

Perth and Kinross Council
Development Management Committee – 17 July 2013
Report of Handling by Development Quality Manager

Redevelopment of the Wellmeadow bus stance, townscape improvements and installation of play area, Blairgowrie Town Centre, Blairgowrie

Ref. No: 13/00823/FLL

Ward No: 3– Blairgowrie and Glens

Summary

This report recommends approval of the application for the redevelopment of the Wellmeadow bus stance, townscape improvements and installation of a play area, 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 redevelopment of the Wellmeadow bus stance, townscape improvements around Wellmeadow and land adjacent to the River Ericht and the installation of a play area in Blairgowrie Town Centre within the Blairgowrie Conservation Area. The proposed works can be broken down into three main areas:
 - The redevelopment of the bus stance at Wellmeadow which will include three bus stances, three bus shelters and provision of new benches and a stone clad retaining wall.
 - Various townscape improvements including new benches, cycle stances, lighting, walling and pavement surfaces at both Wellmeadow and the riverside
 - Redevelopment of the Blairgowrie Riverside to include the upgrade and relocation of the play park.
- 2 This proposal was subject to a report which was presented to the Enterprise and Infrastructure (E&I) Committee on 20 March 2013 which relates to Blairgowrie Town Centre Regeneration Funding. This report to the E&I Committee supported the proposal and the associated funding implications. It should be noted by Members that the report before you today will consider the planning policy implications of the development and will focus mainly on the impact which the works will have on the character of the Blairgowrie Conservation Area, potential flooding implications and potential impact on the River Tay Special Area of Conservation, of which the River Ericht is a part of. The funding of the works has already been agreed as part of the support from the E&I Committee.

National Policy and Guidance

NATIONAL 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.

The relevant sections of the SPP are as follows:

- Paragraphs 45 - 51 Economic Development
- Paragraphs 52 - 65 Town Centres and Retailing
- Paragraphs 113 - 114 Listed Buildings
- Paragraphs 115 - 117 Conservation Areas
- Paragraphs 134 - 136 International Designations (SPA's & SAC's)

Development Plan

- 4 The Development Plan for the area consists of the Approved TayPlan Strategic Development Plan 2012 and the Adopted Eastern Area Local Plan 1998.

Tayplan: Strategic Development Plan 2012-2032

- 5 The relevant policies of this plan are as follows:

Policy 2: Shaping Better Quality Places

- 6 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.

Policy 3: Managing Tayplan's Assests

- 7 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:
- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment.

Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;

- and 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;

Eastern Area Local Plan 1998 (EALP)

- 8 The application site is located within the settlement boundary of Blairgowrie and within the Blairgowrie Conservation Area. The entire site is zoned for a number of uses including principal retail areas, private and public open space and general residential.
- 9 The principal relevant policies are in summary: -

Policy 2 General Criteria

- 10 All developments within the Plan area not identified as a specific policy, proposal or opportunity will also be judged against the criteria relating to landscape framework, existing development, environmental impact, traffic, drainage, etc.

Policy 3 Flood Risk

- 11 Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere will not normally be permitted.

Policy 12 Environment and Conservation

- 12 The Council will not grant consent for development which would damage the integrity of Special Areas of Conservation.

Policy 23 Listed Buildings

- 13 The setting of listed buildings shall be safeguarded

Policy 33 Parking and Public Transport

- 14 Adequate provision for parking, public transport and servicing must be made in all new developments in conformity with Roads Authority standards and to the satisfaction of the Planning Authority.

Policy 56 General Residential and Background Policies

- 15 Residential amenity shall be retained and where possible improved.

Policy 59 Principal Retail Areas

- 16 The Council will not permit non retail uses in ground floor uses to an extent that it undermines the retail function or adversely affects residential amenity.

Policy 64 Private and Public Open Space

- 17 Any development proposals which erode these areas will be resisted.

Perth and Kinross Proposed Local Development Plan 2012 (PLDP)

- 18 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.
- 19 The most relevant policies of the above plan are:
- 20 **Policy PM1 Placemaking** – Development must contribute successfully to the quality of the surrounding built and natural environment
- 21 **Policy EP2 Flooding** - There will be a general presumption against development where a proposal would increase the probability of flooding elsewhere.
- 22 **Policy HE3 Conservation Areas** – There is a presumption in favour of development which preserves or enhances its character or appearance.
- 23 **Policy HE2 Listed Buildings** – Presumption in favour of the retention and sympathetic restoration of listed buildings to allow them to remain in active use.
- 24 **Policy RC1 Town and Neighbourhood Centre** – Within these areas the Council will encourage Class 1 (Retail) Uses and will support proposals which generate additional retail floor space.
- 25 **Policy CF1 Open Space** – Development proposals resulting in the loss of these areas will not be permitted, except in certain circumstances.
- 26 **Policy NE1A International Nature Conservation Sites** - Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas) or a Ramsar Site will only be permitted after an Appropriate Assessment indicates certain criteria.

