

TCP/11/16(183)

Planning Application 11/02020/FLL – Erection of a dwellinghouse and garage at 31-33 King Street, Perth, PH2 8JA

**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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☐ No ☒

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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) | <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 checked="" 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:

The Applicant would like an opportunity to address the LRB to discuss the changes which were incorporated into the proposal following pre-application discussions with Council officers. The delegated Report does not address these matters and officers are unwilling to explain what changes they require to make the proposal acceptable.

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 Statement and supporting documents.

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.

Supporting Documents

1. Scottish Historic Environment Policy (SHEP) December 2011
2. Uprichard - Judicial Review - Court of Session 2009 CSOH 170
3. Court of Session Appeal - Eildon Ltd v Reporters Decision 2010CSOH102
4. Perth Central Conservation Area Appraisal (September 2008) (Pages 1 – 11 & 42 – 48)
5. Perth Central Area Local Plan 1997 – extract (Appendix 1)
6. Perth & Kinross LDP – Historic Environment extract
7. Scottish Planning Policy (February 2010)
8. Supporting photos
9. Original Application & Supporting Documents and Correspondence

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

21.1.12

NOTICE OF REVIEW

PROPOSAL: Erection of a dwellinghouse and garage

LOCATION: 31- 33 King Street Perth PH2 8JA

APPLICANT: Mr And Mrs D Donaldson

AGENT: Mr R Crerar, The Square, Methvan, Perth, PH1 3PE

REF NO: 11/02020/FLL

REASONS FOR REVIEW

The site description and planning history are set out in the delegated report, however, the applicants wish to bring to the attention of the Local Review Body the repeated use of the term "mock Georgian" by the planning officer in respect of previous proposals for flats and a dwelling house and indeed this current proposal. The applicants do not recognise the terms as applying to their current proposal and the planning applications in question were not formally described as such. The applicants believe that the officers use of the term is intended to be a criticism of the proposal however this is not actually explained in the delegated report itself.

The applicants argue that the design of the proposed replacement house is not intended to "mock" the Georgian style which is a character of this part of the Perth Central Conservation Area, nor does it mimic the neighbouring listed buildings. The applicants will argue, in the following statement, that the proposal was designed to have regard to the characteristics of this part the Perth Central Conservation Area and will show this by reference to the Perth Central Conservation Area Appraisal and supporting photographs.

Before addressing the merits of the proposed dwelling, the applicants also wish to state that the apparent criticism contained in the delegated officers report that the supporting information *does not constitute a proper design report* is unreasonable since no such report was asked for by officers of the Council. Furthermore, if such a report were necessary, the applicants would have expected to have a request for such a submission in writing. In addition, the officers recommended reasons for refusal make no mention of lack of information or design report and furthermore, the applicants will show that the national and local planning policy guidance does not require such reports.

Historic Scotland advice in cases such as this is contained in Scottish Historic Environment Policy (SHEP) December 2011 (the reference to the 2008 SHEP in the delegated report would appear to be incorrect). The 2011 SHEP states that the planning authority are required to have regard to the desirability of preserving or enhancing the appearance of the conservation area in exercising their responsibilities under the planning legislation, and this statutory duty should always be borne in mind when considering demolition applications.

The relevant statutory background to this application is to be found in sections 59, 64 and 65 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (hereinafter referred to as "the 1997 Act"). Section 59(1) of the 1997 Act provides:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or setting or any features of special architectural or historic interest which it possesses."

Section 64(1) of the 1997 Act provides:

"In the exercise, with respect to any buildings or other land in the conservation area, of any powers under any of the provisions in subsection (2) special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Section 65(1) of the act provides

"This section applies where an application for planning permission for any development of land is made to a planning authority and the development would, in the opinion of the authority affect the character or appearance of a conservation area."

The applicants refer to the decision in the *House of Lords in South Lakeland District Council v The Secretary of State for the Environment [1992] 2 AC 141* (at p150) where in the only substantive speech Lord Bridge of Harwich, quoted with approval from the judgment of Mann L.J. in the Court of Appeal as follows:

"In seeking to resolve the issue I start with the obvious. First, that what is desirable is the preservation or enhancement of the character or appearance of the conservation area. Second, the statute does not in terms require that a development must perform a preserving or enhancing function. Such a requirement would have been a stringent one which many an inoffensive proposal would have been inherently incapable of satisfying. I turn to the words. Neither 'preserving' nor 'enhancing' is used in any meaning other than its ordinary English meaning .. In my judgment, character or appearance can be said to be preserved where they are not harmed. Cases may be envisaged where development itself make a positive contribution to preservation of character or appearance. A work of reinstatement might be such. The statutory desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved".

Having regard to the relevant statutory background as outline above, case law with regards the interpretation of the planning authorities duty has confirmed that character or appearance can be said to be preserved where they are not harmed. In other words, a scheme or proposal which itself does not harm a conservation area, as is the case here, would in effect preserve the character of the area. There is no duty to positively require enhancement since the act requires "preservation or enhancement".

Turning now to the reasons given by the appointed officer for refusing the proposal, the applicants will address each of the reasons in turn.

Reasons for Refusal

1. The proposed development will have an adverse impact on the character and setting of nearby listed buildings and detract from the character and appearance

of the Perth Central Conservation Area. The proposal does not therefore accord with Policy 14 of the Perth Central Area Local Plan 1997.

2. The proposed development is contrary to Policy HE3 of the draft Perth and Kinross Local Development Plan as the proposals will have an adverse impact on the character and appearance of the Perth Central Conservation Area.

3. Approval would be contrary to the Planning Authority's statutory duties in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the character of Listed Buildings (Section 14(2)) and to Historic Scotland's 'Appendix 1 Guidelines for the Detailed Consideration of Listed Building and Conservation Area Consent Cases'.

4. Approval would be contrary to the Perth and Kinross Structure Plan, Environment and Resources Policy 8 that 'new development which would adversely affect Listed Buildings, Conservation Areas, ... or their setting will not be permitted unless there is a proven public interest ...'

5. The proposal does not accord with the advice in paragraph 2.44 of Historic Scotland's Scottish Historic Environment Policy (SHEP) October 2008. This states that the planning authority and any other authority concerned, including Scottish Ministers, must pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation.

In relation to the above reasoning for the officer's decision to refuse planning permission as set out above, the applicants refer the LRB to the well known decision of the House of Lords in *South Bucks District Council v Porter (No. 2)* [2004] 1 WLR in relation to the giving of reasons by decision makers, in this case the appointed officer, Mr. David Niven. In that case, Lord Brown of Eaton-under-Haywood summarised the law relating to the requirement to give reasons in the following way:

"The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the 'principal important controversial issues', disclosing how any issue of law or fact was resolved. Reasons can be briefly stated, the degree of particularity required depending entirely on the nature of the issues falling for decision. The reasoning must not give rise to a substantial doubt as to whether the decision maker erred in law, for example by misunderstanding some relevant policy or some other important matter or by failing to reach a rational decision on relevant grounds."

The applicants maintain that the 5 reasons provided do not in fact meet the statutory test set out in the above case law. The reasons contain only one specific reference namely that the proposal will have an "adverse impact". However this is not explained in any detail in the reasons given.

Scottish Planning Policy (para 23) states that: *It is important that stakeholders understand their role in the planning process and how decisions have been arrived at. There should be clear but concise reports of the considerations that have been taken into account in reaching decisions on all planning applications.*

In this case the officer's delegated report contains only one paragraph in which the proposal is assessed and setting out what considerations have been taken into account. The paragraph reads as follows:

In any case, as with the previous application the basic structure appears to be a generic box, designed in a utilitarian way around the internal spaces rather than genuinely being a response to its context. It does not relate to the scale or grain of its surroundings in any meaningful way. The proposed reconstituted Bath stone cladding (a limestone) is completely inappropriate for the character of the site. A stick-on portico cannot make this structure relate satisfactorily to the neighbouring examples of classical architecture. Furthermore the position of the windows and the portico appear rather haphazard, creating an uncomfortable poorly balanced front elevation.

Applicants Response to Delegated Report

Taking the key considerations in turn, the proposed dwelling is criticised in the report as a *generic box*. However, a basic understanding of Georgian architecture would confirm that an identifying feature of Georgian architecture is that it comprises a simple 1 or 2 story box, 2 rooms deep, using strict symmetry arrangements. The fact is that the design of the proposed dwelling is a response to the characteristic Georgian properties in and around Central Perth. The delegated report goes on to suggest that it does not relate to the scale or grain of its surroundings, however, an inspection of the surrounding area will confirm the findings of the Perth Central Conservation Area Appraisal, which states that *King Street was laid out at a similar time, providing villa sites from approximately 1830. Further tenements are situated on Victoria Street; unlisted but giving a vital contribution to townscape character. The private gardens of this area form part of its distinctiveness. Its peaceful, secluded setting belies its proximity to the city centre.* The proposed dwelling, accords with the "villa" pattern established in the area by retaining the existing building line and private garden area within the site. The PCCAA confirms that Area 5 Marshall Place, within which the application site lies, is characterised by a variety of building styles, heights and scale, from single storey cottages to 3 storey terraced blocks. Images contained within the PCCAA, illustrate the variety of window and door styles as well as materials which exist within the immediate area. The delegated report goes on to criticise the use of reconstituted Bath stone, however, the Perth Central Area Local Plan 1997, Appendix 1 DESIGN GUIDELINES APPLICABLE TO CONSERVATION AREAS AND SECONDARY AREAS states that in *Conservation Areas and Secondary Areas the use of stone, reconstructed stone, faced concrete block or stucco with mouldings will be encouraged.* If the LRB remained concerned at the proposed materials, then under guidance contained in the Use of Conditions Circular (Circular 4/1998), they are encouraged to impose a planning condition making an unacceptable development acceptable rather than refusing planning permission. It is within the power of the LRB to approve consent subject to the use of appropriate materials as they see fit. The report then addresses the use of a portico suggesting that it is unrelated to the surrounding Georgian architecture, however, it is a fact that amongst the many features of a Georgian style house is the use of portico's. Finally, the applicants reject to criticism that the position of the windows and portico are not symmetrical. A simple reading of the proposed elevation drawing will support the applicants position in this matter.

Further advice on development in Conservation Areas is contained in the SPP which states, with regards to Conservation Areas;

115. Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their

designation provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area.

116. Conservation area consent is required for the demolition of unlisted buildings in conservation areas. The merits of the building and its contribution to the character and appearance of the conservation area are key considerations when assessing demolition proposals. Where demolition is considered acceptable, careful consideration should be given to the design and quality of the replacement scheme. More information on conservation area consent is provided in SHEP.

117. Planning authorities are encouraged to undertake conservation area appraisals. Appraisals can assist owners and developers in formulating proposals and should inform development plans and development management decisions. Where necessary planning authorities can put in place Article 4 Directions to increase the protection of an area of historic value. Planning authorities also have powers to preserve trees in conservation areas in the interests of amenity. PAN 71 Conservation Area Management provides good practice for managing change, sets out a checklist for appraising conservation areas and provides advice on funding and implementation.

In this case, the Council have undertaken an appraisal to which we have already referred. In particular, the applicants would draw the LRB's attention to two sections within the PCCAA which state:

King Street was laid out at a similar time, providing villa sites from approximately 1830. Further tenements are situated on Victoria Street; unlisted but giving a vital contribution to townscape character. The private gardens of this area form part of its distinctiveness. Its peaceful, secluded setting belies its proximity to the city centre...

Although there are some areas of uniform development, for example the Georgian terraces on Barossa Place and Marshall Place, the nature of the city's built environment is primarily a vibrant mix of styles and periods from vernacular to neo-classical. As a result, it is difficult to summarise the buildings and townscape of the entire conservation area.

These findings from the Perth Central Conservation Area Appraisal suggest that the consideration of this proposal to replace the sub-standard dwelling which exists on King Street is not set against an area of outstanding architectural heritage, but rather an area which is characterised as much by its form, including the development of villas in large garden plots, as the variety of the built environment.

Having responded in detail to the assessment in the delegated report, the applicants wish to address the reasons for refusal.

As stated above and having regard to the case law requiring that *The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was...* that applicants contend that the 5 reasons do not adequately fulfil this statutory requirement. Reason 1 fails to explain what adverse impact the proposal would have and its reference to policy 14 is unclear. Policy 14 states - The Council will make use of its powers under the Town & Country Planning (Scotland) Act 1997 to protect Listed Buildings and their setting and exercise control within Conservation Areas. It is impossible to respond to this reason for refusal however, for the avoidance of doubt the applicants believe that the use of powers to protect Listed Buildings and Conservation Areas is not a policy issue but rather a duty imposed by statute and indeed outlined and discussed above. Reason 2, which is also founded on the term "adverse impact" without defining the nature of the impact, refers to HE3 of the draft P&K LDP (although the delegated report appears to quote the Perth Area/Central Area Draft Local Plan 2004). HE3A relates to new development contains a presumption in favour of development which preserves or enhances a Conservation Area. As we have shown above, the legal test is that a scheme or proposal which itself does not harm a conservation area, as is the case here, would in effect preserve the character of the area and therefore be supported by this policy. The applicants maintain that the proposed dwelling is appropriate in terms of design, materials, scale and siting and therefore it is further supported by policy HE3. The officer has failed to demonstrate in Reason 2 why the proposal is contrary. Reason 3 relates to the legislative background which is addressed above. However, the stated reason totally fails to explain or justify refusal of the proposal. Reason 4 as with reasons 1 & 2, relies upon the phrase "adversely affect", however no basis is provided to justify such a reason for refusal. Finally, Reason 5 is simply incorrect and unfounded for several reasons. Firstly, paragraph 2.44 of Historic Scotland's Scottish Historic Environment Policy (SHEP) October 2008 states; 2.44. *Planning authorities have a duty to submit their proposals for the preservation and enhancement of conservation areas for consideration to a local public meeting and should, when preparing schemes of preservation and enhancement, seek the advice and views of local residents and amenity groups.* The paragraph does not relate to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation. Secondly, SHEP 2008 has been replaced by SHEP 2011. Whilst it is correct to say that para 2.44 of the 2011 SHEP does relate to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation, it is simply a statement of the legal and administrative context for Conservation Areas in general, and does not itself provide a clear and concise reason for refusal of this particular proposal.

For all of these reasons, the applicants, Mr & Mrs Donaldson, respectfully request that the decision be reviewed and that planning permission be granted for the replacement dwellinghouse.

Addendum

For the avoidance of doubt, although the Conservation Area Consent for the demolition of the existing dwelling was refused, the applicants do not understand that the appointed officer had any objection to the demolition itself. Indeed, the delegated report clearly states *It is therefore considered that in principle the demolition of the existing house would be acceptable provided that the replacement house is of an appropriate standard of design.* A corresponding appeal has been made to the DPEA in respect of the refusal of the CAC application ref 11/02021/CON.



SCOTTISH HISTORIC ENVIRONMENT POLICY December 2011

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SCOTTISH MINISTERS' POLICY ON LISTING

- 2.31. Listing is applied to afford protection, where possible, to buildings of special architectural or historic interest for future generations. The lists are compiled to give guidance to planning authorities in the course of their work by identifying buildings of special architectural or historic interest (see Note 2.19). They inform development, provide awareness of value and character and support the planning process.
- 2.32. Many buildings are of interest, architecturally or historically, but for the purposes of listing this interest must be 'special'. Listing is therefore assessed against a set of clear criteria which are set out in Annex 2.
- 2.33. The following principles, additional to those set out in section 2.3 above, underpin listing policy:
- a. the selection process is informed by a wide range of factors (see Annex 2) which help determine the level of special architectural or historic interest which the subject of listing may possess;
 - b. listing will follow the consistent application of clear criteria, as set out in Annex 2;
 - c. all aspects of Scotland's past are worthy of study and should be considered for listing;
 - d. listing will be based on an understanding of regional differences as expressed in Scotland's architectural and built heritage;
 - e. listing will be an ongoing process that recognises our changing level of knowledge and that every generation will have its own view of what comprises its heritage;
 - f. buildings less than 30 years old will normally only be considered for listing if found to be of outstanding merit and/or facing immediate threat.
- 2.34. Historic Scotland will consult the relevant local authority about a listing proposal or an amendment to the list. Historic Scotland will normally also consult with such other persons or bodies as appear as having specialist knowledge of or interest in buildings of architectural or historical interest. In addition, they will normally consult with the owner of the property.
- 2.35. Where anyone is making or is aware of proposals that might make changes to or lead to the demolition of a building that is not listed but may be of special architectural or historic interest, Scottish Ministers encourage them to contact Historic Scotland as early in the process as possible. This is to enable an assessment of the special interest of a building to ensure that resources are not wasted on abortive schemes.

IMPLEMENTATION OF POLICY ON LISTING

- 2.36. Historic Scotland implements Scottish Ministers' policy on listing. In fulfilling that duty the agency will:
- a. add to, re-categorise or remove subjects from the List through ongoing list maintenance, revision of topographic areas and through thematic surveys;

- b. use a range of techniques and mechanisms such as the Welcome Pack to make relevant information available as widely as possible and pursue a programme to tell people about the process and operational programmes of listing;
- c. publish and regularly update guidance on listing, particularly for the owners and occupiers of listed property;
- d. review operational programmes of work regularly in consultation with stakeholders;
- e. make its decision-making process transparent; and
- f. keep policy and process for listing under review.

Conservation Areas

LEGAL AND ADMINISTRATIVE CONTEXT

- 2.37. Conservation areas are defined as ‘areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’. All planning authorities are required from time to time to determine which areas meet this definition and to designate them as conservation areas. Conservation areas embrace the urban and rural: from the historic cores of our cities to isolated rural settlements or landscapes there is a wide range of historic places which might be designated as a conservation area.
- 2.38. Scottish Ministers have the power to determine, after consultation with the planning authority, that an area should be a conservation area and to designate accordingly. This is a reserve power which will be used only exceptionally.
- 2.39. Once a planning authority has decided to designate a conservation area, notice of the designation must be published in the Edinburgh Gazette and at least one local newspaper (see Note 2.20).
- 2.40. Scottish Ministers, at the same time as the designation is advertised, must be notified formally of the designation of conservation areas and provided with a copy of the published notice, together with a copy of the designation map and a list of the street names (see Note 2.21).
- 2.41. Planning authorities may also vary or cancel conservation areas already designated (see Note 2.22).
- 2.42. Every planning authority is required to compile and keep available for public inspection a list containing appropriate information about any area in its district which has been designated as a conservation area.
- 2.43. Planning authorities have a duty to submit their proposals for the preservation and enhancement of conservation areas for consideration to a local public meeting and should, when preparing schemes of preservation and enhancement, seek the advice and views of local residents and amenity groups.



OUTER HOUSE, COURT OF SESSION

[2009]CSOH 170

P1444/08

OPINION OF LORD BRAILSFORD

in the petition

PENELOPE ÜPRICHARD

Petitioner;

for

Judicial Review of Fife Council dated
1 May 2008 granting a purported planning
permission for the installation of 28 parking
meters at various locations in St Andrews

Petitioner: M McKay; Shepherd & Wedderburn
Respondent: D Armstrong, Q.C.; Balfour + Manson LLP

16 December 2009

[1] The Petitioner, who is the heritable proprietor of property in St Andrews, seeks declarator that a decision of Fife Council (hereinafter referred to as "the Respondents") dated 1 May 2008 is unreasonable *et separatim* unlawful and reduction of that decision. The decision challenged was the granting to the Respondents of full planning permission for the installation of twenty eight parking meters at various locations at South Street, Queens Gardens, Bell Street, St Mary's Place, Market Street, Greyfriars Garden and North Street, all St Andrews.

[2] The background to this matter, which is not in dispute, is that from about the early 1990s the Respondents operated a voucher parking permit system in the town centre of St Andrews. That system operated by people who wished to park their cars in the controlled areas within the town centre purchasing parking vouchers from shops and other outlets in the town and displaying these vouchers in their car windows when they parked. In or around 2006 the Respondents decided to replace the voucher system with a pay and display ticket system. This system involved the erection on streets of ticket dispensing machines. A motorist wishing to park in a controlled area would buy a ticket at a machine and place that ticket inside the windscreen of the car. An application for Full Planning Permission (reference 06/04105/ENID) for the installation of 38 parking meters in St Andrews town centre was presented in 2006 in conjunction with this scheme. This application was subsequently withdrawn on 15 August

2007. Thereafter on 25 September 2007 the Respondents submitted a planning application (reference 07/03192/EFULL) for the installation of 28 parking meters in the town centre. A report relative to this planning application was prepared by the Lead Officer Planner of the Respondents planning department (hereinafter referred to as "the Planning Report"). The Planning Report was discussed at a meeting of the Respondents East Area Development Committee on 30 April 2008. That committee decided by a majority to grant the application. The Committee further decided by a majority not to refer the application to the Scottish Ministers. Thereafter on 1 May 2008 the Respondents granted planning permission for the development. In implementation of that decision the Respondents on 15 July 2008 made the "Fife Council (Central Area, St Andrews) (Metered On-Street and Off-Street Parking Places) Order 2008". The effect of the order was to replace the voucher controlled parking scheme with a pay and display ticket machine service. That scheme came into operation on 1 September 2008.

[3] It was common ground between the parties that the area of St Andrews where the new parking meter scheme operates is designated as a "Conservation Area" and that numerous buildings within the town centre are listed buildings. The relevant statutory background to this application was not in dispute, and is to be found in sections 59, 64 and 65 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (hereinafter referred to as "the 1997 Act"). Section 59(1) of the 1997 Act provides:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or setting or any features of special architectural or historic interest which it possesses."

Section 64(1) of the 1997 Act provides:

"In the exercise, with respect to any buildings or other land in the conservation area, of any powers under any of the provisions in subsection (2) special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Section 65(1) of the act provides

"This section applies where an application for planning permission for any development of land is made to a planning authority and the development would, in the opinion of the authority affect the character or appearance of a conservation area."

