

Perth and Kinross Council
Development Management Committee – 20 February 2013
Report of Handling by Development Quality Manager

**Replacement and re-positioning of street furniture, The Birks, Aberfeldy,
PH15 2DA**

Ref. No: 12/02138/FLL
Ward No: 4 - Highland

Summary

This report recommends approval of the application for the replacement and re-positioning of street furniture, at The Birks Aberfeldy, as the proposals are considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site refers to the area of public pavement surrounding The Birks Cinema complex, which is located within Aberfeldy Town Centre. The building occupies a prominent position within Aberfeldy Conservation Area, situated on the north side of The Square, at the junction of Dunkeld and Chapel Street.
- 2 Work is currently ongoing to refurbish the art deco stylised building back into its original cinema use. Two separate applications have been lodged by the Friends of Birks Cinema at the same time as this proposal, seeking consent to display advertisements and to install a satellite dish on the unlisted building – applications ref: 12/02079/FLL and 12/02139/ADV refer and these have been approved under delegated powers.
- 3 Within the pavement area that wraps around the cinema it is proposed to lay new hard landscaping materials, comprising predominantly of grey concrete paving slabs. The vehicle servicing hard-standing section to the east of the site will be finished in mono blocks. A new four bay bus shelter, metal bench and litter bin will be installed to the southwest (Chapel Street), while new railings will be erected as a pedestrian guard adjacent to the entrance, separating the pavement and busy road junctions. Official road signs will be reduced in number by sharing the same pole mount.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 4 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars. Of particular relevance to this planning application are:-

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.
6. Of particular relevance to this planning application are:
- Paragraphs 45-48: Economic Development
 - Paragraphs 52- 61: Town Centres and Retailing
 - Paragraphs 110 – 125: Historic Environment

Scottish Historic Environmental Policy December 2011 (SHEP)

- 7 This document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Scotland and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment.

RELEVANT LEGISLATION

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- 8 Section 64 of the above act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when exercising its planning functions.

DEVELOPMENT PLAN

- 9 The Development Plan for the area consists of the approved TAYplan Strategic Development Plan 2012 and the Adopted Highland Area Local Plan 2000

TAYplan Strategic Development Plan 2012

- 10 The principal relevant policy is in summary:

Policy 3: Managing TAYplan's Assets

- 11 This policy (amongst other things) seeks to assist the growth of the economy, and to protect the cultural heritage of Perth and Kinross from inappropriate developments.

Policy 7: Town Centres

- 12 Sets out a town centres hierarchy to protect and enhance the vitality and viability of town centres.

Highland Area Local Plan 2000

- 13 The site lies within an area identified for Town Centre Uses within the local plan. The principal relevant policies are in summary:

Policy 2 Development Criteria

- 14 Ensures that developments should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.

Policy 5 Design

- 15 The Council seeks to ensure high standards of design throughout the plan area for all development. In particular encouragement will be given to developments which use appropriate and high quality materials; resulting in proposals which are in keeping with their surroundings and development which fit their location.

Policy 60 Town Centre Uses

- 16 This policy encourages the continuation of uses and developments such as shops, offices, restaurants, public houses and hotels.

Policy 64 Highland Environmental Improvements

- 17 Indicates that the Council in association with others will investigate the potential for the design and implementation of environmental improvement, facelift and signing schemes particularly to improve car parking and visitor facilities in the town centres and approaches.

Perth and Kinross Council Local Development Plan – Proposed Plan January 2012

- 18 Members will be aware that on the 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.

- 19 Under the LDP, the site lies within the settlement boundary of Aberfeldy and is zoned as a Town and Neighbourhood Centre within the LDP, where the following principal policies are applicable:-

Policy RC1 Town and neighbouring Centres

- 20 The Council will encourage uses which contribute to the character, vitality and viability of the retail area. In particular, pavement areas can be utilised for restaurant/café/bar purposes, provided it does not adversely affect pedestrian flows and fit with design guidance.

Policy HE3 Conservation Areas

- 21 The Council will encourage proposals which preserve or enhance the character or appearance of the Conservation Area.

