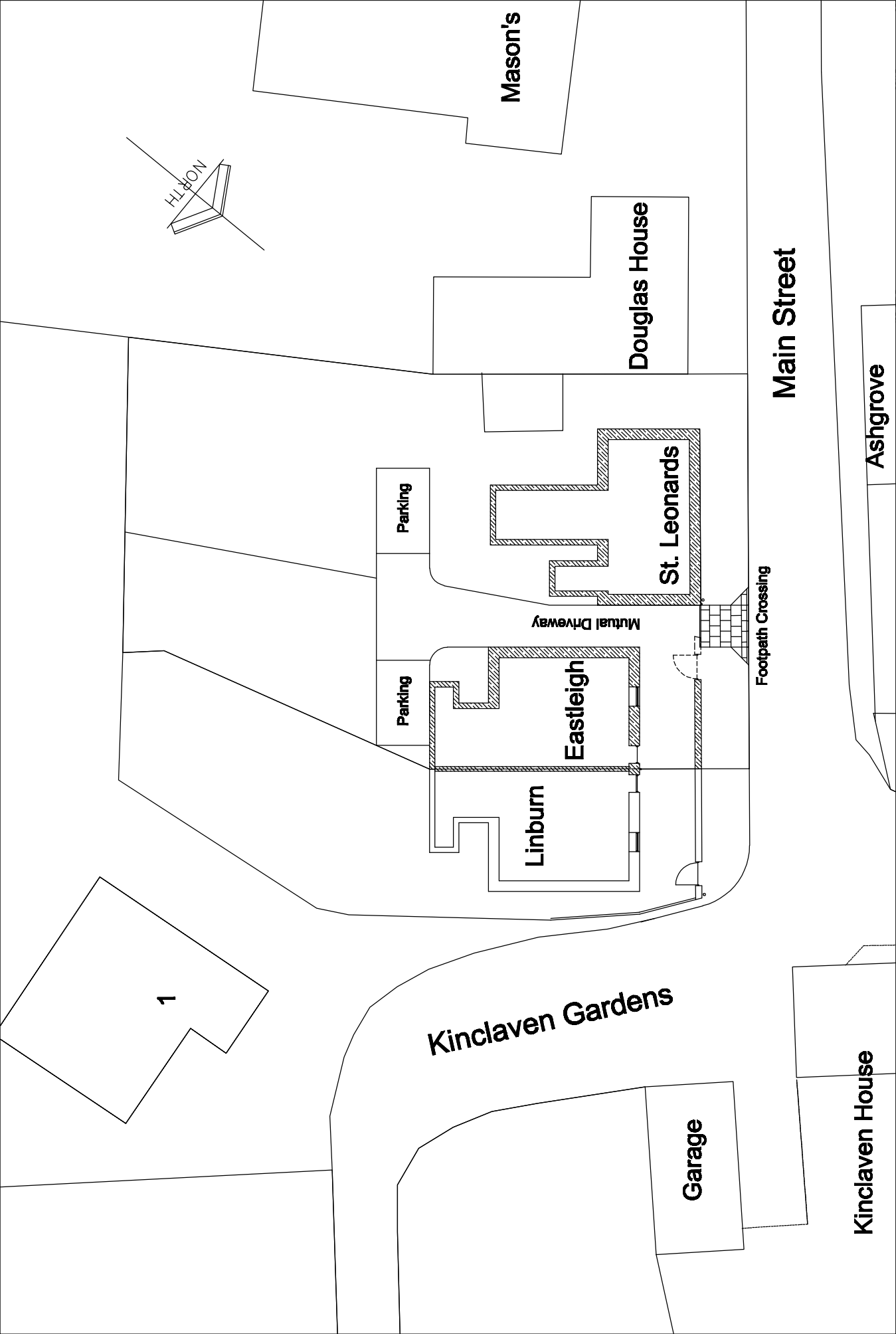
Information

Online Ref:
000117641
Date: 19/4/2015

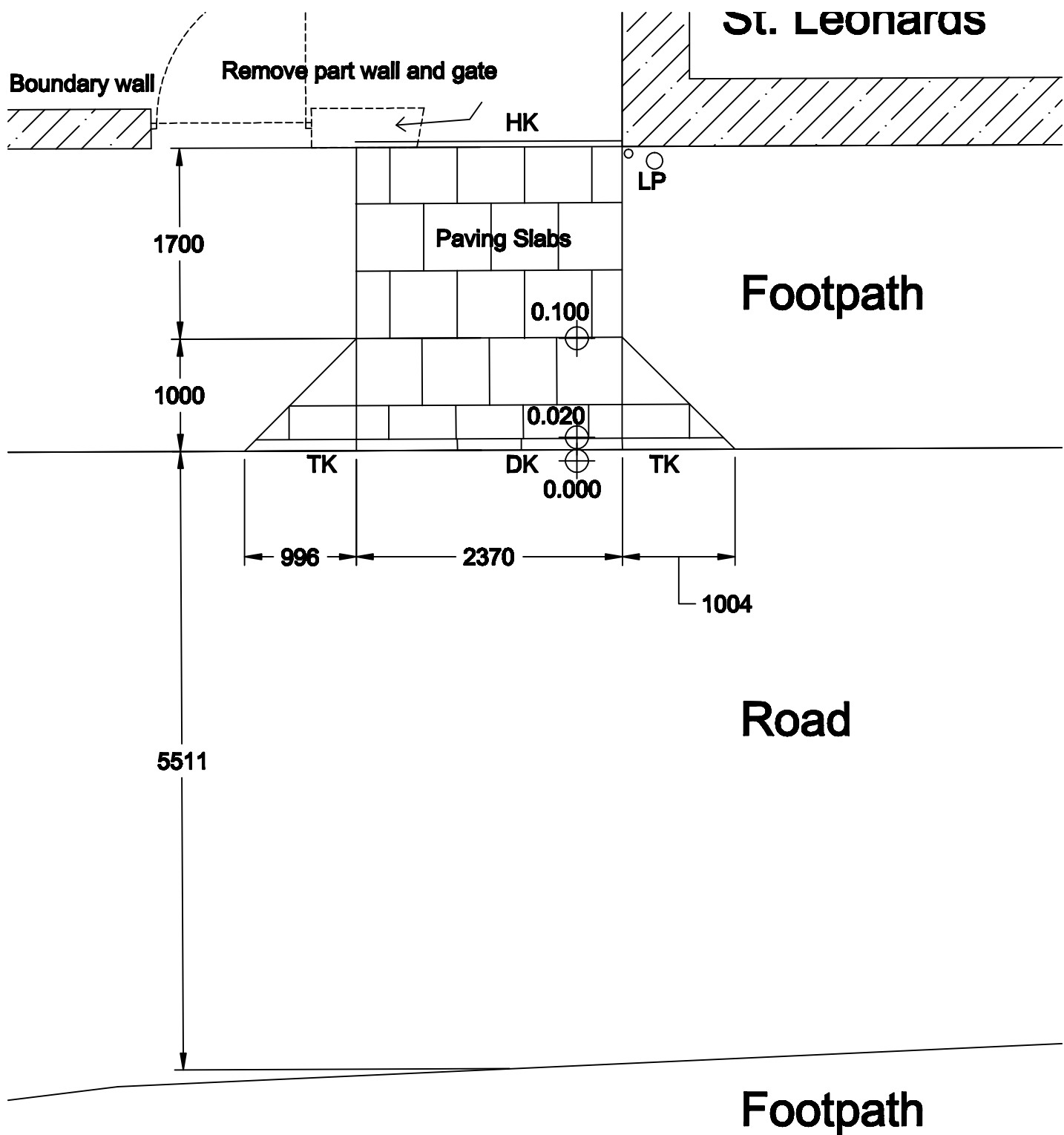


Due to OS licensing conditions, you/your agent may only use this map for official Planning purposes. If you wish to use the map for other uses, you must first obtain a separate licence from OS.

© Crown Copyright. All rights reserved 100028305 2015

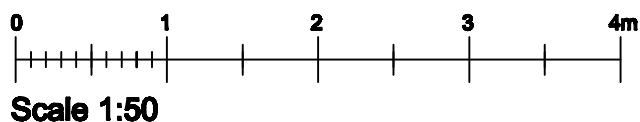


JOB TITLE		SCALE	ORIGINAL
Eastleigh/St. Leonards Abanethy		1:200	A3
Footpath Crossing		DATE	DRAWN
CLIENT		29/03/15	SWJ
Messers Walker & Adams		JOB NUMBER	CHECKED
DRAWING TITLE		WA/01	REVISION
Site Layout		DRAWING NUMBER	01



KEY
 **Level**

TK = Transition Kerb
DK = Drop Kerb
HK = Flat top Heel Kerb



JOB TITLE
Eastleigh/St Leonards Main Street Abemethy Footpath Crossing
 CLIENT
Messrs Walker & Adams
 DRAWING TITLE
Footpath Crossing Layout

SCALE
1:50
 DATE
29/03/15
 JOB NUMBER
WA/01
 DRAWING NUMBER
02
 ORIGINAL
A4
 DRAWN
SJ
 CHECKED
 ~
 REVISION
 ~