Subsection 4 of the same section provides

"In determining any application for planning permission to which this section applies, the planning authority shall take into account any representations relating to the application which are received by them before the periods in subsection (3) have elapsed."

[4] Against that statutory background four arguments were advanced by the Petitioners. Firstly it was contended that there had been a failure in the Planning Report to bring the relevant statutory duties under the 1997 Act to the

attention of the committee. In furtherance of that argument it was submitted that the correct approach to be taken to interpretation of section 64(1) of the said act of 1997 was that advanced by Lord Osborne in *Campbell v City of Edinburgh Council* 1999 SLT 1009.

My attention was in particular drawn to passages in the opinion of Lord Osborne at page 1019 of the report where his Lordship considered the statutory provision. He noted that the provisions of section 64(1) of the 1997 Act followed closely the wording of section 277(8) of the Town and Country Planning Act 1971, the equivalent English provision, and that that provision had been the subject of consideration in *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 A C 141. Lord Osborne quoted with approval from the speech of Lord Bridge in the House of Lords in that latter case to the following effect:

"There is no dispute that the intention of section 277(8) is that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though, no doubt, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest."

In a later passage on the same page Lord Osborne also approved another passage in the *South Lakeland District Council* case where Lord Bridge expressly approved the reasoning of *Mann L J* in the Court of Appeal as follows:

"In my judgment character or appearance can be said to be preserved where they are not harmed"

On the basis of this authority it was submitted in the present case that advice encompassing the gravamen of the above quoted passages should have been contained in the Planning Report. It was submitted that this had not been done and counsel for the Petitioner took me through the report in some detail, explaining why this was the case. The subsequent decision was accordingly tainted by a failure to give the correct advice in relation to interpretation of the relevant statutory provisions. It followed, on the argument advanced, that the decision complained of was *ultra vires*.

[5] The second argument advanced was that the Planning Report was defective in a material respect in that it failed to fully and accurately reflect the position of Historic Scotland, who were consultees in relation to the application, and Architectural Heritage Society of Scotland, who had submitted representations in relation to the preceding planning application.

[6] The third submission was that in light of the advice of Historic Scotland and the objections received no reasonable planning authority having regard to its statutory duty to protect or enhance conservation areas would have failed to reconsider the suitability of pay and display meters against available alternatives. In these circumstances a material consideration had been left out of consideration by the relevant committee. That committee's decision was accordingly vitiated.

[7] The fourth submission was that no planning authority acting reasonably and having had the benefit of the advice available to this committee would have failed to follow practice for notification of the application to the Scottish Ministers.

[8] In response to these submissions counsel for the respondents drew my attention to the need to adopt a holistic approach and to consider the Planning Report in its whole terms. It was also submitted that the context of the report required to be given consideration. In this regard my attention was drawn to another passage in the speech of Lord Osborne in *Campbell (supra)* at page 1019 where his Lordship stated:

"During the course of the argument before me there was much analysis and discussion of the report by the Director of Planning dated 20 August 1997. At times during the course of the argument I got the impression that it was indeed being treated by counsel as they would have analysed a conveyancing document. There was close analysis of certain passages of the wording chosen in the report. I am not convinced that that is the proper approach to a document such as this in the context of this case. It appears to me that I ought to read the document fairly and as a whole, with a view to discovering whether it provided sufficient and correct advice in relation to the law which had to be applied to the sub-committee considering the application. In that connection I think it right to bear in mind that the sub-committee was composed of elected members of the respondents, who may reasonably be presumed to have some knowledge of planning principles."

It was submitted that approached in the manner favoured by Lord Osborne the critical question in the present case was whether or not the sub-committee had reached its decision in a manner which was consistent with the test set forth in section 64 of the 1997 Act. The whole report required to be considered to see whether or not on a fair reading that test had been met. It was further pointed out that there was no requirement for a report such as the Planning Report to make express mention of the relevant statutory provisions. What had to be done was to consider the decision as a whole and determine whether the conclusion was consistent with appreciation and compliance with the relevant statutory provisions. In support of that submission my attention was drawn to *London Borough of Newham v Secretary of State for the Environment* [1995] 70 P CR 288 at 292. In the passage to which my attention was drawn Mr Malcolm Spence Q.C., sitting as a Deputy Judge of the Queen's Bench Division of the English High Court quoted with approval the following views of another Deputy Judge:

"... it was not necessary for the Inspector to have to refer expressly to section 54A. ...What is required is to look at the decision letter as a whole and to see if the Inspector has reached his conclusion in a manner which is consistent with the provisions of section 54A."

That reasoning was said to be equally applicable to consideration of the Planning Report in the present case. Approached in this way it was submitted that the Planning Report was consistent with the applicable statutory provisions and had given accurate advice to the sub-committee which fulfilled its statutory obligation.

[9] Insofar as the second argument advanced by the Petitioner was concerned, that is that the Planning Report was

defective in a material respect because of a failure to accurately reflect of the position of Historic Scotland and the Architectural Heritage Society of Scotland, it was submitted by the Respondents that the test the Petitioners required to meet if their argument was to have any merit was a high one. My attention was drawn to the opinion of Judge L J in *R v Selby District Council Ex parte Oxtou Farms* (unreported, reference Q B C O F 95/0553/D). That case was a decision of the English Court of Appeal. In relation to the contents of a report by a planning officer to committee Judge L J stated:

"The report by a planning officer to his committee is not and is not intended to provide a learned disquisition of relevant legal principles or to repeat each and every detail of the relevant facts to members of the committee who are responsible for the decision and who are entitled to use their local knowledge to reach it. The report is therefore not susceptible to textual analysis appropriate to the construction of a statute or the directions provided by a judge when summing a case up to the jury. From time to time there will no doubt be cases when judicial review is granted on the basis of what is or is not contained in the planning officer's report. This reflects no more than the court's conclusion in the particular circumstances of the case before it. In my judgment an application for judicial review based on criticisms of the planning officer's report will not normally begin to merit consideration unless the overall effect of the report significantly misleads the committee about material matters which thereafter are left uncorrected at the meeting of the planning committee before the relevant decision is taken."

On the basis of this authority counsel for the Respondents submitted that before the Petitioner's argument could get off the ground she would require to show that the Planning Report significantly misled the sub-committee. On consideration, and fair reading, of the report it could not, he submitted, be said that there was any question of the committee being significantly misled. It could not, he submitted, be said that the very high test set forth by Judge L J had not been met.

[10] The Respondents further submitted that the third argument advanced by the Petitioner, failure to consider alternatives, was misplaced. It was submitted that the argument of the petitioner to the effect that the sub-committee required, in order to satisfy the statutory obligation incumbent upon it to consider alternatives, proceeded on the basis that the proposal in the application was detrimental to the conservation area and therefore the public interest. Here that consideration did not apply. On the basis of the Planning Report, which was characterised as careful and thorough, there was no adverse effect on the conservation area. It followed that there was no requirement or need for the sub-committee to look for alternatives.

[11] So far as the fourth argument, failure to report the application to the Scottish Ministers was concerned the Respondents submitted that again there was a high test for the Petitioners to meet if the argument was to succeed. In that regard my attention was drawn to *Jermon Ltd v West Dunbartonshire Council* [2008] CSOH 76 and in particular a passage at paragraph 36 in the opinion of Lord Clarke in that case. In that paragraph it was pointed out

that where a planning proposal involved a departure from the relevant development plan then there would be a very good reason for reference of the application to the Scottish Ministers. As Lord Clarke expressed it:

"Moreover, and in any event, if as seems at times to be accepted in the affidavit referred to, the proposal did, contrary to what was submitted on behalf of both the Respondents and the interested party before me, involve a departure from the development plan (though not "significant") then it fell to be referred to the Scottish Ministers being a class 13 proposal in terms of the 2007 direction. That it has not been so referred as contrary to law. The social and political reasons for requiring a referral of planning applications in the class of category 13 to the Scottish Ministers are obvious. The need to avoid any appearance of conflict of interest on the part of authorities, like the Respondents, in dealing with such applications means, in my judgment, that these provisions should be followed with some care. They are not to be regarded as technical matters. In the present case, the sensitivity of the matter was, in my view, all the greater because the Respondents had themselves previously imposed the condition as being necessary to support the vitality and viability of the Town Centre and this was the basis upon which the Scottish Ministers had previously considered the matter. There was, in that situation, a very good reason why it was appropriate for the Scottish Ministers to be asked to consider the matter of the proposed change of position in that respect."

In the present case the Respondents pointed out that there was no departure from the relevant development plan. Moreover it was appropriate in relation to this argument to look at the overall context of the application. It was drawn to my attention that the population of St Andrews was 13,500. From that population only nine objections to the application had been received. Eight of these objections were from members of the public. There was an objection from a community group but no indication that that group had canvassed local opinion before expressing its view. Against that background it could not be said that there was an overwhelming need or obligation on the part of the Respondents to refer this application to the Scottish Ministers.

[12] In relation to the competing arguments submitted in this case it is, in my view, clear that the issue of whether or not there is any merit in the petitioner's complaints turns on the terms of the Planning Report. Put simply the Planning Report requires to be considered to determine, firstly, whether its contents and the advice it tendered to the relevant committee complied with the applicable statutory provisions governing the application with which the Report was concerned. Secondly, it requires to be determined whether the Planning Report failed to have regard to any material matter, as was argued by the petitioner, or took into account irrelevant considerations in reaching the conclusion it did to recommend approval of the parking meter scheme.

[13] When considering the Report, I am satisfied that the approach to such reports advocated by Lord Osborne in *Campbell v City of Edinburgh Council* (*supra*) and the House of Lords in *South Lakeland District Council v Secretary of State for the Environment* (*supra*) is correct. That approach, in my view, is not to submit a report of this nature to a detailed textual analysis as if it were a statute or conveyancing deed but rather to view it in its overall

context as a report to a committee generally versed in planning issues and having a considerable degree of local knowledge in relation to the generality of the issues raised in the Report. One further factor which I consider has to be taken into account is the position of the lead Planning Officer responsible for the preparation of the account. The official in question in the instant case submitted in support of the respondents' position in this petition an affidavit dated 18 November 2008. In this affidavit the officer detailed the procedure he went through in his evaluation of the relevant planning application and the factors he took into account before he prepared his said report. He also detailed his knowledge and understanding of the relevant and applicable planning policies and what I might term the overall planning background or context against which he required to prepare his report and against which the committee would require to consider the application. This affidavit was presented to me as part of the bundle of documents for my consideration at the hearing. Reference was made to it by counsel for the respondents at the hearing and I was invited to have regard to its terms. No objection was taken to this by counsel for the petitioner and, further, no challenge was made to the terms of the affidavit. I therefore proceeded on the basis that the affidavit represented an accurate account of the matters considered by the officer in preparation of the report. I consider the affidavit to be a helpful document and one which gives the Court considerable assistance in reaching its decision. On the basis of this affidavit it is clear that the Reporting Officer had in mind the relevant planning background when he prepared his report. It is also clear that very much in the forefront of his mind was the effect that the proposed application would have on the "street scene" and on the listed buildings in St Andrews.

[14] In relation to the Report itself it is correct to point out that there is no express mention of the applicable statutory provisions. I am not persuaded that that factor is, as was submitted by the petitioner in that argument, a fatal defect in the Report. I agree with the approach in *London Borough of Newham v Secretary of State for the Environment (supra)* where it was stated that one requires to look at the overall context of the Report to determine whether or not the applicable tests were being applied rather than merely rely on the presence or absence of a reference to specific statutory provisions. Viewed in this manner I am satisfied that the applicable statutory tests were properly and relevantly brought to the attention of the committee.

[15] Turning to the petitioner's second argument, the alleged failure to fully and accurately reflect the views of Historic Scotland and the Architectural Heritage Society of Scotland, I am again not satisfied that this ground is well founded. Historic Scotland were consulted by the respondents in relation to both this application and its predecessor. Initially Historic Scotland expressed concerns regarding the design and positioning of the proposed meters. There followed a dialogue between the respondents and Historic Scotland which culminated on 28 March 2008 when that body acknowledged that modifications to the proposal made by the respondents had gone some way to allay their concerns. At that stage Historic Scotland were apparently content to let the respondents make a decision on the basis that the current design and positioning of the meters appeared to be the least intrusive solution. The correspondence between Historic Scotland and the respondents whilst not annexed to the Planning Report was available to the

members of the Planning Committee who considered the report. So far as the objection by the Architectural Heritage Society of Scotland is concerned it was made available to members of the planning committee and its contents were summarised in the Planning Report. When that background is considered I am satisfied that the Planning Report cannot be regarded as inaccurate or misleading in relation to the objections of these two bodies. So far as the terms of the Report are concerned I am of the view that it fairly sets forth all relevant issues and in doing so does not take into account any irrelevant consideration. In these circumstances I am satisfied that the lead Planning Officer gave appropriate and proper guidance to the committee when they considered this matter and determined the application. It follows that I do not consider that the petitioner is justified in the complaints against this Report advanced in the petition in relation to Historic Scotland and the Architectural Historical Society of Scotland.

[15] The final and subsidiary argument advanced on behalf of the petitioner was that the matter should have been referred to the Scottish Ministers. Referral to the Scottish Ministers was considered in the Planning Report. It is clear from the terms of the report that the applicable policy in relation to referrals to the Scottish Ministers was brought to the attention of the committee. It is, further, plain that advice that referral was neither appropriate nor necessary in this case was tendered. Having regard to the terms of that paragraph I am satisfied that the advice tendered was appropriate. In these circumstances the subsidiary argument for the petitioner also falls to be dismissed.

[16] It follows from all the foregoing that I do not consider any of the arguments advanced in support of the petitioner to be well founded. In these circumstances the prayer of the petition will be refused.



OUTER HOUSE, COURT OF SESSION

[2010] CSOH 102

XA115/09

OPINION OF LORD BRAILSFORD

in Appeals to the Court of Session under
Section 239 of the Town and Country
Planning (Scotland) Act 1997

by

(1) EILDON LIMITED and (2) MACIVER
PROPERTIES (A FIRM)

Appellants;

against

a decision of Trevor A Croft, a Reporter
appointed by the Scottish Ministers, dated
11 June 2009

-
-
-

Appellants: Sutherland; Drummond Miller
Respondents: Barnes; Office of the Solicitor to the Scottish Executive

28 July 2010

[1] These were two appeals to the Court of Session under Section 239 of the Town and Country Planning (Scotland) Act 1997 against a decision by a reporter appointed by the Scottish Ministers dated 11 June 2009. By interlocutor dated 8 October 2009 the Inner House remitted the appeals to the Outer House to be heard by a Lord Ordinary in terms of Rule of Court 41.44. The appellants in each appeal had been applicants for planning permission for the conversion of existing office buildings at 27 and 29 at Ardconnel Terrace in Inverness into residential apartments. The issues in each appeal were identical. The appeals had not been formally conjoined but it was a matter of agreement between each appellant and the respondents that the cases should be heard together. The appellants were jointly represented. For convenience, it was submitted by the appellants that the appeal by Eildon Limited be regarded as a notional lead appeal and that the productions in that process should be utilised for the purpose of the appeal. The respondents did not object to this course, it appeared expedient and I assented to that course being followed.

[2] For convenience, I will refer to the two appellants as a single entity entitled "the appellants" throughout this opinion.

[3] The appellants had applied to Highland Council for planning permission for the conversion of existing office buildings at the said addresses in Inverness. The applications covered different parts of an office building which had previously been residential villas interconnected at ground and first floor levels. Both applications were dealt with together at one appeal hearing. The subjects for which planning permission was sought were within a designated conservation area, the "Riverside Conservation Area". In terms of the applicable Development Plan the reporter required to determine whether the proposals would constitute overdevelopment because of disproportionate scale and density, whether there would be any impact on neighbouring residential amenity and whether there would be an adverse impact on the character or appearance of the conservation area. Counsel for the appellant presented his submissions in two parts, firstly, dealing with the legal background and secondly, challenging the decision of the reporter.

[4] So far as the legal background was concerned, my attention was drawn to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ("the 1997 Act") which sets forth a general duty incumbent upon planning authorities in the exercise of planning functions in respect of conservation areas. That provision stipulated *inter alia*:

"(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The planning acts are amongst the provisions included in subsection (2). Counsel for the appellant's submission was that the interpretation of that section was the basis of the present appeal.

[5] In relation to the interpretation of that section, my attention was firstly drawn to the well known decision of the House of Lords in *South Bucks District Council v Porter (No. 2)* [2004] 1 WLR in relation to the giving of reasons by decision makers such as the reporter in the present instance. In that case, Lord Brown of Eaton-under-Haywood summarised the law relating to the requirement to give reasons in the following way:

"35. It may perhaps help at this point to attempt some broad summary of the authorities governing the proper approach to a reasons challenge in the planning context. Clearly what follows cannot be regarded as definitive or exhaustive nor, I fear, will it avoid all need for future citation of authority. It should, however, serve to focus the reader's attention on the main considerations to have in mind when contemplating a reasons challenge and if generally its tendency is to discourage such challenges I for one would count that a benefit.

36. The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principal

important controversial issues', disclosing how any issue of law or fact was resolved. Reasons can be briefly stated, the degree of particularity required depending entirely on the nature of the issues falling for decision. The reasoning must not give rise to a substantial doubt as to whether the decision maker erred in law, for example by misunderstanding some relevant policy or some other important matter or by failing to reach a rational decision on relevant grounds. But such adverse inference will not readily be drawn. The reasons need refer only to the main issues in the dispute, not to every material consideration. They should enable disappointed developers to assess their prospects of obtaining some alternative development permission, or, as the case may be, their unsuccessful opponents to understand how the policy or approach underlying the grant of permission may impact upon future such applications. Decision letters must be read in a straightforward manner, recognising they are addressed to parties well aware of the issues involved in the arguments advanced. A reasons challenge will only succeed if the party aggrieved can satisfy the court that he has genuinely been substantially prejudiced by the failure to provide an adequately reasoned decision."

The propositions in the foregoing passage were said to represent the approach I should take in considering the reporter's decision letter in the present case.

[6] With specific reference to the question of the interpretation of Section 64 of the aforesaid Act of 1997, my attention was drawn to the decision in the House of Lords in *South Lakeland District Council v The Secretary of State for the Environment* [1992] 2 AC 141 (at p150) where in the only substantive speech Lord Bridge of Harwich, quoted with approval from the judgment of Mann L.J. in the Court of Appeal as follows:

"In seeking to resolve the issue I start with the obvious. First, that what is desirable is the preservation or enhancement of the character or appearance of the conservation area. Second, the statute does not in terms require that a development must perform a preserving or enhancing function. Such a requirement would have been a stringent one which many an inoffensive proposal would have been inherently incapable of satisfying. I turn to the words. Neither 'preserving' nor "enhancing" is used in any meaning other than its ordinary English meaning ... In my judgment, character or appearance can be said to be preserved where they are not harmed. Cases may be envisaged where development itself make a positive contribution to preservation of character or appearance. A work of reinstatement might be such. The statutory desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved".

This approach was said by counsel to be the appropriate one to apply when considering section 64 which was in a practical sense in similar terms to section 277(8) of the Town and Country Planning Act 1971 the English provision under consideration in *South Lakeland District Council (supra)*. My attention was drawn to three further cases, namely. *Birmingham Corporation v Minister of Housing and Local Government and Another* [1964] 1 QB 178.

Westminster City Council v Great Portland Estates Plc 1985 1 AC 661 and *Chorley and James v Secretary of State for the Environment* [1993] JPL 927, albeit that in the course of submission counsel accepted these authorities added nothing of substance to the arguments he was advancing.

[7] Against this legal background, counsel for the appellants then turned to consider the decision challenged. His approach was to subject the decision letter to an intensive textual scrutiny. In that regard no issue was taken with paragraphs 1 and 2 of the decision letter. In relation to paragraph 3, counsel informed me that the proposal in each application had been, to use his language, "worked up" with the planning officials. I took this to mean that there had been involvement of employees of the planning authority in the development of the proposals for planning permission with which the reporter was ultimately concerned. Planning officials involved in this process included, I as informed, a conservation architect. The design represented in the application specifically took into account what had been represented by the officials as appropriate development within the relevant conservation area. This argument was developed no further, although I took it to at least imply that the submitted design had received at least some imprimatur of approval from the planning authority. In relation to paragraph 4, the submission was that the report failed to properly consider and apply the provisions of Section 64 of the 1997 Act. In particular, my attention was drawn to the final sentence in paragraph 4. In that sentence, the reporter noted that the proposal would provide "... arguably an improvement on the present situation" but nevertheless went on to conclude that "... it would not enhance the appearance of the area." It was submitted that the statutory provision did not require "enhancement" in order to be satisfied. The statutory provision was satisfied if the character or appearance of the relevant area was preserved *or enhanced* (my emphasis). It was accordingly submitted that paragraph 4 introduced confusion to the reasoning of the reporter. In relation to paragraph 5, it was submitted that the reporter proceeded upon an assumption that there would be twenty six people in occupancy of the premises once developed. It was submitted that such an assumption was unjustified. It was also submitted that the reporter's assumption that the properties would "be likely to appeal to younger people" and that such occupants would be likely to come and go more frequently than more established residents was an assumption that the reporter was not entitled to make. Counsel submitted that the Reporter was not entitled to take the age of potential occupants of any development into account in his determination. It was further submitted that he was not entitled to make any inferences about the method or type of occupancy which would occur. Having regard to these factors, it was submitted that the reporter was indulging in improper speculation in this paragraph of his decision letter. In relation to paragraph 7, comments made by the reporter there in relation to the development were said to be inconsistent with his findings in paragraph 4 to the effect that the development would be an improvement on the existing situation. It was further submitted that the paragraph failed to address the correct approach to Section 64 as identified in the authorities referred to by counsel.

[8] Having regard to these arguments, counsel submitted that the reporter had adopted an incorrect approach to the relevant statutory test. In these circumstances, the decision letter should be quashed.

