

Perth and Kinross Council
Development Control Committee – 8 September 2010
Report of Handling by Development Quality Manager

**Alterations to walls and associated engineering works at Riverside Walk,
 Blairgowrie**

Ref. No: 10/01131/FLL
 Ward No: N3 – Blairgowrie and Glens

Summary

This report recommends approval of the application for alterations to walls and associated engineering works at Riverside Walk, Blairgowrie as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The Riverside walk is a promoted and proposed core path which forms part of the 'Knockie' Path covering an area to the northwest of Blairgowrie.
- 2 The proposal is to carry out emergency repairs to a retaining wall near the Blairgowrie Bridge, Rattray. The works are in two phases with Phase 1 having already begun.
- 3 Phase 1 includes urgent works to reinstate a partially collapsed section of the wall in order to secure the wall from further movement in the short term and to protect the properties of 2 and 4 Wellmeadow which rely on the wall for foundation. Phase 1 is permitted development under The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 Part 12, Class 33 as the value of works is under £100,000.
- 4 Phase 2, for which planning permission is currently being sought, will cover the permanent strengthening works which have an estimated cost of £200,000.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 5 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and

- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application is:-

- Paragraphs 125 - 148 : Landscape and Natural Heritage
- Paragraphs 149 - 150 : Open Space and Physical Activity

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises of the Approved Perth and Kinross Structure Plan 2003 and the Adopted Highland Area Local Plan 2000.

Perth and Kinross Structure Plan 2003

- 7 The principal relevant policies are in summary:

Sustainable Communities Policy 12

- 8 The policy notes that the Council will identify core path networks and promote schemes to safeguard and improve them.

Eastern Area Local Plan 1998

- 9 Under the Local Plan the site lies within the settlement of Blairgowrie in an area zoned for private and public open space.

- 10 The principal relevant policies are in summary:

Policy 29 & 30 Public Access and Informal Recreation

- 11 These policies cover the Councils commitment to identify, record and assert public rights of way and seek to improve public access to informal recreation provision.

Policy 64 Open Space and Recreation

- 12 This policy identifies areas of public space which are to be retained; encouragement will be given to proposals which would improve these areas.

OTHER POLICIES

- 13 No other policies

SITE HISTORY

- 14 No site history

CONSULTATIONS

- 15 **Scottish Natural Heritage:** SNH have no objection to the proposed works. The development will not have a significant effect on the SAC features; therefore an Appropriate Assessment is not required. A bat survey has been provided and measures discussed and agreed with SNH. Additionally the applicant has applied for a bat licence which has been approved.
- 16 **Flooding Team:** The Flood Prevention Authority has no objection to the proposal however do recommend notes to be added to any consent regarding the location within the 1/200 year flood event and that the necessary CAR licence should be sought from SEPA.

REPRESENTATIONS

- 17 No letters of representation received

ADDITIONAL STATEMENTS

18	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None
	Report on Impact or Potential Impact	None submitted.

APPRAISAL

Policy

- 19 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 20 In terms of the Development Plan, the key policies are contained in the adopted Eastern Area Local Plan. I therefore consider the key determining issue for this application to be whether the proposal complies with Policies 29, 30 and 64.
- 21 The proposal complies with policy 29 and 30 as the proposal will ensure the right of way is reinstated and will return public access to the walk. The proposal also complies with Policy 64 as the works proposed will improve the riverside walk making it safer.

Proposed works

- 22 Phase 1 is the reinstatement and strengthening of 10m length of collapsed section of retaining wall using mass concrete and natural stone. Also included in this phase is the temporary stabilisation of retaining wall with gabion baskets. These works are urgent and have begun as they are permitted development.
- 23 Phase 2 includes the strengthening of 13m length of retaining wall using in-situ concrete bored piles. The wall is also to be taken down and reconstructed in natural stone.

Conservation Area

- 24 The site is located within the Blairgowrie Conservation Area, the works as described and illustrated on the plans will have no significant impact on the character and appearance of the Conservation Area.

Natural Heritage

- 25 It has been established that the works, will not have a detrimental impact on the SAC and the issue of bats has been fully addressed through a submitted survey and granting of the appropriate licence.

LEGAL AGREEMENTS REQUIRED

- 26 No legal agreement required

DIRECTION BY SCOTTISH MINISTERS

- 27 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

- 28 The repair works are necessary to protect the buildings above the path and to ensure that the path is maintained and safe to use by the public. The details of the works proposed are acceptable in terms of the visual impact on the character and appearance of the Conservation Area. The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

RECOMMENDATION

A Approve the application for the following reasons:

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

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 In order to safeguard the character and appearance of the statutorily listed building.

