

Perth and Kinross Council  
Development Management Committee – 19 June 2013  
Report of Handling by Development Quality Manager

**Installation of an electricity link box cabinet at land 40 Metres North East of  
Old Jam Factory, Ward Road, Muthill**

Ref. No: 13/00353/FLL  
Ward No: 7– Strathallan

**Summary**

This report recommends approval of the application for the installation of an electricity link box cabinet as the development is considered to comply with the relevant provisions of the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 Full planning consent is sought for the installation of an electricity link box cabinet on Ward Road within the Conservation Area of Muthill.
- 2 These works are to be carried out by Scottish and Southern Energy (SSE) and would normally be classed as Permitted Development (PD) by a statutory undertaker under class 40 of the General Permitted Development Order (Scotland) 1992. However, in this case Class 40 PD rights have been removed by an Article 4 Direction, hence the requirement for planning consent.
- 3 The proposed link box is a small scale cabinet type structure which is approximately 1m in height, 0.6m in width and 0.37m in depth. The link box is to be located on the south side of the public road adjacent to an existing grass verge.
- 4 This application is linked to other applications for the undergrounding of electricity cables which are also under consideration at this Committee. The undergrounding of cables is proposed as a result of an agreement between SSE and the residents of Muthill which is contained within the consent for the Beaully-Denny Overhead Line (05/01930/OHL).

**NATIONAL POLICY AND GUIDANCE**

**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 The relevant paragraphs of the documents are:

- Paragraphs 110 - 124 which relate to the Historic Environment
- Paragraphs 113 - 114 which relate to Listed Buildings
- Paragraphs 115 - 117 which relate to Conservation Areas

## **DEVELOPMENT PLAN**

7 The Development Plan for the area consists of the Approved Tayplan: Strategic Development Plan 2012-2032 and the Adopted Strathearn Area Local Plan 2001.

### **Tayplan: Strategic Development Plan 2012-2032**

8 Policy 2: Shaping Better Quality Places

9 Seeking to shape better quality places through requiring new development to be fit for place, supporting more sustainable ways of life for people and businesses.

10 Policy 3: Managing Tayplan's Assets

11 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area including:

- safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

12 Policy 6: Energy and Waste/Resource Management Infrastructure

13 Local Development Plans should be based on a number of considerations, including:

- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;

- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure.

### **Strathearn Area Local Plan 2001**

Under the Local Plan the site lies within the settlement boundary of Muthill and within the Conservation Area where the following policies apply:

#### **Policy 2 Development Criteria**

- 14 Provides criteria by which all developments will be judged. In particular, that the development should have a landscape framework, should have regard to the scale, form, colour and density of development within the locality.

#### **Policy 26 Conservation Areas**

- 15 There is a presumption against development within or adjacent to Conservation Areas which would harm the character or appearance, or which does not preserve or enhance the area.

### **PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012**

- 16 On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation; the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application, reflecting a more up to date view of the Council.

#### **The principal relevant policies of this plan is:**

- 17 **Policy PM1 Placemaking** – Development must contribute successfully to the quality of the surrounding built and natural environment
- 18 **Policy HE3 Conservation Areas** – There is a presumption in favour of development which preserves or enhances its character or appearance

#### **SITE HISTORY**

- 19 No specific relevant planning history but note the other related applications included under this agenda.

#### **CONSULTATION**

- 20 **Muthill and Tulibardine Community Council** - No response received within statutory period

## Representations

- 21 No letters of representation have been received

## ADDITIONAL STATEMENTS

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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

- 23 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 listed in the policy section above.

### Impact on Character of Conservation Area

- 24 The proposed link box is very small in scale and is the type of infrastructure which is common place in towns and villages through Perth and Kinross. I am satisfied that the scale of the box is such that its impact on the character of the Conservation Area will be minimal. The Council's Conservation Officer has been consulted and offered no objection. A condition should be attached to any consent agree the colour of the box.

### Planning Authority with an Interest in the Land

- 25 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 REQUIREMENTS

- 26 None required

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 27 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Strathearn Area Local Plan and Tayplan 2012. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

### **Recommendation**

#### **A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to the commencement of any development full details of the proposed colour of the link box shall be submitted for the written approval of the Planning Authority. The colour, as agreed, shall be implemented as part of the site development and maintained in perpetuity.

