

**TCP/11/16(452)**  
**Planning Application – 16/01335/FLL – Erection of two one bedroom flats on land 25 metres North West of Inverlea, North Bank Dykes, Errol**

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**TCP/11/16(452)**

**Planning Application – 16/01335/FLL – Erection of two one bedroom flats on land 25 metres North West of Inverlea, North Bank Dykes, Errol**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



**NOTICE OF REVIEW**

21 DEC 2016

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTTHE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

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

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

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**

Name

CARANOVA LTD

Address

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PERTH

Postcode

PH2 7EY

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: ☐Yes ☒ No ☐

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

Planning authority

PERTH &amp; KINROSS COUNCIL

Planning authority's application reference number

16/01335/FLL

Site address

LAND 25 METRES NORTH WEST OF INVERWEA  
NORTH BANK DYKES EROLLDescription of proposed  
development

ERECTION OF TWO ONE BEDROOM FLATS

Date of application

26-07-2016

Date of decision (if any)

23-09-2016

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

**Statement**

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

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

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

IT IS CARANOVA LIMITED OPINION THAT THE HABITABLE SPACE AND AREA OF THE PROPOSED DWELLING IS AT ITS MINIMUM LIMIT AND ANY REDUCTION EITHER IN HEIGHT OR HABITABLE SPACE WOULD RESULT IN CREATING SUBSTANDARD ACCOMMODATION AND FOR THAT REASON WE SEEK THE DECISION OF THE LOCAL REVIEW BODY IN RELATION TO OUR APPLICATION.

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.

(1) STATEMENT FOR PROPOSED DEVELOPMENT NORTH BANK DYKES  
ERROL (2 PAGES)

**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:

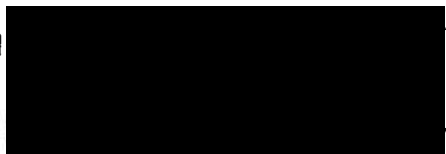
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**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

20-12-2016



## **Statement for Proposed Development Northbank Dykes, Errol**

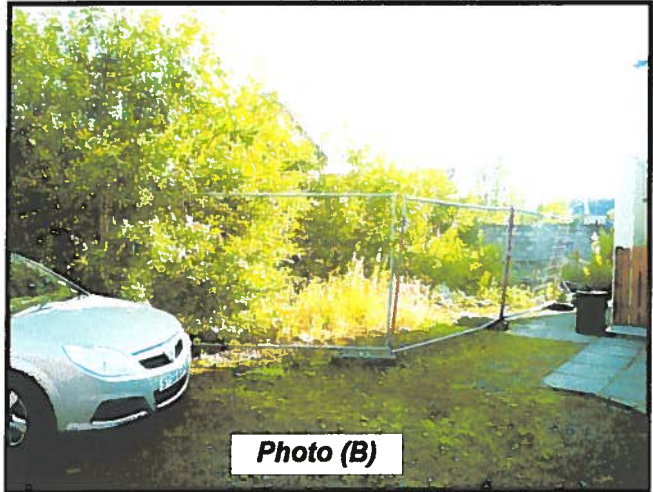
*It is the view of the planning officer that the proposed development is contrary to Policies PM1, HE3A, RD1 laid down in Perth and Kinross Local Development Plan 2014. However, it is acknowledged by the Planning Officer that "there maybe some scope on this site for some limited development of a height and detailing more suited to the site."*

*Such scope, in Caranova's opinion, is reflected by the development and positive transformation of the derelict site shown in Photos (A) and (B) below and therefore could consequently be applied to the proposed development at Northbank Dykes, Errol.*



**Photo (A)**

*New 2 bedroomed flatted development on derelict site shown in Photo (A) at rear of High Street granted 2012.*



**Photo (B)**

*Former derelict site at rear of High Street, Errol position indicated by red dot and circle on Location Map*

### **Policy PM1:- ENCOURAGES DEVELOPMENT THAT RESPECTS THE CHARACTER AND AMENITY OF THE AREA**

*The above 2 bedroomed flatted development amended and granted in 2012 shown in Photo (A) was carried out by Caranova Ltd., on the derelict in-fill site shown in Photo (B). This encouraged the current proposed development on a similar derelict in-fill site and dumping ground on Northbank Dykes as shown in Photo (2) on attached page.*

*The proposal respects the character and the amenity of the area as the pictorial layout and Location Plan illustrates on the attached page. The drawings illustrate how the proposed development of 2 - 1 bedroom flats with parking, soft landscaping and renovated stone wall will add amenity and enhance the areas character.*

### **Policy HE3A:- SEEKS TO PRESERVE OR ENHANCE THE CONSERVATION AREA**

*As illustrated by our previous development in Errol Conservation Area in Photo (A) and (B) above. By removing the debris and weed infestation from the proposed site and stone wall it will eliminate an eyesore and will enhance the Conservation Area. The importance of retaining the existing stone wall and its renovation plus the introduction of soft and sympathetic landscaping will enhance the Conservation Area.*

### **Policy RD1:- SUPPORTS IN-FILL RESIDENTIAL DEVELOPMENT AT A DENSITY THAT REPRESENTS THE MOST EFFICIENT USE OF A SITE WHILE RESPECTING THE ENVIRONS AND IMPROVE THE CHARACTER AND ENVIRONMENT OF VILLAGE.**

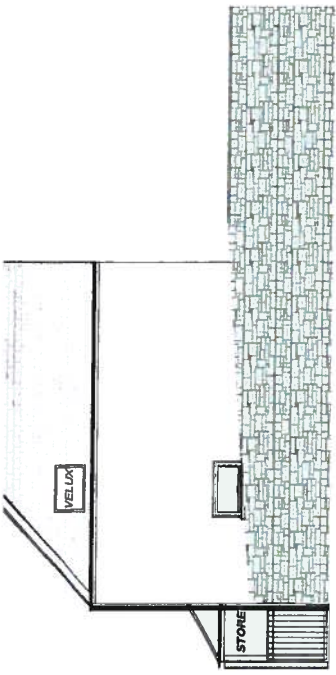
*As previously stated the planning officer acknowledges "there maybe some scope on this site for some limited development of a height and detailing more suited to the site". We consider the potential to provide 2 new low cost homes for first time buyers in the heart of Errol offers the most efficient use of this derelict in-fill site and it will improve the character and the environment of the village.*

*The density of the flatted development is an acceptable level as the footprint of the built element is only one third of the total site and the elevation is much lower than the surrounding 2 storey properties shown in Photos (1-4) and the same height, scale and form as the adjacent 1½ storey development shown in Photo (5).*

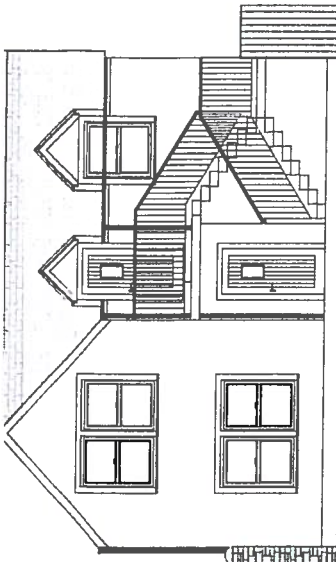
*In addition to the above policies we note. "It is the view" of the Planning Officer that the development shown in Photo (A) is mediocre and sterile. Obviously this wasn't the view of the Planning Officer who granted consent in 2012 without qualification.*

*The proposal is also deemed to be "very to extremely bland, incongruous and of no architectural interest". The Photo's (1-5) pictorial layout is representative of the architecture within Errol's Conservation Area, no flamboyant coloured rendering schemes, no superfluous attachments that have no function favored by some planning officers. Our proposal offers plain simple and functional design which in our view represents the architecture within Errol's Conservation Area.*

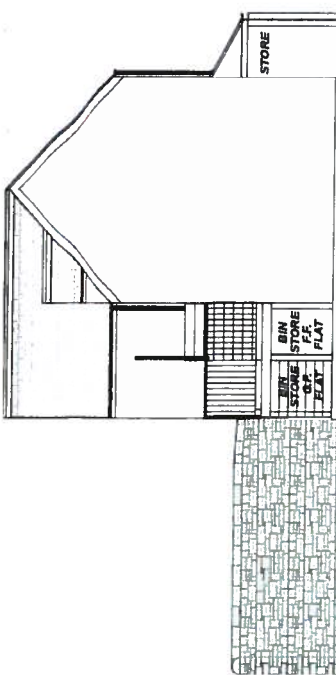




East Elevation of proposed development:- showing repositioned and renovated stone wall. Roof elevation is hipped instead of a gable end to reduce density of build and over shadowing of lane.



North Elevation of proposed development:- will be partly screened and it's presence diffused by the existing and renovated stone wall as illustrated by the East elevation.



West Elevation of proposed development:- the mixture of hard and soft landscaping will provide greening which will enhance the Conservation Area and remove an existing eye sore.

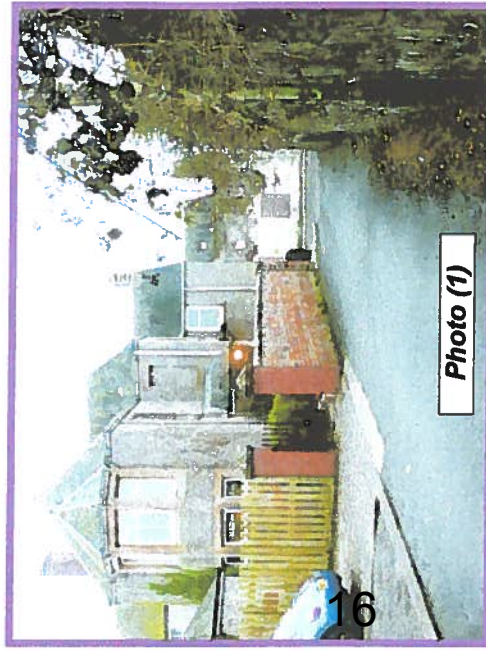


Photo (1)

The Rowans 2 storey building set 15 metres from proposed 1 1/2 storey flattened development.

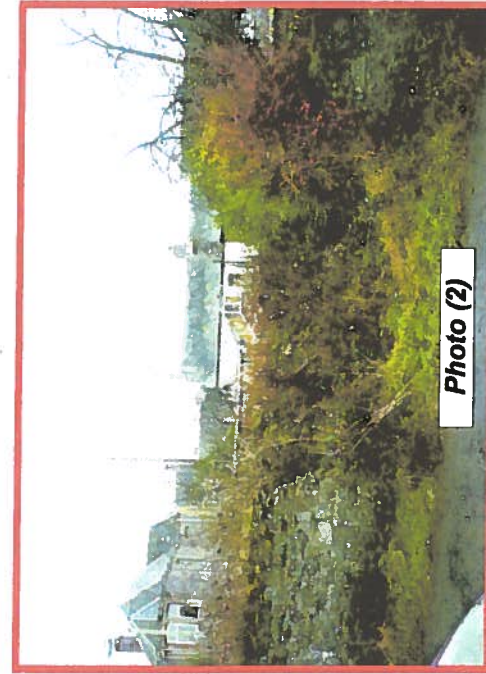


Photo (2)

Proposed development site with The Rowan's and Inverlea in the background both are 2 storey buildings. Inverlea is flattened and accessed by external stairs shown on rear of building.



Photo (3)

James Place a 2 storey flattened building with external stairs on gable end set 15 metres from proposed 1 1/2 storey dwelling.