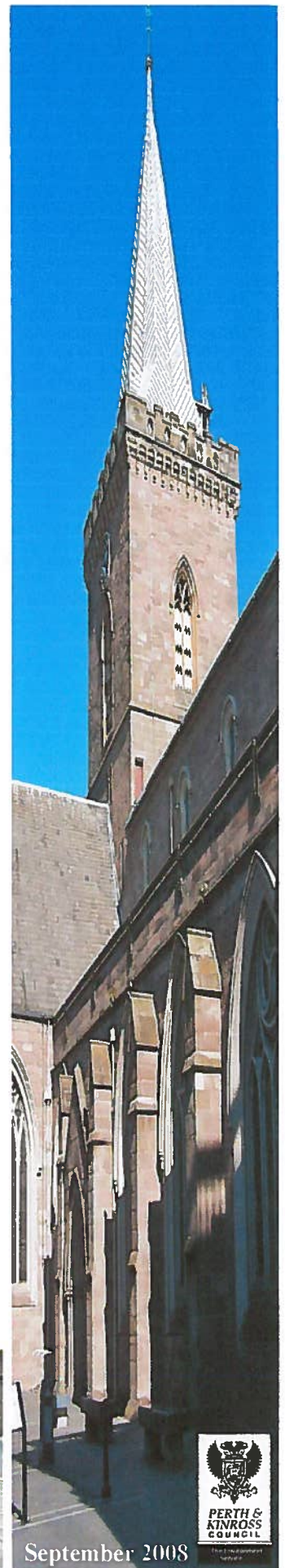
[9] In reply, counsel for the respondents invited me to refuse the appeal. He took no issue with counsel for the appellants' outline of the applicable law. It was his submission that in paragraph 1 of the decision letter, the reporter had clearly set forth the three issues which were for his determination. Counsel further submitted that the issues identified were the correct ones which the reporter required to consider and determine in order to properly apply Section 64. Paragraphs 3, 4 and 5 of the decision letter, which had been the subject of criticism by the appellant, were no more than the reporter discussing the various issues which were before him and which had constituted the subject matter of evidence and argument at the hearing. The reasons for the reporter's decision are, it was argued, set forth clearly in paragraph 7 of the decision letter. Paragraph 7 was to be construed as standing on its own as being the decision of the reporter. As such it illustrated that the reporter had clearly understood the statutory provision he must apply, namely section 64 of the said Act of 1997. More over, on a fair construction of that paragraph, it was plain that the statutory tests set forth in the said section had been complied with.

[10] This appeal raised a narrow point, namely, the proper approach to be taken to the interpretation and application of section 64 of the 1997 Act. As noted, there was no dispute between the parties as to the applicable law, that being as I have recorded in my summary of counsel for the appellants' submissions. The approach of the appellant seems to me to be fairly categorised as seeking to dissect the decision letter in a way whereby, taking certain passages in isolation, they may seem to indicate a failure by the reporter to properly consider the statutory provisions he was applying. I would not categorise such an approach as illegitimate in an appropriate case. I am, however, not persuaded that the approach was justified in the present instance. Following the approach of Lord Brown in *South Bucks District Council (supra)* I require to consider whether the reporter's reasons were intelligible, his conclusions were based upon consideration of the relevant factual issues before him, and to be satisfied that his reasoning did not disclose a substantial error in law. In relation to all these matters I should be slow in drawing any inference adverse to the decision reached.

[11] Approaching the decision in that manner, I agree with counsel for the respondent that the reporter clearly identified in paragraph 1 of his decision letter the questions for his determination. I further agree with counsel for the respondent that paragraph 3, 4 and 5 are fairly to be regarded as a discussion of the facts as elicited at the hearing. These passages are not, in my view, to be considered as containing decisions in themselves. They seem to me to be setting forth the background material necessary to make the reporter's decision intelligible and explicable, and, further, to discussion arising from that factual material. I am, further, satisfied that counsel for the respondents was correct when he characterised paragraph 7 of the letter as representing the reporter's conclusions and determination. It further seems to me that that paragraph clearly demonstrates that the reporter applied the applicable statutory provision in a proper and correct manner.

[11] Having regard to the foregoing, I consider that the appeal falls to be refused.

Perth Central Conservation Area Appraisal



September 2008

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INTRODUCTION

Conservation Areas

1.1 Conservation areas are crucial to the conservation of our built environment. There are over 600 conservation areas in Scotland. They contain groups of buildings extending over areas of a village or town and can also include public parks, woods and historic land. To safeguard them for the enjoyment and benefit of future generations any new development should preserve or enhance their varied character. The local planning authority is required to determine which parts of its area are of special architectural and/or historic interest. It may propose and designate these as conservation areas. The public will be consulted on any proposal to designate conservation areas or change their boundaries.

1.2 Conservation areas must be safeguarded and enhanced. This is defined through:

- Defining the character that merits protection, including the space between buildings;
- Use of appropriate controls over development, demolition and advertising;
- Financial assistance, where appropriate, for works of repair and restoration;
- Protection of trees;
- Interpretation schemes, through leaflets or exhibitions;
- The implementation of enhancement schemes based upon a conservation area appraisal.

1.3 Designation as a conservation area does not place a ban upon all new development within its boundaries. However new development will normally only be granted planning permission if it can be demonstrated that it will not harm the character or visual quality of the area. New development should also positively enhance the area through good design rather than just create a neutral effect.

Introduction, purpose and justification

Reason for conservation area designation

2.1 Perth City Centre has diverse townscape character, with areas of high quality Georgian and Victorian development. It is an active retail centre also serving residents from surrounding smaller towns, at the same time retaining important elements of its historical built environment. It is popular with tourists for its unique character and appearance, good amenities, and ideal location as the "Gateway to the Highlands".

2.2 Perth's seven original conservation areas were designated between 1972 and 1981. These covered a large proportion of the central area but omitted significant areas of special architectural or historic character. The aim is to consolidate these areas and, with the addition of further areas of the city centre, create a single new conservation area. The City's heritage is a unique advantage, and by designation as a conservation area it can be safeguarded, and new developments monitored to ensure they are of a sufficiently high standard of design.

2.3 Development plan policies indicate that there will be a presumption against development within conservation areas which would harm the character or appearance of, or which would not preserve or enhance the areas.

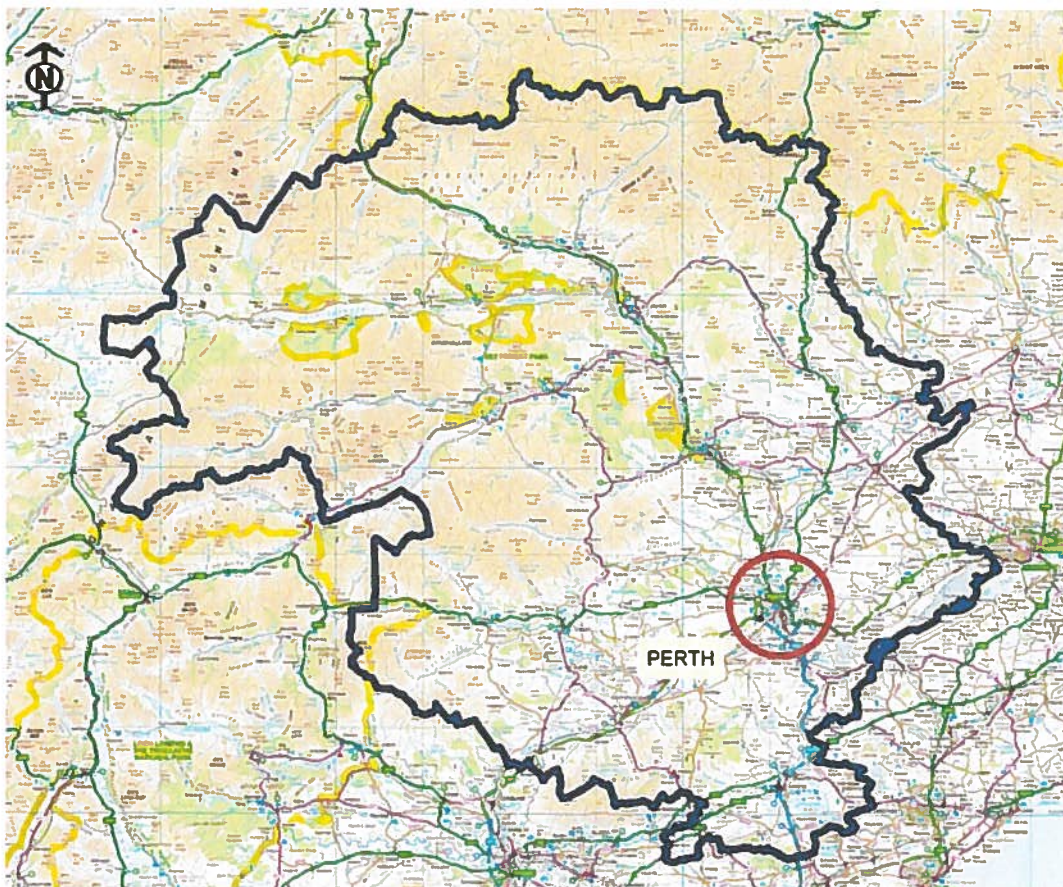
Purpose of the Conservation Area Appraisal

2.4 A Conservation Area Appraisal is a management tool which helps to identify the special interest and changing needs of an area. It serves as supplementary planning guidance to the development plan. The appraisal provides the basis for the development of a programme of action that is compatible with the sensitivities of the historic area and can enable the local authority to fulfil its statutory duties to protect and enhance that particular area.

2.5 Appraisals also assist development control and management. They provide the opportunity to inform residents about the special needs and characteristics of the area and help developers identify and formulate development proposals. If a conservation area's special interest has been clearly defined and published in an Appraisal then this definition may help those thinking to invest in the area and can be used to guide the form and content of new development.

Location, history and development

Map 1: Location of Perth within Perth & Kinross Council boundary



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Regional/ local context

3.1 The burgh of Perth is situated on the River Tay, 32.5km west of Dundee and 76km north of Edinburgh. It is the main settlement in Perth and Kinross, which covers 5268km² and has a population of 138 400. The city itself has a population of 43 501 (2001 figures). It is surrounded by fertile agricultural land, both arable and grazing. Due to its situation on a major historic NE-SW trade route it has been an important trade centre since the medieval period and retains a working harbour connecting the city with Europe, the Baltic and Scandinavia.

3.2 Perth became a Royal Burgh in the early 12th century under David I, and was one of the few walled cities in Scotland. This medieval character is not quite as evident as it may be in, for example, Edinburgh or Stirling, due to the lack of an obvious castle site. Perth did have a castle, but it was a timber construction situated to the north of the medieval burgh, and was destroyed by flooding in 1209. Excavations for the Concert Hall development revealed a huge ditch which may have been part of the castle site, and which would support the tradition that the castle was located in this area.

3.3 Burgh defences are first mentioned in the mid-12th century, and stone walls in the early 14th. Although these walls/defences have not survived, the wet ditch or lade that acted as a secondary defence is still open and visible at points. The city centre retains some aspects of the medieval herringbone street layout based on plots extending north and south from the two parallel main streets, High Street and South Street. Furthermore, extensive excavation of sites within the city centre, particularly in the 1970s, has shown the medieval archaeology to be among the most impressive and revealing in Scotland, as a result of the waterlogged conditions.

3.4 Perth is popular with tourists due to its proximity to historic and scenic areas of Perthshire, and the attractive character, notable architecture and the quality of the retail environment of the city itself. The city centre encompasses a broad range of architectural styles including Georgian terraces, Victorian villas and Art Deco facades, all situated around the medieval Parish Kirk of St John's, parts of which date from 1440.

Geology and topography

3.5 Perth is situated on a slightly elevated platform on the west bank of the Tay, with the Rivers Almond and Earn entering the river to the north and south of Perth respectively. The area would have originally been a tree-covered platform surrounded by marshes, perhaps leading to the city's name meaning "wood" or "copse" in modern Welsh, so possibly having a similar meaning in a British or Pictish dialect.

3.6 The city is low-lying and prone to flooding, with a new flood prevention system completed in 2001 after the most recent severe flooding in 1993. The city is contained on either side by the North Inch and South Inch, public parks and meadow reclaimed from marshland.

3.7 Extensive geological development has left Perthshire with a varied landscape consisting of mountains, deep valleys and lochs in the north, and broad plains

bisected by the hills of the Sidlaws and Ochils in the south. The soil quality is therefore varied but includes some excellent agricultural land surrounding Perth.

3.8 Building stone was quarried on a large scale from the 18th century, including whinstone and slate, but primarily sandstone, resulting in the widespread use of sandstone in Perth's buildings. The clay soil near Perth was exploited in order to commercially produce bricks and tiles by the 1700s.

Reasons for location

3.9 Perth is situated at a fording point of the Tay, as well as the highest tidal navigational point and, until Victorian times, the lowest bridging point. The original settlement would have been based on the slightly raised area of Watergate, bounded by marshland and the river itself, and approached by either a main causeway from the west or the river. The position would have meant that the site was easy to defend, and well-placed to develop into a trading centre.

3.10 Perth is also strategically close to the important early royal centre of Scone, crowning place of the Kings of Scotland; the Pictish centre of Forteviot, and the religious centre of Dunkeld. The burgh seems to have taken over from Scone by the 12th century, and was represented in parliament in the 14th century, illustrating its importance in spite of not being the official Scottish capital.

3.11 The city is itself based around the Medieval Parish Kirk of St John's, the siting of which is thought to pre-date the foundation of the Royal Burgh. The first recorded mention is from an 1126 grant to the Benedictines of Dunfermline. The Kirk has, since the 1300s, given Perth the alternative name of St. Johnstoun, now used for the city's football team (St. Johnstone).

3.12 There is a great deal of evidence for Roman activity around Perth, with a gravelled Roman road known to have led from Falkirk to Ardoch and along the Gask Ridge to Bertha where it crossed the Tay and continued to Cargill. Traditionally the Roman settlement of Bertha is supposed to have been situated to the north of Perth, although no physical evidence of it has yet been found. Perth itself is more likely to have begun as a Pictish settlement.

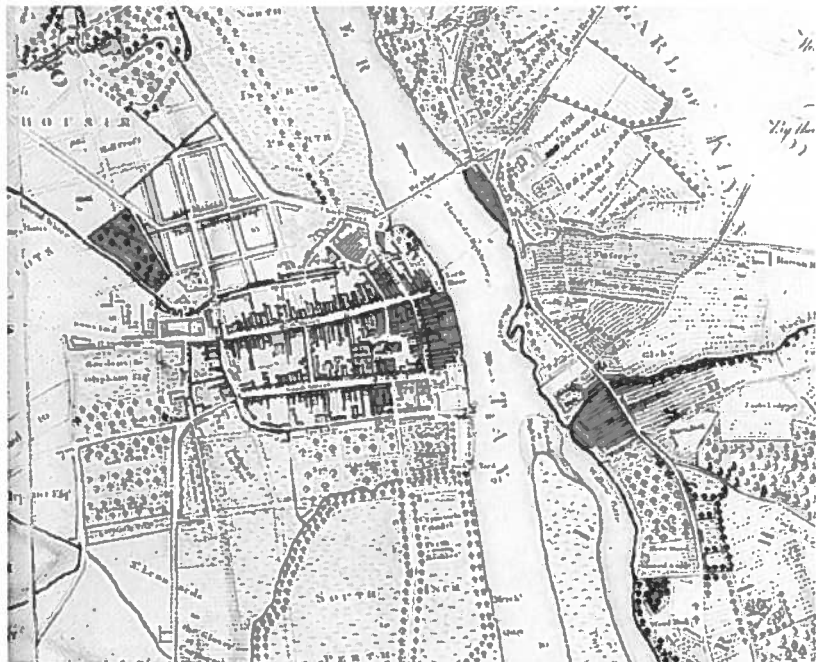
Settlement development

3.13 As mentioned, considerable evidence survives to illustrate the importance of Perth in the medieval period, not least St John's Parish Kirk. The Kirk is on a roughly central raised point from which the settlement has radiated out. There were further religious foundations, including chapels and hospitals, but these did not survive the 16th century Reformation, after which the overall appearance of the city would have changed considerably. The King James VI Hospital of 1748- 1752 stands on the original site of Scotland's Carthusian Friary in Hospital Street. It was built for a church foundation to care for the sick and destitute, set up after receiving the revenues of the friaries and chapels abolished after the reformation. The site of the Franciscan friary of Greyfriars has been used as the city's cemetery since 1580.

3.14 The first building in Perth mentioned in early charters is the Dominican Friary in the North Port area, near the present site of Carpenter Court. This was where the 1266 Treaty of Perth was signed between kings Alexander III of Scotland and

Town development

Map 2: c. 1792



Map courtesy of
A.K. Bell Local Studies,
A.K. Bell Library, Perth

Map 3: c. 1884



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Map 4: c. 1901



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Magnus IV of Norway. James I, underlining Perth's favoured Royal position, held a General Council in 1427 here, and a Parliament in 1429. Perth was the site of one of the first conventions of Royal Burghs in 1555, and in 1563, 1597 and 1618 General Assemblies were convened in Perth by the church of the reformed religion.

3.15 Perth was active on the Presbyterian side in the Civil Wars of the 1640s. The victory of Montrose at the battle of Tibbermore (1644) occasioned a period of Royalist occupation until the town was captured by Cromwell's army, who constructed a citadel in the north-east corner of the South Inch in 1652. Several of the city's buildings were demolished to provide stone for the citadel, and even grave slabs from Greyfriars were used. The citadel was given to the city after Cromwell's death, and the process of dismantling it began soon after. It is now no longer visible above ground, and a car park is now located over part of it. The site has been excavated, and is scheduled as an ancient monument. After the restoration of Charles II, Perth supported the Jacobite uprising and was strengthened and re-fortified by Jacobite supporters in 1715 and 1745.

3.16 The harbour is a significant contributing factor in the development of Perth, and known sites include the earliest at the end of the High Street shown on Petit's 1715 town plan. Also on Petit's plan is the later site at the end of what is now Canal Street, which at the time was the town lade. In the 19th century the harbour moved approximately one mile out of town to its present site at Friarton. Although its role and location have gradually changed since the late medieval period, it continues to facilitate trade with the east coast of England and elsewhere in Northern and Eastern Europe, enhanced by recent dredging activity.

3.17 A fundamental aspect of settlement development in the city is the bridge, or bridges. The first record of a bridge is from 1207, when it is reported to have been destroyed by flooding. It was replaced and thereafter recorded as having been repaired on several occasions. A new bridge was built in 1617 but destroyed by flooding in 1621. It was not replaced until Smeaton's Bridge was completed to the north of the original in 1771. This increased the importance of the hamlet of Bridgend, and allowed the city to expand outside the medieval defences to the north and south in two new grid-plan developments. These were based on Marshall Place in the south (completed 1801), and Charlotte Street in the north (completed 1783). The medieval plan was rationalised to allow these new developments to be accessed easily, with the addition of George Street and St John Street. Smeaton's Bridge survives, now A-listed and a scheduled ancient monument, and is still in use. An additional crossing was built in 1900, and replaced by the Queen's Bridge in 1960.

3.18 Rutherford's 1774 map of Perth is the first accurately surveyed plan of the city. It demonstrates that at this stage Perth was still largely contained within the medieval city walls, although there was an increase in building cover and the impact of Smeaton's bridge was beginning to be evident. Around this time, the population of Perth expanded significantly. St Paul's church, the first post-reformation church in Perth, was built in 1806-1807 in order to cope with the overflow of worshippers at St John's, and also to be an "architectural ornament to encourage further development" (Gifford 2007). It worked as a new landmark, paving the way for further expansion to the west of the city.

3.19 In the 14th century, Perth was one of the most important economies in Scotland, along with Edinburgh, Aberdeen and Dundee. By the 17th century, due to limitations of the harbour and problems with flooding, it had fallen to eighth place. The mainstays of the economy remained, however, and during the 19th century, both industry and agricultural trade were strengthened, with notable manufacturing areas including glass, brick, textiles, printing, ship-building and whisky. The railway arrived in 1848, further enabling trade and expansion. The existing railway bridge was built in 1863. In the 1870s, the Tay Street embankment was added, giving a new frontage to the city. This was further landscaped in the late 1990s with the addition of the new flood prevention system.

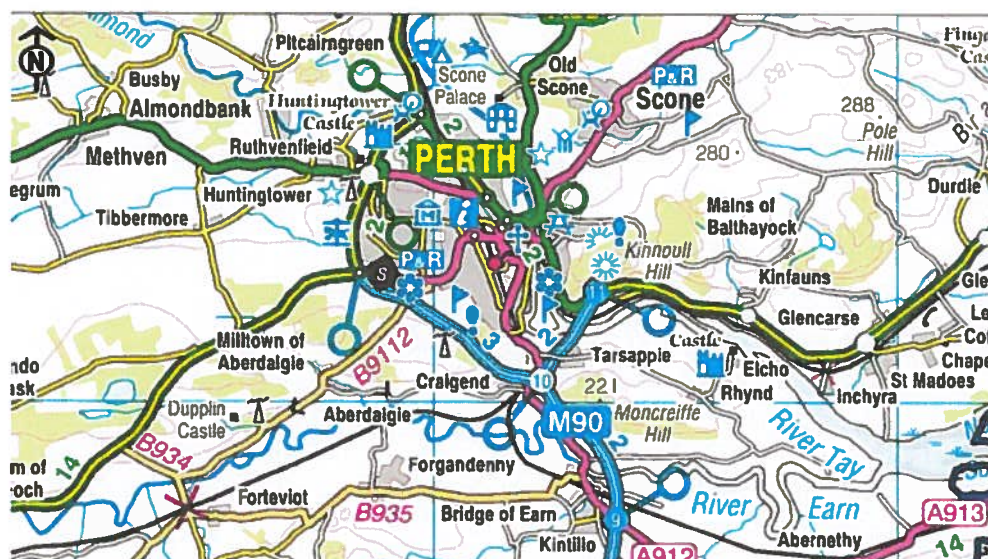
3.20 Perth today is popular as a retail centre for the surrounding area, with a range of specialist and independent retailers, as well as a pedestrianised high street and the St John's shopping centre. Development opportunities such as the redundant City Hall are intended to enhance the city's retail offer whilst utilising its unique historic character.