### **Reasons**

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 To protect the character and appearance of the Conservation Area.

#### **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 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 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

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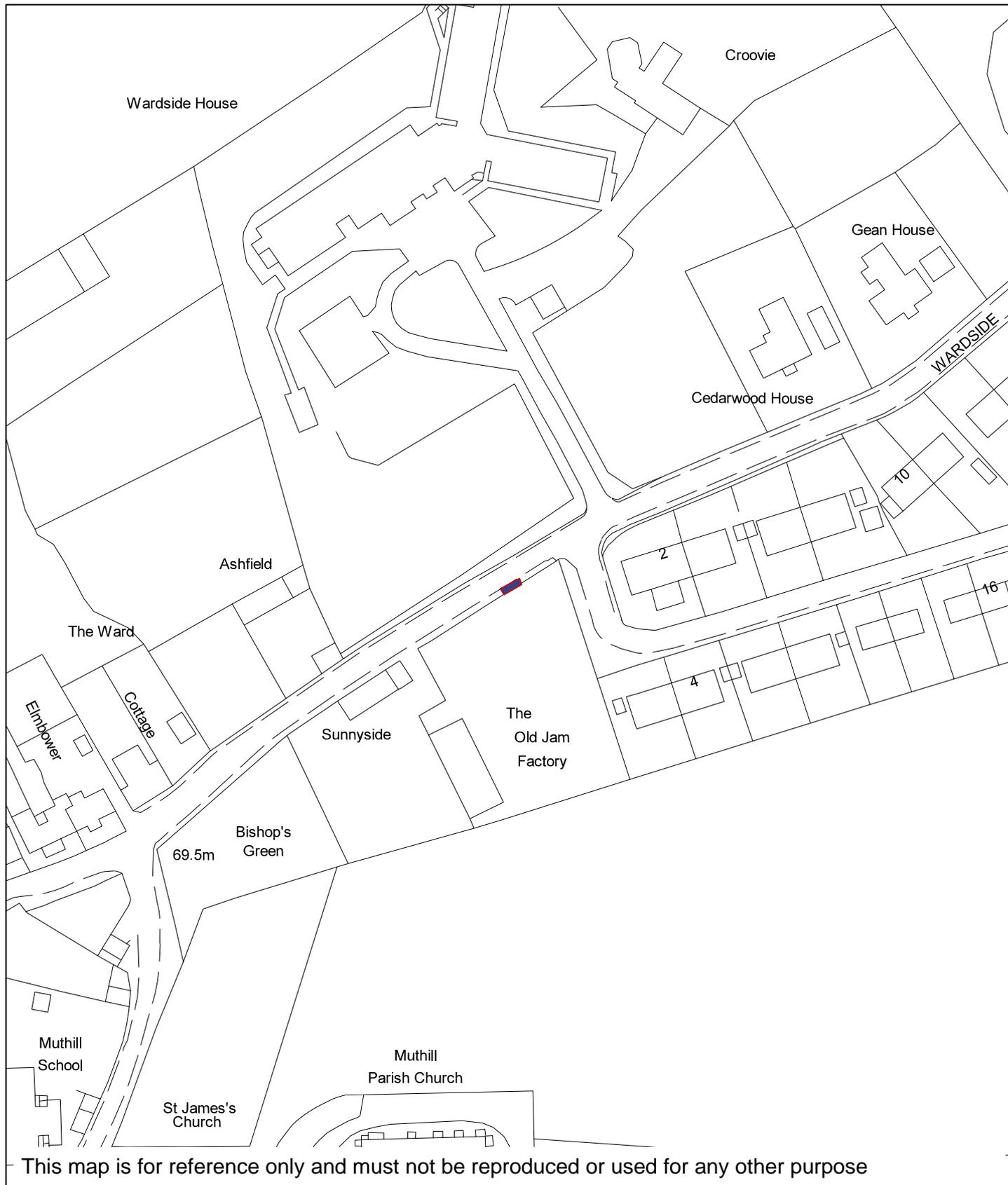
Date: 03 June 2013

**NICK BRIAN  
DEVELOPMENT QUALITY MANAGER**

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