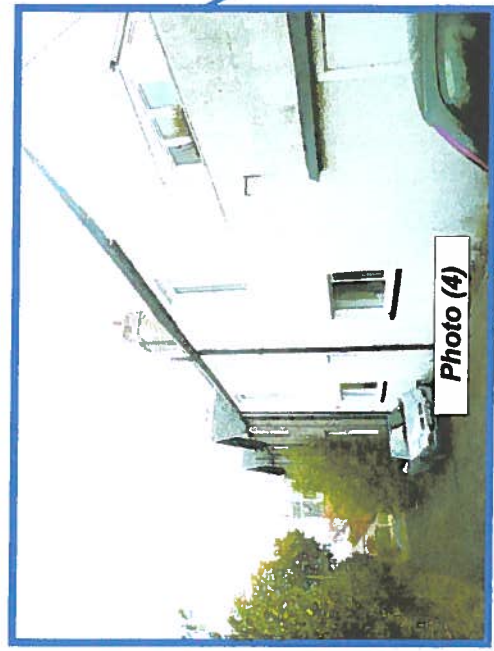
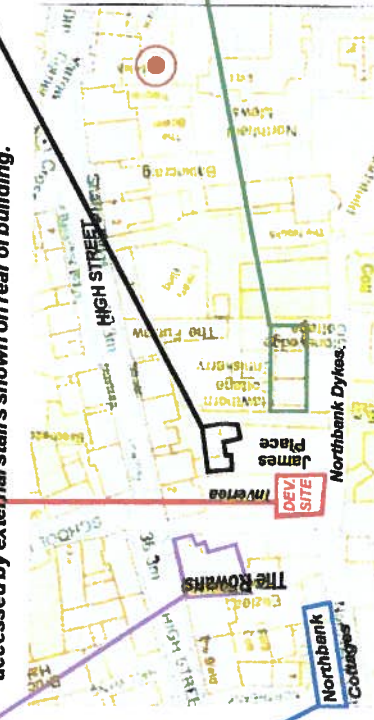


Photo (4)

Northbank Cottages- 2 storey dwellings set 25 metres from proposed 1 1/2 storey flattened development.



Location Map showing settings of photos in relation to neighbouring properties. Photos taken from proposed development site on Northbank Dykes, Errol.

Red dot and circle shows location of previous development in Conservation Area shown in Photo (A).

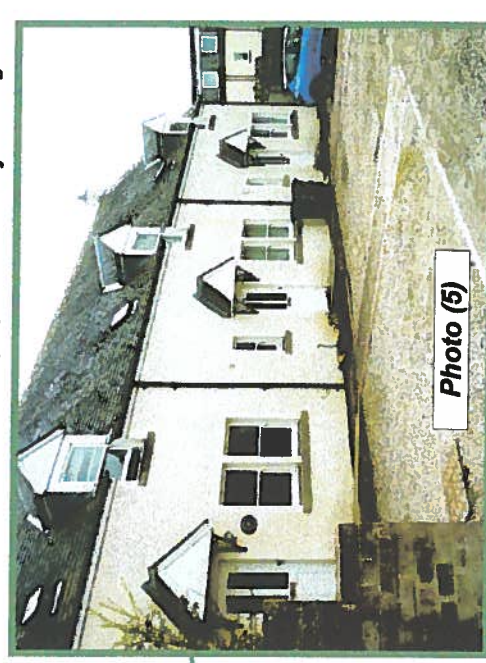


Photo (5)

Adjacent 1 1/2 storey dwellings constructed 2004 set 15 metres west of proposed 1 1/2 storey flattened development.

**TCP/11/16(452)**

**Planning Application – 16/01335/FLL – Erection of two one bedroom flats on land 25 metres North West of Inverlea, North Bank Dykes, Errol**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Caranova Ltd  
Mr Ian Russell  
25 Dundee Road  
Perth  
PH2 7EY

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 23.09.2016

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/01335/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 26th July 2016 for permission for **Erection of two flats Land 25 Metres North West Of Inverlea North Bank Dykes Errol** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy PM1A, Placemaking, of the Perth and Kinross Local Development Plan 2014. The proposal by virtue of its design, density and siting would not respect the character and amenity of the place.
2. The proposal is contrary to Policy HE3A, New Development in Conservation Areas. The design, scale and siting of the development does not preserve or enhance the character of the Conservation Area.
3. The proposal is contrary to Policy RD1, Residential Areas, of the Perth and Kinross Local Development Plan 2014. The proposal by virtue of its design and siting would not improve the character and environment of the area of village.

### Justification

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

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

Plan Reference

16/01335/1

16/01335/2

16/01335/3

16/01335/4

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	16/01335/FLL	
Ward No	N1- Carse Of Gowrie	
Due Determination Date	25.09.2016	
Case Officer	Persephone Beer	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:**      Erection of two flats

**LOCATION:**      Land 25 Metres North West Of Inverlea North Bank Dykes  
Errol

**SUMMARY:**

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 19 September 2016

**SITE PHOTOGRAPHS**





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of two one bedroom flats at a site 25 metres north west of Inverlea, North Bank Dykes, Errol. The proposal is for the erection of a detached two storey building with a one bedroom flat on each level. The flats will be finished in wet dash render and will have timber windows and doors. An external stair will serve the flat on the upper floor. The footprint of the new building measures around 8.5m x 6m.

The site is currently unused garden ground. There is a stone wall bounding the corner part of the site.

## **SITE HISTORY**

None.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None.

## **NATIONAL POLICY AND GUIDANCE**

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



## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy RD1 - Residential Areas**

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

#### **Policy PM3 - Infrastructure Contributions**

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

#### **Policy HE3A - Conservation Areas**

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

## OTHER POLICIES

Errol Conservation Area Appraisal 2009

## CONSULTATION RESPONSES

Dundee Airport Ltd  
No objection.

Scottish Water  
No response.

Contributions Officer  
Developer contributions are required as follows:  
Education: £0  
Transport Infrastructure: £2,638 (2 x £1,319)

Total: £2,638

Transport Planning  
No objection.

## REPRESENTATIONS

The following points were raised in the two representations received:

- Residential and visual amenity.
- Excessive height. Loss of sunlight, overlooking.
- Store area is close to the boundary. Access is needed to paint the fence. It should be at least 1 metre away. A new gate proposed in the wall will make the wall unstable.
- Would not enhance conservation area - adverse visual impact, development is out of scale.
- Road safety.

## ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## **APPRAISAL**

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

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

### **Policy Appraisal**

The site is within the settlement boundary for Errol as identified in the Perth and Kinross Local Development Plan 2014. It is also within the Errol Conservation Area.

Policy PM1, Placemaking, seeks to encourage development that respects the character and amenity of a place. Policy RD1, Residential Areas, supports a) infill residential development at a density which represents the most efficient use of the site while respecting its environs. It also requires c) Proposals which will improve the character and environment of the area of village. Policy HE3A seeks to preserve or enhance the conservation area.

In this case the development is considered to be contrary to these policies as is discussed in the body of the report below.

### **Design and Layout**

The proposal is for a two storey block containing two one bedroom flats. The finishes are traditional including timber windows and doors, slate roof and wet dash render. The footprint of the development is around 42 square metres, the plot being around 117 square metres.

The location of the flats is effectively in garden ground, albeit currently unkempt. The site is on the corner of a junction between North Bank Dykes and a lane that leads past the current doctors surgery to the centre of the village. A substantial boundary wall is located on this corner. It is intended to take this down in order to clear the site then to re-build it as part of the development. An opening in the wall on North Bank Dykes will form the access to the two car parking spaces proposed.

Although the external finishing materials are traditional the design of the block provides a very bland development of a scale and massing that does nothing to preserve or enhance the conservation area. The block is overly high in this setting and will appear incongruous with its surroundings. The east elevation that will front the lane to the High Street appears out of proportion, unbalanced and of no architectural interest. The south elevation similarly is extremely bland and provides little of interest to enhance the conservation area. The north elevation also looks awkward and will sit uncomfortably in this prominent corner position.

The design statement suggests that the design takes its cue from other recent developments close to the site and to the rear of the Old Bakery. Having looked at both these sites the resultant development, in my view, is of mediocre design which has resulted in a relatively sterile environment dominated by car parking and hard standing. Both of these developments were first approved before the Errol Conservation Area was established and the existence of these developments does not make this proposal acceptable.

There may be some scope on this site for some limited development of a height and detailing more suited to the site but I cannot support the proposal in its current form.

## **Landscape**

The site currently is overgrown and covered in dense vegetation. The site currently provides an area of greenery which contrasts to the hard urban landscape of the town centre a short distance away. A large apple tree is located close to the eastern boundary in a neighbouring garden. The site will be cleared to construct the houses and only a small amount of green space will be included in the development. The gable end of the new flats will be hard against the existing wall. The existing vegetation provides a welcome area of greenery in this backland area which originally mainly consisted of garden areas. This garden feel will be much diminished by the proposed development.

## **Residential Amenity**

There have been objections that suggest that the development would overlook and overshadow neighbouring properties. I do not have concerns in this regard. The windows are positioned to mitigate against overlooking and the

property is at a sufficient distance from other residential dwellings not to cause overshadowing.

### **Visual Amenity and impact on the Conservation Area**

The Conservation Area Appraisal for Errol notes that there are a number of spaces to the front and rear of properties in Errol in need of attention, often through a combination of loss of boundary treatment; the presence of visually harsh or poorly maintained surfacing; lack of suitable landscaping and use as informal parking. All of these factors are considered to reduce the amenity value of these spaces and detract from the surrounding buildings and the character of the area. The appraisal also notes that there are a number of small gap sites or back/front yards along North Bank Dykes and the east end of the High Street around the Police House. For these it is suggested that owners are encouraged to discuss potential restoration of boundary structures, sympathetic landscaping, surfacing and rationalisation of car parking. The sites might not necessarily be suitable for development but some enhancement and proactive management of the area is to be encouraged.

In this case the area around the proposed development site is relatively open and is close to an important link, well used by pedestrians, between North Bank Dykes and the High Street. The character of the area is of a relatively open back land setting that creates a less dense feel to other parts of Errol such as around the central area along the High Street. This development at nearly 7 metres in height, hard against the boundary wall, adjacent to the lane, would be over dominant in this setting. I consider that the proposed development is in a more prominent, open position would have an adverse impact on visual amenity, would adversely affect the character of the area and would not preserve or enhance the conservation area.

### **Roads and Access**

The site is accessed from North Bank Dykes and shows two car parking spaces to the front of the new flats. A store to the rear could accommodate cycle parking. An objection has been made due to the proximity of this proposed store to a neighbouring boundary fence which would make maintenance of the fence difficult. The neighbour also has concerns with the formation of a side gate in the boundary wall due to stability of the wall be threatened. This is not necessarily an issue for this planning application but could be a cause of friction between neighbours. I would also note that the wall will be dismantled and re-built as part of the site development.

There has been an objection to the proposals relating to additional traffic on unsuitable roads. I would agree that the access roads are not ideal, being narrow and poorly surfaced and that additional traffic along them may not be desirable. An objector has also noted the small size of parking spaces which I would agree do seem on the tight side at around 4.5metres by 2.3metres.

The Roads Development Guide for Scotland suggests that in curtilage parking should be a minimum of 3.0 metres wide by 5.5 metres in length.

The Transport Planner has been consulted and raises no objections.

