

Perth and Kinross Council
Development Control Committee – 17 February 2010
Report of Handling by Development Quality Manager

Replacement of existing wall mounted street lights and erection of column lighting at High Street and King Edward Street, Perth

Ref. No: 09/01804/FLL

Ward No: N12 - Perth City Centre

Summary

This report recommends approval of the application for the replacement of existing wall mounted street lights and column street lights at High Street and King Edward Street, Perth as the development is considered to comply with the provisions of the Development Plan and supplementary Planning Guidance subject to compliance with conditions.

BACKGROUND AND DESCRIPTION

- 1 This report deals with the erection of wall mounted street lighting located on buildings within Perth High Street and King Edwards Street. It also assesses the formation of street light columns at the entrances to the pedestrian zones. The development is located within the Perth Central Conservation Area and has the potential to affect the setting of a number of Listed Buildings. A separate application has been submitted for the proposed alterations undertaken to the Listed Buildings which is assessed under reference 09/01806/LBC, and also being reported to this Committee.
- 2 In accordance with Section 65 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Act 1997 the application has been advertised in the Local Press as potentially affecting the character or appearance of a Conservation Area, a site notice was displayed on 16 November 2009.

NATIONAL POLICY AND GUIDANCE

- 3 The Scottish Government expresses its planning policies through The National Planning Framework, a series of National Planning Policy Guidelines (NPPG) which are currently being replaced by Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) which are practice statements.

Scottish Planning Policy 23: Planning and the Historic Environment

- 4 It sets out the national planning policy for the historic environment and indicates how the planning system will contribute towards the delivery of Scottish Ministers' policies as set out in the current Scottish Historic Environment Policy (SHEP) produced by Historic Scotland.

Scottish Historic Environment Policy (SHEP)

- 5 Sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises the approved Perth and Kinross Structure Plan 2003 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

Perth and Kinross Structure Plan 2003.

- 7 The principal relevant policies are in summary.

Sustainable Communities Policy 9

- 8 Which notes that Local Plans will ensure new development makes a positive contribution to the identity, character and quality of the built and historic environment; contributes to sustainable development through energy conservation, efficiency through design, site layout and where possible, the use of local materials.

Environment and Resources Policy 8

- 9 The policy seeks to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. It specifies that new development which would adversely affect Listed Buildings or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweigh the cultural interest in the site.

Perth Central Area Local Plan 1997

Policy 11: Perth Central design

- 10 Proposals for new buildings, changes to the appearance of existing buildings (including signs, new shop fronts and advertisements) will be assessed having regard to the design guidelines contained in Annex 1 to the Plan (See Pol 40).

Policy 14: Perth Central Listed Buildings

- 11 The Council will make use of its powers under the Town & Country Planning (Scotland) Act 1997 to protect Listed Buildings and their setting and exercise control within Conservation Areas (See Pol 49 - Pol 56 and Rec 4).

Policy 15: Perth Central Listed Buildings

- 12 There will be a presumption against the demolition of Listed Buildings and a presumption in favour of consent for development involving their sympathetic restoration.

Policy 54: Perth Central Conservation Area

- 13 Proposals for new buildings, changes to the appearance of existing buildings and, where appropriate, demolition of buildings will be assessed having regard to the design guidelines applicable to Conservation Areas contained in Annex 1 (See Pol 14).

Policy 55: Perth Central Conservation Area

- 14 The Council will investigate the scope of enhancement schemes in Conservation Areas and will progress such schemes where appropriate.

Draft Area Local Plan 2004

- 15 The Council's Enterprise and Infrastructure Committee, at their meeting on 30 January 2008, took the decision not to progress the draft plan to a Finalised Stage. Given this was a draft document which did not reach an advanced stage I cannot give this any significant material weight in the determination of this application.

OTHER POLICIES

- 16 Historic Scotland's Guidelines for the Detailed Consideration of Listed Building Cases is a material consideration in the determination of this application.

