

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

**Replacement of existing wall mounted street lights at High Street and
King Edward Street, Perth**

Ref. No: 09/01806/LBC
Ward No: N12 - Perth City Centre

Summary

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

BACKGROUND AND DESCRIPTION

- 1 This report deals specifically deals with the erection of street lighting on Listed Buildings located on Perth High Street and King Edwards Street. A separate planning application has also been submitted which is assessed separately under application 09/01804/FLL and also being reported to this Committee.
- 2 In accordance with Regulation 5 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 the Listed Building application has been advertised in the Local Press, Edinburgh Gazette and a site notice was displayed on the 16 November 2009 and also being reported to this Committee.

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.

Draft Area Local Plan 2004

- 13 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

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

SITE HISTORY

- 15 None of relevance.

CONSULTATIONS

- 16 None.

REPRESENTATIONS

- 17 No of representations Received: None
- 18 Summary of Issues raised by Representations: Not applicable.
- 19 **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

- 20 This application is for the replacement of street lighting on Listed Buildings which are located within Perth High Street and King Edwards Street. A separate application for planning permission has been submitted which is assessed separately under application 09/01804/FLL.

Policy

- 21 The determining issues in this case are:- the statutory requirement under Section 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses; whether the proposal

complies with development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

- 22 Historic Scotland's Guidelines for the Detailed Consideration of Listed Building Cases is particularly relevant to this proposal. This specifies that the mounting of street lighting fittings upon a Listed Building requires particular care. Whilst the need to achieve recommended levels of illumination at night often leaves little room for manoeuvre in the choice and location of fittings, a lighting scheme must have regard to the daytime appearance and to the architectural character of the building. Proposals which do not respect the form and detailing of the building and would consequently seriously detract from its appearance should be firmly discouraged. Fittings and their fixing brackets should, for example, never lie across or cut into or through any architectural feature and should never disturb the balance of a symmetrical facade. Painting fittings and fixing brackets to match the colour of the face of the building may help but this expedient should never be used simply to camouflage problems created by bad siting. Thought should also be given to the concealment of cable runs. Fittings should be attached to the building in a manner which minimises damage to the stonework.

Design

- 23 The proposed street lighting is a simple and 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 should take cognisance of the Listed Building's special features and character.

Impact of proposed street lighting on Listed Buildings

Street light position 3 and 5: 177 - 187 High Street (Including Perth Theatre) Category B Listed Building

- 24 This is a four storey tenement building located on the north side of the high street with a red sandstone façade. Two street lights are to be erected. It is considered the positioning is acceptable and the buildings character will be maintained.

Street light position 15, 17 and 20: 2 - 8 King Edward Street, 108 - 112 High Street Category B Listed Building

- 25 A prominent Listed Building which is located on the west side of the High Street and King Edward Street intersection with ornate corner tower. Three street lights are proposed to be installed on this building. I do not have any concerns regarding light position 17. However, due to the close proximity of position 15 and 20 to the tower feature I consider the scheme would adversely affect the prominent tower feature thus failing to comply with the Listed

Building legislation. I note that there are existing lamps to be removed from the building and in this instance a condition should be attached to ensure lamp 15 and 20 are repositioned to this area with the existing mounting point being re-used to avoid making unnecessary additional fixings into the stonework.

Street light position 22: 86 - 96, 98 -102 High Street Category B Listed Building

- 26 This is a four storey building with an interesting fenestration pattern which includes a gothic detail at the third floor level. The proposed lighting impacts on the fenestration and a more appropriate position is to locate the light further to the east and this can be controlled by condition.

Street light position 26: 76, 78 High Street Category C(s) Listed Building

- 27 This is a late nineteenth century four storey building with ashlar façade. An existing lamp is located to the west of the building at third floor level. The proposal seeks to change the location to the east. In this case it is considered that the existing mounting point should be re-used to avoid making unnecessary additional fixings into the stonework which can be controlled by a suitably drafted condition.