### **Drainage and Flooding**

No issues have been identified with regard to drainage or flooding matters.

### **Developer Contributions**

#### **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Errol Primary School.

The proposal is for single bedroom dwellings. No contribution towards primary education is required.

#### **Transport Infrastructure**

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The proposal falls within the reduced contributions area. It is creating two new properties but due to their size they will be considered as affordable dwellings in terms of the Guidance. A contribution of £2,638 (2 x £1,319) is required for transport infrastructure.

### **Economic Impact**

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

### **Conclusion**

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

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy PM1A, Placemaking, of the Perth and Kinross Local Development Plan 2014. The proposal by virtue of its design, density and siting would not respect the character and amenity of the place.
- 2 The proposal is contrary to Policy HE3A, New Development in Conservation Areas. The design, scale and siting of the development does not preserve or enhance the character of the Conservation Area.
- 3 The proposal is contrary to Policy RD1, Residential Areas, of the Perth and Kinross Local Development Plan 2014. The proposal by virtue of its design and siting would not improve the character and environment of the area of village.

### **Justification**

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

### **Informatives**

None.

### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

16/01335/1

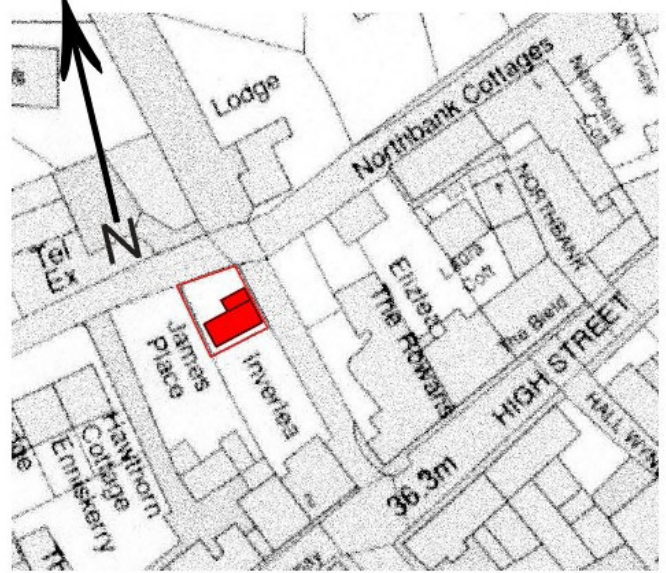
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16/01335/3

16/01335/4

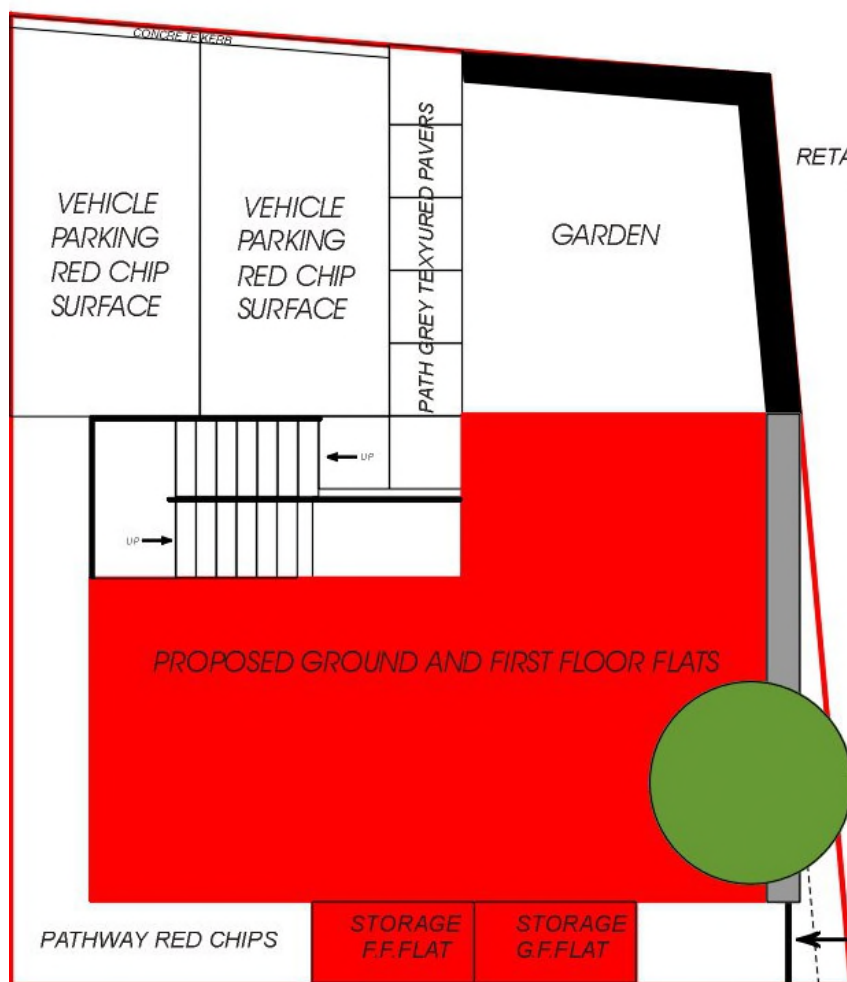
**Date of Report 22.09.2016**





**LOCATION PLAN 1-1250**

0 50

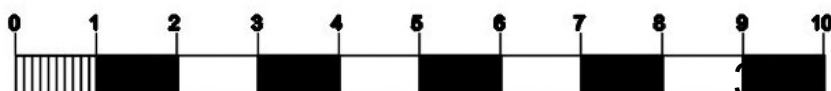


RETAIN EXISTING WALL

REMOVE EXISTING SECTION OF WALL ADJACENT NEW BUILD TO ALLOW REMOVAL OF TREE ROOT TO ALLOW INSTALLATION OF FOUNDATION . REBUILD ORIGINAL WALL IN-LINE AND AGAINST NEW BUILD TO ELIMINATE TAPERED VOID TO PREVENT ESTABLISHMENT OF VEGETATION BETWEEN THE TWO ELEMENTS

PERMISSION PREVIOUSLY GRANTED FOR REMOVAL OF EXISTING TREE

INSERT ACCESS GATE



**SCALE BAND 1 - 100**

## TITLE

LOCATION PLAN  
PROPOSAL FOR ERECTION OF TWO 1 BEDROOM  
FLATS AT NORTHBANK DYKES, ERROL

## APPLICANT

**CARANOV LTD., LOWER DALVAY,  
26 DUNDEE ROAD, PERTH PH2 7EY**

**DRAW. No:- PA-3**

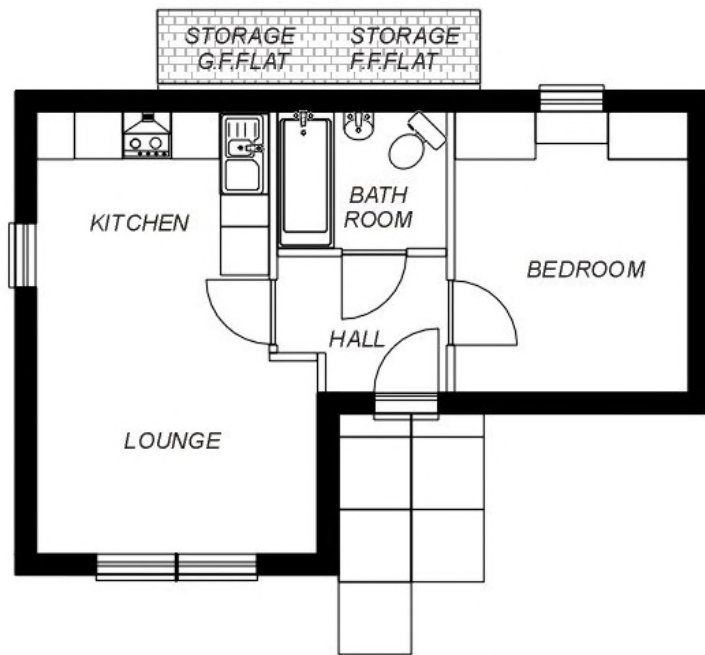
**SCALE:- 1 - 100**

**REV:- 0**

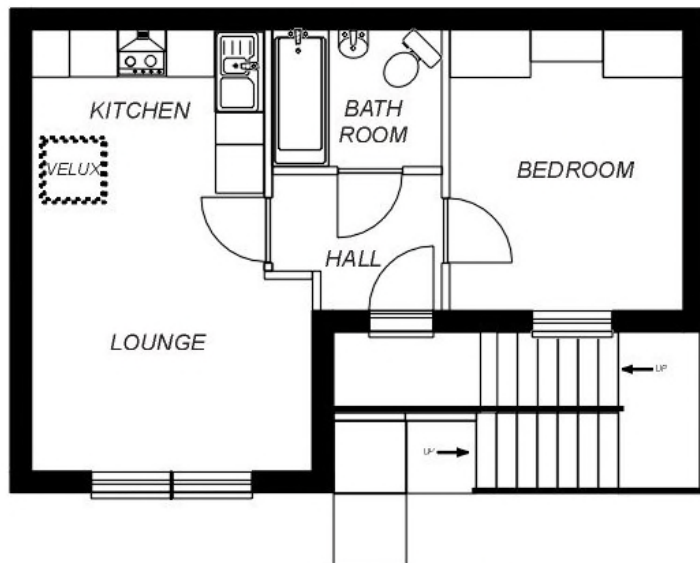
**DATE:- 26/07/2016**



NORTH ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

## DRAWING NOTES

**Walls:-** Finished with Stone Pack Wet Dash System coloured buff applied in-line with manufacturers instructions.

**Roof:-** Dark grey slate with Cupar Heavy 3 natural zinc ridges, lead soakers, valleys and side panels.

**Windows:-** Timber frame single sash and case windows, double glazed painted white.

**Doors:-** Timber framed double glazed doors and solid timber doors and frames all painted white.

**Facia:-** All wooden facias will be treated with preservative and painted white.

**Rainwater:-** Black UPVC guttering, vent and downpipes.

**Ballustrade:-** Manufactured in mild steel painted black.

**Gate:-** Manufactured in mild steel painted in black.

**Wall:-** Existing stonewall to have end sections to be renovated, squared off and repointed reusing existing stone set in lime mortar. Reinstated wall section to be set in lime mortar to match existing.