SITE HISTORY

- 17 None of relevance.

CONSULTATIONS

- 18 None.

REPRESENTATIONS

- 19 No of representations Received: None
- 20 Summary of Issues raised by Representations: Not applicable.
- 21 **Additional Statements Received**

Environment Statement:	Not required
Screening Opinion:	Not required
Environmental Impact Assessment:	Not required

Appropriate Assessment:	Not required
Design Statement or Design and Access Statement:	Not required
Report on Impact or Potential Impact:	Not required

APPRAISAL

- 22 This report deals with the erection of wall mounted street lighting located on buildings within Perth High Street and King Edward Street as well as the formation of street light columns at the entrances to the pedestrian zones.
- 23 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Development Plan for this area comprises the Perth and Kinross Structure Plan 2003 and the Perth Central Area Local Plan 1997.
- 24 In addition section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also applicable which requires the planning authority to have special regard to the desirability of preserving the building or its setting.

Policy

- 25 The determining issues in this case are whether: the proposal adversely affects the setting of the Listed Building; the proposal pays special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area; the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.

Street Lighting columns at pedestrian zone entrances

- 26 Column lighting which can accommodate hanging baskets and banners are proposed at key cross road positions which enter the main pedestrian precinct in the city centre. Their contemporary design is considered acceptable and appropriate. It should be noted that the existing column lights located which are scattered throughout the High Street are to be removed as part of this application. In this instance the de-cluttering of the High Street is welcomed as it will have a positive enhancement in Perth's central Conservation Area.

Wall mounted lighting

- 27 The proposed wall mounted street lighting is a simple and of contemporary design. It is considered that they are appropriate for the character of the High Street and King Edward Street, it should be noted that similar units have been installed within the surrounding Conservation Area (St John Street and St John's Place). It is considered that the design is acceptable subject to

appropriate siting which will need to take cognisance of the Listed Buildings and buildings of merit within the Conservation Area.

Wall mounted street lighting positions 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 14, 16, 17, 18, 19, 21, 23, 24, 25, 27, 28, 31, 34 and 35

- 28 Based on the submitted information it is considered that the above wall mounted street lighting units are acceptable. Their locations take cognisance of the buildings fenestration and consequently I do not consider that they impact adversely on the facades of the building thus maintaining the character of the Conservation Area and setting of the Listed Buildings thus complying with the relevant provisions of the Local Plan.

Wall mounted street lighting positions 8, 11, 13, 15, 20, 22, 26, 29, 30, 32, 33 and 36

- 29 The above street lighting positions are considered to impact on the fenestrations of the buildings and would fail to comply with the relevant legislation and provisions of the adopted Development Plans. I have however taken cognisance of Scottish Government Circular 4/1998 which notes that, conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.
- 30 In this case suitably worded conditions can be attached to the consent to ensure amendments to the locations of the wall mounted units are undertaken thus mitigating their impact and ensuring compliance with legislation and the adopted Development Plans.

Ancillary and remediation works in relation to wall mounted units:

- 31 There is requirement to ensure that cables and equipment boxes are disguised as far as practicably possible to reduce their impact on the fenestration of the buildings. This should be achieved by following existing elevation features, service runs or rainwater goods where possible and coloured to match the background. Where existing wall mounted units are to be removed and not replaced in the same location. the elevation shall be made good to match the original surface adjacent in terms of material and finish which may require the use of lime mortars or stone which can be agreed by condition.
- 32 Overall the proposal is considered to comply with the applicable policies of the Development Plans. The settings of the Listed Buildings are maintained and the character/appearance of the Conservation Area is enhanced. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for approval subject to conditions.