3.21 Although most of the key industries, for example whisky, have moved out of the city, new focuses for employment and the local economy include large businesses such as Norwich Union, the Royal Bank of Scotland, and energy suppliers such as Scottish and Southern Energy. Perth College is now included as a member of the University of the Highlands and Islands Millennium Institute.

3.22 Residential properties are concentrated in the suburbs surrounding the inner core, although many city centre Georgian and Victorian terraces and villas have been retained and are still in use. Although there have been some losses in terms of notable historic buildings, the townscape remains varied and unique. In recent years there have been some impressive new additions, including Perth Concert Hall and an extension to the AK Bell Library.

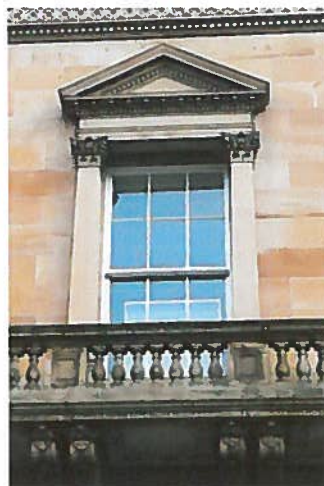
Character and appearance

Map 5: Setting



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Area 4
Windows & doors



Materials & Details



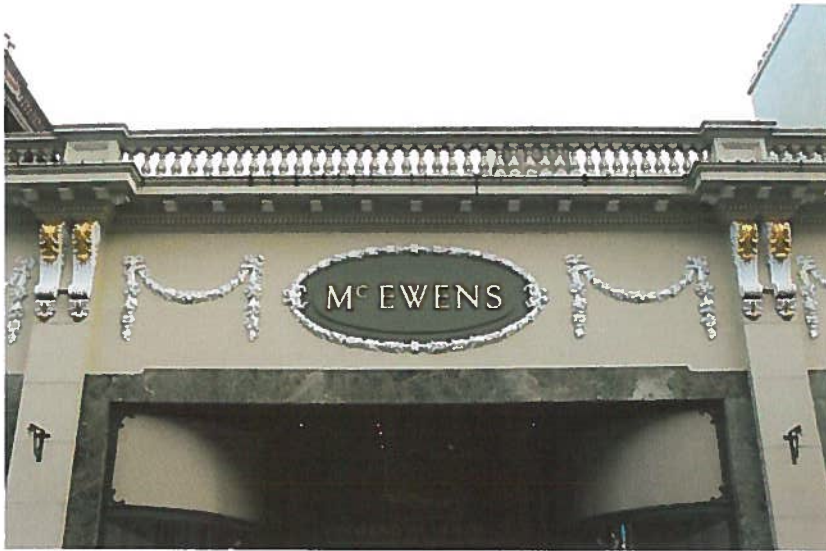
Materials & Details cont.



Roofscapes



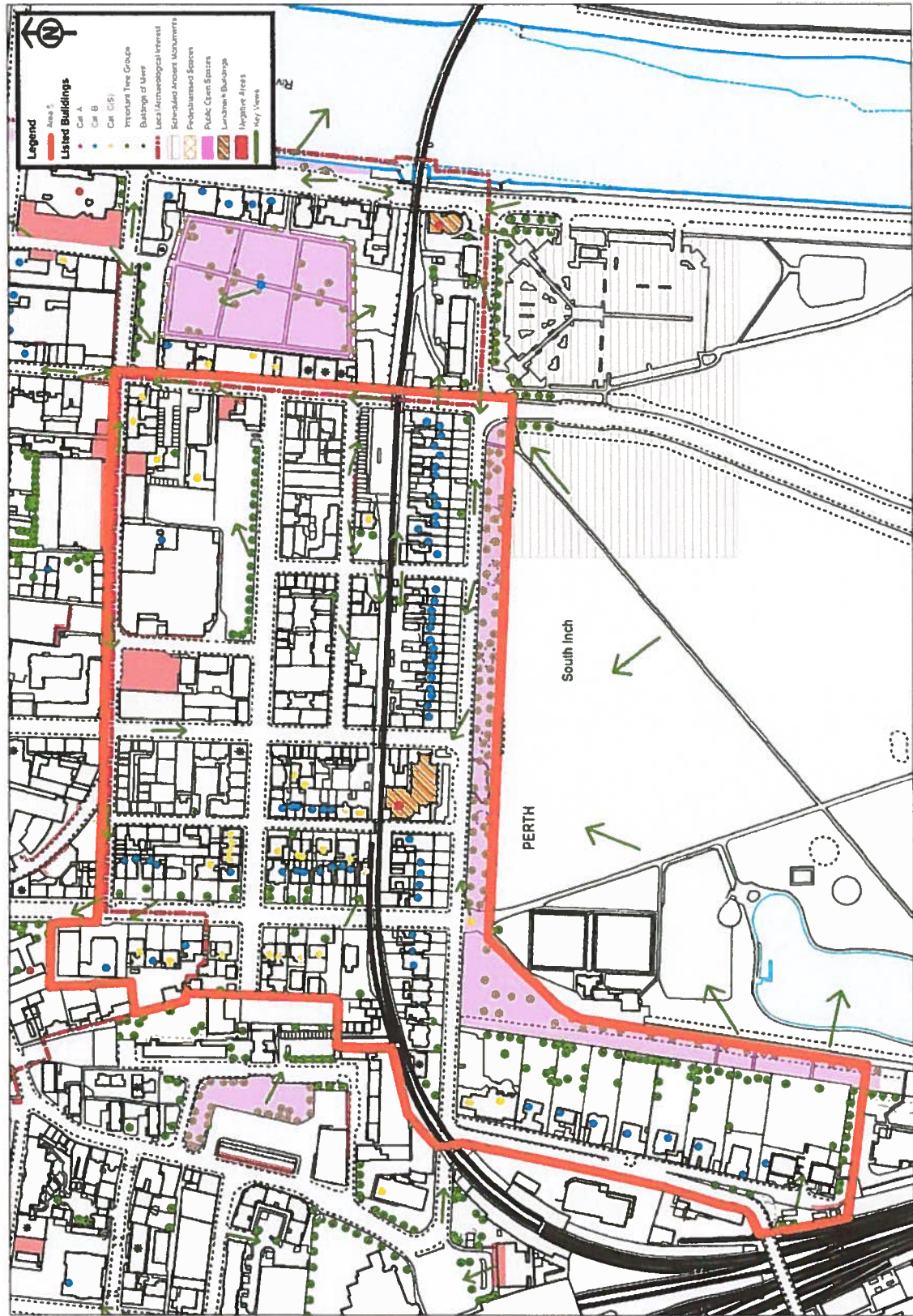
Shopfronts



Character Area 5

Marshall Place

Map 11: Character area 5



Area 5 Marshall Place

Incorporating W-E King Street to Princes Street; N-S Canal Street to Marshall Place/King's Place and including St Leonard's Bank.

Key Buildings: St Leonards in the Fields

Other important buildings: former St Leonard's Parish Church, Marshall Place terraces, St Leonard's Bank villas and King Street villas, James Street cottages.

9.1 This area is primarily residential, including the planned Marshall Place by Robert Reid, 1801. These two terrace blocks were continued in King James Place, but the

proposed development was foreshortened to accommodate St Leonard's in the Fields of 1885, a Scots Late Gothic church with a distinctive crown steeple. King's Place continues with villas of a similar late 19th century date apart from number 6, a Georgian villa with Baroque detailing. The rail line runs along the rear of these properties on a raised viaduct.



Marshall Place & St. Leonard's in the Fields Church

9.2 This street line marks the southern edge to the city centre, with views out to the mature trees and open ground of the South Inch. The railings along this edge of the park are no longer in place, but the gateposts of the main entrance remain on either side of the Walter Scott statue of 1845, moved here from the High Street in 1877.

9.3 St Leonard's Bank is a series of east-facing villas in large grounds, looking across the South Inch and backing on to the street. The plots for these were laid out in 1828, and the villas largely date from the first half of the 19th century.

9.4 Canal Street, originally the route of the town lade by the southern wall of the burgh, is now the setting for a large multi-storey car park and three further open car

parks on Speygate, in front of Greyfriars Burial Ground, and on the corner of Charles Street. This area was historically the site of light industrial uses such as timber yards and coach works. There are some notable buildings remaining, including Love's Auction Rooms, a half-timbered building of 1900, and the Arts and Crafts courtyard development of Spey Court, 1920. The street has a closed vista west to the former St Leonard's Parish Church, and east across the Tay to Kinnoull Aisle.



Love's Auction Rooms

PERTH CENTRAL AREAL LOCAL PLAN 1997

WRITTEN STATEMENT

Adopted by The Council - 17 December 1997

Director of Planning and Development
Perth and Kinross Council
2 High Street
Perth
PH1 5PH

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ANNEX 1

DESIGN GUIDANCE

1.0 BACKGROUND

- 1.1 Higher standards of living, the desire to improve houses and working conditions and the introduction of new retailing techniques create pressures for change which directly affect buildings in the Central Area. In some cases this results in alterations to the appearance of the existing buildings, but, in others, permission is sought from the Council to demolish the buildings concerned and erect entirely new structures on the cleared site.
- 1.2 Although there are many buildings of such architectural or historic importance that little or no physical change should be permitted to them, further alterations and demolitions within the Central Area as a whole are inevitable. If these alterations are to be carried out in sympathy with the traditional character of the town centre there is a need for guidance on the form of future development and, in general, this need is greatest in areas where traditional design features still predominate.
- 1.3 In addition, standardisation in the design and materials used in the construction and maintenance of roads and footways and installation of street furniture have created pressures for change which can have a significant impact on the character and quality of townscape and the appearance of streets as a whole. There are areas where traditional materials and designs should be retained and well maintained because of their importance to the surrounding townscape and where guidance should be provided to ensure that any new materials or street furniture is appropriate in terms of quality, design and location.
- 1.4 To reflect the difference between the traditional and non traditional parts of the centre, to recognise the difference in quality within the traditional area, and to take account of the **General Land Use Policies** and **Conservation Area Policies** contained in the Plan, the guidance in this Annex relates to three distinct sub-divisions of the Central Area as a whole (See **Figure 1**).
- 1.5 The first of these sub-divisions or zones, which can be regarded as the most important from a townscape and streetscape point of view, comprise the **Conservation Areas** and it is in this zone that the strictest design standards will be applied.
- 1.6 A **Secondary Area** comprising most of the remaining buildings of townscape importance (which in general surround the Conservation Area) will be the subject of less stringent standards.
- 1.7 In areas outwith the **Conservation Areas** and **Secondary Areas**, very little of the traditional character remains, and whilst the Council will still be seeking good standards of design in such areas, particularly adjacent to buildings of townscape importance, there is more scope for innovative rather traditionally based design.

DESIGN GUIDELINES APPLICABLE TO CONSERVATION AREAS AND SECONDARY AREAS

General

- 1.8 The Council will require applications for outline planning permission within **Conservation Areas**, or where it is proposed to alter or demolish a building of townscape importance in the **Secondary Areas**, to be accompanied by drawings and illustrations which give an accurate representation of the design of the proposed building and its relationship to adjoining development.
- 1.9 Where practical, preference over new development will be given to the adaption of existing buildings where these are of townscape importance.
- 1.10 Proposals for new developments that, in the opinion of the Council, are likely to affect materially the character of **Conservation Areas** will be advertised and account taken of any representations received before a decision is made on the application. The same procedure may be employed in the case of major developments proposed within **Secondary Areas**.

New Buildings

- 1.11 Where new buildings are proposed to replace existing buildings that are considered unsuitable for repair, they will not be judged as separate entities but will require, in terms of scale, style and materials, to respect the character of neighbouring buildings.
- 1.12 Where proposals are to replace buildings in the main shopping streets then facades based on traditional elements and proportions - some examples of which are depicted in **Figure 2** are likely to be acceptable, and modern interpretations of these elements may also be suitable. Within **Conservation Areas**, however, there is less scope for new buildings of current fashion or more pretentious design.

Shopfronts, Fascias, Advertisements and Alterations

- 1.13 Any new shopfront or fascia must be properly related to the building in which it is incorporated. Uniform depth fascia boards spread across a variety of building styles are not acceptable. Fascias should not extend closer than 300mm to the edge of any property.
- 1.14 The depth of any fascia should either be made to fit the space designed for it or, where no such definition exists, its depth should not exceed 700mm or one half of the vertical size between the top of the shopfront and the sill of the first floor window, whichever is the smaller. Where lettering is applied directly to the face of the building without the use of the fascia board its height will be subject to the same conditions. Lettering should generally be restricted to 300mm in height unless on a large scale building.
- 1.15 In **Conservation Areas** and on Listed Buildings illuminated box type fascia signs and illuminated box type projecting signs will not be allowed and only the actual letters showing the name of the shop, or a symbol depicting the house image, may be illuminated. Encouragement will be given to the use of traditional, hand painted signs which may be externally lit. Lighting of traditional hand painted signs should be in sympathy with both the building and the Conservation Area.

- 1.16 Not more than one projecting sign will be allowed on each public elevation of a particular shop or business. The lower edge of any sign must be at least 2450mm above pavement level and the outer edge must be set back at least 500mm from the kerb line.
- 1.17 In considering all applications for advertisements within the Central Area the Council will give special attention to their position and purpose and will seek to achieve the highest standard of design, with a view to such features being used to make a positive contribution to the general amenity of the area.
- 1.18 The Council will make use of its additional powers under Regulation 11 of the Town & Country Planning (Control of Advertisement) (Scotland) Regulations 1984 to control certain classes of minor advertisement within **Conservation Areas** (including canopies) which would normally be permitted. Details of the classes of minor advertisement which are controlled are contained in the Technical Appendix. Relatively minor advertisements may therefore require consent. Advice should be sought on the need for consent for any advertisement proposed within **Conservation Areas** and guidance obtained on the design standards to be applied.
- 1.19 In **Conservation Areas** no canopies which are considered to be adverts will be permitted. Where **Conservation Areas** contain shop fronts only the traditional boxed sloping blind will be permitted.
- 1.20 In **Conservation Areas** external shutters will not be permitted. In **Conservation Areas** and **Secondary Areas** the Council will encourage the protection of goods in shop windows through the use of internal shutters or grilles or armour placed or laminated glass. Detachable mesh grilles will not be permitted on Listed Buildings.
- 1.21 In **Conservation Areas** the Council will make use of its additional powers under Article 4 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 to control certain classes of minor development which are normally permitted and do not require consent. Details of the classes of minor development which are controlled are contained in the Technical Appendix. Relatively minor alterations may therefore require consent. Advice should be sought on the need for consent for any alterations proposed within **Conservation Areas** and guidance obtained as to the design standards to be applied.

Attic Extensions and Dormer Windows

- 1.22 Increasingly attic space and substandard accommodation in the roofs of buildings in the Central Area are being renovated for living accommodation. Whilst this trend is to be welcomed as a way of improving the housing stock it must be recognised that bulky extensions in the roofspace often have an adverse impact on the character of the existing building and street scene. In particular large "box" dormers with horizontal windows and heavy fascia boards tend to clash with the proportions and rhythm of traditional building facades and reduce the interest and delicacy of the skyline.
- 1.23 A variety of traditional dormers are found within the Central Area and some of the most common types are indicated in **Figure 3**. Where possible, traditional dormers should be retained, copied or adapted to suit modern requirements.
- 1.24 Flat roofed "box" dormers will not be permitted on the front elevations of Listed Buildings or other buildings within **Conservation Areas**. This restriction will also apply to the rear of properties visible from public places.

1.25 Where flat roofed "box" dormers are to be allowed they will be considered on their design merits and subject to the following criteria:-

- i) "Box" dormers should not convert a pitched roof into a flat roof and to avoid this appearance (a) should be set well back from the lower edge of the roof, and (b) should be set well below the level of the roof ridge.
- ii) Windows in the dormer should relate to the windows on the facade of the building.
- iii) Slate hanging should not dominate the dormer. Wherever possible, windows should extend for the full height of the dormer, and slate hanging should normally be limited to areas between windows.
- iv) In some cases "box" dormers may be incorporated within existing traditional dormers.
- v) Examples of suitable "box" dormers are shown on **Figure 3**

Design Elements and Materials

1.26 The following design guidance should be read in conjunction with **Figure 2**.

ROOF ZONE

1.27 In **Conservation Areas** the use of slates will be encouraged and the use of other materials will not be permitted. In **Secondary Areas** a wider range of materials will be permitted. Slates, asbestos cement, plain grey tiles, lead or copper sheet roofing may be acceptable in certain cases.

ROOFLIGHTING, DORMERS, ETC.

1.28 A number of traditional patterns are shown. These and other traditional forms may be copied or adapted to suit modern requirements. Velux rooflights of square or vertical proportions or areas of patent glazing may be incorporated within the roof zone.

BUILDING HEIGHT

1.29 The height of any new building should be the same height or not less or more than one storey difference to that of the adjoining building.

WALLS AND WINDOWS, ETC (VERTICAL ZONE)

1.30 In **Conservation Areas** and **Secondary Areas** the use of stone, reconstructed stone, faced concrete block or stucco with mouldings will be encouraged. Wet dash roughcast may be acceptable in certain areas. In all cases the choice of material must relate to the immediate surroundings. In **Secondary Areas** the use of dry dash roughcast above ground floor level may be permitted in certain areas.

WINDOWS

- 1.31 Most of the traditional properties in the Central Area incorporate housing at an upper level with simple windows of uniform proportions. This overall theme should be maintained and newbuilding forms should show the same degree of vertical emphasis and general relationship of solid to void.

SHOPFRONTS

- 1.32 A wide variety of different types and styles are acceptable but it is important that the shopfront is designed so that it appears to support the building above it. **Figure 2** indicates the following types and styles -

- A** Part of the late 18th Century painted stuccoed front in provincial renaissance style. Superimposed pilasters. No fascia. Lettering applied direct to the face of the building. Simple shopfront.
- B** Part of mid 18th Century rubble facade recently restored and finished in wet dash. New shopfront and archway set in smooth render.
- C** Simple 19th Century facade. Carefully designed modern shopfront set behind traditional fascia and columns.
- D** Late 18th Century painted stuccoed facade with margins. Very intricate and ornate shopfront; not original but contains all the elements of traditional shopfront design.

STREETSCAPE

- 1.33 Within **Conservation Areas** the retention of traditional street furniture, traditional design features and traditional natural surfacing materials will be encouraged as part of any new development or work to streetscape. Within **Secondary Areas** street furniture may be of more modern design providing it is sympathetic to the surrounding townscape and surfacing materials may be man made (ie. concrete, aggregates etc) providing they relate well in terms of texture, colour and scale to the surrounding townscape and streetscape. Street furniture and other fixed elements within the street should be carefully sited to reduce clutter and to minimise risk to disabled people including the visually impaired. New trees should be adequately prepared, protected against vandalism and root damage and located away from drains and buildings.

DESIGN GUIDELINES APPLICABLE TO AREAS OUTWITH CONSERVATION AREAS AND SECONDARY AREAS

- 1.34 In areas outwith **Conservation Areas** and **Secondary Areas** more innovative design will generally be acceptable although in terms of alterations to both townscape and streetscape although, with regard to the former, in all cases the height of new buildings should be the same height or not less or not more than one storey difference to that of the adjoining building.

- 1.35 The same design guidelines which apply to **Conservation Areas** and **Secondary Areas** will apply in areas outwith these zones where proposals for alterations to streetscape or townscape are adjacent to Listed Buildings or other buildings of townscape importance.

27 June 2002

CENTRALAW\FPCALP.DOC)

Proposed Plan 2012

3 Policies

3.8 The Historic Environment

3.8.1

The Historic Environment is an important part of Perth and Kinross's cultural heritage; it helps to enhance the local distinctiveness of the area; and contributes towards the achievement of sustainable economic growth by playing a key role in supporting the growth of the area's tourism and leisure industry.

3.8.2

SPP identifies the historic environment as including ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and designed landscapes and other features of both a statutory and non-statutory designation. The SPP comments that planning authorities can help safeguard historic assets through the land use planning system, and continues that development plans should provide the necessary framework for the protection, conservation and enhancement of all elements of the historic environment.

3.8.3

The following section sets out the historic environment policy framework for Perth and Kinross, in line with the SPP and Scottish Historic Environment Policy (SHEP).

3.8.4

Policy HE1: Scheduled Monuments and Non-Designated Archaeology

Policy HE1: Scheduled Monuments and Non-Designated Archaeology
<p>Policy HE1A: Scheduled Monuments There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.</p> <p>Policy HE1B: Non-Designated Archaeology The Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.</p> <p>If discoveries are made during any development, work should be suspended, the local planning authority should be informed immediately and mitigation measures should be agreed.</p>

3.8.5

Policy HE2: Listed Buildings

Policy HE2: Listed Buildings
<p>There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely</p>

Encouragement will be given to proposals to improve the energy efficiency of listed buildings within Perth and Kinross, providing such improvements do not impact detrimentally on the special interest of the building.

The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

3.8.6

Policy HE3: Conservation Areas

Policy HE3: Conservation Areas

Policy HE3A: New Development

There is a presumption in favour of development within a Conservation Area that preserves or enhances its character or appearance. The design, materials, scale and siting of 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 for the area, the details contained in that appraisal should be used to guide the form and design of new development proposals.

Applications for Planning Permission in Principle in Conservation Areas will not be considered acceptable without detailed plans, including elevations, which show the development in its setting.

