

Perth and Kinross Council  
Development Management Committee – 12 August 2015  
Report of Handling by Development Quality Manager

**Alterations and extension to Perth Theatre at 185 High Street Perth PH1 5UW**

Ref. No: 15/00994/FLL

Ward No: 12- Perth City Centre

**Summary**

This report recommends approval of the application for alterations and extension at Perth Theatre 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 alteration and extension of Perth Theatre - a category B Listed Building located within the Perth City Centre and Perth Central Conservation Area. This application covers revisions made to earlier approvals in 2010 and 2013.
- 2 The application proposes an amended scheme to that already consented in 2013 and proposes a reduction in the floor area of the new build elements and increases the amount of existing building that is retained or remodelled. The new section of the building facing Mill Street which creates a new entrance is also repositioned further back into the site resulting in a larger public realm area to the front.
- 3 There is no change to the intentions or scope of work related to the existing listed theatre and other retained spaces as previously approved under the earlier listed building applications. This is discussed further in the separate Listed Building report reference 15/0995/LBC, which is also being presented to this Committee.
- 4 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 and a site notice was displayed on 19 June 2015.

**NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through the National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **DEVELOPMENT PLAN**

- 6 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 7 The overall vision of the Tay Plan states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 8 The principal relevant policies are, in summary:

#### **Policy 1: Locational Priorities**

- 9 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy.

#### **Policy 2: Shaping Better Quality Places**

- 10 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

#### **Policy 3: Managing TAYplan’s Assets**

- 11 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

### **PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014**

- 12 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 The principal relevant policies are, in summary:

### **Policy PM1A - Placemaking**

- 14 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

### **Policy PM1B - Placemaking**

- 15 All proposals should meet all eight of the placemaking criteria.

### **Policy RC1 - Town and Neighbourhood Centres**

- 16 Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

### **Policy HE2 - Listed Buildings**

- 17 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

### **Policy HE3A - Conservation Areas**

- 18 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

### **Policy EP8 - Noise Pollution**

- 19 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **Policy CF3 - Social and Community Facilities**

- 20 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is

not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

## **OTHER POLICIES**

- 21 **Scottish Historic Environment Policy (SHEP):-** 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.

## **SITE HISTORY**

- 22 **89/00831/FUL** Alterations and extension to Perth Theatre 21.08.1989
- 23 **01/00351/ADL** Alterations to external signage and entrance walkway 01.08.2001
- 24 **01/00775/ADV** Display of 3 x poster display cases 06.07.2001
- 25 **01/01147/ADV** Installation of poster display boxes to lamp standards to front 18.09.2001
- 26 **03/00758/PPLB** Replace fire escape doors leading from Theatre into Cutlog Vennel and improve lighting along Cutlog Vennel 20.08.2003
- 27 **10/00914/FLL** Alterations, extension and formation of new entrance, application approved by the Development Control Committee in November 2010
- 28 **10/00915/LBC** Alterations, extension and formation of new entrance, application approved by the Development Control Committee in November 2010
- 29 **13/01273/FLL** Refurbishment of Perth Theatre 26.07.2013 Application Withdrawn
- 30 **13/01274/LBC** Refurbishment of Perth Theatre 26.07.2013 Application Withdrawn
- 31 **13/01395/FLL** Alterations and extension to theatre approved by the Development Management Committee in October 2013
- 32 **13/01396/LBC** Alterations and extension to theatre approved by the Development Management Committee in October 2013

## **CONSULTATIONS**

### **External**

- 33 **Scottish Water:-** No response within consultation period.

- 34 **Architecture and Design Scotland:-** Have advised verbally that they have already commented on the principle of this development via earlier schemes for the site. They refer the Council to their earlier comments which supported the client's aspiration to redevelop the existing theatre and commend the way the Design Team had handled the complexity of the project.

#### **Internal**

- 35 **Perth and Kinross Area Archaeologist:-** The site is located in an archaeologically sensitive site given its location within the core of medieval Perth. It is therefore recommended that a programme of archaeological works is undertaken as a condition of the consent if approved.
- 36 **Transport Planning:-** No Objection.
- 37 **Head of Environmental and Consumer Services:-** No objection subject to conditions relating to noise and lighting.

### **REPRESENTATIONS**

- 38 No letters of representation have been received on this application.

### **ADDITIONAL STATEMENTS**

39

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted.
Reports on Impact or Potential Impact	Submitted.

### **APPRAISAL**

- 40 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 relevant policy considerations are outlined in the policy section above and will be considered in more detail below.
- 41 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.

## **Policy**

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

## **Land Use**

- 43 The site is located within Perth City Centre where there is a focus for retail, commercial, leisure and Service activity. The proposed uses within the extension and existing building are considered to comply with the land use aims and objectives of the adopted Local Development Plan Policy RC1 Town Centres and Policy CF3 Social and Community Facilities.