Other Policies

Blairgowrie Conservation Area Appraisal

Site History

27 No specific relevant planning history

Consultations

Scottish Natural Heritage

28 No objection subject to condition relating to Special Area of Conservation

Historic Scotland

29 No objection to the proposed works – comments raised in regard to potential works to war memorial which will be passed to applicant.

Blairgowrie and Rattray Community Council

30 General comments provided regarding certain elements of the works proposed including:

- Financial budget
- Necessity of certain works
- Seeking movement of certain elements of the proposal/additions to existing submission
- Location of band stand/stage
- Traffic requirements

31 Whilst the Community Council questions various aspects of the proposal it is not the role of the Planning Authority to question what should or shouldn't be done in terms of spending the allocated budget but to assess whether the works submitted are acceptable in planning policy terms.

Environmental Health

32 Comments made regarding potential contamination and condition recommended

Representations

33 A total of six letters of representation have been received. The representations have raised the following relevant issues: -

- Use of financial budget
- Necessity of certain works
- Seeking movement/changes of certain elements of the proposed works and additions to existing submission

- Traffic requirements/management
- Removal of car parking spaces

34 Similar to the response regarding the Community Council's comments above it is not the role of the Planning Authority to question what should or shouldn't be done in terms of spending the allocated budget but to assess whether the works submitted are acceptable in planning policy terms.

All relevant planning issues are addressed within the Appraisal section below.

ADDITIONAL STATEMENTS

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

35 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Eastern Area Local Plan (EALP) in this instance are outlined in the policy section above. The Council's Proposed Local Development Plan 2012 is a relevant material consideration in this instance.

Impact on Character of Conservation Area

36 The works within the town centre are located within the Blairgowrie Conservation Area and the landscaping works within the Wellmeadow Gardens are within the setting of the war memorial which has category A listed status. The Blairgowrie Conservation Area Appraisal identified the area to the south-east of the Wellmeadow as a negative townscape factor and opportunity for enhancement. The appraisal suggests that this area would benefit from enhancement focusing on streetscape, direction and sense of enclosure. The proposals outlined in this application for the bus stance area and car park in front of the Angus Hotel are welcomed. The proposals will greatly improve the definition of the edges of these open spaces.

37 Having consulted the Council's Conservation Officer, concerns have been expressed regarding the "possible option of 3 flagpoles" indicated on the plans

and the impact these may have on the setting and views of the war memorial. I intend to recommend a condition be attached to any consent given which restricts this area to one flag pole to minimise any impact on the setting of the A listed building.

- 38 The riverside master plan indicates that some trees will require to be felled. However, replacement planting in this area is shown. Details of the selection of species proposed should be submitted and will be covered by a condition.
- 39 In the Wellmeadow Gardens the brick walls around the planting bed at the eastern corner are to be replaced with red sandstone and railing features. The bricks are relatively recent so there is no objection to their removal. Design details for the railings at this location should be provided and will be covered by condition.
- 40 Samples of the new red sandstone proposed throughout the scheme and details of the colours of the tegula paving at the bus stance area will also be requested for approval by condition.
- 41 The townscape improvements are considered to positively impact on the character of the Blairgowrie Conservation Area and therefore comply with Policy HE2: Listed Buildings and Policy HE3: Conservation Areas of the Proposed Local Development Plan. The works also address issues raised within the Conservation Area Appraisal for the area which serves as supplementary guidance to the Plan.

Impact on River Tay Special Area of Conservation (SAC)

- 42 The River Ericht is part of the Rivert Tay SAC which is designated for Atlantic salmon and lamprey. The proposed works adjacent to the river bank have potential to release sediment and pollutants into the watercourse during construction. Scottish Natural Heritage (SNH) have been consulted on the proposal and have stated that the impact on the qualifying interests of the SAC can be mitigated if a Construction Method Statement (CMS) is submitted. This can be covered by a planning condition. With the inclusion of a condition to cover this aspect the development is considered to comply with policy 12 of the Eastern Area Local Plan and Policy NE1A of the Proposed Local Development Plan.

Riverside Works

- 43 The river side is zoned for open and public space in the EALP and PLDP and the works to the riverside including the relocation of a play area, works to upgrade the riverside footpath, landscaping, together with the provision of new picnic tables and paving as well as general engineering improvements to the river bank will enhance the area as a whole. This is inline with the requirements of Policy 64 of the Eastern Area Local Plan and Policy CF1 of the PLDP.