## TITLE

PROPOSAL FOR ERECTION OF TWO 1 BEDROOM FLATS AT NORTHBANK DYKES, ERROL

## APPLICANT

CARANOV LTD., LOWER DALVAY,  
25 DUNDEE ROAD, PERTH PH2 7EY

DRAW. No:- PA-1

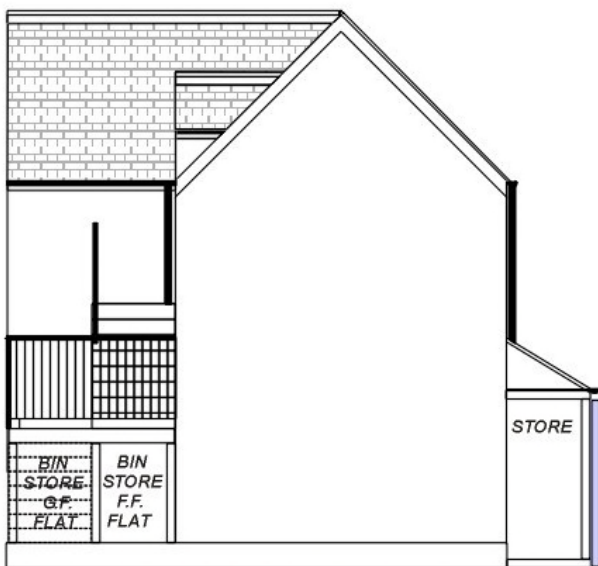
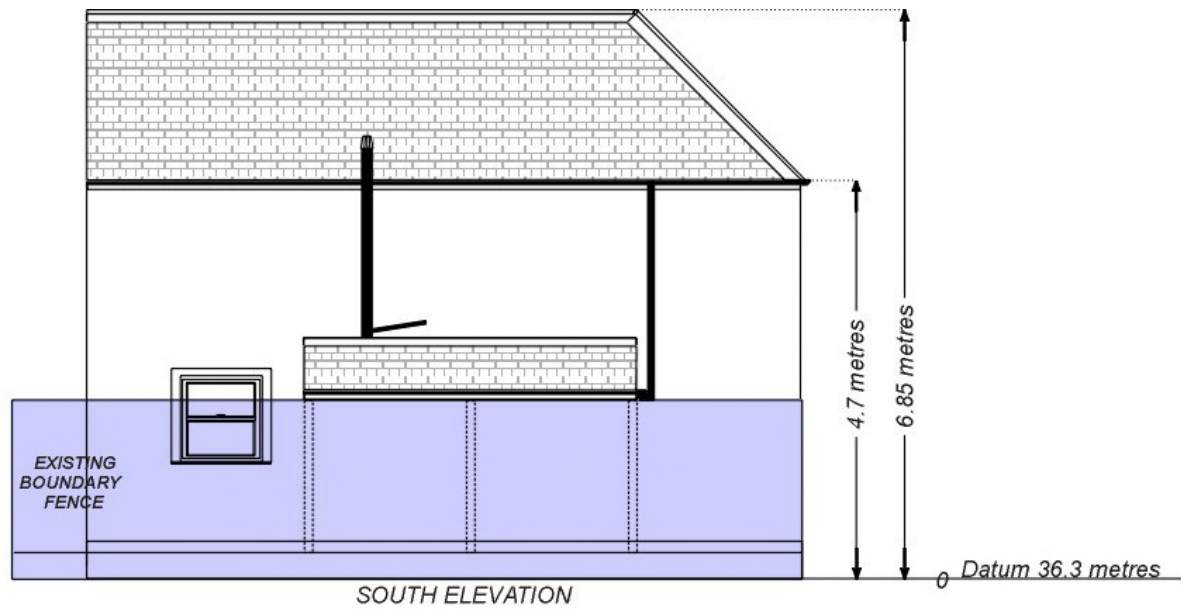
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SCALE:- 1 - 100

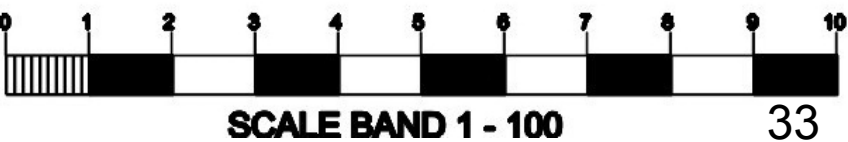
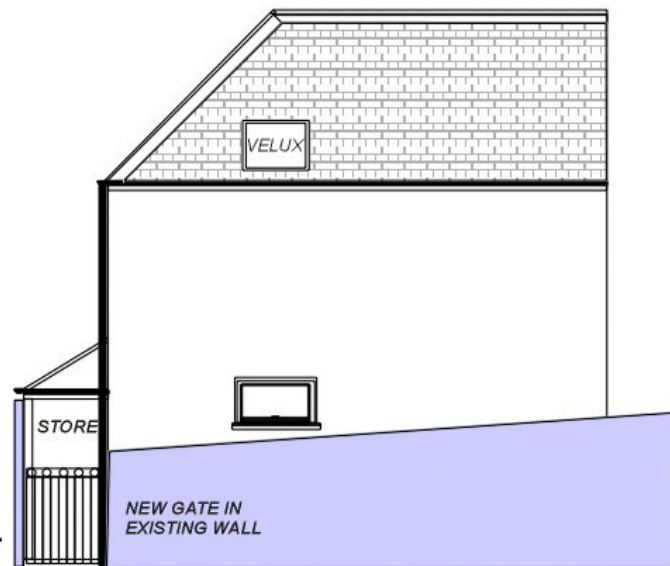
DATE:- 26/07/2016

SCALE BAND 1 - 100





← EXISTING BOUNDARY FENCE →



TITLE	
PROPOSAL FOR ERECTION OF TWO 1 BEDROOM FLATS AT NORTHBANK DYKES, ERROL	
APPLICANT	
CARANOVA LTD., LOWER DALVAY, 25 DUNDEE ROAD, PERTH PH2 7EY	
DRAW. No:- PA-2	REV:- 0
SCALE:- 1 - 100	DATE:- 26/07/2016



## **SUPPORT STATEMENT**

### **PROPOSAL OF ERECTION OF TWO ONE BED ROOM FLATS AT NORTHBANK DYKES, ERROL**

*Caranova Ltd., Have acquired the above site which lies within the Conservation Area. It has lain vacant for a number of years, it is overgrown with vegetation and has become a dumping ground for a variety of rubbish. Our proposed development of the site would eliminate an eyesore which is a blight on the village.*



*Caranova Ltd., took possession of a similar site behind the Old Bakery on Errol High Street, shown below, which was also an eyesore and a blight on the village.*





*In 2012 permission was granted to erect two two bedroom flats behind the Old Bakery as shown below.*



*Our proposal for the erection of two one bedroom flats would reflect the style and character of the Old Bakery development. The proposal also takes account of an adjacent development at Northbank Dykes comprising a terrace of 3 houses granted in 2004 as shown below.*



*The finishes used will reflect the character of the conservation area as stated in the attached drawings. Although Errol has excellent public transport between Errol and Dundee and it's use should be encouraged, 2 parking spaces have been provided within the curtilage of the site to facilitate off street parking.*



**TCP/11/16(452)**

**Planning Application – 16/01335/FLL – Erection of two one bedroom flats on land 25 metres North West of Inverlea, North Bank Dykes, Errol**

## **REPRESENTATIONS**





## Paige Crichton

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**From:** Kirsteen MacDonald [REDACTED]  
**Sent:** 04 August 2016 14:55  
**To:** Development Management - Generic Email Account  
**Cc:** Anne Phillips  
**Subject:** 16/01335/FLL - 2 Flats, Land 25m NW of Inverlea, Errol

### **NO OBJECTION - HIAL**

**Your Ref:** 16/01335/FLL

Dear Sir/Madam

**PROPOSAL**      Erection of two flats  
**LOCATION**      Land 25m NW of Inverlea, North Bank Dykes, Errol for Caranova Ltd

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for **Dundee Airport**.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

Kind regards

Kirsteen

**Safeguarding Team**  
**on behalf of Dundee Airport Limited**  
**c/o Highlands and Islands Airports Limited**  
Head Office, Inverness Airport, Inverness IV2 7JB  
[REDACTED]  
✉ [safeguarding@hial.co.uk](mailto:safeguarding@hial.co.uk) 🌐 [www.hial.co.uk](http://www.hial.co.uk)

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## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	16/01335/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of two flats		
<b>Address of site</b>	Land 25 Metres North West Of Inverlea, North Bank Dykes, Errol		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Errol Primary School.</p> <p>The proposal is for single bedroom dwellings. No contribution towards primary education is required.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The proposal falls within the reduced contributions area. It is creating two new properties but due to their size they will be considered as affordable dwellings in terms of the Guidance.</p>		

<p><b>Recommended planning condition(s)</b></p>	<p><b>Summary of Requirements</b></p> <p>Education: £0 Transport Infrastructure: £2,638 (2 x £1,319)</p> <p><b><u>Total: £2,638</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p> <p>Payment for each open market unit will be £1,319 (£2,638/ 2 = £1,319).</p>
<p><b>Recommended informative(s) for applicant</b></p>	<p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or</p>

	<p>other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Remittance by Cheque</b>  The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:  Perth and Kinross Council  Pullar House  35 Kinnoull Street  Perth  PH15GD</p> <p><b>Bank Transfers</b>  All Bank Transfers should use the following account details;  <b>Sort Code:</b> 834700  <b>Account Number:</b> 11571138</p> <p>Transport Infrastructure  For Transport infrastructure contributions please quote the following ledger code:  1-30-0060-0003-859136</p> <p>Direct Debit  The Council operate an electronic direct debit system whereby payments may be made over the phone.  To make such a payment please call 01738 475300 in the first instance.  When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
<b>Date comments returned</b>	15 August 2016



### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	16/01335/FLL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of two flats		
<b>Address of site</b>	Land 25 Metres North West Of Inverlea North Bank Dykes Errol		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I do not object to the proposed development.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	22 August 2016		





# Comments for Planning Application 16/01335/FLL

## Application Summary

Application Number: 16/01335/FLL

Address: Land 25 Metres North West Of Inverlea North Bank Dykes Errol

Proposal: Erection of two flats

Case Officer: Persephone Beer

## Customer Details

Name: Mrs Avril Whyte

Address: Not Available

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Excessive Height
- Loss Of Sunlight or Daylight
- Over Looking

Comment: On the plans it looks like the store will be tight against my boundary fence which I need access annually for maintenance. Can you please clarify if there will be a space between the store and my fence. I believe there should be at least a metre clearance. There is also a gate being installed in the existing wall. I have a car port and gate in this wall and think it will affect their stability unless there is substantial fixing left for this.



Tracy McManamon

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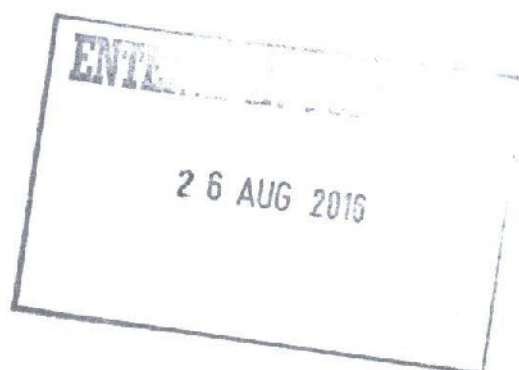
**From:** Peter Symon [REDACTED]  
**Sent:** 25 August 2016 23:43  
**To:** Development Management - Generic Email Account  
**Subject:** Representation on planning application 16/01335/FLL 2 flats at land north of Inverlea Errol  
**Attachments:** Symon objection 16\_01335\_FLL.pdf

Please find attached my letter of objection to the above development.

Regards

Peter Symon

Shalla-ree  
St Madoes Rd  
Errol  
PERTH  
PH2 7QX





Shalla-ree  
St Madoes Road  
Errol  
Perth & Kinross  
PH2 7QX

Development Management  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

25 August 2016

Dear Sir or Madam,

**16/01335/FLL: Erection of two flats at Land 25 Metres North West of Inverlea, North Bank Dykes, Errol**

The development site is within the boundary of the Errol conservation area, which was designated in 2004. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (PLBCASA 1997) provides a presumption in favour of preserving the character and appearance of a conservation area. The site forms part of the remaining open space fringing the former back dykes to the north of the High Street historic core of the conservation area. While the site forms a relatively small part of the overall conversation area, the presumption in favour of preservation applies to the whole of the conservation area (R (on the application of University College London) v First Secretary of State [2004] EWHC 2846 (Admin)) and not just to parts of the area that give it its special character and appearance.