## **Design Layout**

- 44 In support of the application and in accordance with Planning Advice Note 68 the applicants have submitted a Design Statement in support of the application. This statement details the philosophy and concepts behind the development proposals and it specifies the amendments to the previously approved scheme which seeks to improve the functionality of the building as well as its design. The new Mill Street frontage delivers a significant improvement to the underused and currently uninspiring southern street frontage of Mill Street. The design, materials, scale and siting of a new extension will enhance the character and appearance of the Conservation Area in accordance with Policy HE3A.
- 45 The theatre's external space/landscape at the new frontage has potential to elevate and integrate into the public realm improvements on Mill Street that the Council is pursuing as detailed in the Perth City Plan. The need for co-ordination to realise the integration of the wider public realm was discussed and accepted under previous applications. This has now been taken forward and the public realm works for Mill Street will be progressed on a phased basis with the latter phase tying in with the theatre's redevelopment.

## **Overlooking**

- 46 In this case I do not consider that the proposed works will result in excessive overlooking to neighbouring properties. Current separation distances between the proposal and residential units remain unchanged.

## **Overshadowing, loss of sunlight and daylight.**

- 47 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991' sets out guidelines on how to assess the potential impact. It should be noted that the standards are not mandatory and should be interpreted flexibly.

- 48 Taking cognisance of the BRE document I consider a reasonable level of daylight and sunlight would be maintained to neighbouring properties and the extent of overshadowing of does not warrant refusal..

### **Noise**

- 49 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 50 Environmental Health offers no objection subject to noise attenuation measures and the restriction on delivery times which can be integrated into conditions of the consent to protect nearby noise sensitive premises. One of the conditions seeks to limit the delivery of goods until 7pm but this is different to the existing operating hours and the conditional control imposed on the 2013 permission and therefore in this case later hours are deemed appropriate and the condition will limit delivery to 9pm.

### **Floodlighting**

- 51 Floodlighting could have a potential impact on the area and light spillage should be minimised. This matter can be controlled through a suitably worded condition.

### **Traffic**

- 52 Transport Planning has offered no objection to the application, being satisfied with the access and servicing arrangements.

### **Archaeology**

- 53 Archaeological sites and monuments are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. Where preservation in-situ is not possible planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development.
- 54 Consultation with the Perth and Kinross Area Archaeologist confirms that previous developments at neighbouring sites indicate that there is potential for very well preserved organic deposits of up to 5m in depth in the centre of Perth. In this case it is considered that a programme of archaeological works should be sought for this site by condition to satisfy the requirements of Policy HE3A.

### **Developer Contributions**

- 55 No developer contributions are sought due to the previous consented application in 2013 associated with the extension and refurbishment of the Perth Theatre that could still be implemented.

### **Economic Impact**

- 56 The application for alterations, extension and formation of a new entrance to Perth Theatre will provide essential new and upgraded facilities, whilst conserving the historic auditorium. This will allow the theatre to keep pace with the public's expectations and the needs of performers and producers. The extended facilities will enable the theatre to reach out to wider audiences and provide a broader range of performance and events including community-based work and educational activities. Accordingly the proposal will have a positive economic impact.

### **Planning Authority with an Interest in the Land**

- 57 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. 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**

- 58 None required

### **Direction by Scottish Ministers**

- 59 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**

- 60 Overall the Planning Authority acknowledges the benefits of the scheme, namely, improved facilities, improved access arrangements for members of the public, continued use of Listed Building for its original function as well as an enhanced streetscape on Mill Street. As a result I 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 proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

2. No development shall take place within the development site as outlined in red on the approved plan(s) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth & Kinross Heritage Trust, and approved by the local Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the reasonable satisfaction of the local Planning Authority in agreement with Perth & Kinross Heritage Trust.

Reason - To safeguard any archaeological interest of the site.

3. No development shall commence until samples of new external finishing materials have been submitted to and approved in writing by the local Planning Authority. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the local Planning Authority.

Reason - In order to safeguard the special architectural or historic interest of the building and to ensure the Planning Authority maintains effective control over the development.

4. No development shall take place until full details of both hard and soft landscaping works for the public realm between Mill Street and the new theatre entrance have been submitted to and approved in writing by the local Planning Authority and these works shall be carried out as approved prior to the occupation of the building/site being brought into use or earlier. These details shall include pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. furniture, signs, lighting etc.). Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and intended implementation programme.

Reason - To ensure that the proposed development does not prejudice the appearance of the locality.

5. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any nearby

noise-sensitive property all to the reasonable satisfaction of the local Planning Authority.

Reason - To ensure the amenity of nearby premises are adequately safeguarded.

6. The sound proofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby noise-sensitive property all to the reasonable satisfaction of the local Planning Authority.