OTHER POLICIES

- 22 No other policies are applicable

SITE HISTORY

- 23 There is a long record of applications at The Birks, including:

88/00577/FUL Renewal of consent for amusement arcade at 12 July 1988
Application Permitted

88/01655/FUL Erection of new railings at amusement arcade 8 December 1988
Application Permitted

04/00153/FUL Conversion of amusements into hot food take-away and residential accommodation 6 July 2004
Application Refused

05/01423/FUL Redevelopment of former amusement arcade to form restaurant, fast food and retail units 23 November 2005
Application Permitted

09/00186/FUL Change of use to form cinema/multi use space and cafe bar 7 April 2009
Application Permitted

10/00539/FLL Modification of existing consent (09/00186/FLL) to form cinema/multi use space and café bar 30 April 2010
Application Permitted

12/02079/FLL Erection of a satellite dish and 3 illuminated poster boxes

12/02139/ADV Display of advertisement

CONSULTATIONS

24 None

REPRESENTATIONS

25 None received

ADDITIONAL STATEMENTS

26	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

- 27 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. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are policies 2, 5, 60 and 64.
- 28 Whilst highly visible, the works will affect only a small part of the overall Conservation Area. The proposed materials have in any event been successfully used in other local authority enhancement schemes and will reflect the street furniture already sited in The Square. The rationalisation of signage will reduce visual clutter and the improvement to the hard landscaping will reflect the refurbishment being done to the Cinema itself. As a result, it is considered that proposals are compatible with their surroundings, are of a suitable design, sympathetic to the character, amenity and vitality of the Town Centre and Conservation Area – therefore in accordance with policies 2, 5, 60 and 64.
- 29 The proposal also complies with the proposed Local Development Plan 2012 – Policies, RC1 (Town and neighbouring Centres) and Policy HE3 (Conservation Areas) in that the use of pavement areas for more intensive commercial purposes containing street furniture is already provisionally supported; and as the impact on the character and visual amenity of the Conservation Area is judged to be of little significance.

Pedestrian Flow

- 30 The area to be used for the bus shelter, seating and street furniture has been clearly defined on the plans and an adequate amount of free space exists for the unhindered movement of pedestrians in the vicinity of the site.

Residential Amenity

- 31 As the site lies within the town centre, there is an expectation of more noise and movement generated from the mix of uses in operation – including the Cinema once re-opened. It is not envisaged however that the works under consideration will have any significant impact on the amenity presently enjoyed by any of the existing residential properties in the vicinity of the site. No objections have in any event been received from any third parties.

Design and Layout

- 32 The layout of the site has been essentially dictated by the location of the building and surrounding roads. The proposals relate well and provide a setting to the existing Birks Cinema building and will provide for a level outdoor surface and new facilities for patrons visiting the premises and adjacent town centre.
- 33 The design is compatible with the location, and the modern materials to be used are of a suitable quality, reflective of existing structures in the town centre.

Affect on Conservation Area & Listed Buildings

- 34 The site is located centrally within the Conservation Area and is adjacent to a number of Listed Buildings.
- 35 The minimalist nature, design and materials of the structures proposed is such that it is considered that there will be no affect on the Conservation Area or setting of any nearby Listed Buildings.
- 36 In this instance the intention is to enhance the appearance of the streetscape by improving the condition, range and uniformity of the hard landscaping and street furniture. A more traditional and consistent approach will be achieved, which will augment the key values of the Conservation Area and architectural details of the Listed Buildings (and unlisted buildings of note such as the Cinema). The Council's Conservation Officer has raised no objections to the works outlined; confirming that they will be a significant improvement to the area as presently exists, and accordingly an enhancement to the Conservation Area. The works are therefore unlikely to any negative affect on the character of the Conservation Area.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 37 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.

LEGAL AGREEMENTS

38 None required

DIRECTION BY SCOTTISH MINISTERS

39 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

40 The materials and alterations proposed are acceptable and in accordance with Development Plan considerations. It is not envisaged that the structures to be installed would have a detrimental impact on residential amenity, or the character or visual amenity of the Aberfeldy Conservation Area, including the setting of adjacent Listed Buildings. As a result, I consider that the proposals are compatible with their surroundings in land use terms and, supportable being in accordance with the respective development plan policies.

RECOMMENDATION

A Approve subject to the following conditions

Conditions

1. The proposed development must be carried out in accordance with the approved plans herewith unless provided for by conditions imposed on the planning consent.
2. Unless otherwise agreed in writing by this Planning Authority, samples of all external finishing materials shall be forwarded for the approval of the Council as Planning Authority prior to the commencement of work on site.

