

Perth and Kinross Council
Development Management Committee – 14 October 2015
Report of Handling by Development Quality Manager

**Residential development (in principle) at Site 30 Metres South East Of 38 Priory
Place, Priory Place, Perth**

Ref. No: 15/00017/IPL
Ward No: 10 – Perth City South

Summary

This report recommends approval of a planning in principle application for a residential development on an infill site to the east of Priory Place, Perth as the development is considered to comply with the Development Plan and there are no material reasons which justify refusing the application.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks to obtain a planning in principle consent for a small residential development on an infill site to the east of Priory Place which is accessed by a small, privately owned side street named Carr's Croft. On the site at present are a number of single storey lock up garages and a larger brick built building which is located along the frontage of the site (south). All of the existing buildings are proposed to be demolished as part of the development. It should be noted that as some of the existing garages are physically attached to other garages which are outwith the planning site, to facilitate the proposed development some demolition of buildings outwith the application site is likely. However, these are shown as being within the ownership of the applicant.
- 2 The site is bounded by the curtilage of the railway yard to the east, by an existing commercial building and derelict cottage to the west and by a joiner's yard to the north. To the south, the site is bounded by existing residential properties. Vehicular access to the site would be taken directly off Priory Place, which then leads onto Carr's Croft, a surfaced private access which currently provides vehicular access to a number of residential properties and also serves as an entrance to the railway yard.
- 3 No details (indicative or otherwise) of the proposed number of residential units, or the scale/design/layout of the development have been submitted at this stage, however it is envisaged that any residential development on this site would mostly likely be a flatted development, incorporating its own off street parking provision.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide, and Planning Advice Notes (PAN). Of specific relevance to this planning application are,

Scottish Planning Policy 2014

- 5 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 6 Of relevance to this planning application are Paragraphs 109 – 134, which relates to Enabling the delivery of New Homes

Planning Advice Note 33 – Development of Contaminated Land

- 7 The objectives of this PAN is to provide advice on,
- the implications of the new contaminated land regime for the planning system;
 - the development of contaminated land;
 - the approach to contaminated land in development plans;
 - the determination of planning applications when the site is or may be contaminated; and
 - where further information and advice can be found.

Planning Advice Note 1/2011 – Planning and Noise

- 8 This PAN provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise, and also seeks to promote the principles of good acoustic design and a sensitive approach to new development in areas where the effect of noise could be a factor.

DEVELOPMENT PLAN

- 9 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

- 10 Whilst there are no specific strategies or policies which are directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision 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.”*

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

- 11 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. Within the Local Development Plan, the site lies within the settlement boundary of Perth and within a residential area, where the following policies are directly applicable to new residential developments,

Policy RD1 – Residential Areas

- 12 The plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Infill residential development at a density which represents the most efficient use of the site while respecting its environs will generally be supported.

Policy RD4 – Affordable Housing

- 13 Seeks to ensure that all new residential developments comprising 5 or more residential units have an element of affordable housing provision provided.

Policy PM1A – Placemaking

- 14 States that new development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM3 – Developer Contributions

- 15 Where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy EP8 - Noise Pollution

- 16 There is a presumption against the siting of proposals which would 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.

OTHER COUNCIL POLICIES

Affordable Housing Supplementary Guide 2014

- 17 This supplementary guidance was produced by officers at Perth & Kinross Council to provide advice and information to all those with an interest in the delivery of affordable housing based on the experience of operating the affordable housing policy since it was approved in August 2005.

Developer Contributions 2014

- 18 This supplementary guidance seeks to secure both A9 junction contributions and education contributions in certain circumstances. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance.

Developer Contributions, Transport Infrastructure 2014

- 19 This supplementary guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and the Developer Contributions Supplementary Guidance.

SITE HISTORY

- 20 A previous planning in principle application for the same development was withdrawn by the applicant prior to it being determined by the Council (14/00198/IPL). The reason for this was that the applicant had failed to include the proposed (private) vehicular access within the boundaries of the application site. This current application is essentially a re-submission of that previously withdrawn application, but now clearly identifies the proposed vehicular access and includes it within the application site boundary.

CONSULTATIONS

External

- 21 **Scottish Water** – No objections to the proposal.
- 22 **Network Rail** –Raised a concern regarding the impacts that the proposal may have on the vehicular access to their Perth Maintenance Depot and Signalling Centre. However, subject to appropriate conditions regarding suitable off street parking being incorporated into the development, they have no objection to the principle of a residential development on this site but would wish to be consulted on any detailed submission.