Street light position 29: 45-53 High Street Category C(s) Listed Building

- 28 An early nineteenth century four storey building with attic located to the North side of the High Street. An existing lamp is attached to this building and a condition should be attached to the consent to ensure the proposed lamp uses this existing mounting point.

Street light position 30: 48, 50 High Street Category B Listed Building

- 29 A four storey eighteenth century house with stuccoed Renaissance facade. The proposal adversely affects the character of this Listed Building. I do not consider it to be an acceptable position and I consider that this should be deleted from the scheme by condition.

Street light position 31: 39-43 High Street Category C(s) Listed Building

- 30 The positioning of the proposed lamp on this building is considered to be appropriate.

Street light position 32: 44, 46 High Street Category B Listed Building

- 31 A four storey ashlar building located to the eastside of the intersection of ST John's Street and the High Street. An existing lamp is to be removed from this façade and it is considered the proposed lamp should re-use the existing mounting point which can be controlled by a suitably drafted condition.

Street light position 33 and 35: 21 - 31 High Street Category B Listed Building

- 32 An existing lamp is to be removed from this four storey building with attic. To limit the extent of alterations to this building it is considered that the existing mounting point should be re-used for lamp 33 which can be controlled by condition. The positioning of street lamp 35 is acceptable.

Street light position 34: 32-36A High Street Category B Listed Building

- 33 This is a late nineteenth century building which has considerable unsympathetic alterations undertaken to the façade. The positioning of the proposed lamp is considered to be appropriate.

Street light position 36: 28, 30 High Street and 1-5 Watergate Category B Listed Building

- 34 A late eighteenth century building which has been refaced in the mid nineteenth century in the Renaissance style, this includes superimposed pilasters, architrave windows with segmental pediments at the first floor and triangular pediments at second floor. The proposal is for the repositioning of lamp from the east to the west. The proposed position is considered to impact on the façade therefore the existing lamp position should be reused and will be controlled by condition.

Ancillary and remediation works

- 35 Where cables and equipment boxes are required and have to be surface mounted they should be disguised 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.

LEGAL AGREEMENTS REQUIRED

- 36 A legal agreement is not required for this application.

DIRECTION BY SCOTTISH MINISTERS

- 37 The proposal relates to Category B Listed Buildings: (Perth Burgh Item Number 157) 28, 30 High Street, and 1-5 Watergate, (Perth Burgh Item Number 150) 21 - 31 High Street, (Perth Burgh Item Number 158) 32-36A High Street, (Perth Burgh Item Number 159) 44, 46 High Street, (Perth Burgh Item Number 160) 48, 50 High Street, (Perth Burgh Item Number 166) 86 – 96 High Street, (Perth Burgh Item Number 167) 98 -102 High Street (Perth Burgh Item Number 169) 2 - 8 King Edward Street and 108 - 112 High Street, (Perth Burgh Item Number 155) 177 - 187 High Street. If approved the application is required to be sent to Historic Scotland for ratification.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 38 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. Additionally I do consider the application to be in accordance with the adopted Development Plan, 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 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.
- 4 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.
- 5 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.
- 6 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.

- 7 No consent is given for the proposed lamp at position 30 which is located on 48, 50 High Street. Lamp 30 shall be deleted. 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.
- 8 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.
- 9 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.
- 10 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.
- 11 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.
- 12 Where wall mounted units are to be removed and not replaced in the same location details on remediation works shall 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.

Reasons

- 1 In accordance with the terms of Section 16 of the Planning (Listed Buildings and Conservation Areas)(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.
- 3-10 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
- 11-12 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.

B JUSTIFICATION

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

C PROCEDURAL NOTE

As the application involves work to Category B Listed Buildings the comment shall not be issued until formal ratification from Historic Scotland has been received.

Background Papers: None
Contact Officer: John Russell – Ext 75346
Date: 1 February 2010

**Nick Brian
Development Quality Manager**

09/01806/LBC

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



Scale : 1:2500

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
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