

LRB-2023-27

23/00252/FLL – Alterations to dwellinghouse, formation of vehicular access, alterations to rear vehicular access and installation of gates, Morven, Balmoral Road, Rattray, Blairgowrie, PH10 7AF

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS (*part included in applicant's submission, pages 177-178, 180, 182 and 184-193*)



Mr And Mrs J Adams
c/o Norman MacLeod
18 Walnut Grove
Blairgowrie
PH10 6TH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **19th May 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/00252/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 13th March 2023 for Planning Permission for **Alterations to dwellinghouse, formation of vehicular access, alterations to rear vehicular access and installation of gates Morven Balmoral Road Rattray Blairgowrie PH10 7AF.**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

- 1 It has not been demonstrated that the vehicular access onto Balmoral Road can achieve satisfactory lines of sight for drivers leaving the property. Accordingly, the access would create an unacceptable adverse impact on road traffic safety. Therefore, the proposal is contrary to Policy 60B(a) of Perth & Kinross Local Development Plan 2 2019, which requires that development proposals are designed for the safety and convenience of all potential users.

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

- 1 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to vehicular access onto Balmoral Road.

The plans and documents 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

01

02

05

07

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REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00252/FLL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	12th May 2023	
Draft Report Date	16th May 2023	
Report Issued by	KS	Date 16th May 2023

PROPOSAL: Alterations to dwellinghouse, formation of vehicular access, alterations to rear vehicular access and installation of gates

LOCATION: Morven Balmoral Road Rattray Blairgowrie PH10 7AF
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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Morven is an un-listed traditional detached dwellinghouse which is located on Balmoral Road, within the Rattray conservation area. This application seeks detailed planning permission for the installation of roof light windows, the widening of a vehicular access to the west and the formation of a vehicular access with associated gates to the east.

SITE HISTORY

22/00124/IPL Erection of a dwellinghouse (in principle)
Application Returned – 15 February 2022

PRE-APPLICATION CONSULTATION

Pre application Reference: Not Applicable.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

Policy 7: Historic assets and places

Policy 14: Design, quality and place

Policy 16: Quality homes

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 17: Residential Areas

Policy 28A: Conservation Areas: New Development

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

Non Statutory Guidance

- [Conservation areas](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014, as amended

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

INTERNAL COMMENTS

Transportation And Development

Cannot support the proposed vehicular access onto Balmoral Road (A93) due to a lack of visibility raising road traffic safety concerns.

REPRESENTATIONS

The following comments were made in the 1 letter of representation received:

- Concerns over the number and type of vehicles on the A93
- Lack of visibility leading to road traffic safety concerns on the A93
- Civic issues associated with the private lane access

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	Habitats Regulations – AA Not Required
Design Statement or Design and Access Statement	Not 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 comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

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

Developments which are incidental to the enjoyment of an existing domestic dwelling are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual or residential amenity, road traffic safety or the character and appearance of the conservation area.

Design and Layout

Morven is an un-listed traditional detached dwellinghouse which is located on Balmoral Road, within the Rattray conservation area. This application seeks detailed planning permission for the installation of roof light windows, the widening of a vehicular access to the west and the formation of a vehicular access with associated gates to the east.

Visual Amenity and Conservation Considerations

The proposed roof light windows are of conservation specification, and they are of appropriate size and alignment so as to minimise their visual impact.

The altered opening on the southwest boundary (Riverside Road) would widen the gates from 2.76 metres to 5 metres, whilst replicating the double-gate detail in a sympathetic manner.

However, the proposed vehicular access onto the A93 (Balmoral Road) raised concerns with respect to the inappropriate design and materials of the proposed gate and its impact upon the character and appearance of the conservation area. Revised drawings were submitted on 1 May 2023 to lower the boundary wall, form railings on top and to form vehicular access gates from railings instead. This satisfactorily resolved the concerns with respect to adverse impacts upon visual amenity and the conservation area.

Roads and Access

The revised drawings also sought to demonstrate the sight lines which are capable of being achieved when vehicles exit onto the A93. However, the sight lines have not

been drawn to, nor achieved, the required standard to address road traffic safety concerns. The required standard includes that;

- The visibility splay shall be a distance of 43 metres in both directions to the left and right of the property;
- The splay shall be shown from 2.4 metres back from the edge of the public road network;
- The splay shall be drawn to the western side of Balmoral Road, as there are parked cars, vehicle will need to enter the opposing side to pass them.

It has not been demonstrated that the vehicular access onto Balmoral Road can achieve satisfactory lines of sight for drivers leaving the property. Accordingly, the access would create an unacceptable adverse impact on road traffic safety. Therefore, the proposal is contrary to Policy 60B(a) of Perth & Kinross Local Development Plan 2 2019, which requires that development proposals are designed for the safety and convenience of all potential users.

Residential Amenity

The concerns identified in the representation regarding the private lane are noted. However, these are not matters that are material to the assessment of the planning application. There are no other impacts upon residential amenity.

Drainage and Flooding

There are no drainage and flooding implications associated with this proposed development.

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.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the vehicular access onto Balmoral Road.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is refused on the grounds identified below.

Reasons for Refusal

- 1 It has not been demonstrated that the vehicular access onto Balmoral Road can achieve satisfactory lines of sight for drivers leaving the property. Accordingly, the access would create an unacceptable adverse impact on road traffic safety. Therefore, the proposal is contrary to Policy 60B(a) of Perth & Kinross Local Development Plan 2 2019, which requires that development proposals are designed for the safety and convenience of all potential users.

Justification

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

Informative Notes

- 1 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the vehicular access onto Balmoral Road.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

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- 02
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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 100618868-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Alterations to install roof windows and access gates

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

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:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1
(Street): *

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

MORVEN

Address 2:

BALMORAL ROAD

Address 3:

RATTRAY

Address 4:

Address 5:

Town/City/Settlement:

BLAIRGOWRIE

Post Code:

PH10 7AF

Please identify/describe the location of the site or sites

Northing

745646

Easting

318053

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

1

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Norman MacLeod

On behalf of: MR AND MRS J ADAMS

Date: 22/02/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Norman MacLeod

Declaration Date: 22/02/2023

Payment Details

Pay Direct

Created: 22/02/2023 20:18