B JUSTIFICATION

The proposal is considered to comply with the terms of the Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 The proposed development is located within the 1/200 year outline shown on SEPA's indicative River and Coastal Flood Map (Scotland). Therefore, suitable safety measures should be put in place in order to ensure that personnel and loose equipment/materials can be removed quickly during times of heavy flooding.
- 2 The necessary Car licence should be sought from SEPA prior to the commencement of works.
- 3 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.

- 4 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: Joanne Ferguson – Ext 4(75320)
Date: 23 August 2010

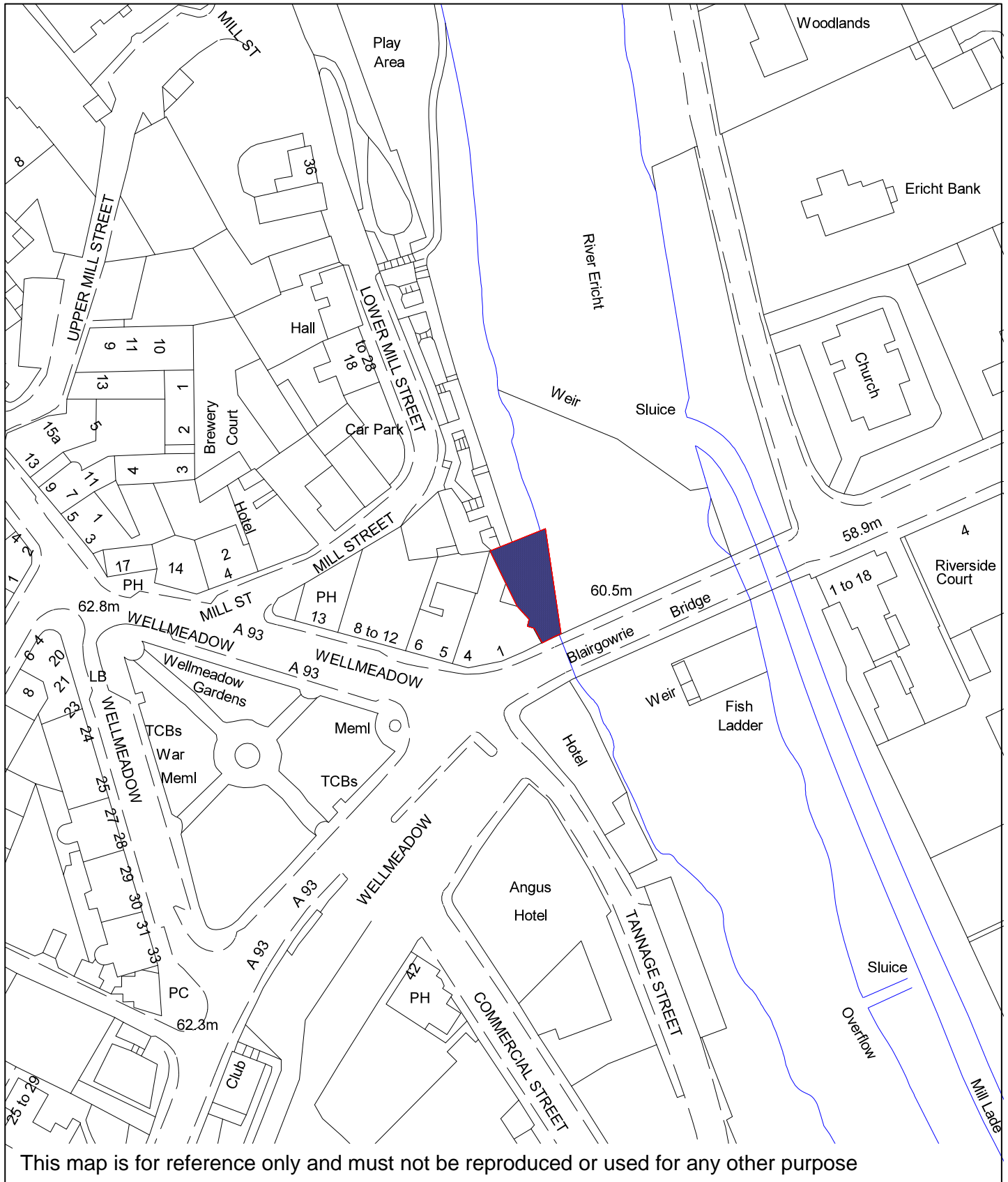
Nick Brian
Development Quality Manager

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Riverside Walk, Blairgowrie

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↑ Scale
1:1250