Reasons

1. To ensure the development is carried out in accordance with the plans approved.
2. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

B JUSTIFICATION

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

C INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 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.
- 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: Alma Bendall – Ext 75358

Date: 4 February 2013

Nick Brian
Development Quality Manager

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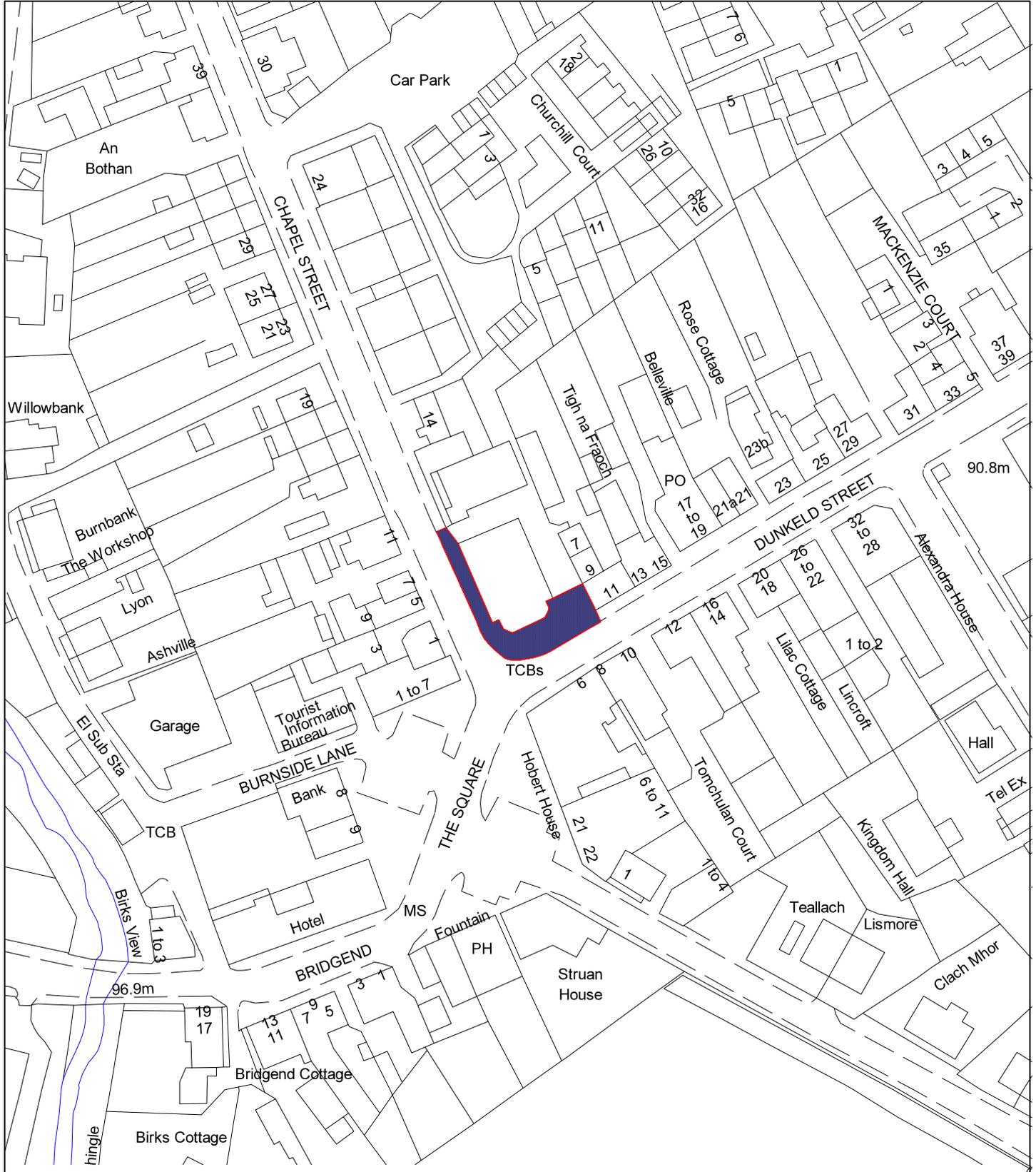
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12/02138/FLL

The Birks, Dunkeld Street, Aberfeldy

Replacement and Re-positioning of Street Furniture



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↑ Scale
1:1250