Policy HE3: Conservation Areas of the local development plan (LDP), and the accompanying Errol Conservation Area Appraisal, adopted in 2009 by Perth & Kinross Council, has the status of supplementary guidance forming part of the statutory development plan. The conservation strategy set out in the adopted local development plan forms the main framework against which the effects of the proposed development on the character and appearance of the conservation area should be assessed. It is noted that neither the LDP nor the conservation area appraisal is mentioned in the application. Neither has any mention been made of other Scottish government policy and advice on standards of design required in conservation areas as expressed in: SEED Historic Scotland and ADS, New Design in Historic Settings.

It is understood that the council may have advertised the application, under section 65 PLBCASA 1997, which is the procedure followed for publicising the application when it is the opinion of the council that the proposed development would affect the character and appearance of the conservation area. It is submitted that the development would indeed be to the detriment of the character and appearance of the conservation area. I would ask the council to take account of the comments below, objecting to the development proposal.

**Preservation**

In determining the effects of the development on the character or appearance of the conservation area, the first consideration for the council must be such matters as the scale, bulk, height, colour, vertical or horizontal emphasis and design of the proposed development (Bath Society v SoS Environment [1991] WLR 1303).

The development would be extremely over-scaled in relation to the size of the site. There is no building within around 25 metres either side of the site to the west or east, on the south side of North



Bank Dykes. At present, when viewed from the south side of High Street in front of the Commercial Hotel (facade only retained), looking north up the unnamed, unadopted access road between Inverlea and The Rowans, no other building is visible on any side of the site. The appearance is one of open garden ground, with mature fruit trees, fringing the access road, with the avenue of mature trees leading to the former manse (The White House) closing the view in the distance. The block of flats would bulk high on the skyline above the line of the present wall that forms the remnant of the former north back dykes of the historic core of the village. The finished roof height of around 7000mm or thereby would be out of all proportion to the current character of North Bank Dykes as viewed from the High Street.

The point of view from the junction of High Street and School Wynd, is one of the key views in the entire conservation area. The view from the corner of the two roads contains within it some five Listed Buildings including four Category C(S) (The Rowans, Commercial Hotel, Gray House, and Library Buildings) and a Category A (Established Church - steeple partly visible), as well as the well-preserved and key assemblage of mudwall buildings to the east towards the Post Office. It is close to the Old Schoolhouse Listed Building and entrance to the burying ground at the historical heart of the village. The development proposal would therefore impact negatively on the setting of a number of Listed Buildings, including one (Gray House) which is currently the focus for intended investment by Tay Landscape Partnership as part of a mudwall buildings improvement scheme (16/00980/LBC). It would also jeopardise the potential enhancement of the external appearance of the shop at Inverlea which had been signalled in the conservation area appraisal.

It is also the narrowest point of the High Street carriageway and a generally very dense urban texture. The contrast is therefore very stark with the low-density backland character of the land to the north of Inverlea. The car shelter situated to the south of the proposed development site is largely screened by trees to its south and by the traditional stone wall enclosing its entrance.

The height, texture and modern design of the proposed development would have a very considerable impact on the view from the above point. Instead of a low-density, green space, with few modern materials visible, and irregularly textured surfaces, the view would be dominated by a two storey, modern building, with plastic rainwater goods, roof lights and smooth, regular surfaces, right on the corner of the access road. It would intrude into the townscape in a very abrupt way on the north side of the High Street on which few such non-traditional structures are visible.

The character of the backlands of Inverlea would therefore be transformed by the development. The character is still predominantly that of a garden, reflecting a relatively rare remnant of what was once the historical hortus fringing the edges of the urbanised core of the settlement, all enclosed and clearly differentiated from circulation, residential and other uses in the surrounding area by traditional stone enclosing walls. That character would be lost if a two-storey modern block of flats were to close the view from the High Street rather than the present low density, green space.

Likewise, the view from in front of White House Lodge, looking towards the High Street, which is closed by the Commercial Hotel (currently in ruins) and The Rowans, as well as Inverlea, would be dominated by the new modern design building in the foreground. It is noted that recent proposals for redevelopment of the Commercial Hotel have included plans for a flat on the upper floor, but nothing has yet been done to take such proposals forward, and which may be jeopardised by the present development proposal.

In terms of colour and finishing materials, the proposal is understood to be for a buff colour. That may be in keeping with the character and appearance of the surrounding buildings, and is less intrusive than a white finish. However, the problem is that these finishes tend to have a smooth and uniform appearance that stands out when contrasted with the irregular finish of traditional rendered mudwall, brick or stone masonry.



Other elements of the design that would affect the character of the conservation area is the proposed dormer windows and the details of the fenestration. There is no historical precedent within the conservation area for the type of windows. The only parallel is with the two recent developments that the application puts forward as models for style and design. However, these buildings are not visible from High Street. In the UCL case referred to above ([2004] EWHC 2846 (Admin)) it was held that a development can harm the character and appearance of the conservation area even if there have been extensive alterations in the vicinity. The alterations in the vicinity of the development site are arguably not even "extensive", when considering the effect on the conservation area, and so cannot be used to justify a detrimental effect on character or appearance.

The building line of the 3 modern houses to the east of the site is several metres further from the south edge of North Bank Dykes road. In fact the entire site of the proposed development could almost be fitted onto the forecourt of one of the 3 houses. The proposed block of flats is entirely out of all proportion with the few other modern houses on the street.

The development would also be out of scale, height and design when viewed from North Bank Dykes. its nearest neighbour, White House Lodge, situated on the facing side of the street, is a single storey building much smaller in scale than the proposed two storey block of flats. The only similar point of reference, among those nearby buildings that provide the historic character and appearance of the conservation area, is the former Northbank farmhouse and its near neighbours, but these buildings are separated from the site not only by the access road from High Street but also by a boundary wall of The Rowans and by a pedestrian right of way leading off North Bank Dykes, and would only appear in similar scale and height to the proposed development when viewed from the west along North Bank Dykes.

In terms of design, the external stair would not reflect the traditional platts found at, e.g. Library Building, and which have been lost from a large number of other older two storey buildings, because the stairs in traditional buildings was situated to the rear of the building (as in the Library Building). Whereas in the proposed development the stair would be situated on the front (north) elevation. That design would not fail to enhance the character of the conservation area, it would be a direct contradiction of the layout of one of the key architectural features of traditional houses in the village.

The orientation of the building, with all principal bays facing north, is also to the detriment of the character and appearance of the conservation area. North facing elevations in traditional buildings almost universally have few openings in them. An exception is the former Northbank farmhouse, where openings on the north allowed surveillance of the (now demolished) farm buildings on the north side of the back dykes road. Even the three modern houses situated a little to the west of the development site have their main elevation on the south side of the building.

### **Enhancement**

The application makes great play, mainly in the "Support Statement" (design statement), of the extent to which the development would result in an enhancement of the conservation area. It is accepted that removing the rubbish on the site and tidying up its appearance would enhance the character and appearance of the conservation area. However, it is submitted that references in the application to the site as a "blight on the village" and an "eyesore" are rather far-fetched. Especially compared to other sites in the conservation area, including those indicated in the application, which have or have had the character of a construction site, including enclosure by metal fencing, the application site is smaller, is enclosed on one side, and on part of another, by a traditional stone wall, and on two other sides by fences hidden by vegetation. The interior of the site is presently densely vegetated by shrubs and other plants which largely conceal any rubbish lying on the site. Half a day or so of a workman's time, with a trailer and some gardening tools would probably be sufficient to remove the existing rubbish, prune back the plant growth, and generally tidy up the site. The plants on the site are not unattractive whereas the breached wall of the village's former north back dykes certainly is a negative feature and one wonders under what circumstances it was breached in the first place. For whatever



reason, the site has been allowed to fall into a state of neglect which the present owner, who is understood to have purchased the land recently for a relatively modest consideration, does not appear to have taken the necessary steps to tidy it up or to prevent it falling further into neglect. There is no fencing or other enclosure placed along the line of the breached wall in order to keep people out or from taking the opportunity to fly-tip material on the site. The owner might wish to consider taking the necessary steps to secure the site in order to help prevent further nuisance from arising. As a last resort, the council may wish to consider taking such action as it deems necessary in order to ensure that nuisance caused by the site's lack of upkeep is abated.

The development site does not fall into the same category as the two examples provided by the applicant (3 houses at rear of Central Hotel and 2 flats to rear of Old Bakery). In each case, a development permission had been granted, and in one case, behind the Old Bakery, foundations had been erected, before the development was interrupted and put on hold for a number of years. In such cases there was arguably a greater need for some form of intervention to remove an unattractive building site from the townscape. In the present case no such need exists as no permission has been granted, no building works on site have commenced and there is relatively little dereliction or unsightliness that could not fairly easily be removed with a bit of willpower.

Even if it is accepted that there could be some enhancement of the site were the development to remove the unsightly elements on it at present, the detrimental effects of the development (as outlined above, and see below) is a material consideration (Bath Society, supra).

#### **Council proposals for preservation and enhancement**

The application makes no mention of the Errol Conservation Area Appraisal (2009) which we are fortunate that the council has carried out. Within the conservation area appraisal, various enhancement schemes are proposed by the council. However, the council has not formulated any enhancement scheme for the proposed development site. The development may, by increasing traffic, including service and emergency vehicles (including Royal Mail, commercial deliveries, PKC waste collection, ambulances, fire engines, and domestic vehicles), actually cause further degradation of some areas highlighted at 15.11 of the appraisal as requiring enhancement, including land at Northfield to the rear of Library Buildings.

#### **Effect of Article 4 Direction**

It is questionable whether granting the development proposal would enhance the quality of the unadopted private access roads that provide the only means of vehicular access to the proposed development site. Two additional frontagers on North Bank Dykes may help to provide extra household resources required to bring the road up to adoptable standard, which is badly needed to address the problems of lack of drainage and uneven surfaces.

On the other hand the effect of Article 4 Direction (The Perth & Kinross Council (Restriction of Permitted Development) (Errol) Direction 2009) is to add to the cost and complexity of bringing the road up to adoptable standard. In addition to the agreement between frontagers and potentially with the council in order to access resources, planning permission is also required. The boundary line of the conservation area follows the northern edge of North Bank Dykes road. The whole of the road is therefore subject to the Article 4 Direction, which requires that "the carrying out on land within the boundaries of a private road or private way of works required for the maintenance or improvement of the road or way" should not be carried out unless permission is granted on an application in that behalf.

There should be a presumption against increase in traffic on unadopted roads until such roads are brought up to adoptable standard. North Bank Dykes, particularly the sector to the east of the development site, and also Northfield, are prime examples of such unadopted roads in need of upgrading to cope with 21st century standards of traffic.



## **Design statement**

The proposed development being situated within a conservation area, the application is required, by para. 2 of Regulation 13 of the Town and Country Planning (Development Management Procedure) Scotland Regulations 2013 to provide a design statement. The relevant LDP policy PM2: Design Statements also requires a design statement for proposals that may affect the character or appearance of a conservation area. No mention has been made of either local policies or national policies such as PAN 68 Design Statements.