Reason - To ensure the amenity of nearby premises are adequately safeguarded.

7. All plant or equipment (including any ventilation system) shall be acoustically enclosed to attenuate sound, such that it does not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours and Noise Rating 25 between 2300 and 0700 hours. The rating shall be calculated within any neighbouring dwelling with windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart, if considered necessary by the Council as Planning Authority in the event of a noise nuisance complaint being authenticated.

Reason - To ensure the amenity of nearby premises is adequately safeguarded.

8. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours from the development are not exhausted into or escape to any neighbouring property all to the reasonable satisfaction of the Local Planning Authority.

Reason - To ensure the amenity of nearby premises are adequately safeguarded.

9. Deliveries and collections of all goods and materials associated with this development shall be restricted to 0700 hours -2100 hours Mondays – Saturdays and at no other time all to the reasonable satisfaction of the local Planning Authority.

Reason - To ensure the amenity of nearby premises are adequately safeguarded.

10. All external lighting installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that all light spillage beyond the boundaries of the site is minimised all to the reasonable satisfaction of the local Planning Authority.

Reason - To ensure the amenity of nearby premises are adequately safeguarded.

## **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 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 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 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.
- 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.
- 5 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 No work shall be commenced until an application for building warrant has been submitted and approved.

- 7 No work shall be commenced until an application for Listed Building Consent has been approved.
- 8 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required - Tel 01738 477080.

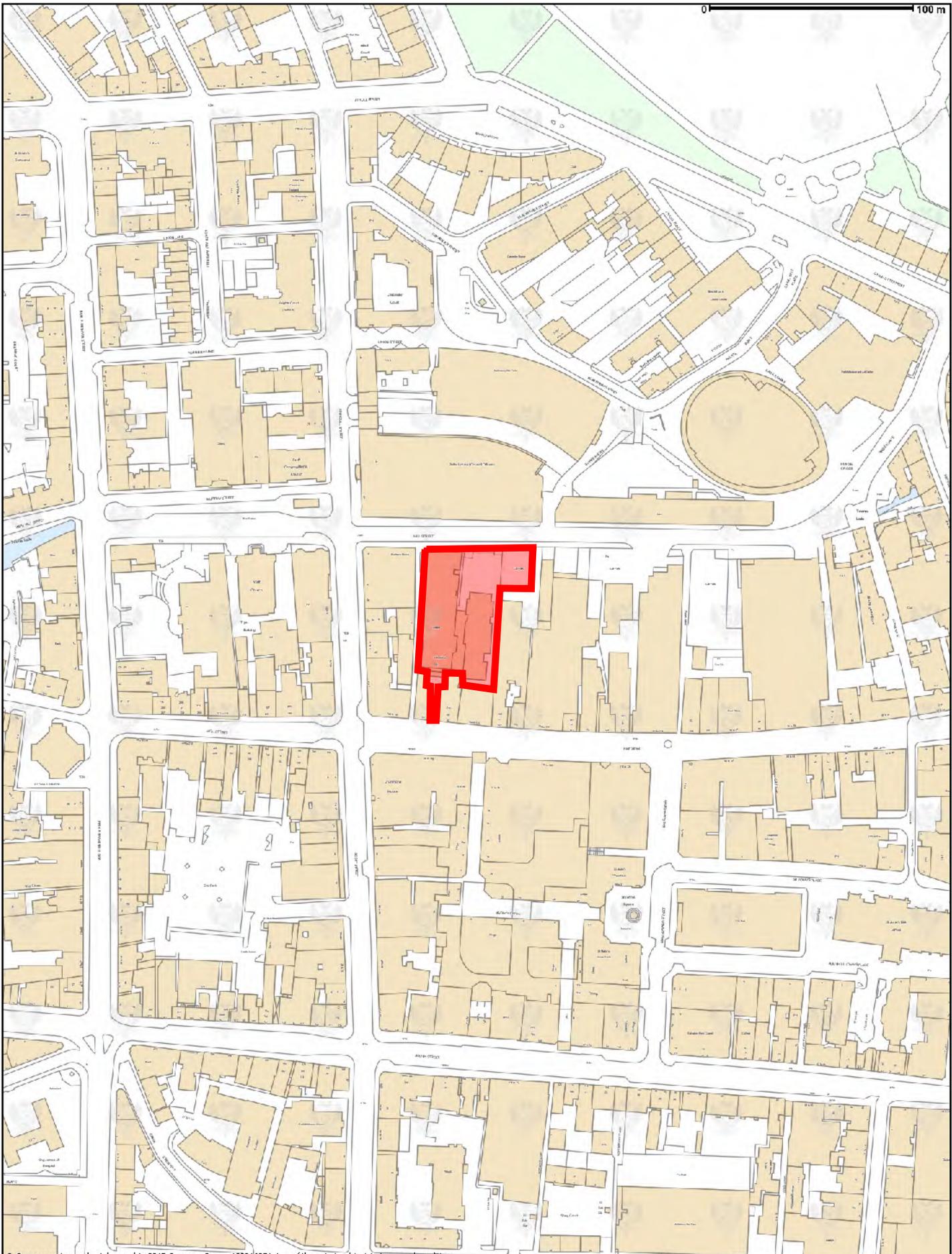
Background Papers: None  
Contact Officer: John Russell – Ext 75346  
Date: 24 July 2015