</br>

Policy HE3B: Demolition within Conservation Areas

When assessing applications for the demolition of unlisted buildings in Conservation Areas, the Council will give careful consideration to the merits of the building and its contribution to the character and appearance of the Conservation Area. Where a building is considered to be of value, either in itself or as part of a group, there will be a presumption in favour of its retention, restoration for the current or another appropriate use.

In those exceptional circumstances where demolition is considered acceptable and is to be followed by the redevelopment of the site, the application for proposed demolition should be accompanied by a detailed application for the replacement development. This is to allow for their consideration in parallel, and to ensure that the replacement scheme will enhance or preserve the character of the area and avoid the formation of gap sites.

</br>

Note: The Council has produced a series of Conservation Area Appraisals for a number of the Conservation Areas within Perth and Kinross. These Appraisals serve as Supplementary Guidance to the Plan, and will assist decision-making in development management.

3.8.7

Policy HE4: Gardens and Designed Landscapes

Policy HE4: Gardens and Designed Landscapes

The Council will seek to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes.

3.8.8

Policy HE5: Protection, Promotion and Interpretation of Historic Battlefields

Policy HE5: Protection, Promotion and Interpretation of Historic Battlefields

The Council will seek to protect those battlefields listed on the Inventory of Historic Battlefields.

The Council encourages the creation of a Conservation Plan for historic battlefield sites as a means of developing an overall vision and strategy for protecting, conserving and enhancing public awareness of battlefields through a partnership approach.

**Review of Application 11/02020/FLL
Replacement of dwellinghouse at 31 – 33 Kings Street, Perth.**

The proposal was designed to have regard to the characteristics of this part of the Perth Central Conservation Area and the following photographs taken within the immediate area surrounding the application site and illustrate the characteristics which are featured in the proposed dwelling.

Roofscapes



Doors



Windows & Stonework



9th January 2012

Mr David Niven,
Planning Officer,
The Environment Service,
Perth & Kinross Council,
Pullar House,
35 Kinnoull Street,
PERTH
PH1 5GD

Dear David,

Proposed Replacement House & Garage at 31/33 King Street, Perth. For Mr & Mrs D. Donaldson.

I would be most grateful if you could let me know the up to date position with the pending application for Planning Permission for the above proposal. As you know the previous application was withdrawn and the plans were completely redrawn, taking on board the advice of Mr Gary Dimeck, the Planning Officer, and Ms Vivienne Whyte, the Conservation Officer, and the new pending application was submitted on 29th November 2011.

If there is anything you are unhappy with, with regard to the present pending application for Planning Permission I would be grateful if you could let me know anything causing concern to you. My clients are willing to compromise and change things if required. If you don't like the portico at the front of the proposed house this could be removed and also if the wall finish of the house is unsatisfactory then perhaps a traditional wet dash roughcast could be proposed, either unpainted or painted.

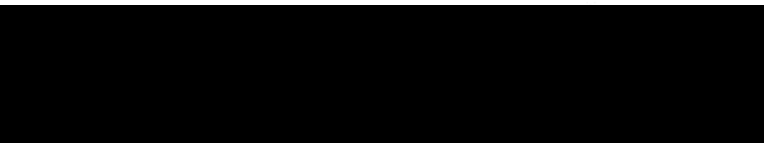
I would be grateful if you could come back to me regarding this. I confirm I can meet you in your office in Pullar House if this would be helpful.

My client is disabled and wishes to build this replacement house and garage for their residence during their retirement years. The house will have a wheelchair ramp, a disablement ground floor and first floor bathroom and either a stair lift or an internal wheelchair lift might be incorporated.

Please do not refuse this application, as my clients are willing to fine tune the plans and incorporate any recommendations you think yourself to be appropriate.

I look forward to hearing from you regarding the application.

Yours faithfully,



R. Crerar

C.C. Mr & Mrs D. Donaldson

29th November 2011

The Environment Service,
Development Control,
Perth & Kinross Council,
Pullar House,
35 Kinnoull Street,
PERTH
PH1 5GD

Dear Sir/Madam,

Proposed Replacement House & Garage at 31/33 King Street, Perth. For Mr & Mrs D. Donaldson.

As a result of a meeting in the Council Offices with Mr Gary Dimeck, the Planning Officer, Ms Vivienne Whyte, the Conservation Officer and Mr David Donaldson, I wish to withdraw the present application for Planning Permission for the above project (reference – 11/00734/FLL) and the application also for Conservation Area Consent (reference – 11/01019/CON), as advised by Mr Gary Dimeck.

To compensate for the above 2 applications now to be withdrawn I now enclose a fresh reapplication for Planning Permission and also for Conservation Area Consent. At the meeting held on 21st July 2011 Mr Gary Dimeck confirmed that he has no objection in principal to the existing house and garage being replaced with a new house and a new garage, but confirmed the replacement house and garage would need to be of a very high standard in construction and design.

My client has taken on board the advice of the Planning Officer regarding the house design and the enclosed replacement house is a special house with I feel a good design and using very special materials.

The enclosed new applications are for the demolition of the existing house and the existing garage at the property and the erection of a replacement house and also a replacement garage is the same footprint as the existing house and the existing garage.

It is proposed that the existing house will be removed but the gable of the existing house next to the dental surgery at 4 King Street will be taken down to approximately a height of 3m and a cope fitted along the top of the gable wall, which would remain in place. The proposed replacement house would be kept back 1000mm from the part of the gable wall being retained as a footpath. The proposed replacement house would be more or less on the same footprint as the existing house.

The proposed garage in the rear corner of the property is a derelict old timber garage and is also proposed to be replaced with an appropriate traditional garage, with a slate roof, on the same footprint.

I enclose 2 copies of a letter dated 22nd March 2011 from Mr Ian Sandeman, a Director with Millard Consulting, the engineers, relating to the existing house.

The proposed house is for Mr & Mrs Donaldson to live in for their retirement years.

2

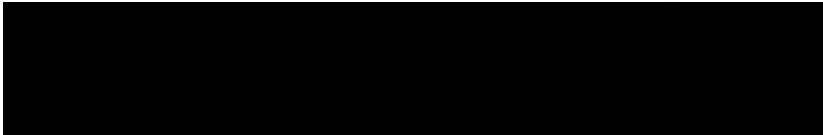
29th November 2011

The Environment Service

I have listed some items on a separate sheet relating to the design of the proposed house and garage, taking on board the recommendations of Mr Gary Dimeck, the Planning Officer.

I hope you will find all in order.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

R. Crerar

C.C. Mr & Mrs D. Donaldson

Proposed Replacement House & Garage at 31/33 King Street, Perth. For Mr & Mrs D. Donaldson.

Some points relating to the proposed replacement house and garage are as follows, after taking on board the recommendations of Mr Gary Dimeck, the Planning Officer, and Ms Vivienne Whyte, the Conservation Officer:

- (1) The ground floor ceiling height of the replacement house has been increased to 3000mm.
- (2) The proposed windows will be timber case and sash windows and the height of the windows has been increased.
- (3) A portico has been incorporated on the front elevation of the house.
- (4) The walls of the proposed house will be finished in bespoke cast stone, colour – bath, with the base course being thicker and chamfered in with a string course at first floor level (as advised).
- (5) The roof of the replacement house will be in matching slate, with a hipped end roof for the house and exposed rafter ends at the eaves.
- (6) The replacement garage is proposed to have a Garador Salisbury garage up and over door so Mr Donaldson can operate this door, as he is disabled. Hinged timber doors would not be appropriate, as Mr Donaldson would not be able to operate this style of door.
- (7) The hidden single storey rear kitchen extension at the proposed house would have a finish of good quality clay facing brick.



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MANAGEMENT
EXPERT EVIDENCE
TRANSPORTATION

Our Ref: AIS/AL/12014

22nd March 2011

Mr D Donaldson
D.M Contractors
The Fields
Collace
Perth
PH2 6JB

Dear Sir,

**31-33 KING STREET, PERTH
STRUCTURAL INSPECTION.**

We refer to your request for us to undertake a structural inspection of the above property. Our Mr I Sandeman visited the property on 4th March 2011 and carried out a visual inspection of the property without disturbing fittings and finishes.

Matters regarding rot or timber condition are out with the scope of this report and should be the subject of a separate report from a timber preservation specialist.

The property comprises of a stone built detached house with living accommodation extending to within the roof space.

Externally the front elevation is constructed in Random Rubble masonry which is severely weathered. A large crack was noted at the window lintel seating. The timber storm is in a very poor structural condition, the lower section of the box bays have been smooth rendered. The south gable is of masonry construction and is wet dash rendered. Large vertical cracks were noted, located centrally on this wall. The rear masonry wall has severe vertical and horizontal cracking, further cracking was noted around the window openings, slight bulging was noted at approximately first floor level. No access was gained to the north facing gable.

The roof is a mismatch of construction comprising traditional dormers, mansard and a flat roof felted dormer to the rear. The front section of the roof is in a poor structural condition with the roof slopes being non-planar with missing slates to both the dormers and main roof.

Internally, the timber ground and first floors span from front to rear. All walls are severely affected by damp. Within the Living Room the central load bearing partition wall is showing signs of subsidence with racking wallpaper and tears at the intersection with the north gable. A vertical crack was noted in the centre of the wall. The floor falls by approximately 20-25mm towards the central partition. The ceiling was severely cracked.

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T4 Millard Scotland Ltd trading as Millard Consulting



INVESTOR IN PEOPLE

The lounge has also suffered from subsidence, the centrally located partition dropped by approximately 30mm. The timber floor falls by 30mm towards the central partition, a large vertical crack and wall paper tears were noted at the corner of the partition wall. Diagonal cracking was noted in the partition wall adjacent to the hall. Horizontal cracking was noted to the cornice on the gable wall, vertical cracking was also noted at box bay corner.

Rear bedroom on the ground floor, the ceiling had collapsed and was badly affected by cracking. The central partition bulges severely, with the floor falling towards the hallway. The kitchen had a ceiling collapse of approximately 50%. The floor falls approximately 30mm.

Minor cracking to walls on the stairs and landings, was noted.

A further five bedrooms and one bathroom are located on the upper floor. All the timber floors show signs of falls towards the centre of the property by approximately 20-30mm with cracking noted throughout.

Conclusion & Recommendations

The property has suffered a substantial amount of differential movement most notably within the central partition and rear walls. The amount of movement suffered is consistent with buildings of a similar age and construction in central Perth and is probably due to inadequate foundations on poor ground.

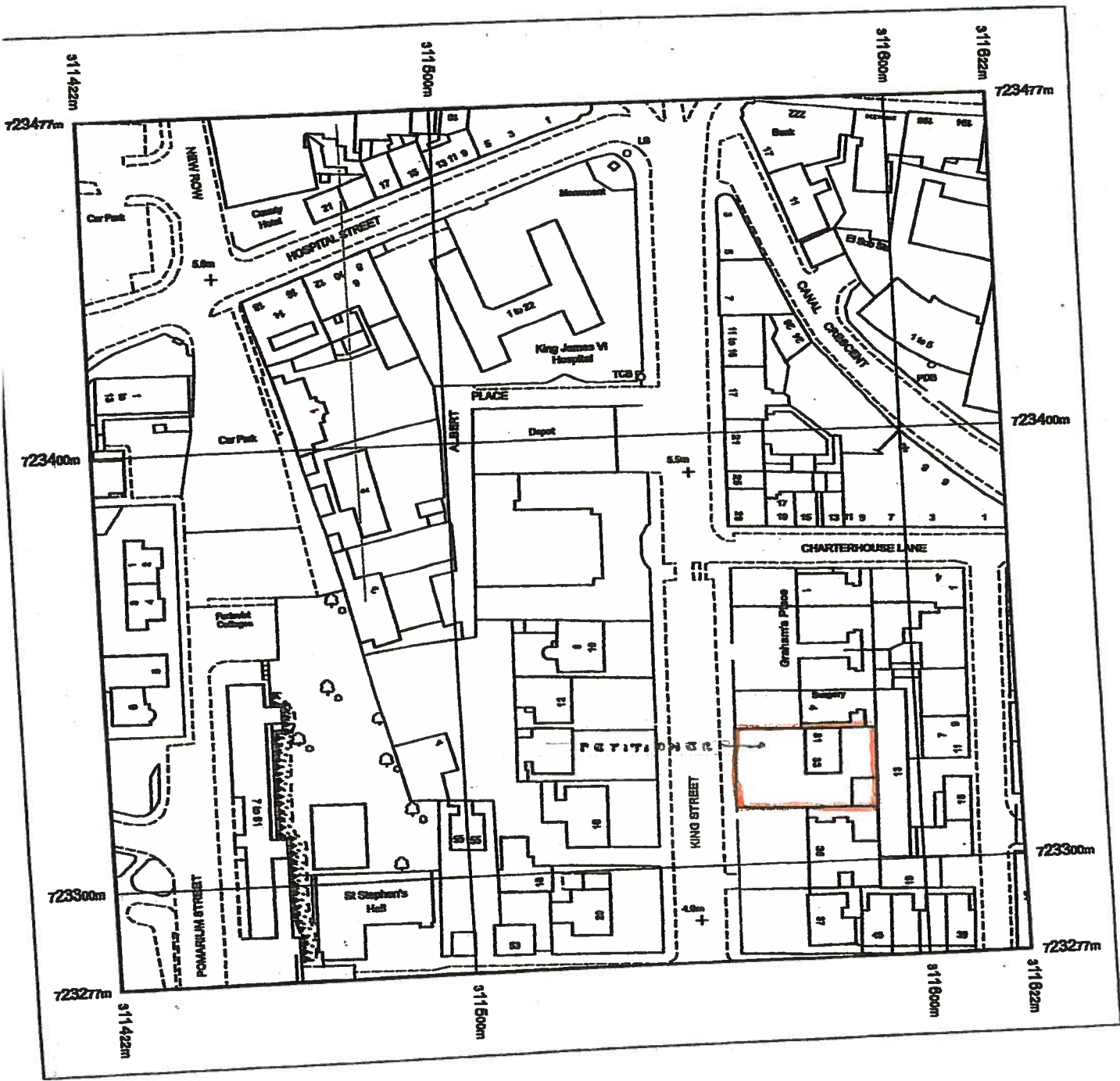
Most of the movement may have occurred early in the life of the building but the rucking and tears in the wallpaper indicate that there has been some on-going movement. We would recommend that in order to provide adequate foundations, that underpinning works be undertaken. To undertake this exercise to all walls and to undertake remedial/maintenance works may prove uneconomically viable.

We trust the above is satisfactory for your present requirements. Please let us know if you require any further assistance.

Yours faithfully,



Ian Sandeman
Director



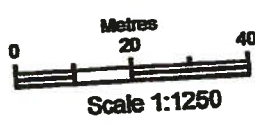
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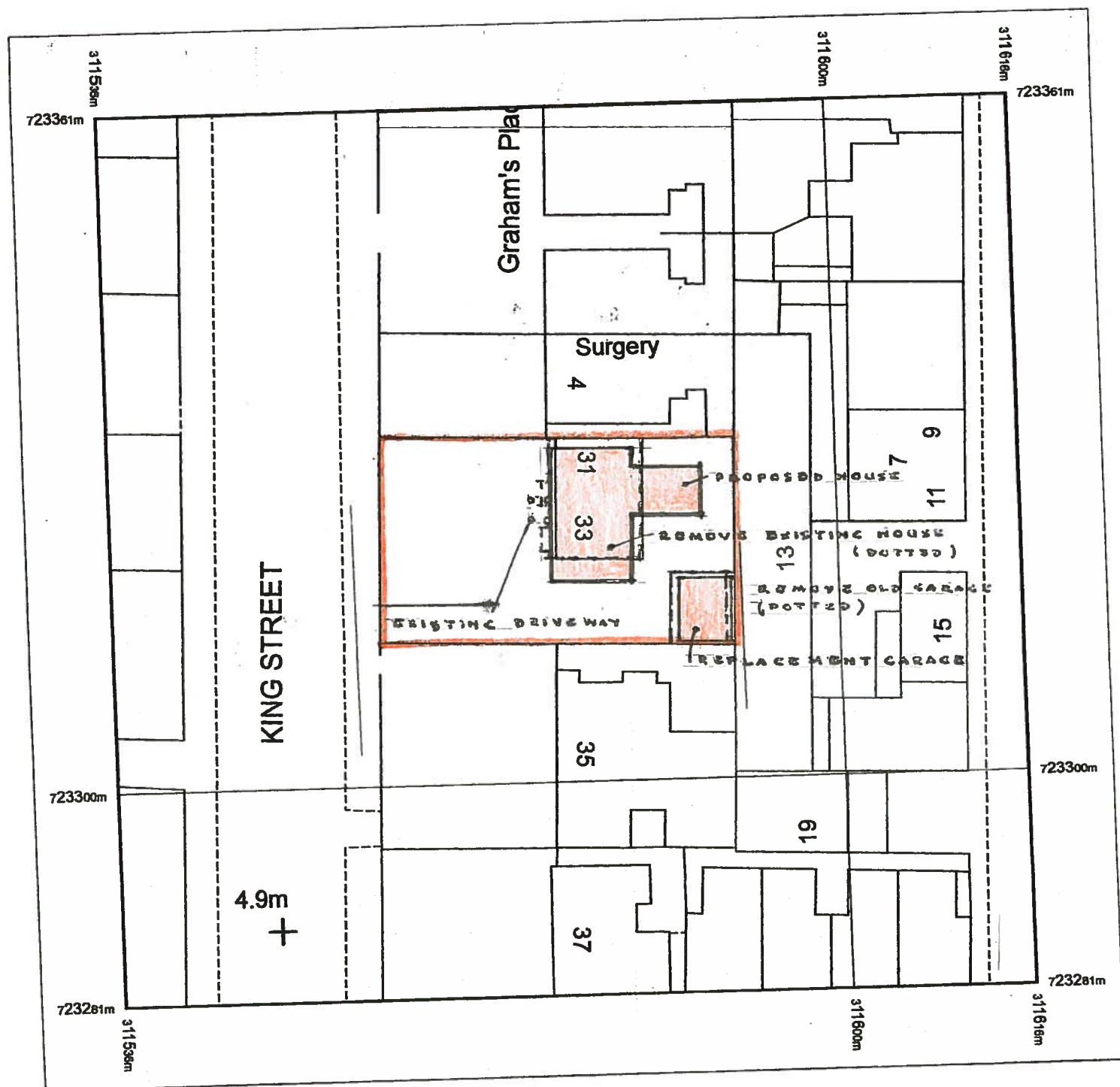
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The representation of features as lines is no evidence of a property boundary.



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Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site:
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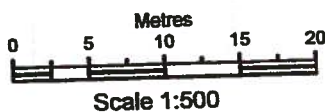
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APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR & MRS	Ref No.	
Forename	D.	Forename	P.
Surname	DOUGLAS SMITH	Surname	CARRAE
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1	THE FIELDS	Address Line 1	THE SQUARE
Address Line 2	COULAGEE	Address Line 2	HERSCHEW
Town/City	PERTHSHIRE	Town/City	PERTHSHIRE
Postcode	PH2 4JB	Postcode	PH3 3PF
Telephone		Telephone	01738 840224
Mobile		Mobile	
Fax		Fax	01738 840224
Email		Email	
3. Postal Address or Location of Proposed Development (please include postcode)			
31/33 KING STREET, PERTH PH2 8JA			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application What is the application for? Please select one of the following:			
Planning Permission		<input checked="" type="checkbox"/>	
Planning Permission in Principle		<input type="checkbox"/>	
Further Application*		<input checked="" type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	11/06734/FUL	Date:	5.5.2011

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

PROPOSED REPLACEMENT HOUSE & GARAGE

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☒ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name:

GARY WINDLE

Date:

21.7.2011

Ref No.:

WINDLE HOUSE

(SEE LIST OF ITEMS AGREED)

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

574

8. Existing Use

Please describe the current or most recent use:

OLD HOUSE & GARAGE.