The two-page "Support Statement" that has been included as part of the application fails to meet the requirements for a design statement set out in para. 4 of reg 13:

"(4) A design statement is a written statement about the design principles and concepts that have been applied to the development and which—

(a)explains the policy or approach adopted as to design and how any policies relating to design in the development plan have been taken into account;

(b)describes the steps taken to appraise the context of the development and demonstrates how the design of the development takes that context into account in relation to its proposed use; and

(c)states what, if any, consultation has been undertaken on issues relating to the design principles and concepts that have been applied to the development and what account has been taken of the outcome of any such consultation."

The Support Statement covers barely two sides of A4, most of which is occupied by four large photographs. The text, excluding heading and subheading, extends to only some 197 words, at least 47 of which are about the applicant's previous development on a site lying outside the conservation area, at land behind the Old Bakery, Errol (12/00996/FLL). No explanation of the policy or approach to design of the proposed development is provided, apart from than statements that it "would reflect the style and character of the Old Bakery development", "takes account of an adjacent development at Northbank Dykes comprising a terrace of 3 houses", "[t]he finishes used will reflect the character of the conservation area as stated in the attached drawings" and "2 parking spaces have been provided within the curtilage of the site to facilitate off street parking". The limitations of such proposals have been discussed above, and they are major limitations that need considerably more detailing and justification.

Contrary to reg 13, the Support Statement provides no details of development plan policies relating to design or of consultation on design principles and concepts applied to the development. It is not known whether opportunities for informal consultations with development management staff may however have arisen (c.f. application form 12/00996/FLL).

## **Inappropriateness of examples used as precedents**

Neither of the two examples cited by the applicant is appropriate as a guide to style or design. The development recently completed by the applicant at land behind the Old Bakery is outwith the conservation area, and is screened from view from the rest of the area. It is therefore not appropriate at all to use as an example of what fits with the character and appearance of the conservation area. The development was started, and foundations erected, well before the conservation area was even designated, and certainly long before the appraisal was carried out in 2009. The damage had already been done. Even so, the plans as approved in detail by the planning authority was subject to modification in order to comply with building standards.

As for the other development, this time on North Bank Dykes itself, a similar scenario arises, as the application had been made and approved in outline, for 3 dwellinghouses to rear of Central Hotel



(Stoneyedge Cottage, Enniskerry and Hawthorne Cottage) before the designation of the conservation area (00/00628/OUT, approved 07/08/2000). The full application was also made (03/01397/PPLB) prior to the area designation and approved by delegated powers on 13/5/2004. It should be noted that the application was subject to a robust objection from the Architectural Heritage Society of Scotland, who warned it was setting an unwelcome precedent.

As in the case of the 2 flats behind the Old Bakery, the plans as approved by the planning authority were then amended for building certificate purposes (Building cert 04/01421/EROTH, approved 27/7/2007, and Building cert 07/00315/AME approved as amended 27/2/2007). The main change was the addition of rooflight windows to the south elevation whereas there had been none in the original plans as approved. As noted there had also been a hiatus in the development.

These three houses have better access than the development site and are much more generously situated in terms of area around the houses. Their building line is set further back from the road. They are partially screened from view of the proposed development site by a mature apple tree in the curtilage of James Terrace. There are no problems of overshadowing or overlooking and they are south facing with natural light in plentiful supply in all rooms. Errol brick was stipulated for paving and enclosing walls. These are all features that depart significantly from the design of the proposed development and which serve to underline the considerable differences between the two schemes.

### **Overlooking**

In addition to the considerations set out above, standard material planning considerations also arise, including overlooking. The relevant dimensions and distances have not been verified with precision. But it would appear that the development would be near to the limits expressed in technical guidelines on overlooking. The building would overlook windows and garden of White House Lodge, the west end of the south gable of which is 13m or thereby from the east end of the front elevation of the flats. The rear elevation of James Terrace is 15m or thereby from the rear elevation of the flats, and the development would abut the garden ground. The rear elevation of Inverlea is 20m or thereby from the rear elevation of the flats, across the garden of Inverlea and the roof of a car shelter. The east end of the rear elevation is 12m or thereby from the west end of the gable of the rear extension of The Rowans, currently used as clinical premises of Carse Medical Practice but for which recent refusal of an application (15/02148/FLL) for change of use from doctor's surgery to form two flats within the building is the subject of an application for review of the decision by the council's Local Review Body (TCP/11/16(433)).

If there were to be any alteration to the design approved in order to comply with Building Standards, for example to add a window or windows on the west, south or east elevations, then overlooking may arise in respect of both windows and garden ground at The Rowans, Inverlea and James Terrace, amongst other properties, of which Inverlea and James Terrace are in residential use.

### **Overshadowing**

As with overlooking, the impact of the development would seem to fall just within the technical guidelines for overshadowing. However, with a finished roof height of some 7000mm or thereby above the level of road at North Bank Dykes, due to the low height of the sun in the winter months in particular, the building could possibly cause overshadowing to windows at White House Lodge and The Rowans and would very probably overshadow the gardens of these properties, to the detriment of residential amenity. There may also be overshadowing of the garden of Inverlea.

### **Traffic impacts, parking and road and pedestrian safety**

A major material consideration is - or ought to be - traffic and pedestrian safety, and associated parking concerns. The development site is in close proximity to the current parking area for the doctor's surgery. North Bank Dykes is used by pedestrians including school children on a regular basis. There is no provision of turning facilities within the development site for vehicles to enter and leave in forward gear. This places the onus on drivers abiding by the Highway Code and reversing into the two parking bays proposed, in order safely to drive out in forward gear. There are clear risks



to pedestrian safety, which may be exacerbated should there be more than two vehicles requiring to be parked at the flats, with consequent increase in on-street parking.

#### **Site size**

The development site is very small, only 117m<sup>2</sup>, and is almost half the area of the development site at land behind the Old Bakery (190m<sup>2</sup>). This casts some doubt on the viability of the site. Parking space seems to be too small. A width of approximately 4500mm or thereby has been allowed for two parking spaces, which is narrower than the standard in Designing Streets. The bike shelters and the alley leading to the shelter is narrow. There appears to be only around 2000mm horizontally between the bedroom door and the wall opposite. Basically the site seems to be barely big enough for the development proposed, and there is no garden ground. Parking may spill out onto the street.

#### **Conclusion**

For the above reasons I object to the proposed development and I ask the council to give due regard to my representation in determining the planning application. Attached below are some recent photographs of the proposed development site and its context.

Yours faithfully,

Peter Symon.

[submitted by email.]

Appendix: Photographs of the site August 2016





## **CHX Planning Local Review Body - Generic Email Account**

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**From:** Avril Whyte [REDACTED]  
**Sent:** 16 January 2017 10:40  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(452)

Dear Sir/Madam

I wish to reiterate my original concerns to this planning application and also to add that there is a much needed street light on the corner of this plot and want to know what will happen to that and also if the occupants drive, where will they park their cars because Errol is already very congested.

Yours

Avril Whyte



Shalla-ree  
St Madoes Road  
Errol  
PERTH  
PH2 7QX

19 January 2017

Gillian A Taylor  
Clerk to the Local Review Body  
Perth and Kinross Council  
2 High Street  
PERTH  
PH1 5PH

Dear Mrs Taylor

**Re: TCP/11/16(452) - Town & Country Planning (Scotland) Act 1997 - The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013 - Application Ref: 16/01335/FLL – Erection of two one bedroom flats on land 25 metres North West of Inverlea, North Bank Dykes, Errol – Caranova Ltd**

Thank you for your email letter of 05 January 2017 concerning the review by the Perth and Kinross Local Review Body ("PKLRB") of the Council's decision, issued on 23 September 2016, to refuse the above planning application. Set out below are further representations to PKLRB, making reference to relevant policies in the Perth and Kinross Council Local Development Plan 2014 ("LDP") and to relevant sections of Errol Conservation Area Appraisal (2009) ("ECAA"). LDP Policy HE3A, New Development in Conservation Areas, states that details contained in the ECAA "should be used to guide the form and design of new development proposals". I also refer to the Design Statement submitted with the Notice of Review.

#### Siting and location

ECAA (Proposals 14.2) suggests that general encouragement will be given to "proposals which will improve the character and environment of the village" and that "scope may exist for infill development but only where this will not adversely affect the density, character or amenity of the village, or the character or amenity of the conservation area".

The site is in "Character Area 1" of the conservation area, described in ECAA as the organic, historic core of the village centred around the High Street, which forms a backbone along the natural ridge, and routes enveloping the old Burial Ground, characterised by meandering routes following the natural topography, dense grain and a typology of vernacular buildings in a restricted palette of materials. Specifically the site is situated in the less dense, more informal backlands off the densely built up High Street.

Although not stated in the ECAA, Errol is actually one of the most densely populated settlements in Scotland. It is currently ranked as the 31st most densely populated of 516 settlements in Scotland, by area, of settlements with populations of 500 or over, according to National Records of Scotland, 2014; figures based on 2012 population estimates and settlement area boundaries). It is the most densely populated settlement in the TAYplan planning region; St Andrews is next, ranked 74th. Basically it resembles the population density per area of a coal mining village. Within the village, the

most densely settled part is in the historic core of the conservation area, along High Street; in contrast to the backlands off High Street, characterised by open spaces and more informal character.

Buildings on High Street are generally of two storeys in terraced groups separated by narrow lanes: "Narrow pends within building groups provide glimpse views through to rear gardens and courts. Routes off the High Street are characterised by walled lanes and looser, backland development usually of one to one and a half storeys" (ECAA, 4.9).

The view looking up the lane leading towards the development site from High Street provides one of the most extensive of those few views, between boundary walls, of green open space as seen from High Street between St Madoes Road and the former Police House nearly opposite the Post Office. A picture included in my representation on the original application shows this view (top left of the nine pictures), including mature trees in the background lining the driveway of the former parish church manse (The White House). As the Delegated Report notes, although in a backland position, the plot is a prominent corner site. It occupies the centre of the view from High Street and is complemented by neighbouring green open spaces to its south and west and by further greenery, separated by lanes, to the north and east. While presently unkempt, it contributes significantly to the view of green space from High Street.

#### Density, scale, height and design

The proposed development would not be of an acceptable density to comply with Policy RD1, contrary to the statements made in the Design Statement. In relation to the very small size of the plot (total plot area around 117 square metres, or 0.0117ha) it would be excessively intensive.

The internal floor area of the upper flat is identical to that of the lower one. They are almost identical in layout apart from the position of kitchen and bedroom windows. Both internally and in relation to external appearance it is a 2-storey, rather than a 1½-storey, development.

With regard to density analysis, there are no precedents for the small plot size of 117 square metres. The size of the plot fails to relate to other plots in the vicinity. The location of the plot also fails to relate to the somewhat informal and disjointed but nevertheless linear character of several existing building lines that may be identified in the backlands between High Street and North Bank Dykes.

Although different definitions of "plot ratio" exist, a standard definition is the area occupied by all buildings and car parking expressed as a percentage of the total site area. The built footprint of around 42 square metres referred to in the Design Statement excludes car parking bays (around 21 square metres), staircase (around 7.3 square metres) and lean-to storage sheds for bikes (around 4.2 square metres). Including those elements, the built footprint occupies around 74.5 square metres of a total plot area of 117 square metres, giving a plot ratio of around 64 per cent. This figure excludes hardstanding (paving and paths) which would cover around 22 per cent of the plot surface, and garden space, which accounts for the remaining 14 per cent.