Internal

- 23 **Transport Planning** – In principle, no objection to the proposal in terms of the access parking arrangements or the loss of existing lock up garages. Once any detailed submission is lodged with the Council, Transport Planning would be asked to comment on all matters affecting road and pedestrian safety, however in principle they have no concerns at this stage.

- 24 **Environmental Health** – No objection to the proposal in terms of noise nuisance or contaminated land issues, subject to standard conditions being attached to any consent including the need for the submission of a noise impact assessment with any application for the approval of matters specified.
- 25 **Waste Services** – No objection to the proposal, subject to appropriate waste collection services being provided, and appropriate turning facilities for HGVs being incorporated into any detailed layout.
- 26 **Development Negotiator** – No objection, subject to appropriate conditions being attached to any consent in relation to compliance with the Council’s various policies on Developer Contributions / Affordable Housing.

Perth & Kinross Heritage Trust – No objection, subject to a condition.

REPRESENTATIONS

- 27 Six letters of representations have been received all objecting to the proposal. The main issues raised within the letters of representations are,
- Contrary to the Development Plan
 - On street parking Issues
 - Loss of existing lock ups
 - Impact on visual amenity
 - Impact on the amenity of the adjacent properties

28 These issues are addressed in the Appraisal section of the appraisal.

ADDITIONAL STATEMENTS

29

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

APPRAISAL

- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 31 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Perth and Kinross Local Development Plan 2014. In terms of other material

considerations, this involves considerations of the Councils other approved policies, namely those which relate to Developer Contributions and Affordable Housing.

Policy

- 32 The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies wholly within the settlement boundary of Perth where Policy RD1 is directly applicable. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.
- 33 In addition to this, Policy PM1A is also applicable to new developments within settlements, and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas.
- 34 For reasons stated below, I consider the proposal to be consistent with the aforementioned land use policies.

Land Use

- 35 In terms of land use issues, the site has been identified within the LDP settlement boundary of Perth. Within settlement boundaries, infill residential developments are generally encouraged by the LDP through Policy RD1, providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. As this is a planning in principle application only, and no details regarding the density/design/layout or specific numbers have been submitted, the key issue for the acceptability of this proposal is ultimately whether or not the proposal is compatible with adjacent, existing land uses.
- 36 It is a matter of fact that any form of residential development on this site would be affected by noise from the adjacent joiner's yard to some degree; however, the principal source of potential noise nuisance would arise from activities directly associated with the railway line and its associated yard/workshops. The physical shape of the site would in my opinion, allow for a separation distance to be achieved between the railway (and yard) and any new housing which would be comparable to that of existing separation distances enjoyed by the existing residential properties along Croft Bank. However, the effect of noise can be mitigated and controlled not only by physical separation, but also by the creation of physical barriers (such as walls and acoustic fences) and by the sensible design and orientation of the building(s) itself. As part of any submission of the approval of matters specified, it would be a specific requirement that a full noise impact assessment is carried out to ensure that the development proposed, and its proposed mitigation measures – through a combination of siting, physical barriers and design solutions would offer a suitable level of residential amenity for future occupiers.

- 37 In addition to addressing the potential effect of noise nuisance on a proposed residential use, the acceptability of the compatibility with existing land uses is also about ensuring that existing residential amenity and, in the case of the joinery business to the north, amenity within the workplace are also adequately protected from inappropriate new developments. As this is a planning in principle application, the protection of existing amenity would be subject of further consideration once detailed plans have been progressed, however in principle I see no reason why the amenity of existing residents and the amenity of adjacent workers cannot be adequately protected in the event that this site is developed for a residential use.
- 38 To this end, I consider the principle of a residential development on this site to be acceptable in land use terms.

Design and Layout

- 39 As this is a planning in principle application, the siting/design/layout of the development are not under consideration at this stage. However, I'm confident that a suitable layout can be achieved which would offer a suitable residential environment for any future resident, would not result in an unacceptable overlooking or loss of privacy to neighbours (residential and commercial), would offer sufficient off street parking provision and would help to improve the visual amenity of the local area.