9. Access and Parking

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

Yes ☐ No ☒

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

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

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

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☐ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☐ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☐ No ☒

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

ONE REFURBISHED HOUSE

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

☒

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:

Name:

R. CARRAR

Date:

29.11.2011

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner 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 application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

[Redacted Signature]

On behalf of:

MR & MRS D. DONALDSON

Date:

29th NOVEMBER 2011

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

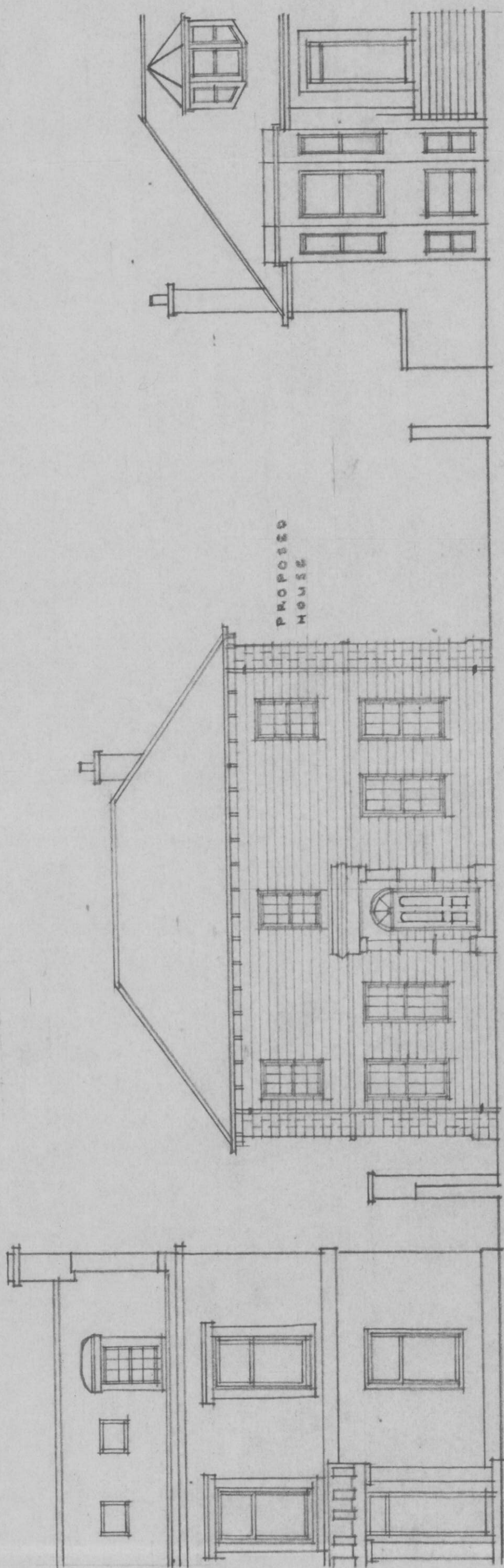
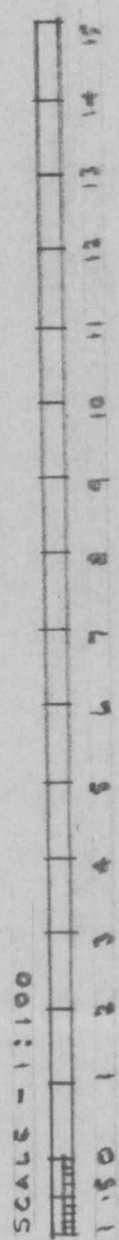
Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

PROPOSED REPLACEMENT HOUSE AT 31 33 KING STREET, PERTH

FOR MR & MRS D DONALDSON

1:100

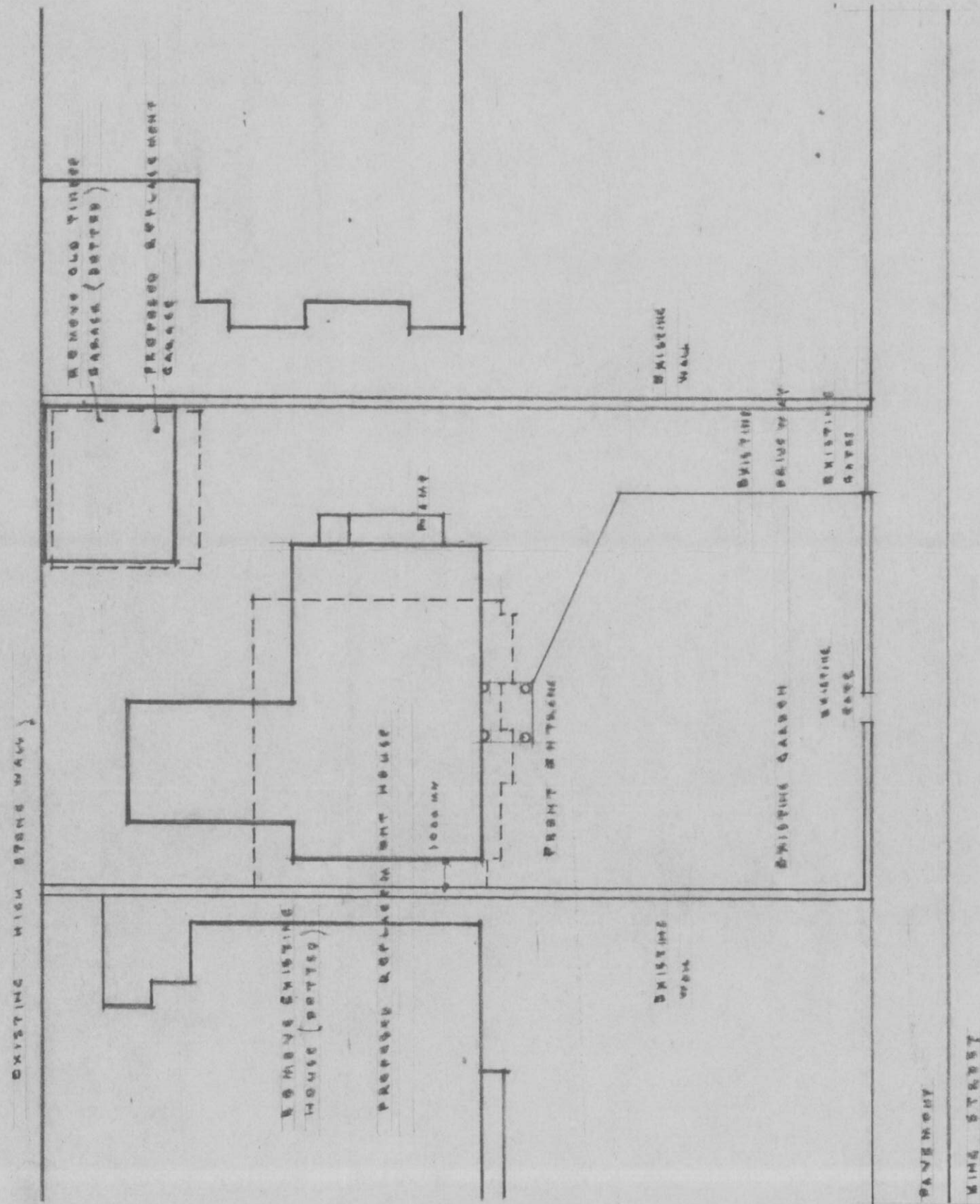
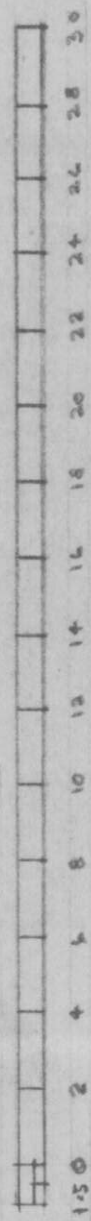


FRONT ELEVATION
(WEST)

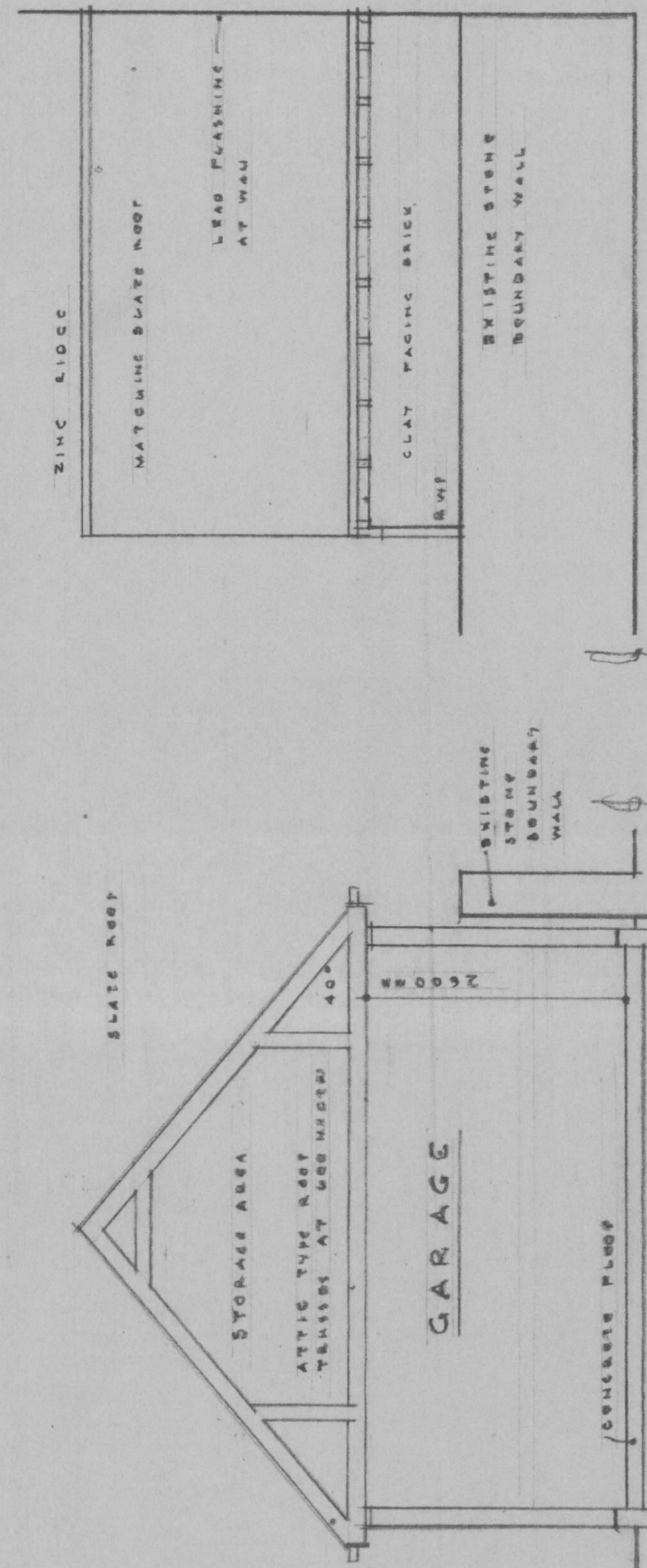
PROPOSED REPLACEMENT HOUSE & GARAGE AT

31/33 KING STREET, PERTH FOR MR & MRS D. DONALDSON

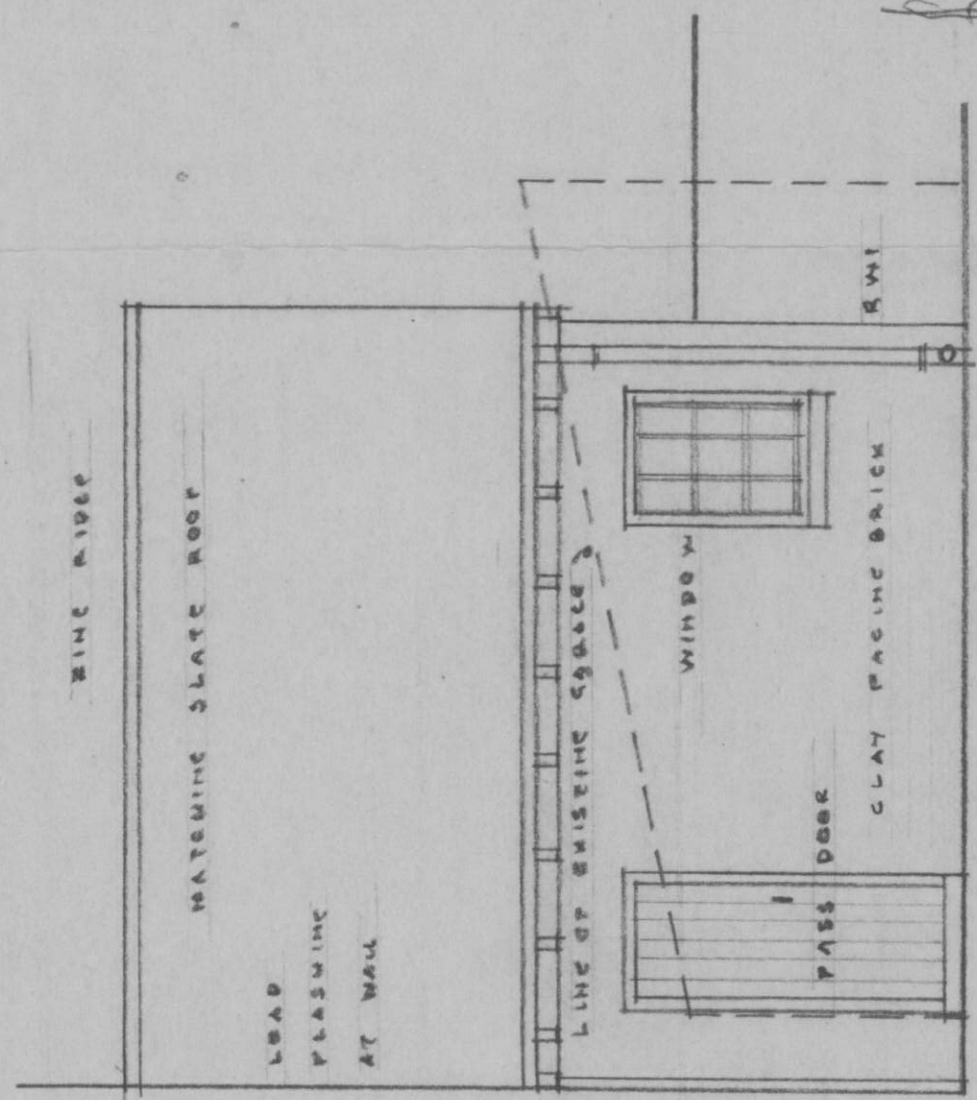
SCALE - 1:200



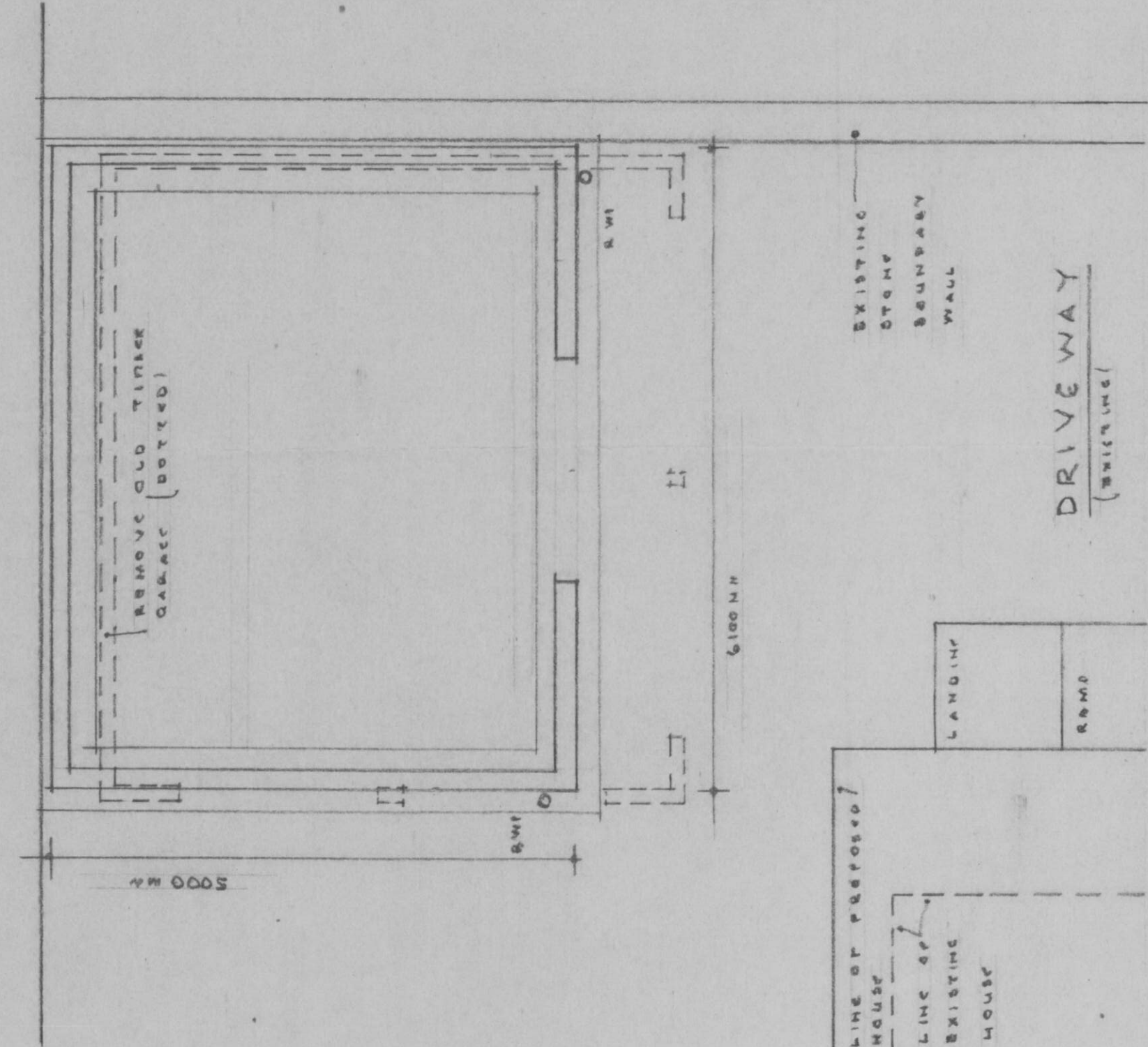
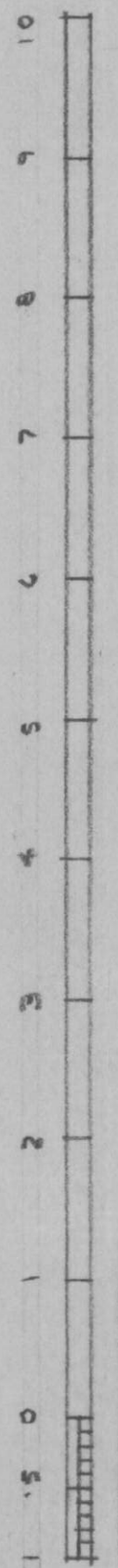
BLOCK PLAN - 1:200



FRONT ELEVATION
(WEST)



SIDE ELEVATION
(SOUTH)



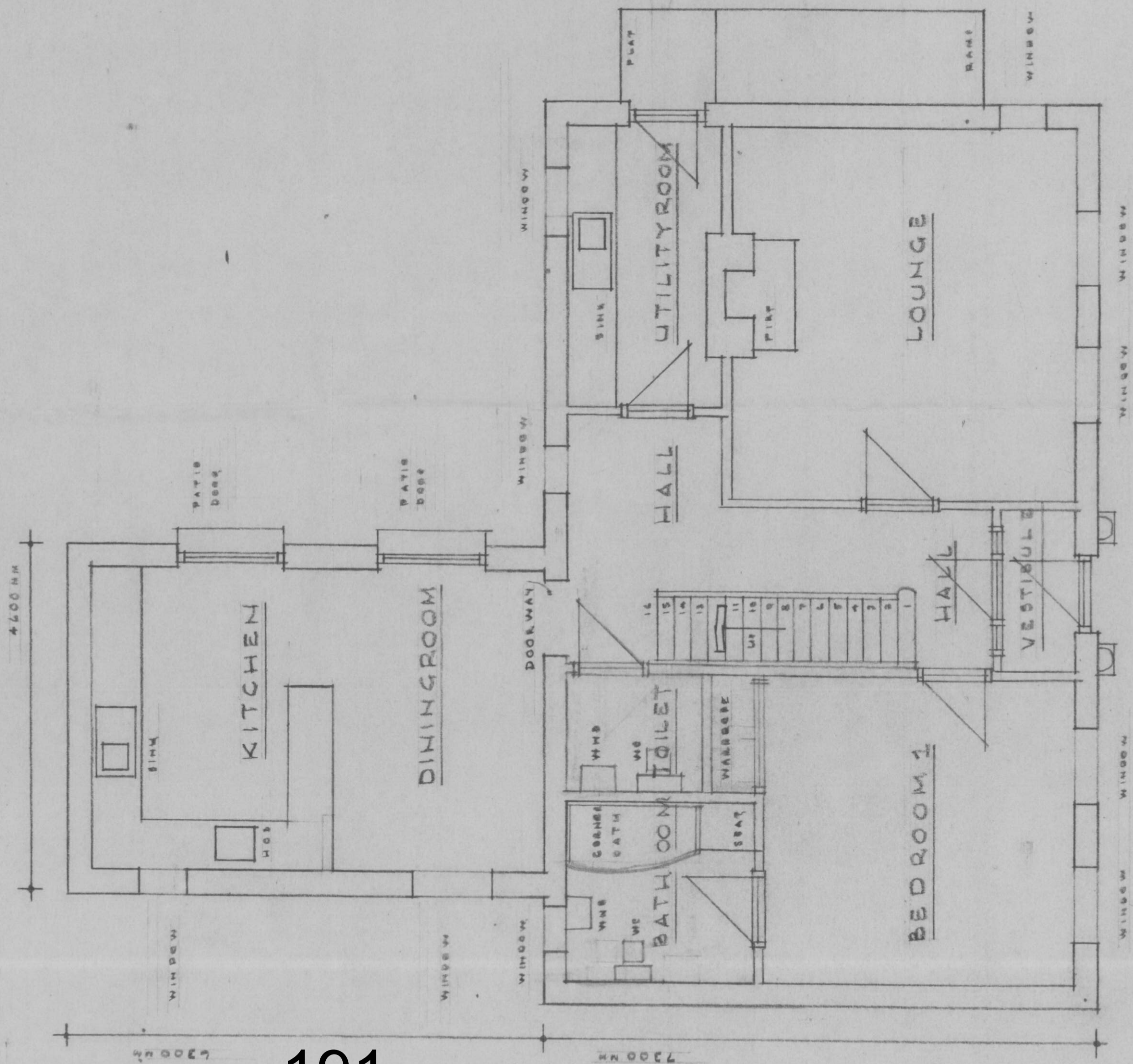
PROPOSED REPLACEMENT GARAGE
AT 31/33 KING STREET, PERTH
FOR MR & MRS. D. DONALDSON
1:50