Around 21 square metres (around 18 per cent) of the site would be two car parking bays dressed with gravel (proposed to be a red colour). The path between the boundary fences and the building would also be surfaced with gravel and would occupy around 11.6 square metres, not including the storage sheds. In total around 33 square metres (around 28 per cent) of the total surface area of the development site would be gravelled. Paving slabs would cover around a further 5.8 square metres of the site, not including slabs under the staircase.



Almost two thirds of a residential site area covered by buildings and car parking is overly dense for residential development in Perth and Kinross, where town cramming is not encouraged. Such high density development is particularly inappropriate as "small-scale" infill development of open garden space on a prominent corner site in conservation area backland, and contrary to Policy HE3A.

There is also no meaningful precedent for such high plot ratios in backlands of the conservation area and certainly not within the small number of exemplars produced in the Design Statement. The site of the two-storey house called James Place (Photo 3 of Design Statement) on the adjacent plot includes a generous amount of garden ground. To the west of James Place the terrace of three houses built on land to the rear of the former car park of the former Central Hotel by P J Redford Homes Ltd (Photo 5 of Design Statement; referred to below as "Redford Homes" development; not "adjacent" to the proposed site, but separated from it by the width of a standard Scots tenement plus a mutual access road with high boundary walls on both sides), has a plot ratio of around 46 per cent, defined as above. While other elements of that housing development make it inconsistent with conservation area policy (including its design, and the dominance of hardstanding and car parking on the principal elevation facing the road), its plot ratio is probably within acceptable limits and considerably lower than that for the proposal site.

Elements which contribute to the lower plot ratio of the Redford Homes houses include the larger plot size (total area appear to be around 580 square metres), of which the housing occupies around 174 square metres. There is generous garden ground. Each house has an enclosed, south-facing garden, of around 70 square metres in area, with additional open space on the north side between the house and road. This contrasts with the small, shared soft landscaped area in the proposal.

Two other indications of the excessive scale of the proposed flatted development are the car parking bay sizes and the distance between the building and the curtilage. The Redford Homes' 6 car parking bays occupy around 90 square metres. Each one is around 3.0 metres wide and 5.0 metres in length. The two parking bays of the proposed development would be 2.3 metres wide and 4.5 metres in length. As noted in the Delegated Report the minimum standard in the Roads Development Guide for Scotland is 3.0 metres wide by 5.5 metres in length. Overly cramped provision of parking space is not in the interests of pedestrian and traffic safety.

Redford Homes have open space all round the building between the curtilage and the houses, in contrast to the proposed development which would be flush with the curtilage on one side. Between the two gable ends of the Redford Homes building there is a distance of around 1.75 metres to the boundary walls (built with Errol brick, retention of which a specific condition of the planning consent; brick was also stipulated for detailing some of the hardstanding area), compared with only 1.0 metre in the present proposed development. Redford Homes allow access to the gable and roof with scaffolding, the platform of which is generally a minimum of 1.0 metres in width. The building line is set several metres further back from the road than in the current proposals.

It cannot therefore be held that the proposed development is of the same scale or density as the three Redford Homes houses which have a lower density and are more sensitively scaled in relation to the local context, even though they were approved in principle in 2001 and a full application made in 2003 and granted in 2004, all prior to the designation of the conservation area. The vintage of the Redford Homes plans is demonstrated by the fact that the road was indicated on them as North Back Dykes, its previous name, not North Bank Dykes.

With regard to height, it is also inaccurate to state, as the Design Statement does, that the Redford Homes houses are the same height as the proposed flatted development. The finished roof height

of the Redford Homes houses is around 10.3 metres from ground level, compared with around 6.85 metres in the proposed development.

The finished roof height of the Redford Homes houses is also 1.5 metres to 2.0 metres higher than the norm for traditional two-storey dwellings in Errol conservation area. The proposed development would be slightly lower than almost all of the traditional houses but because of its more prominent and isolated site would stand out more. It is suggested that the proposed development might look the same height as the considerably higher Redford Homes houses mainly because the proposed flatted development is overly bulky and dense for its site and location, making it look higher than it actually would be. The absence of any other buildings to give it scale would tend to make the proposed flatted development stand out more than if there was other buildings to relate it to.

Examples of alterations recently approved to existing traditional houses on or within a few metres of High Street in the historic core of the conservation area are: Gray House (8.6 to 8.8 metres, on sloping ground, 16/00908/LBC); Post Office (around 7.9 to 8.3 metres, on sloping site, application 14/01672/FLL); Commercial Hotel (both pre-existing and replacement, finished roof height around 7.9 metres, 16/01398/FLL, 16/01399/LBC); Sharps Buildings (a brick house, around 7.1 metres). These heights are in line with a survey of traditional mudwall houses in Errol village (by Chris Gratton, Dundee University) in which the typical two-storey clay house had a finished roof height generally up to a maximum of around 8.8 metres.

James Place, referenced in the Design Statement, is two storey but its finished roof height is in line with its neighbours on High Street. It is situated parallel with and close to the rear of the north terrace along High Street and is one of the remnants of a longer line of buildings situated there 200 years ago, possibly at that time single storey modest mudwall buildings used as weaving sheds or for accommodation. Its situation, tucked away behind a line of houses of similar height, mean its height and scale is in character with the densely built up High Street, on which are situated the two examples of two-storey buildings included as Photos 1 and 2 of the Design Statement (The Rowans and Inverlea; currently respectively used as a doctor's surgery and convenience shop).

The two-storey Northbank Cottages (Photo 4 of the Design Statement; not "taken from the proposed development site" but from about 20 metres to the east of it) form part of a group of traditional houses and former farm buildings (Northbank Farm) arranged around a courtyard entered from High Street, with a pend leading to the back dykes. Formerly the farmhouse, its north-facing windows overlooked the farm buildings (now demolished) and fields (now the modern Northbank housing development). Built by the proprietors of Errol Estate, the building is a high-status interloper from "Character area 2" of mid- to late-19th century village expansion (ECAA, 4.28).

The building line is flush with North Bank Dykes road. It marks the edge of the historic core of the village along the former back dykes. In contrast the proposed development does not follow the same building line, eroding the identity of the backland setting. Forming the rear of the group of which it is the highest status member, the former Northbank farmhouse may be glimpsed from the High Street from where it closes the view of the courtyard space. It is part of a coherent group of buildings of similar appearance and age. Its scale is complementary to the massing of the group. The building and the group around it contribute positively to the character of the conservation area. That is in contrast with the isolated position of the proposed development which would, through its prominence, modern materials, lack of detailing, design and absence of other buildings around it to provide scale, be intrusive and have a negative impact on the character of the conservation area.

Also not evident from the photograph in the Design Statement is the lower elevation of the ground at Northbank Cottages compared with the development site. The height of Northbank Cottages

appears lower when viewed from the west due to the slope of the ground and buildings are partly screened by mature trees and partly hidden from view from the modern houses to the north by fencing. The proposed development, although lower in height, would occupy a site on a higher elevation and be more prominent in the conservation area.

#### Design, materials and detailing: roofs, windows, staircases

The Design Statement complains of unreasonable criticism of the quality of design of the proposed development. It is also claimed that pictures 1-5 in the Design Statement are "representative of the architecture within Errol's Conservation Area" which is claimed to be characterised by plain, simple and functional design. The photos of rear elevations of The Rowans, Inverlea and James Place are supposed to indicate the typical architecture of the conservation area.

While these photographs illustrate some elements of Errol's vernacular architecture (e.g. external staircases) they are far from representative of it, and show little that is of architectural significance. No mention is made of the ECAA, which "identifies the most important types of features and elements of the townscape which help to shape its identity, but which may be most at risk of incremental erosion (ECAA, 9.2), including windows and doors, roofscapes, and materials, decoration and detail. Very little, if any, of those elements are found in the proposed development, which would, for example, utilise plastic rainwater goods rather than iron.

The precedents for the proposed external staircase, at Inverlea and James Place, are at best of mitigated success. External staircases with platts are indeed a feature of Errol's architectural identity, but they are almost always placed on the rear elevation, out of view. James Place's staircase, in a very modest building, is placed on the gable, for convenience, where it is screened from view. The staircase at Inverlea is enclosed (as at the Old Bakery) but could hardly be claimed to be of high design quality, and it is positioned on the rear elevation, rather than the principal elevation as in the proposed development, a virtually unheard-of arrangement.

While the Design Statement claims to have been inspired by the architecture of Errol's High Street, it employs much the same design vocabulary and palette as on the Old Bakery flatted development. That is inconsistent with the explicit rejection of the earlier application for the Old Bakery, which the design statement submitted with the new planning application for the Old Bakery described as based on the overly detailed architecture found on High Street. Instead it was claimed that revised design was more in keeping with the simpler and plainer architecture of Errol's backlands. Now in the present application it is being argued that the very same plain and simple architecture is in fact typical of Errol's High Street, which would appear to be a somewhat incoherent argument.

Roofscape is identified in the ECAA as one of "the most important types of features and elements of the townscape which help to shape its identity, but which may be most at risk of incremental erosion" (ECAA, 9.2; & roofscape photomontage, p.22). The proposed development would be an example of that "incremental erosion" of identity.

The Design Statement claims that the hipped roof elevation of the east gable would reduce the building density and overshadowing of the lane. None of these claims is supported by evidence. Overshadowing may be considerable due to the height of the gable wall placed directly along the curtilage, but the Delegated Report found in any case no issue with overshadowing of neighbouring properties. On the other hand, the roof design is inappropriate, for three reasons.

One is that altering the shape by create a hipped profile would not, in fact, reduce significantly the sense of overly dense development that the positioning of the two storey east gable wall of the

building along the site curtilage would produce. The second reason for objecting to the hipped roof profile is the effect it has on the overall quality of design of the north elevation. The asymmetrical profile of the roof looks unbalanced and as if the building was one half of a longer building, U-shaped on plan, of which the half to the west is missing.

Thirdly, a hipped gable is unsuitable for a small 2 storey residential building and particularly in Errol conservation area where it is out of character. Hipped (or "piend") roofs are occasionally found on vernacular single storey cottages, and some modern bungalows, including within Errol conservation area. They are a feature of vernacular building in east central Scotland, usually found on both gables but sometimes on only one, where they indicate the possible former presence of a linen weaver's loom. But I can think of very few, if any, examples of two-storey piend roofed houses in Errol conservation area and no 2-storey house which has only one hipped roof. In general the houses in the historic core of the village have plain roofs, except for rear extensions, the roofs of which are usually hipped (e.g. The Rowans).

James Place, which the Design Statement would have as a design precedent, has a single storey extension with a lean-to roof, which does little to enhance the character of the conservation area.

The absence of chimneys (real or false) from the proposed development also detracts from the character of the conservation area. The ECAA draws attention to their prevalence, topped with chimney pots. The Redford Homes development was required to include chimneys, as was the recently approved plans for the replacement flatted development on the site of the former Commercial Hotel. The Rowans and Inverlea, both cited as design precedents for the proposed development, have bichrome brick chimneys, a feature of the conservation area, while James Place also has a brick chimney. There are no chimneys on the Old Bakery flatted development.

In regard to window design, where the ECAA refers to routes off the High Street as "characterised by walled lanes and looser, backland development usually of one to one and a half storeys" (4.9), it is referencing single storey cottages with or without attic conversions but which have plain roofs and no dormers. An example of such a "1½ storey" cottage, with an apparent loft conversion but with a plain roof and no dormer windows, is situated a few metres from the proposed development site, i.e. White House Lodge.