Impact on Existing Residential Amenity

- 40 As stated previously, the site is located largely within a residential area with the obvious exceptions being the railway yard to the east and the joiners yard to the north. However, as this is a planning in principle application there are no specific details regarding the siting/design/layout to consider at this stage. Whilst I'm confident that a suitable residential environment can be achieved, it is only when a detailed submission is lodged that a full assessment of the impact on existing residential amenity can be made. I also note that within one of the letters of representation a concern has been made regarding the potential for window to window interaction to occur with existing windows on one of the existing joinery buildings. In addition to considering the impact on existing residential amenity, consideration of the amenity associated with the existing offices would be fully considered as part of the assessment of any detailed submission.

Visual Impact

- 41 In terms of the impact on the visual amenity of the area, the site at the moment is occupied by a large brick building and a series of lock up garages. Whilst the brick building has some architectural features, it is nevertheless clearly in a poor structural condition and is not of sufficient architectural quality for its retention to be justified. No indicative design details have been lodged in support of this planning application, however I'm confident that a suitability designed development can be achieved on the site which would improve the visual amenity of the area from that of the status quo.

Contamination Land Issues

- 42 The proposed development is on land which has had previous land uses, some of which may have been potentially contaminative. As such, the risk of land contamination needs to be assessed prior to the site being developed. As is standard practice in such instances, a suitable contaminated land condition is therefore recommended to be attached to any consent.

Impact on Wildlife

- 43 There are no known protected species or local wildlife which are directly affected by this proposal.

Road Related Issues

- 44 Within the letters of representations concerns have been raised regarding the loss of existing parking provision, the proposed level of off street parking and the potential for Carr's Croft to be blocked off during the construction phase. I shall address each of these specific road related issues in turn.
- 45 Loss of Existing Parking Provision - Concerns have been raised regarding the loss of a number of private lock up garages and also the impact that this development would have on the ability of local residents to use Carr's Croft for on street parking. It is noted from the comments made within the representations that a number of local residents from Croft Bank, which is accessed directly from Carr's Croft have no formal parking provision but use the Carr's Croft area for their parking provision via the lock ups and / or on street parking. However as both the lock ups and road itself are private land, there is no requirement for the Council to seek appropriate replacement for the potential loss of any existing parking provision, which would in any case be unauthorised if its occurring on Carr's Croft without the permission from Network Rail. I'm also conscious of the fact that the level of parking provision (authorised or not) which is potentially being displaced by this development is not excessive, and would unlikely to result in major issues occurring elsewhere.
- 46 Proposed Off Street Parking - The level of off street parking would ultimately be dependent on the number of residential units that would be proposed. Any detailed submission would be assessed against guidance contained within the National Roads Development Guide 2014. However based on the physical size of the site and its shape, I do not envisage any significant issues regarding the applicant's ability to provide a suitable on-site parking provision. Depending on the type and scale of the development, a provision for visitor parking may be also included, however parking to cater for the loss of the existing informal spaces on Carr's Croft and / or lock up garages which would be lost as a result of this development would not be imposed on any developer by the Council.

- 47 Blocking of Carr's Croft - As Carr's Croft is a private road any issues regarding unauthorised parking or restricted access during the construction phases are ultimately a matter for the applicant and the land owner to resolve. Carr's Croft is owned by Network Rail, who in turn would have legal powers to take direct action directly against any third party parking, blocking or causing an obstruction on Carr's Croft either during the construction phase or on completion of the development. Nevertheless, with an appropriate level of off street parking provision incorporated into a detail layout, I see no reason why this development would exacerbate any existing access issues associated with Carr's Croft. To draw this position to the attention of the applicant, appropriate Informatives are proposed to be attached to any consent.
- 48 Network Rails Position Regarding the Access - Network Rail (as the owner of the private access) have commented on the planning application and made specific comments regarding parking and access issues. Subject to adequate provision of off-street residential / visitor parking being provided as part of this development, access to their Perth Maintenance Depot and Signalling Centre being kept clear at all times during the construction phase and no on street parking occurring on the private road they have no objection to the proposal. Whilst the Council would be seeking appropriate off street parking as part of any detailed submission, the enforcement of controlling on street parking along a private access could potentially be difficult to enforce and control, and the Council does not ordinarily become involved in the control and regulation of vehicular movements along a private access which is owned by a third party. However, as this access is a key access point for a facility which affects the functionality of the railway system, I consider it reasonable for the Council to highlight Network Rails concerns via an Informative, however ultimately controlling vehicle activities along Carr's Croft is not a planning issue. Network Rail have been made aware of this intended approach, and they have confirmed that they have no objection to this approach.