PROPOSED REPLACEMENT HOUSE

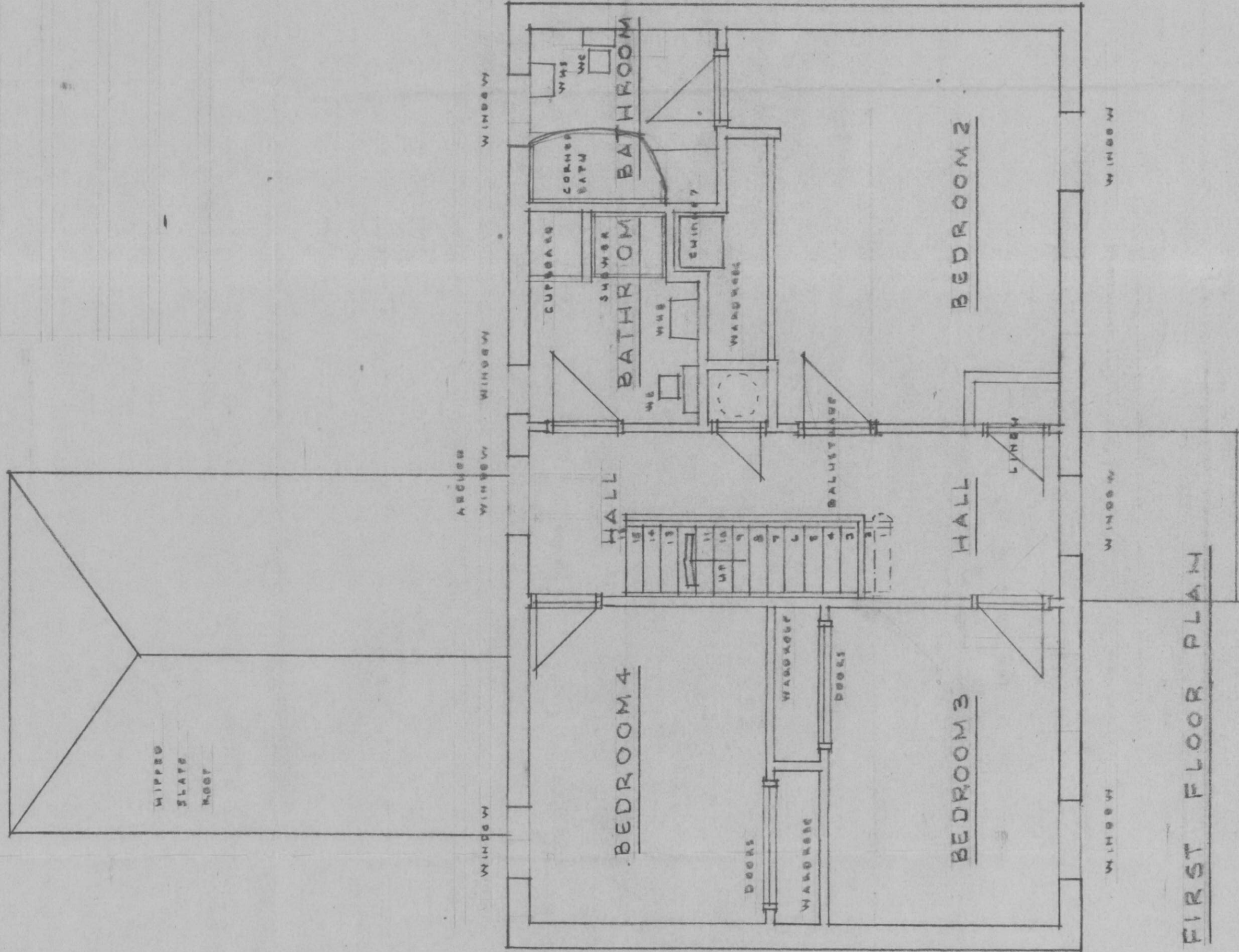
AT 31 33 KING STREET, PERTH

FOR MR & MRS D DONALDSON

1:50



PLAN



FIRST FLOOR PLAN

R CREAR

BUILDING CONSULTANT

THE SQUARE

METHVEN, PERTHSHIRE

TELEPHONE 01726 840324

<p>TCP/11/16(183) Planning Application 11/02020/FLL – Erection of a dwellinghouse and garage at 31-33 King Street, Perth, PH2 8JA</p>

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS (part included in applicant's submission, see pages 173, 175-180 and 187-191)

PERTH AND KINROSS COUNCIL

Mr And Mrs D Donaldson
c/o R Crerar
The Square
Methven
Perthshire
PH1 3PE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 30th January 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **11/02020/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 November 2011 for permission for **Erection of a dwellinghouse and garage 31-33 King Street Perth PH2 8JA** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposed development will have an adverse impact on the character and setting of nearby listed buildings and detract from the character and appearance of the Perth Central Conservation Area. The proposal does not therefore accord with Policy 14 of the Perth Central Area Local Plan 1997.
2. The proposed development is contrary to Policy HE3 of the draft Perth and Kinross Local Development Plan as the proposals will have an adverse impact on the character and appearance of the Perth Central Conservation Area.
3. Approval would be contrary to the Planning Authority's statutory duties in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the character of Listed Buildings (Section 14(2)) and to Historic Scotland's 'Appendix 1 Guidelines for the Detailed Consideration of Listed Building and Conservation Area Consent Cases'.

4. Approval would be contrary to the Perth and Kinross Structure Plan, Environment and Resources Policy 8 that 'new development which would adversely affect Listed Buildings, Conservation Areas, ... or their setting will not be permitted unless there is a proven public interest ...'
5. The proposal does not accord with the advice in paragraph 2.44 of Historic Scotland's Scottish Historic Environment Policy (SHEP) October 2008. This states that the planning authority and any other authority concerned, including Scottish Ministers, must pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation.

Justification

The application fails to comply with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the policies of the development plan and supplementary planning guidance.

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

11/02020/1

11/02020/2

11/02020/3

11/02020/4

11/02020/5

11/02020/6

11/02020/7

11/02020/8

11/02020/9

11/02020/10

11/02020/11

REPORT OF HANDLING

DELEGATED REPORT

Ref No	11/02020/FLL
Ward No	N12

PROPOSAL: Erection of a dwellinghouse and garage

LOCATION: 31-33 King Street Perth PH2 8JA

APPLICANT: Mr And Mrs D Donaldson

RECOMMENDATION: refuse the application

SITE INSPECTION: 12 December 2011

OFFICERS REPORT:

Site Description

This application relates to the detached 19th century single storey dwelling at 31-33 King Street, Perth. The site falls within the Perth Central Conservation Area and is surrounded by listed buildings of architectural merit. However the existing dwellinghouse is itself unlisted, perhaps due to the later additions and alterations which have compromised the original character of the stone built dwelling, particularly to the rear which exhibits a large two storey flat roof extension. To the rear of the house there is a large timber lean-to garage structure that appears to be in a poor state of repair. Access to the site is taken via a driveway access onto King Street.

Planning History

The applicant has previously sought planning permission for the erection of a mock Georgian block of flats within the site (Planning Ref: 06/00581/FLL & 06/00582/CON). This proposed development was refused consent by the Development Control Committee largely on the basis of the potential impact on the character of the Conservation Area and setting of neighbouring listed buildings.

More recently the applicant submitted new proposals to demolish the existing house and erect a two storey mock Georgian dwellinghouse (Planning Ref: 11/00734/FLL & 11/01019/CON). The quality of design and finish of this proposed house was considered to be inappropriate and the applicant was advised re-assess the general design of the proposals in order to better reflect the quality of architecture within the conservation area. The applicant subsequently withdrew the applications.

Proposals

The applicant has resubmitted proposals of the erection of a replacement dwellinghouse and garage within the site. The proposed house is similar in scale and design, with the exception of some relatively minor alterations to the exterior finish and window details. The proposed replacement garage is a single storey pitched structure finished in clay facing brick and slate roof tiles.

Assessment

The existing building dates originally from the earlier 19th century but has been heavily altered and extended, to the detriment of its character. The structural report also shows it to be in relatively poor condition, requiring expensive remedial works. It is therefore considered that in principle the demolition of the existing house would be acceptable provided that the replacement house is of an appropriate standard of design.

Despite the applicants attempts to more closely mimic the neighbouring listed buildings, the general scale and design remains very similar. The supporting information provided with the application also does not constitute a proper design report but simply details the superficial materials and details to be applied. As previously advised, a much more thorough analysis of the context and explanation of the rationale behind the design approach is required to demonstrate that the design is of appropriate quality for the location.

In any case, as with the previous application the basic structure appears to be a generic box, designed in a utilitarian way around the internal spaces rather than genuinely being a response to its context. It does not relate to the scale or grain of its surroundings in any meaningful way. The proposed reconstituted Bath stone cladding (a limestone) is completely inappropriate for the character of the site. A stick-on portico cannot make this structure relate satisfactorily to the neighbouring examples of classical architecture. Furthermore the position of the windows and the portico appear rather haphazard, creating an uncomfortable poorly balanced front elevation.

Conclusion

Whilst the applicant has made some limited alterations to the design and finish of the building they have still failed to demonstrate the rationale for the design and it is also considered that the general design remains inappropriate given the sensitive location of the site. This application is therefore recommended for refusal.

DEVELOPMENT PLAN

The strategic issue of relevance raised by the Perth and Kinross Structure Plan, 2003 is:

- **Environment and Resources Policy 8**

New developments which would adversely affect Listed Buildings, Conservation Areas ... 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 principal policies of relevance which are found in the Perth Central Area Local Plan, 1997 are:

- The site lies within an area designated for residential uses where the Council will resist the loss of property currently used for housing and will support applications for new residential uses, provided amenity is not affected by adjoining land uses. (Policies 1-3 & 43-44).

- The Council requires appropriate provision of off-street parking for all new-build housing (Policy 31)
- Design guidance for development in a Conservation Area (Policy 54 and Annex 1).
- Preference will be given to the adaption and extension of existing buildings in a sympathetic manner rather than redevelopment (Policy 12)
- Policy 14 requires the Council to make use of its powers under the Town and Country Planning (Scotland) Act, 1997 to protect listed buildings and their setting.
- Policy 54 states that proposals for new buildings, changes to the appearance of existing buildings and, where appropriate, demolition of buildings will be assessed having regard to the design guidelines applicable to Conservation Areas (Annex 1).
- The design guidelines in Annex 1 encourages, in terms of wall finishes, the use of stone, reconstructed stone, faced concrete block, stucco and wetdash roughcast (in certain areas). In all cases the choice of finishes must relate to the immediate surroundings.

The Draft Perth and Kinross Local Development Plan is a material consideration in the assessment of this application. The principle policies of relevance are:

Policy HE3: Conservation Areas

- **Policy HE3A: New Development**

There is a presumption in favour of development within a Conservation Area that preserves or enhances its character or appearance. The design, materials, scale and siting of 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 for the area, the details contained in that appraisal should be used to guide the form and design of new development proposals.

Applications for Planning Permission in Principle in Conservation Areas will not be considered acceptable without detailed plans, including elevations, which show the development in its setting.

- **Policy HE3B: Demolition within Conservation Areas**

When assessing applications for the demolition of unlisted buildings in Conservation Areas, the Council will give careful consideration to the merits of the building and its contribution to the character and appearance of the Conservation Area. Where a building is considered to be of value, either in itself or as part of a group, there will be a presumption in favour of its retention, restoration for the current or another appropriate use.

In those exceptional circumstances where demolition is considered acceptable and is to be followed by the redevelopment of the site, the application for proposed demolition should be accompanied by a detailed application for the replacement development. This is to allow for their consideration in parallel, and to ensure that the replacement scheme will enhance or preserve the character of the area and avoid the formation of gap sites.

OTHER POLICIES

Relevant advice from central government is contained in Historic Scotland's Scottish Historic Environment Policy (SHEP) October 2008. In particular, paragraph 3.59 states that in instances where demolition is to be followed by re-development of the site, consent to demolish should only be granted where there are acceptable proposals for the new building.

In addition, the Council is under a legal responsibility to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of the Conservation Area and to have 'special regard' to the desirability of protecting the setting of listed buildings (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997).

SITE HISTORY

03/01456/PPCA Demolition of existing dwellinghouse and erection of 5 new flats at 24.03.2005 – REFUSED

98/01632/FUL Removal of existing garage and erection of new garage to rear and sunlounge at 27.01.1999 – REFUSED

99/00462/FUL Erection of garage and sun lounge extension to house at 25.08.1999 – APPROVED

06/00141/FUL Change of use of 8 apartment dwellinghouse to an 8 apartment house in multiple occupancy 13.03.2006 – APPROVED

06/00581/FUL Demolition of existing building and erection of 5 flats 21.06.2006 – REFUSED

06/00582/CON Demolition of existing dwellinghouse 21.06.2006 – REFUSED

06/00687/FUL Extension to house to form sun lounge 18.07.2006 – REFUSED

11/00734/FLL Erection of replacement dwellinghouse and garage 07.12.2011 – WITHDRAWN

11/01019/CON Demolition of dwellinghouse and garage 07.12.2011 – WITHDRAWN

11/02021/CON Demolition of dwellinghouse – REFUSED

CONSULTATIONS/COMMENTS

Conservation Team

Object to proposals – see memo

Education And Children's Services

No education contribution required

Transport Planning

No objection subject to conditions

Perth And Kinross Area Archaeologist

Advise that the site lies within an area of archaeological potential. Therefore request that any approval is subject to a condition regarding the implementation of an archaeological watching brief.

TARGET DATE: 30 January 2012

REPRESENTATIONS RECEIVED:

Number Received: 1

Summary of issues raised by objectors:

One letter of objection received from the Architectural Heritage Society. The grounds of objection can be summarised as follows:

- Poor design
- Impact on character of conservation area
- Insufficient justification for demolition of existing house
- Renovation/alteration preferable option
- Loss of existing substantial tree

Response to issues raised by objectors:

See report

Additional Statements Received:

Environment Statement n/a

Screening Opinion n/a

Environmental Impact Assessment n/a

Appropriate Assessment n/a

Design Statement or Design and Access Statement No

Report on Impact or Potential Impact eg Flood Risk Assessment n/a

Legal Agreement Required:

No

Direction by Scottish Ministers

None

Reasons:-

- 1 The proposal development will have an adverse impact on the character and setting of nearby listed buildings and detract from the character and appearance of the Perth Central Conservation Area. The proposal does not therefore accord with Policy 14 of the Perth Central Area Local Plan 1997.
- 2 The proposed development is contrary to the Policy HE3 of the draft Perth and Kinross Local Development Plan as the proposals will have an adverse impact on the character and appearance of the Perth Central Conservation Area.
- 3 Approval would be contrary to the Planning Authority's statutory duties in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the character of Listed Buildings (Section 14(2)) and to Historic Scotland's 'Appendix 1 Guidelines for the Detailed Consideration of Listed Building and Conservation Area Consent Cases'.
- 4 Approval would be contrary to the Perth and Kinross Structure Plan, Environment and Resources Policy 8 that 'new development which would adversely affect Listed Buildings, Conservation Areas, ... or their setting will not be permitted unless there is a proven public interest ...'
- 5 The proposal does not accord with the advice in paragraph 2.44 of Historic Scotland's Scottish Historic Environment Policy (SHEP) October 2008. This states that the planning authority and any other authority concerned, including Scottish Ministers, must pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation.

Justification

- 1 The application fails to comply with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the policies of the development plan and supplementary planning guidance.

STANDARD PORTICO KITS

Forticrete can offer six standard Porticos; these are in three widths as shown in the table. Porticos 1 to 3 are without balustrades. It is only necessary for you to specify:

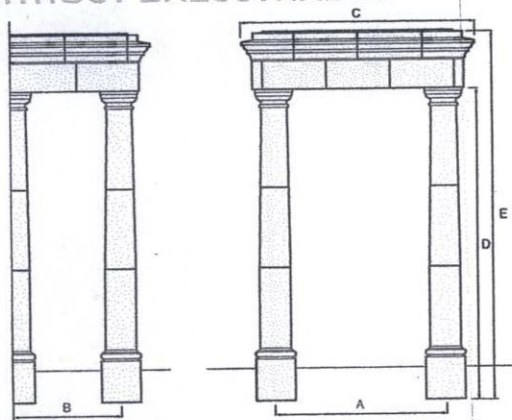
1. Portico number (type)
2. Dimension 'D'
3. The colour

The portico will be supplied shrink-wrapped on pallets and will contain all the necessary components. A full set of constructional and component drawings will be provided on receipt of your order.

The inside face of the structural ring beam has a series of threaded sockets along its length allowing you to install your own choice of decking or roof to the enclosed portico area.

All Portico kits allow for side wheelchair access.

PORTICO 1, 2, 3 WITHOUT BALUSTRADES

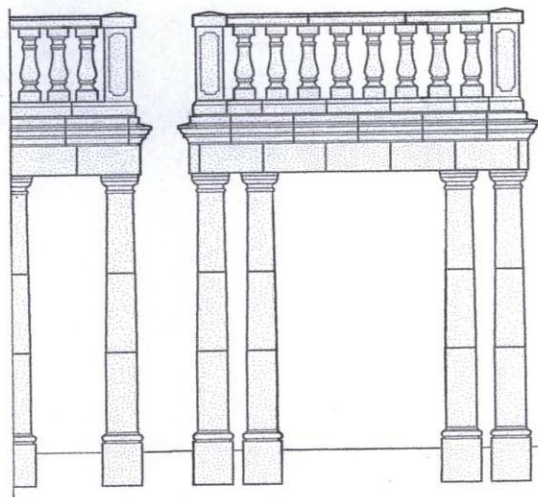


PORTICO KITS

Type Ref.	A	B	C	D (Max)	E (Max)
PORTICO KIT 1w	1730	1735	2390	3180	3855
PORTICO KIT 1w+HC	1730	1735	2390	3180	3855
PORTICO KIT 2w	2380	1735	3040	3180	3855
PORTICO KIT 2w+HC	2380	1735	3040	3180	3855
PORTICO KIT 3w	3030	1735	3690	3180	3855
PORTICO KIT 3w+HC	3030	1735	3690	3180	3855

NB Porticos 1 and 2 have 2 columns. Portico 3 has 4 columns.
 'w' Refers to wheelchair access. 'HC' refers to half columns.

PORTICO WITH BALUSTRADES



Please refer to Forticrete for advice



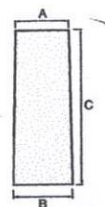
STANDARD COLUMN COMPONENTS

CAPITOL



Type Ref.	A	B	C	Kg Each
PO.3.1	382	280	180	36

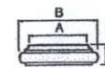
COLUMN



Type Ref.	A	B	C	Kg per L/M
PO.5.1	260	285	800	98
PO.5.2	285	310	800	117
PO.5.3	310	310	*	127

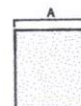
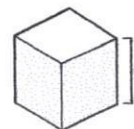
*Height can be adjusted from a maximum of 800mm

COLUMN BASE



Type Ref.	A	B	C	Kg Each
PO.4.1	310	400	100	22

PEDESTAL



Type Ref.	A	C	Kg Each
PO.4.2	400	*	148

*Height can be adjusted from a maximum of 440mm

PORTICOS

PERTH AND KINROSS COUNCIL

DRAWING REF: 11/02020/3

GARADOR

The Garage Door People

Salisbury

Choose
Your
Colour



White
Ral
9016



Brown
Ral
8028



Black
Ral
9005



Green
Ral
6005



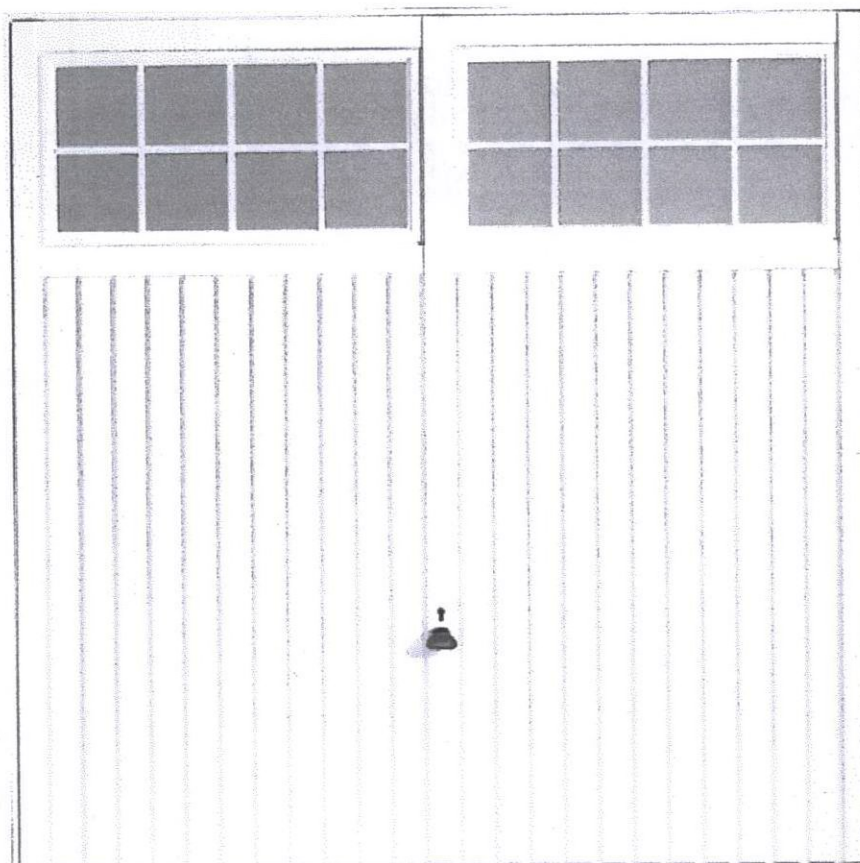
Blue
Ral
5005



Red
Ral
3003



**Dark
Blue**
Ral
5011



Click here to
see the
handle
options

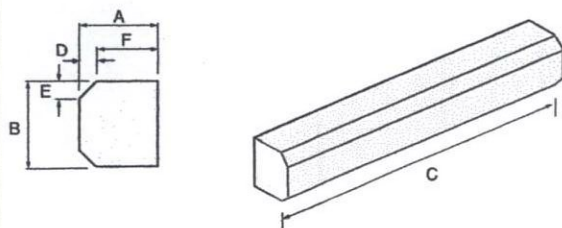


Standard Size Range (mm)
width 2134 - 2439; 4269
height 1931 - 2136 *In limited increments
Guarantee
10 Limited Ten Year Warranty
Auto-Operation
Yes

[Close Window]