Flood Risk

- 44 The Council's Flood Risk Team initially raised objections to the works required along the river bank and the potential for it to result in an increase in flood risk, particularly in relation to the Cuttle Burn and the engineering works required to it. The applicant has discussed the extent of the works with the Flooding Officer and has agreed to make changes to the scheme to address the concerns raised. These changes can be covered by planning conditions to ensure these details are submitted prior to works commencing on this particular part of the proposal. The Flooding Team have confirmed their agreement to this approach and further consultation will take place with them regarding any details submitted by condition.

Traffic Safety

- 45 The Council's Transport Planner has been consulted on the proposal and offered no objection. The new bus stance would provide improved facilities for passengers including additional shelter areas and an improved visual appearance. Although there is a reduction in marked car parking bays, the current layout means that a number of the bays cannot be used as they are too tight to walls and fences, and also too short. Therefore, the usable number of bays is not changing in the current proposals.
- 46 There is an existing taxi rank adjacent to the bus stance which is to be moved and the proposal is for this to be moved for a temporary period to the opposite side of Wellmeadow Garden adjacent to Davidson's Chemist for a trial period. The moving of this taxi rank would not require formal planning consent in normal circumstances but has been included on the plans simply to provide a clear picture of the works proposed, the same can be said for other alterations to traffic management around the revised bus stance area. These changes to the road layout and introduction of new signals are carried out under the Road (Scotland) Act 1984 and Road Traffic Regulation Act 1984 and do not require formal planning consent but have been included on the plans simply to provide an overall picture of the works proposed.

Contamination

- 47 It is known that there was previously a gasworks located close to the Wellmeadow bus stance. A trial pitting exercise in the area has revealed low levels of contamination. The levels of contamination encountered are not considered to be an issue for the proposed development.
- 48 The area alongside the River Ericht is recorded as infilled ground; however it is unlikely that this will have an impact on the proposed development.
- 49 Given the identified potential issues a watching brief during redevelopment is required and this could be covered by condition on any consent.

Other Issues

- 50 Concerns have been expressed through letters of representation regarding issues such as specific position of benches/bins and other elements of the proposal, including traffic management.
- 51 It should be noted by Members that the introduction of one way streets in the area is not the subject of planning control and is determined under separate consents. This therefore has no bearing on the recommendation made in this report. The allocation of a specific budget to these works is also not relevant to the consideration of this planning application and again was considered as part of the report to the Enterprise and Infrastructure Committee in March of this year.
- 52 The works which are proposed have been part of a public consultation exercise. It is inevitable that there would be some opposition to a scheme such as this. The applicant is, however, aware of the issues raised within the letters of representation and may choose to make alterations to the scheme to address the concerns raised. However, any minor changes to address these issues are unlikely to require formal planning consent and therefore would not fall to be considered under the planning remit.

Planning Authority with an Interest in the Land

- 53 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

- 54 None required

Conclusion and Reasons for Recommendation

- 55 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 Highland 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 Only one flag pole is permitted within the Wellmeadow public open space.
- 3 Prior to the commencement of any development, full details of all proposed replacement planting at the Riverside shall be submitted for the written approval of the Planning Authority including details of species and density of planting. The details, as approved, shall be implemented as part of the site development.
- 4 Prior to the commencement of development a detailed specification of the proposed red sandstone and tegula paving shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
- 5 Prior to the commencement of development full details of the design for the railings shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
- 6 Prior to the commencement of construction, a full detailed construction method statement, giving details of measures to prevent harmful materials entering the River Tay SAC shall be submitted and agreed in writing by the Council as Planning Authority. The details shall include
 - **Pollution prevention safeguards**, including drainage arrangements and the possible use of use of siltation traps, settlement tanks and bunds, their locations, operation and management.
 - **Storage and disposal of materials**, including the siting of stock piles, use of buffer strips and disposal methods.
 - **Construction site facilities**, including extent and location of construction site huts, vehicles, equipment and materials compound.
 - **Timing, duration and phasing of construction**, particularly in relation to salmon and lamprey migration/spawning.

The method statement, as approved in writing, shall be strictly adhered to during development of the site.

- 7 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to dealwith the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in

accordance with, and to the standard specified in, the agreed reclamation scheme.

- 8 Prior to the commencement of any works on the Cuttle Burn, a detailed set of plans shall be submitted for the written approval of the Planning Authority in consultation with the Council's Flooding Officer to address points 1-7 contained within the Council Flood Team's email to the applicant dated 12 June 2013. The details as approved in writing shall be implemented as part of the site development.

