

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

Installation of underground power cables and removal of electricity poles at various properties, Wardside, Muthill

Ref. No: 13/00352/FLL
Ward No: N7– Strathallan

Summary

This report recommends approval of the application for the installation of underground power cables and removal of electricity poles 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 removal of existing electricity poles and the installation of underground power cables on Wardside within the Conservation Area of Muthill. 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.
- 2 This application is one of a series of applications for similar proposals throughout Muthill, all of which are presented to 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 Beauly-Denny Overhead Line (05/01930/OHL).

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 3 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.

- 4 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

- 5 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

6 Policy 2: Shaping Better Quality Places

- 7 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.

8 Policy 3: Managing Tayplan's Assests

- 9 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;

10 Policy 6: Energy and Waste/Resource Management Infrastructure

- 11 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

- 12 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

- 13 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

- 14 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 policy of this plan are:

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

SITE HISTORY

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

CONSULTATIONS

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

REPRESENTATIONS

- 19 No letters of representation have been received

ADDITIONAL STATEMENTS

20

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

- 21 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

- 22 The existing overhead cables and electricity poles do have an impact on the character of the Conservation Area and therefore their removal is generally welcomed in order to tidy up the street scene.
- 23 The applicant has stated that this planning application does not cover any works to the fabric of individual properties and that separate applications for these with greater detail will be submitted in due course. The application also indicates that land disturbed (including gardens) will be re-instated with no new or out-of-character re-instatement and that cables will be re-routed if necessary to avoid disturbance to trees.
- 24 The site boundary for this application abuts the Old Parish Churchyard which is a category B listed building and part of a Scheduled Ancient Monument area.
- 25 It is important that traditional boundary walls and hedges are suitably protected from any potential damage or disturbance. Trees exist along or in close proximity to this cable route Tigh Fionn, the Old Parish Churchyard and to the east of Ashfield and Sunnyside including the junction with Ward Road and the cable therefore may need re-positioning. Details of any re-routing and proposed method of tree root protection where necessary should be submitted for further approval through a condition on any consent issued.

Traffic Safety

- 26 The undergrounding of cables and removal of poles is not considered to have any detrimental impact on road safety. New street lighting will be subject to a

separate application as outlined in the paragraph below. Transport Planning have offered no objection.

New Street Lighting

- 27 Replacement street lighting is proposed and this has been discussed directly with the Council's street lighting department and given that the lighting is a direct replacement of the existing poles, no consent is required. The Council's street lighting department have agreed a pole and lighting type with the planning authority and intend to inform the community before progressing with the works.

Planning Authority with an Interest in the Land

- 28 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

- 29 None required

CONCLUSION AND REASONS FOR RECOMMENDATION

- 30 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 All re-instatement of land required in association with the cable undergrounding shall match that of the existing to the satisfaction of the Council as Planning Authority.
- 3 Prior to the commencement of any development full details of all tree route protection and any re-routing required for the cable to avoid trees shall be

submitted for the prior written approval of the Planning Authority. The details, as approved, shall be strictly adhered to during the development of the site.

- 4 All traditional boundary walls and hedges shall be protected during the undergrounding works and all works should ensure these are not damaged during works all to the satisfaction of the Council as Planning Authority.

Reasons

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2-4 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.
- 3 The applicant should note that further applications for listed building consent may be required for cabling on listed buildings and this should be discussed directly with the Planning Authority prior to any works taking place to a listed building.

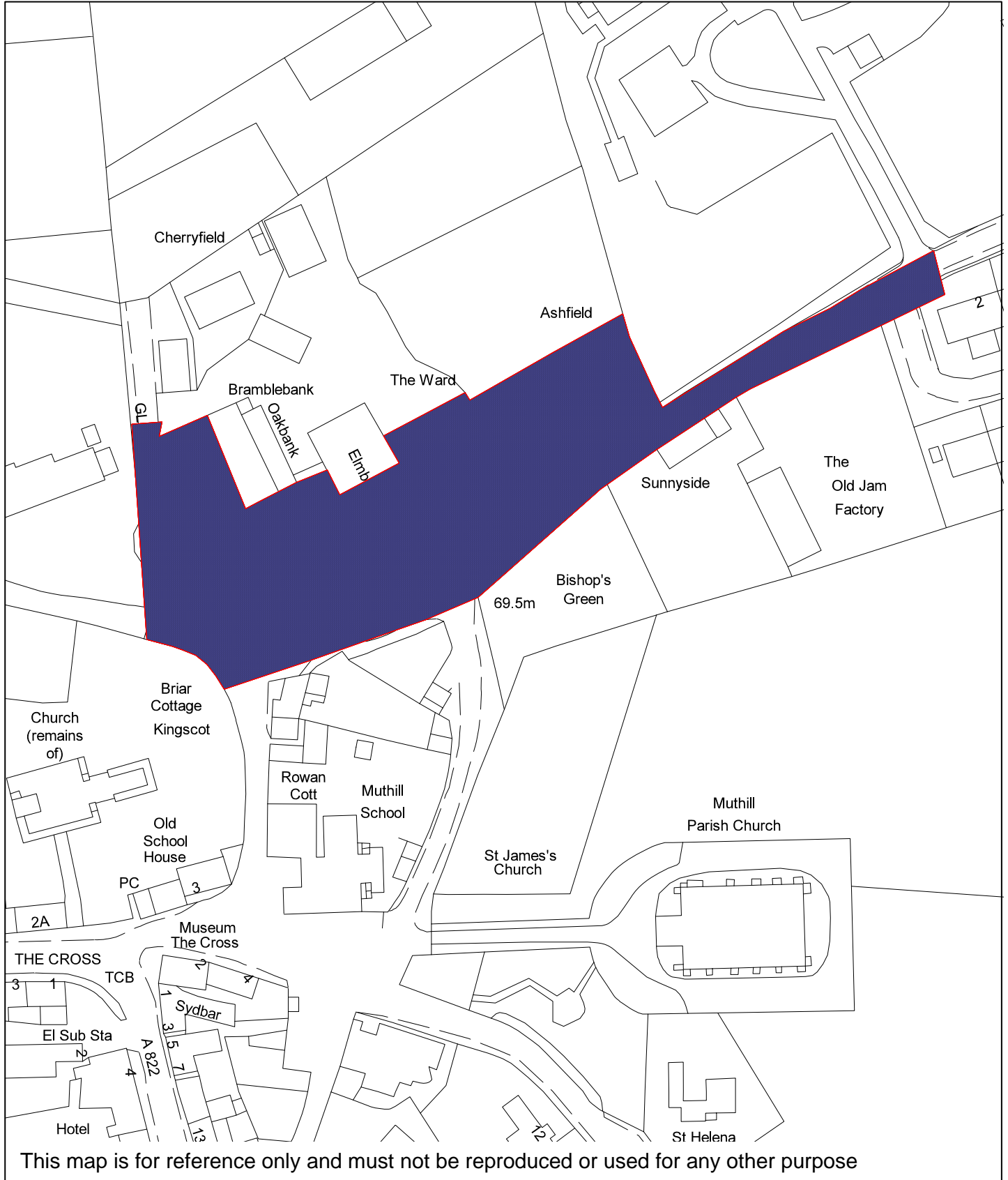
Background Papers: One letter of representation
Contact Officer: John Williamson – Ext 75360
Date: 03 June 2013

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

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