**NICK BRIAN  
DEVELOPMENT QUALITY MANAGER**

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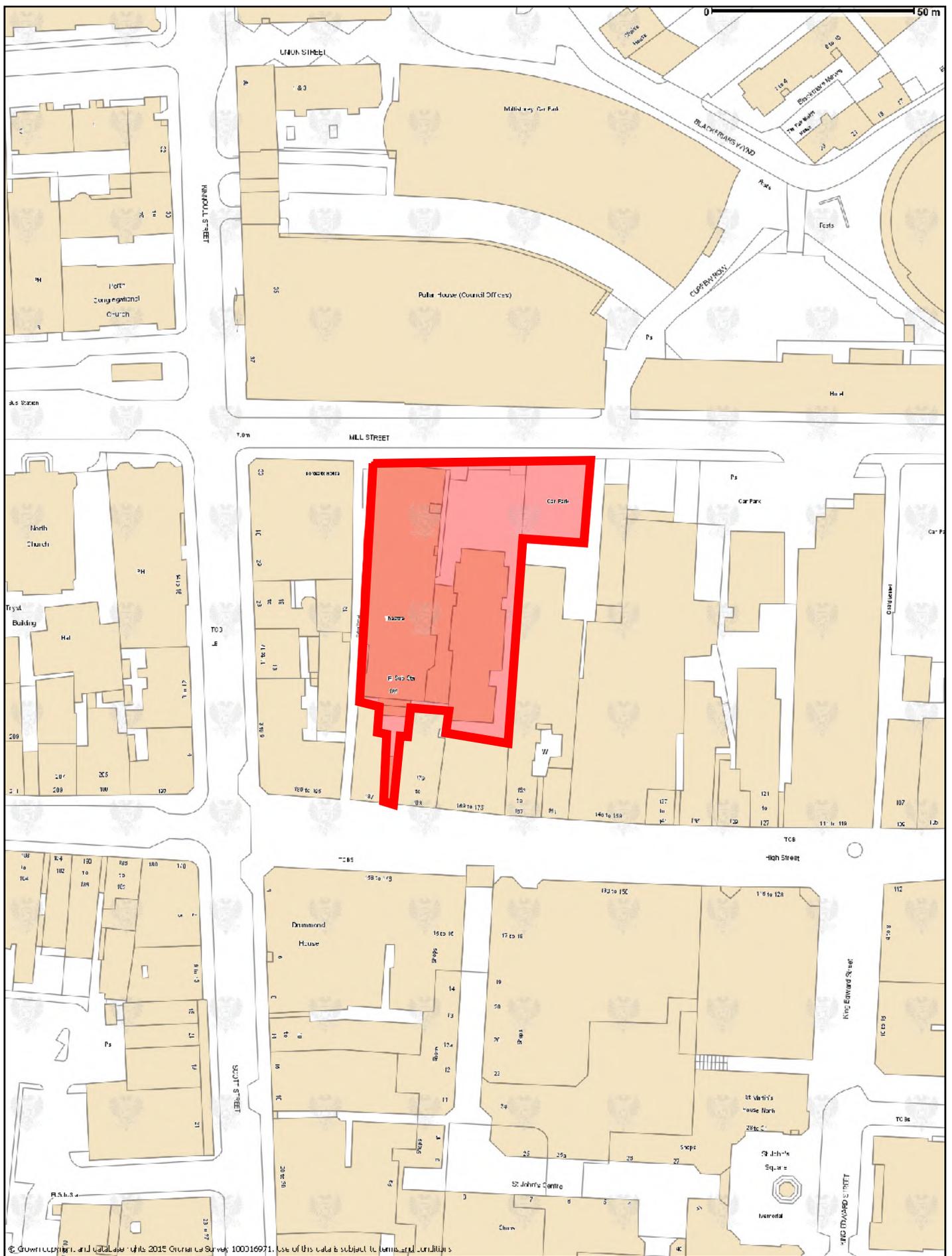
**Development Management Committee**



**15/0094/FLL**

**Alterations and extension to theatre at 185 High Street, Perth**





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**15/0094/FLL**

**Alterations and extension to theatre at 185 High Street, Perth**