The applicant's Design Statement refers to "the proposed 1½ storey flatted development" without explaining what "1½ storey" means. It does not appear to be anything to do with internal floor space or layout. The two proposed flats have identical internal floor areas. Their internal layout is identical apart from the minor detail of the position of kitchen and bedroom windows. The height of a building appears to be not relevant to whether or not it is "1½ storey" or "2 storey". As mentioned above, whereas the applicant refers to the Redford Homes development on North Bank Dykes as "1½ storey", it has a finished roof height that is some 1.5 to 2.0 metres higher than the typical two storey traditional houses found in the conservation area.

It would appear, by the description in the Design Statement of the Redford Homes houses as a "1½ storey" development, that the applicant intends "1½ storey" to mean a development with dormer windows. For the reasons stated above, that is not the meaning intended in the Development Plan, or the ECAA which comprises part of the Development Plan. It is clear that the correct construction of the term is a single storey building with no dormer windows and with a plain roof sheltering an upper level of habitable space with a smaller floor area than the ground level floor area.

The Redford Homes houses (which each have three dormer windows) can be distinguished from the proposed development by their better quality roof design. The ratio of windows to roof length on

the Redford Homes houses is low, especially on the north-facing slope, facing the road, where there is only one dormer per house. The proposed development would have two dormer windows, one in fact a main door to the upper apartment, close together on the north-facing, road-facing roof slope. Cramming the roof with dormer windows is also a feature of the Old Bakery flatted development (12/00996/FLL).

ECAA has a photomontage of window and door detailing found within the conservation area, none of which could be described as superfluous or detracting from the character of the area.

#### Loss of green space, inadequate soft landscaping and substandard garden space provision

The Design Statement claims that greenery provided would enhance the conservation area and remove an "eyesore". In fact nine tenths of current green space would be lost. Of around 117 square metres site area, garden ground would be reduced to around 16 square metres. It would only be visible from the west, being otherwise hidden behind boundary walls. The "soft landscaping" falls a long way short of "new landscape and planting works appropriate to the local context and scale and nature of the development" as required by Policy PM1A, Placemaking.

There would be almost two and a half times more hard surfacing than soft landscaping around the exterior of the building footprint. The hard, formal environment of the High Street (and of the telephone exchange opposite the development site, outwith the conservation area) would be introduced into the less formal, greener, backland garden spaces, eroding the identity of the conservation area.

There is no evidence that the development would improve the character and environment of the area or village, in order to comply with Policy RD1C, Residential Development, or would be infill development at a density that makes most efficient use of the space, as required by Policy RD1A.

The proposal must be distinguished from the one approved in 2012 for development of 2 flats at the "Old Bakery" (12/00996/FLL). The PKLRB's attention is drawn to Photos 1, 2 and 4 accompanying the Design Statement for the "Old Bakery" planning application which show just how derelict that site had become prior to redevelopment. In contrast, the present site is simply an unkempt garden. It has not been disfigured by commencement of any development. It is not the subject of an extant planning permission that could be reactivated at any time, as the Delegated Report on the Old Bakery application noted. It is in a sensitive, prominent and open location in the heart of the historic core of the village and not tucked away from view behind a tenement in a hard urbanised environment. It would be setting a bad precedent if letting a garden get overgrown is an acceptable justification for departing from the Development Plan.

No specific need for enhancement of the site has been established. Suitability for infill development is conditional on location and design. The plot is just one of several spaces identified as in need of attention (ECAA, Opportunities for enhancement, section 15, at 15.11). It is not identified as a possible area for an enhancement scheme (ECAA, Map 9, p. 35). Scope for infill development in the conservation area is considered to be limited, subject to location and design and "should be discussed at an early stage with the Conservation and Regeneration and Development Management Teams" (ECAA, 15.12, p.34). No evidence is presented of such discussions having taken place.

The "pocket handkerchief" garden created would not be sufficient for play/amenity space. The garden would be shared by two households. An area of 16 square metres is well below the minimum standard for useable garden ground for just one household. It may even be further reduced in area by use as a drying area, for which no provision has been made. The "Old Bakery"

flatted development (16/00996/FLL) incorporates a drying area which, while useful, detracts from open space and, because it is situated in front of the principal elevation, from visual amenity.

It would be especially unfortunate to lose further open green space from the backlands north of High Street where the development site occupies a relatively small but prominently situated part of the remaining lower density, more informal, backland area. ECAA notes the considerable contribution of open space, including green spaces and regardless of ownership and accessibility, to the character of the conservation area, as indicated in Planning Advice Note 65, 'Planning and Open Space' (ECAA, 4.17), including private gardens (ECAA, 4.19).

A tree would be removed (permission is stated to have been granted but no evidence submitted). While it is not particularly significant, it is noted that trees and landscaping, including individual specimen trees, mainly in private gardens, are crucial to the character of the conservation area (ECAA, 4.22) especially in the core of the village, where they "complement the quality of the built environment and enhance the contrast between the largely hard, formal environment of the High Street and the greener, less formal back lanes, gardens and spaces" (ECAA, 4.24).

Through the loss of open green space and vegetation it would cause, the development would not preserve or enhance the character of the conservation area, contrary to Policy HE3A. ECAA seeks to preserve green spaces to the rear of buildings in the conservation area. Policy PM1A, Placemaking, requires development to incorporate new landscape and planting works appropriate to the local context, whereas the proposed landscaping of the development is inappropriate to the local context.

#### Boundary wall

The Design Statement claims that repositioning and renovating the boundary wall will enhance the conservation area. While any upkeep of the wall is welcome, realignment of the wall may actually be harmful to the character of the conservation area and be contrary to Policy HE3A.

The coped rubble wall is an example of the "traditional high rubble and brick boundary walls around the backland areas", including the "notable local feature" of "gently curved wall-ends to mark entries and allow for easy passage at gates and pathways", is "an important element of the townscape" (ECAA, 4.26). The character of the conservation area is thus sensitive to any changes to the boundary treatments within it.

The development would result in loss of sections of the boundary wall at the south east and north west corners of the site. Around 13.8 metres in length would be preserved. Around 7 metres would be taken down of which some 6 metres rebuilt in a realigned position. Repositioning would expose a section of the existing boundary fence of the neighbouring car shelter to public view. It would alter a 6 metre length of a previously straight boundary line to a crooked one. The wall would be hard up against the east elevation of the development which would be of incongruous modern material and a completely different scale to the old stone wall. The character and appearance of the conservation area would be harmed by the new treatment of the existing boundary wall which may also weaken the structural stability of a small section of wall on neighbouring land south of the site.

Realignment of the boundary wall would also divide the parcel of land into two sections. A small, triangular piece of ground would be transferred from inside the physical curtilage of the site to the lane on the other side of the boundary wall. While not a planning matter, the arrangement may give rise to future legal problems for owners of the flats/frontagers of the lane.

#### Contrasting site and location of Old Bakery flatted development

The applicant's completed development of 2 flats at the "Old Bakery" (12/00996/FLL) is in the local context of a small site to the rear of densely built up tenements facing onto High Street. The site is also at the edge of the Errol conservation area but in a more densely built up situation surrounded on 3 sides by hard landscaping, high buildings, a cul-de-sac and an access way. The footprint of the building occupies, with slight modifications, a similar footprint to that of a building which had been a feature of the townscape for many years but which had been demolished.

The total area of the above site is also very small, at 191 square metres (0.019 ha). Built coverage (including 3 car parking bays and a storage shed but excluding paths) of the approved development is around 117 square metres [sic], giving a plot ratio of built coverage as a percentage of the total site area of around 61 per cent, which is again very high.

The approved plans included paving along two sides of the 3 car parking bays, each around 5 metres long by 2.5 metres wide. In fact the paving has been partly omitted. One end of the parking area is kerbed but not the side, allowing gravel to spill onto the access road and changing the size of the parking bays. The density, parking arrangements and access (see below) to the development do not make it a good precedent for the present application site.

The uncomfortably small size of the site was noted in the Delegated Report on the planning application for the above development (12/00996/FLL) but it was noted that an extant permission for a residential development on the site could be developed at any point and so the main determining issue in the assessment of this application was whether the new revised proposals would have any greater impact than the approved scheme. It was concluded that there would be no greater impact than the scheme approved prior to designation of the conservation area in 2004 (application 01/00610/FUL) and which had been abandoned after commencement of the foundations. But for the existence of that earlier permission, it is likely that the applicant's later development may not have been approved, because of the ways in which it is contrary to the policy toward new development in conservation areas.

The density of the above development is inappropriate to the very different local context of the present application site, which is in an open, prominent situation, is garden ground, has no previous development history and is subject to Development Plan policies for Errol conservation area.

It is also noted that the planning permission 12/00996/FLL included a condition (2) for turning facilities to be provided within the site to enable all vehicles to enter and leave in forward gear, in the interests of pedestrian and traffic safety and in the interests of free traffic flow. It would appear to be very difficult or impossible to turn a vehicle within the site if any parking bay is occupied.

### Access

The partial screening of the north elevation by the boundary wall would obscure visibility of the road from the parking bays and make egress from the site more dangerous. There is no turning space within the site to enable all vehicles to enter and leave it in forward gear.

Contrary to usual planning requirements, there is no hard surfacing separating the parking bays from the road, other than a narrow kerb, to retain loose gravel and prevent it spilling onto the road.

The access to the site would be a few metres from the junction of North Bank Dykes with the lane leading to High Street. It faces a telephone sub-exchange, regularly visited by service vehicles.



North Bank Dykes is a long established public road used by school children walking to and from Errol school as well as by recreational and other walkers. It is close to the church, village hall and public park. The above access arrangements would not be in the interests of pedestrian and traffic safety.

#### Overhead power line

It is noted that an overhead power line appears to traverse the south west corner of the site. There is also a street lighting pole positioned in the lane near the north end of the section of wall proposed to be taken down and rebuilt.

#### Windfall housing site

It is noted that the proposed development would contribute to housing supply as a small windfall site. However, there is already a generous provision for new housing development in Errol and in Errol Airfield/Grange in the Development Plan. A major housing development is nearing completion in Errol. Approval has recently been given for a flatted development on the site of the former Commercial Hotel, on High Street. Contribution to housing supply is not a sufficient material consideration to justify departing from the Development Plan.

#### Drainage

One new piece of evidence may require to be considered by the PKLRB. LDP Policy EP3B, Foul Drainage, requires connection to Scottish Water's public sewer serving Errol village. Scottish Water Errol Lagoons Waste Water Treatment Works (WWTW) is near or at capacity. Additional housing development in Errol may not be possible until additional capacity is provided at Errol Lagoons WWTW. Scottish Water did not comment on the original application.

It should also be noted that North Bank Dykes, and the lane leading to it from High Street along the east curtilage of the site, are both undrained. Neither road is adopted. The condition of North Bank Dykes is poor, especially the lower section of it to the east of the site, mainly because of surface water runoff. The suitability of the proposed arrangements for surface water drainage of the proposed development should therefore be given consideration.

#### Conclusion

Material considerations cited in the review application are of insufficient significance to justify departing from the Development Plan by overturning the decision to refuse the original application. There is no evidence that the Delegated Report appraises the application unfairly or has drawn unreasonable conclusions, or that any member of staff of the planning service or any other person has in any way exercised any undue influence over it.

For the above reasons, for those stated in my original letter of representation and for those given in the Delegated Report of Handling by the Case Officer, it is submitted that the original decision to refuse planning permission should be upheld and the review application dismissed.

Yours sincerely,

Peter Symon

[submitted by email]