Drainage

- 49 As the site lies within an area covered by a public drainage system, the proposed foul drainage for this proposal must be connected to the public drainage system. In terms of the disposal of surface water, this must be designed in such a way that it complies with the requirements of both Scottish Water and the Council.

Trees

- 50 There are no trees affected by this development.

Archaeology Issues

- 51 There is the possibility that archaeological remains maybe present on site. To ensure that any archaeology is adequately protected, an appropriately worded condition is to be attached to this consent.

DEVELOPER CONTRIBUTIONS

Affordable Housing

- 52 As the development has the potential to comprise 5 or more residential units, a standard compliance condition will be attached to any consent requiring compliance with the Council's Affordable Housing Guide 2014.

Transport Infrastructure

- 53 In terms of Transport infrastructure contributions, as this is a planning in principle application only a standard compliance condition will be attached to any consent requiring compliance with the Council's Developer Contributions, Transport Infrastructure 2014 document.

Primary Education

- 54 In terms of Primary Education contributions, as this is a planning in principle application only a standard compliance condition will be attached to any consent requiring compliance with the Developer Contribution 2014 document.

ECONOMIC IMPACT

- 55 With the exception of works associated with the construction phase of the development, which may or may not be carried out by local tradesmen, the proposal will have little economic impact on the local area.

LEGAL AGREEMENTS

- 56 As this is a planning in principle application, there are no legal agreements required.

DIRECTION BY SCOTTISH MINISTERS

- 57 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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

- 58 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014. The sites inclusion identified within the Local Development Plan is considered to be an opportunity for new development, and as the development proposed is compatible with the existing uses and would not have an adverse impact on the character or amenity (visual or residential) of the existing area, it is considered to be acceptable subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions,

- 1 The development shall not commence until the following matters have been approved by the Council as Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.

Reason - In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006

- 2 For the avoidance of doubt, no design/layout details or specific residential numbers are approved as part of this permission.

Reason – This is a planning in principle consent.

- 3 Notwithstanding the requirements of condition 1, the submission of an application seeking the approval of matters specified must include a noise impact assessment which must be carried out by a suitably qualified consultant.

- 4 Prior to the commencement of any works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) must be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation must be undertaken to identify;

- I. The nature, extent and type(s) of contamination on the site
- II. Measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. Measures to deal with contamination during construction works
- IV. Condition of the site on completion of decontamination measures.
- V. Prior to the occupation of any dwelling, the agreed measures to decontaminate the site shall be fully implemented, as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority prior to the occupation of any dwelling.

Reason – In order to ensure that any land contaminates are adequately dealt.

- 5 The proposal must comply fully with the requirements of the Perth and Kinross Councils approved Developer Contributions 2014 document, in relation to Primary Education Contributions, or any subsequent policy which relates to Primary Education Contributions.

Reason – In order to comply with Council policy.

- 6 The proposal must comply fully with the requirements of the Perth and Kinross Councils approved Developer Contributions, Transport Infrastructure 2014 document, in relation to Transport Infrastructure Contributions, or any subsequent policy which relates to Transport Infrastructure Contributions.

Reason – In order to comply with Council policy.

- 7 The proposal must comply fully with the requirements of the Perth and Kinross Councils approved Affordable Housing Supplementary Guidance 2014 in relation to affordable housing provision, or any subsequent policy which relates to Affordable Housing.

Reason – In order to comply with Council policy.

- 8 All matters regarding car parking, turning facilities, access design/specification and the disposal of surface water, must be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 9 Notwithstanding the requirements of condition 8, adequate provision of off-street residential and visitor car parking must be provided within the detailed design of the proposed development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow, and to ensure access to Network Rails Perth Maintenance Depot and Signalling Centre remains clear.

- 10 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Council as 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 satisfaction of the Council as Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason – In order to comply with the Scottish Planning Policy.

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 applicable.

D INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 With regard to the requirements of condition 2, the applicant is advised to make early contact with the Council's Environment Health team to agree the scope and requirements of the required noise impact assessment.
- 4 The applicant should be aware of the comments made by the Council's Waste Services in their memorandum dated the 29 January 2015.
- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.
- 6 Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before any development can commence.
- 7 Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. The developer must contact Network RAILS Asset Protection Engineers regarding the above matters, on Network Rail Asset Protection Engineer, 151 St. Vincent Street, GLASGOW, G2 5NW, Tel: 0141 555 4087, E-mail - AssetProtectionScotland@networkrail.co.uk
- 8 The applicant is advised that the vehicular access to Network Rail's Perth Maintenance Depot and Signalling Centre via Carr's Croft must be kept clear at all

times during the construction phase and no on street parking is permitted along Carr's Croft. Failure to do so, could result in direct action by Network Rail to remove any unauthorised parked vehicles / obstructions.

Background Papers: 6 letters of representation

Contact Officer: Andy Baxter – Ext 5339

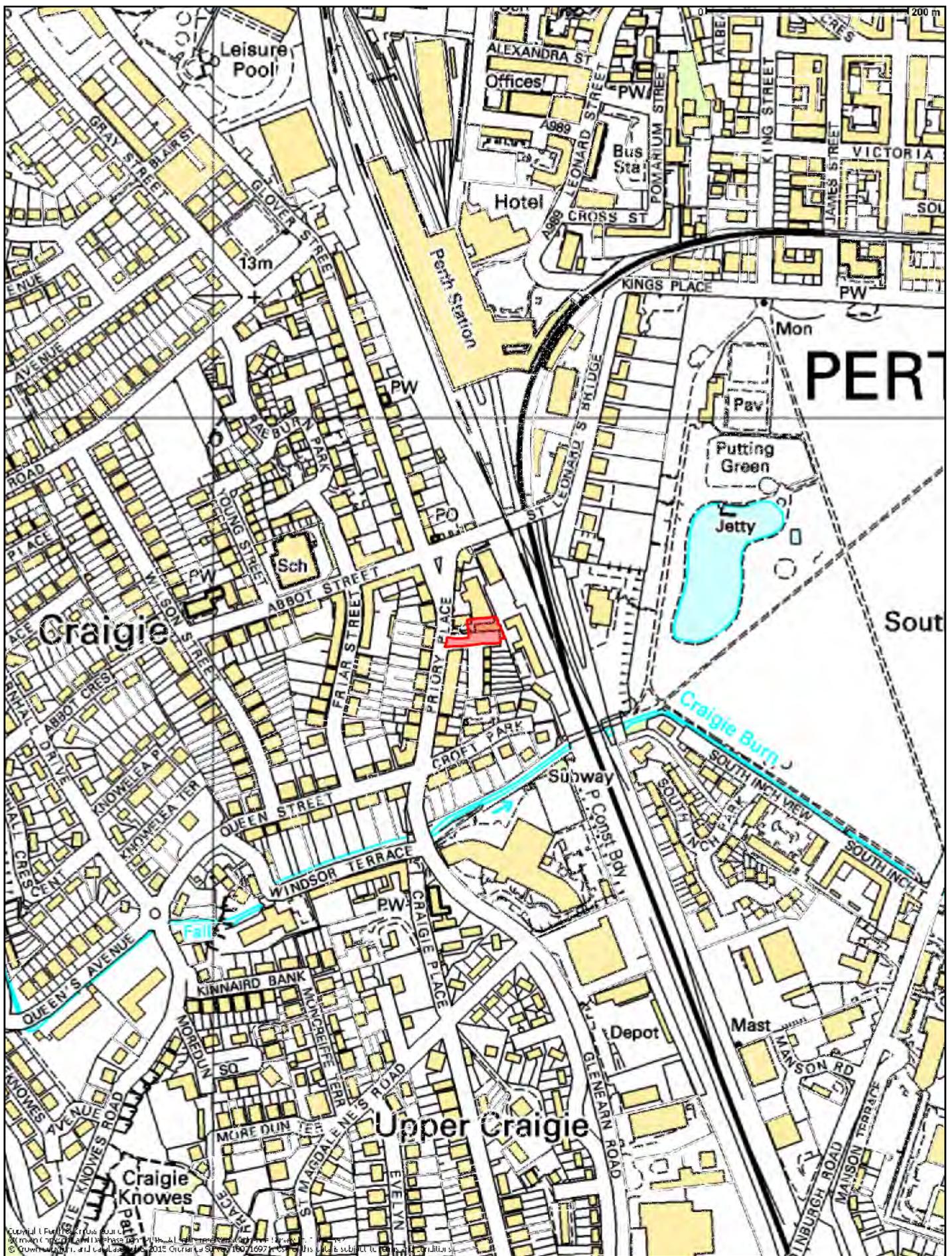
Date: 1 October 2015

Nick Brian
Development Quality Manager

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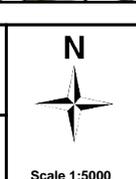
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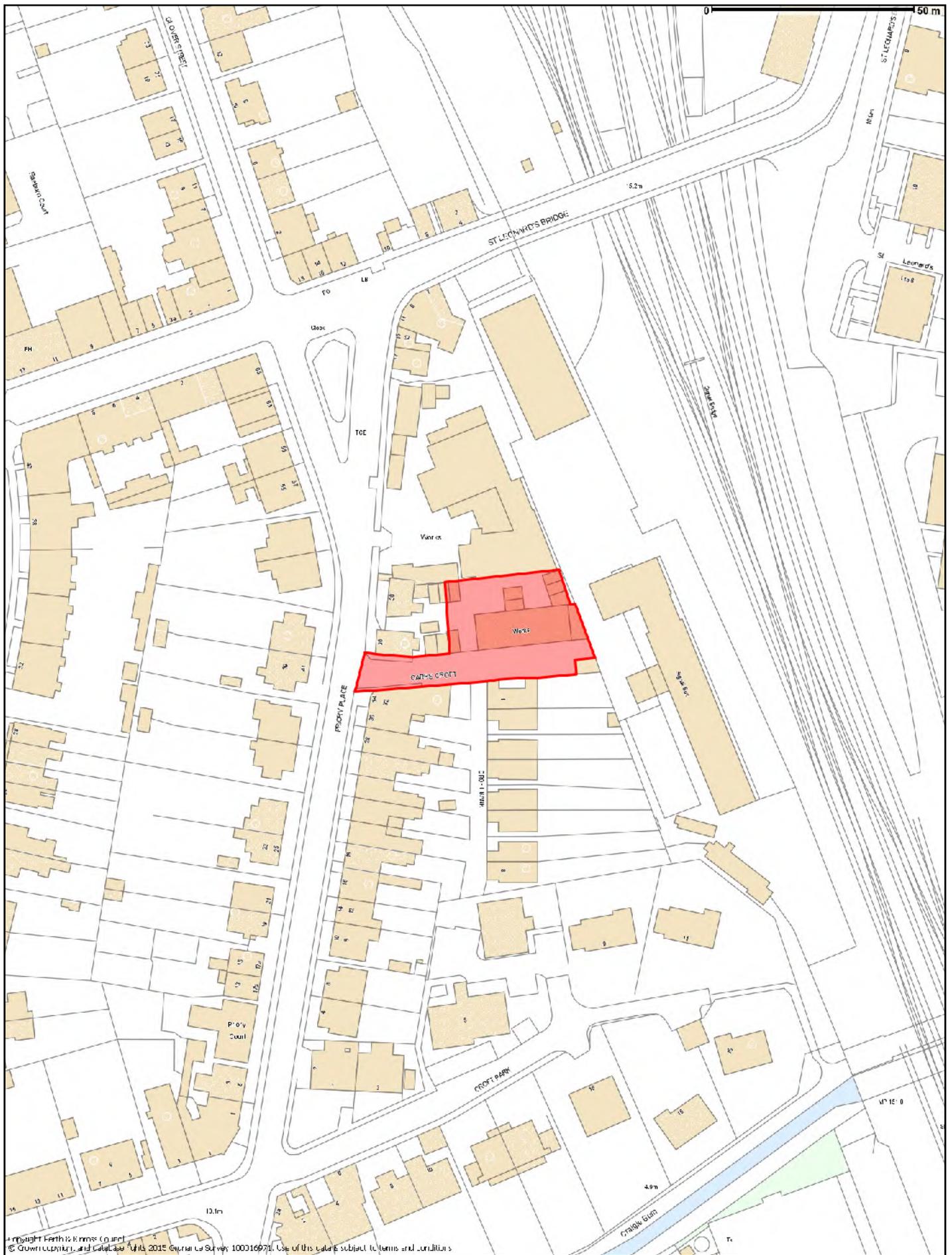
Development Management Committee



15/00017/IPL

Residential development (in principle) at Land South East of 38 Priory Place, Perth





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Development Management Committee



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