LEGAL AGREEMENTS REQUIRED

33 A legal agreement is not required for this application.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

34 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

DIRECTION BY SCOTTISH MINISTERS

35 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

36 In conclusion, the proposal is considered to comply with the requirements set out in legislation to preserve the special architectural historic interest which the buildings possess together with the character and appearance of the Conservation Area within which the development would be located. Additionally I do consider the application to be in accordance with the adopted Development Plans, I have taken account of material considerations and find none that would justify refusing the application. The application is therefore recommended for approval subject to conditions

RECOMMENDATION

A Approve the application subject to the following conditions

1. The development shall be begun within a period of three years from the date of this consent
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. No consent is given for the proposed lamp at position 8 which is located on 130-150 High Street. Lamp 8 shall be relocated to east of the façade to take cognisance of the buildings fenestration. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the

scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.

4. No consent is given for the proposed lamps at positions 11 and 13 which are located on 111-119 High Street. Lamp 11 shall be relocated to ensure they are symmetrically placed on this façade thus taking cognisance of the buildings fenestration. Prior to the commencement of development, revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
5. No consent is given for the proposed lamps at positions 15 and 20 which are located on 2 - 8 King Edward Street and 108 - 112 High Street. Lamp 15 and 20 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
6. No consent is given for the proposed lamp at position 22 which is located on 86 - 96, 98 -102 High Street. Lamp 22 shall be relocated to the east of the façade to take cognisance of the buildings fenestration. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
7. No consent is given for the proposed lamp at position 26 which is located on 45-53 High Street. Lamp 26 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
8. No consent is given for the proposed lamp at position 29 which is located on 45-53 High Street. Lamp 29 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended positions which will be approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
9. No consent is given for the proposed lamp at position 30 which is located on 48, 50 High Street. Lamp 30 shall be relocated. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with

10. No consent is given for the proposed lamp at position 32 which is located on 44 - 46 High Street. Lamp 32 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
11. No consent is given for the proposed lamp at position 33 which is located on 21 - 31 High Street. Lamp 33 shall be relocated to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
12. No consent is given for the proposed lamp at position 36 which is located on 28, 30 High Street and 1-5 Watergate. Lamp 36 shall be relocated to the east to make use of existing mounting points on this building. Prior to the commencement of development revised plans shall be submitted detailing the amended position which will be approved in writing by the Planning Authority in consultation with Historic Scotland. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
13. For the avoidance of doubt cables and equipment boxes on the facades of buildings shall be disguised by following existing elevation features, service runs or rain water goods. Where this is not possible details of cable and equipment box colouring will be supplied to ensure that they match the background colour they are to be mounted on which shall be approved in writing by the Planning Authority in consultation with Historic Scotland prior to the commencement of development. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
14. Where wall mounted units are to be removed and not replaced in the same location details on remediation works will be supplied prior to the commencement of development and approved in writing by the Planning Authority to ensure repairs match the original surface in terms of material and finish. Thereafter the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.
15. For the avoidance of any doubt the existing column street lighting shall be removed once the scheme as approved has been implemented and brought into use all to the reasonable satisfaction of the Planning Authority.

Reasons

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 -4 In order to safeguard the special architectural or historic interest of the building(s), reduce the extent of alterations to historic facades and to ensure the Planning Authority maintains effective control over the development.
- 5-13. In order to safeguard the special architectural or historic interest of the building(s), reduce the extent of alterations to historic facades and to ensure the Planning Authority in consultation with Historic Scotland maintain effective control over the development
- 14 In order to safeguard the special architectural or historic interest of the building(s), reduce the extent of alterations to historic facades and to ensure the Planning Authority maintains effective control over the development.
- 15 In order to safeguard the special character or historic interest of the area and to ensure the removal and de-cluttering of obsolete infrastructure thus maintaining the Planning Authorities effective control over the development

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations which would justify a departure therefrom.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in

Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
- Readily visible to the public
- Printed on durable material.

3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: None

Contact Officer: Name John Russell – Ext 75346

Date: 29 January 2010

Nick Brian
Development Quality Manager

09/01804/FLL

Replacement street lights, High Street & King Edward Street, Perth



Scale : 1:2500

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	13 January 2010
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