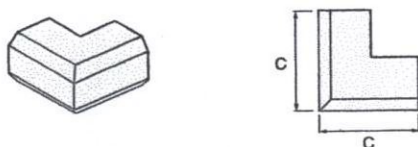
STRING COURSE

SC1



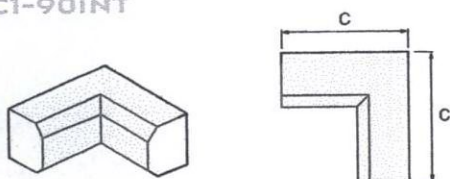
SC1 DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	E	F Weight (Kg)
SC1	130	140	890	30	30	100 32

SC1-90E



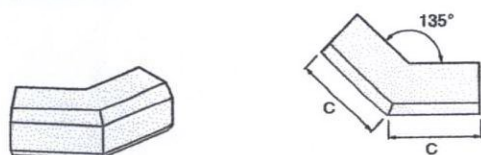
SC1-90E DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	E	F Weight (Kg)
SC1-90E	130	140	245	30	30	100 13

SC1-90INT



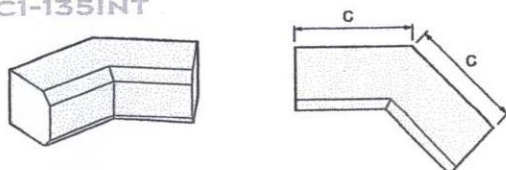
SC1-90INT DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	E	F Weight (Kg)
SC1-90INT	130	140	315	30	30	100 17

SC1-135E



SC1-135E DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	E	F Weight (Kg)
SC1-135E	130	140	227	30	30	100 14

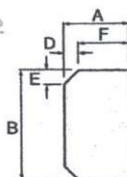
SC1-135INT



SC1-135INT DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	E	F Weight (Kg)
SC1-135INT	130	140	256	30	30	100 17

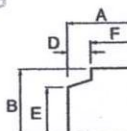


SC2



SC2 DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	E	F Weight (Kg)
SC2	130	215	440	30	30	100 25
SC2-90E	130	215	245	30	30	100 20
SC2-90INT	130	215	315	30	30	100 29
SC2-135E	130	215	227	30	30	100 23
SC2-135INT	130	215	256	30	30	100 26

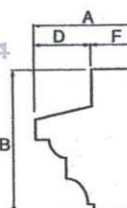
SC3



Profile applies to T1 & T11 cill units only (see page 6)

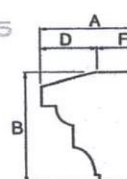
SC3 DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	E	F Weight (Kg)
SC3	150	140	890	50	105	100 37
SC3-90E	150	140	265	50	105	100 15
SC3-90INT	150	140	315	50	105	100 20
SC3-135E	150	140	236	50	105	100 17
SC3-135INT	150	140	256	50	105	100 19

SC4



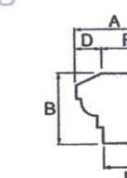
SC4 DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	F	Weight (Kg)
SC4	217	290	440	115	102	39
SC4-90E	217	290	330	115	102	34
SC4-90INT	217	290	318	115	102	42
SC4-135E	217	290	262	115	102	36
SC4-135INT	217	290	258	115	102	40

SC5



SC5 DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	F	Weight (Kg)
SC5	217	215	440	115	102	32
SC5-90E	217	215	330	115	102	28
SC5-90INT	217	215	318	115	102	34
SC5-135E	217	215	262	115	102	30
SC5-135INT	217	215	258	115	102	32

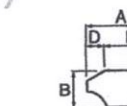
SC6



Can be used as label mould to window heads

SC6 DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	F	Weight (Kg)
SC6	157	140	890	55	102	34
SC6-90E	157	140	270	55	102	14
SC6-90INT	157	140	318	55	102	19
SC6-135E	157	140	238	55	102	15
SC6-135INT	157	140	258	55	102	18

SC7



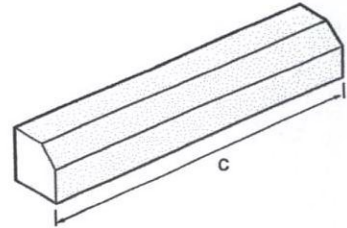
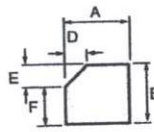
Can be used as label mould to window heads

SC7 DIMENSIONS & WEIGHTS						
Type Ref.	A	B	C	D	F	Weight (kg)
SC7	140	70	890	40	100	16
SC7-90E	140	70	255	40	100	6
SC7-90INT	140	70	315	40	100	9
SC7-135E	140	70	232	40	100	7
SC7-135INT	140	70	256	40	100	8

STRING COURSE

PLINTHS

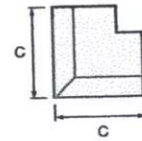
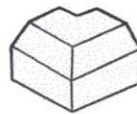
PL1



PL1 DIMENSIONS & WEIGHTS

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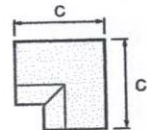
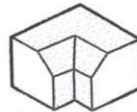
PL1-90E



PL1-90E DIMENSIONS & WEIGHTS

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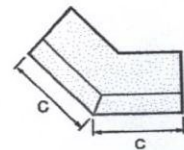
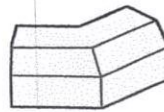
PL1-90INT



PL1-90INT DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	E	F	Weight (Kg)
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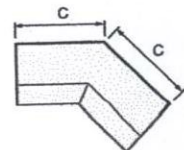
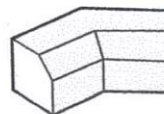
PL1-135E



PL1-135E DIMENSIONS & WEIGHTS

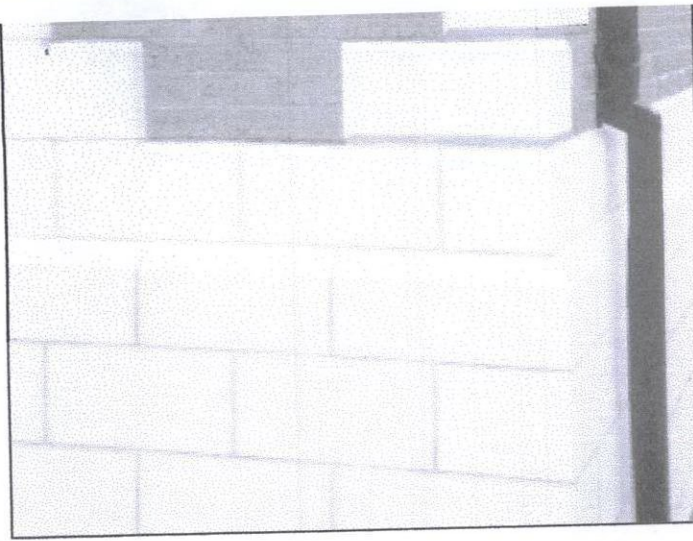
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PL1-135E	150	140	215	50	50	90	15

PL1-135INT

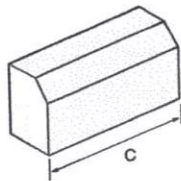
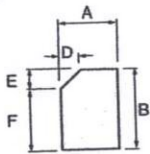


PL1-135INT DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	E	F	Weight (Kg)
PL1-135INT	150	140	215	50	50	90	15



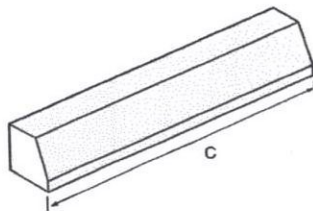
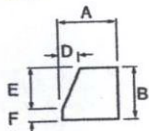
PL2



PL2 DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	E	F	Weight (Kg)
PL2	150	215	440	50	50	165	29
PL2-90E	150	215	215	50	50	165	18
PL2-90INT	150	215	215	50	50	165	24
PL2-135E	150	215	215	50	50	165	24
PL2-135INT	150	215	215	50	50	165	24

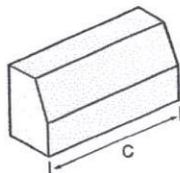
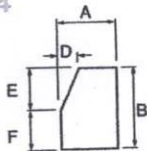
PL3



PL3 DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	E	F	Weight (Kg)
PL3	150	140	890	50	110	30	34
PL3-90E	150	140	215	50	110	30	11
PL3-90INT	150	140	215	50	110	30	11
PL3-135E	150	140	215	50	110	30	14
PL3-135INT	150	140	215	50	110	30	14

PL4



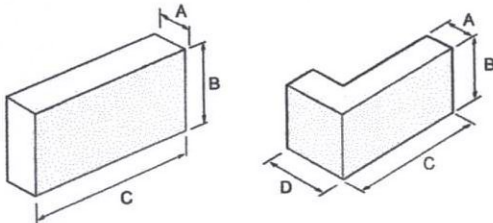
PL4 DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	E	F	Weight (Kg)
PL4	150	215	440	50	110	105	27
PL4-90E	150	215	215	50	110	105	18
PL4-90INT	150	215	215	50	110	105	23
PL4-135E	150	215	215	50	110	105	23
PL4-135INT	150	215	215	50	110	105	23

REGENCY™ ASHLAR & QUOINS

All quoins are externally faced. Please specify if internal quoins are required as an alternative. Some quoin units are handed. When ordering, please remember to specify the hand required.

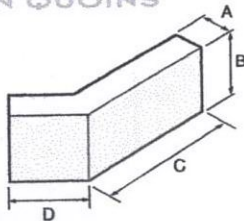
REGENCY ASHLAR & PLAIN QUOINS



REGENCY ASHLAR & PLAIN QUOINS
DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	Weight (Kg)
A1	100	215	440	-	20
A2	100	290	440	-	27
A3	150	215	440	-	30
A4	150	290	440	-	40
A5	100	140	440	-	13
A60	100	220	445	-	20
Q1	100	215	295	150	16
Q2	100	215	330	215	20
Q3	100	290	440	215	34
Q4	100	140	295	150	10
Q5	100	215	440	215	25
Q7	100	140	440	215	16
RQ5*	125	215	465	245	34
Q12	150	215	440	215	34
Q14	150	290	440	215	46
Q60-90	100	220	445	220	26

135° PLAIN QUOINS

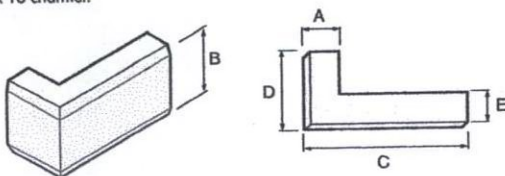


135° PLAIN QUOINS DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	Weight (Kg)
Q6	100	215	440	215	28
Q8	100	140	440	215	18
Q9	100	290	440	215	37
RQ6*	130	215	452	227	37
Q13	150	215	440	215	40
Q15	150	290	440	215	54
Q60-135	100	220	445	220	29

CHAMFERED QUOINS

18 x 18 chamfer.



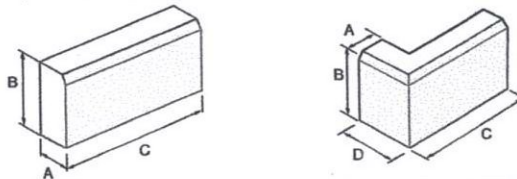
CHAMFERED QUOINS
DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	E	Weight (Kg)
Q11	118	215	348	233	100	24
Q21	118	290	458	233	100	41
RQ11*	143	215	373	258	125	32

* Quoins 130mm on bed for use in conjunction with render
† Denotes handed item left hand shown in all cases.



REGENCY ASHLAR CHAMFERED & 90° QUOINS 20 x 20 chamfer.

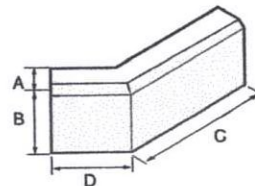


REGENCY ASHLAR CHAMFERED
& 90° QUOINS DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	Weight (Kg)
A1C	100	215	440	-	20
Q5C†	100	215	440	215	25

135° CHAMFERED QUOIN

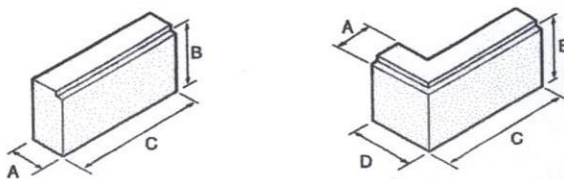
20 x 20 chamfer.



135° CHAMFERED QUOIN DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	Weight (Kg)
Q6C†	100	215	440	215	27

REGENCY ASHLAR REBATED & 90° QUOINS Rebate 20mm deep x 18mm high.

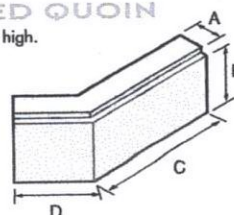


REGENCY ASHLAR REBATED & 90° QUOINS
DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	Weight (Kg)
A1R	100	215	440	-	20
Q5R†	100	215	440	215	25
A60R	100	220	445	-	20
Q60R-90†	100	220	445	220	25

135° REBATED QUOIN

Rebate 20mm deep x 18mm high.



135° REBATED QUOIN DIMENSIONS & WEIGHTS

Type Ref.	A	B	C	D	Weight (Kg)
Q6R†	100	215	440	215	27
Q60R-135†	100	220	445	220	28

QUOINS

COLOURS

BESPOKE CAST STONE DRESSINGS

This brochure details a comprehensive range of standard profiles. Additionally, in the majority of cases, Forticrete's skilled craftsmen can fulfil your design requirements for bespoke items and turn them into reality, the only limitation is that Forticrete must be able to de-mould and handle the units. The designs you have in mind may be inspired by classical architecture or more decorative styles. Unusual sizes, intricate or irregular shapes and precise matches for special colours, Forticrete's bespoke service offers you the maximum design freedom.

It's the ideal service whether you are including distinctive design touches in a new build project, blending seamlessly into a sensitive environment or undertaking restoration work.

Individual quotations for these items will be provided on receipt of instructions. In the rare instance that your bespoke designs are not achievable, Forticrete's experienced sales and technical team are able to suggest alternatives that will complement your original ideas.

When used in conjunction with a unique bespoke colour matching capability, Forticrete can fulfil your cast stone requirements irrespective of their complexity in colour and finish.

BESPOKE COLOURS

Forticrete has a library of over 400 Cast Stone colours that can be reproduced with accuracy at any time. Should you require a specific colour that is not in the catalogue, this can be provided at a supplementary cost.

ENGRAVING SERVICE

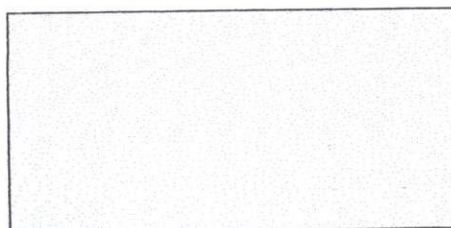
Communication is a key requirement in today's world. Forticrete can offer you engraved cast stone units, which could be simple name stones or logos, or a combination of both. This instantly differentiates your building, making it immediately recognisable and unique.

GENERAL NOTES

All dimensions shown in this brochure are in millimetres. Stone to stone joints are nominally 5mm unless otherwise stated.

No provision will be made for fixings unless they have been specified or are stated in this brochure.

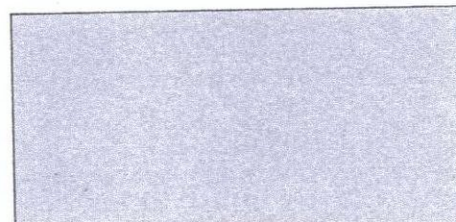
The reproduction of colour is as close as is possible within the photographic and printed processes. Where precise colour tolerances are vital, you are advised to view actual product samples.



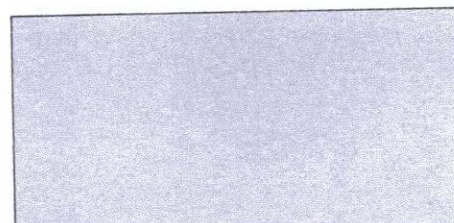
Portland



Bath



Buff



Holyrood



Glamis Red



Sherwood

STONE IN STOCK™

A number of standard items are available from stock in the Bath colour. There is separate literature which details them in full

*ms
Colon*

Ⓢ

TCP/11/16(183)

Planning Application 11/02020/FLL – Erection of a dwellinghouse and garage at 31-33 King Street, Perth, PH2 8JA

REPRESENTATIONS

- Representation from The Architectural Heritage Society of Scotland, dated 9 December 2011
- Representation from Perth and Kinross Heritage Trust, dated 19 December 2011
- Representation from Conservation Officer, dated 20 December 2011
- Representation from Transport Planning, dated 26 January 2012

Perth & Kinross Cases Panel
20 Perth Road
Milnathort
Kinross
KY13 9XU

14 DEC 2011

T: 01577 862 807
E: wbeaton@talktalk.net
W: www.ahss.org.uk



THE ARCHITECTURAL
HERITAGE SOCIETY
OF SCOTLAND

*For the study and
protection of Scottish
architecture*

email: wbeaton@talktalk.net
Telephone 01577 862 807

Head of Development Standards,
Department of Planning & Transportation,
Perth & Kinross Council,
Pullar House,
35 Kinnoull Street,
Perth,
PH1 5GD

9th December, 2011

Your ref: 11/02020/FLL
11/02021/CON
Our ref: 3

Dear Sirs,

**ERECTION OF A DWELLINGHOUSE AND GARAGE 31-33 KING STREET, PERTH
DEMOLITION OF A DWELLINGHOUSE 31-33 KING STREET, PERTH**

The Society is concerned by these proposals because they suggest that a modern timber kit (we assume), faced up with concrete masonry and a precast portico, is going to sit well amongst a fine set of listed Georgian villas. The elevation submitted shows how glaring the scale disparity will be, but it cannot represent the gross clash of the modern materials with the 180 year old neighbours that would occur.

The submitted structural engineer's letter carefully does not suggest that demolition and replacement is required. Rather the fact that settlement regularly occurs in Perth is noted and the maintenance regime and low quality alterations and materials used in the existing house are highlighted.

It is also worrying that the substantial tree in the front garden, which makes a major contribution to the streetscape, is not mentioned anywhere,

The Society believes that a thoroughgoing renovation and recasting of the existing property would be a much more acceptable and far less intrusive way forward and would avoid the risk of yet another pastiche, Georgian house in the wrong place.

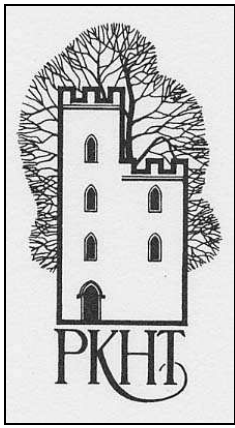
Yours faithfully,



For The Architectural Heritage Society of Scotland

Patron: HRH The Prince Charles, Duke of Rothesay KG KT GCB OM
President: The Dowager Countess of Wemyss and March

Chairman: Peter Drummond
Director (Resources & Outreach): Laura Gutierrez



Memorandum

To: David Niven, TES

From: Sarah Malone, PKHT.

Date: 19 December 2011

Tel: 01738 477080

*Perth and Kinross Heritage Trust.
The Lodge, 4 York Place, Perth
PH2 8EP.*

11/02020/FLL: Erection of a dwellinghouse and garage at 31-33 King Street, Perth, PH2 8JA.

Thank you for consulting PKHT on the above application.

I can confirm that the proposed development site lies within an area of archaeological potential. Perth has rich medieval deposits, in particular, organic midden. The proposed development area is out with the town's medieval core, and by the 18th century it was situated in the grounds of St James' Hospital, or the backlands of the 'new suburb' of Pomarium. Midden deposits have been recorded some 40m to the North on Paradise Place and similar deposits may survive in the development area. Also, the proposed development site is located adjacent to the boundary of a Carthusian monastery which was founded in the 15th Century. Little is known about this monastic site and any archaeological evidence discovered which relates to this site would be highly significant.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 110-112 and 123), it is recommended that archaeological monitoring of all ground breaking works is implemented. It is recommended that the following archaeological condition is attached to consent, if granted:

The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the planning authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Perth and Kinross Heritage Trust. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Perth and Kinross Heritage Trust in writing not less than 14 days before development commences.

Notes:

- 1. Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and prepared for them written Terms of Reference.**
- 2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.**

Memorandum

To	David Niven	From	Rachel Haworth
Your ref	11/02020/FLL, 21/CON	Our ref	*
Date	20/12/11	Tel No	75357

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Conservation/Design comments

31-33 King Street, Perth – demolition of dwellinghouse and erection of a dwellinghouse and garage

31-33 King Street is an unlisted building within the Perth Central Conservation Area. Amended proposals have been received which aim to address issues with the previous submission. However I would consider the proposals do not meet the standards of design required for the conservation area location.

The existing building dates originally from the earlier 19th century but has been heavily altered and extended, to the detriment of its character. The structural report also shows it to be in relatively poor condition, requiring expensive remedial works. I therefore have no objection in principle to the demolition of the existing house and therefore to its replacement with an appropriate development.

The supporting information provided with the application does not constitute a proper design report but simply details the superficial materials and details to be applied. A much more thorough analysis of the context and explanation of the rationale behind the design approach is required to demonstrate that the design is of appropriate quality for the location.

In addition, the basic structure appears to be a generic box, designed in a utilitarian way around the internal spaces rather than genuinely being a response to its context. It does not relate to the scale or grain of its surroundings in any meaningful way. The proposed reconstituted Bath stone cladding (a limestone) is completely inappropriate for the character of the site. A stick-on portico cannot make this structure relate satisfactorily to the neighbouring examples of classical architecture.

I therefore consider the proposed design fails to address its sensitive site appropriately, and I would recommend it is refused.



MEMORANDUM

To	David Niven Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	11/02020/FLL	Date	25 January 2012

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 11/02020/FLL for planning consent for:- **Erection of a dwellinghouse and garage 31-33 King Street Perth PH2 8JA for Mr And Mrs D Donaldson**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- A minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.