Reasons

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In order to protect the setting of the category A listed War Memorial.
- 3 In the interests of visual amenity and to ensure suitable replacement planting is provided.
- 4-5 In the interests of visual amenity and to protect the character and appearance of the Conservation Area
- 6 In order to protect the qualifying interests of the River Tay Special Area of Conservation
- 7 To deal with any contamination found on site.
- 8 In order to address flood risk

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 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)).

Background Papers: Six letters of representation

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Date: 24 June 2013

Nick Brian
Development Quality Manager

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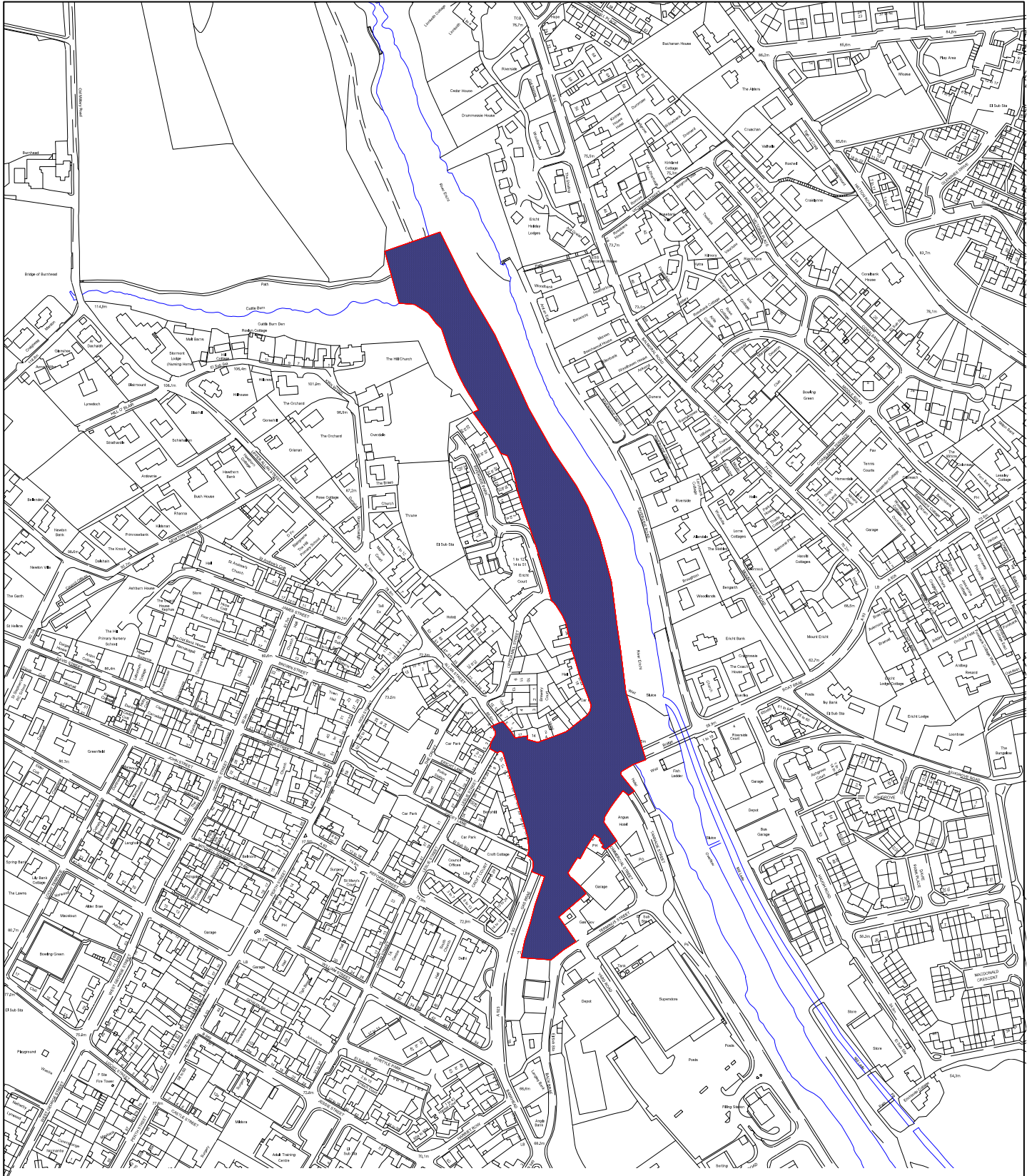
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Blairgowrie Town Centre

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↑ Scale
1:25000



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