

TCP/11/16(539) – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth

INDEX

- (a) Papers submitted by the Applicant (***Pages 437-480***)
- (b) Decision Notice (***Pages 449-450***)
 - Report of Handling (***Pages 483-491***)
 - Reference Documents (***Pages 459-471***)
- (c) Representations (***Pages 481-508***)

TCP/11/16 TCP/11/16(539) – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100123318-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	b3a		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	john	Building Name:	The Distillery, The Whisky Bond
Last Name: *	bol	Building Number:	2
Telephone Number: *	07545 696542	Address 1 (Street): *	Dawson Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G4 9SS
Email Address: *	b3arch@mac.com		

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="mohammad"/>	Building Number: <input type="text" value="4"/>
Last Name: *	<input type="text" value="jahangir"/>	Address 1 (Street): * <input type="text" value="Edinburgh Road"/>
Company/Organisation	<input type="text" value="JR Petroleum Ltd"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Uk"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH2 8AR"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="SOUTH INCH FILLING STATION"/>
Address 2:	<input type="text" value="4 EDINBURGH ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 8AR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="722497"/>	Easting	<input type="text" value="311678"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

erection of a single storey commercial unit for retail or office use on land within the boundary of 4 edinburgh road, perth

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refusal: Loss of Daylight and Outlook under Policies PM1A + RD1 In our opinion we do not contravene these policies and our proposals will bring much needed additional business to this part of Perth via employment and development to benefit the local and wider community by providing local employment, facilities for local residents and reduction in travelling.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

We did not get the opportunity to discuss additional information and amendments with the planning officer.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal statement, Plan statement, location plan, block plans, elevations, Floor Plan, Section, Correspondence

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/02295/FLL

What date was the application submitted to the planning authority? *

22/12/2017

What date was the decision issued by the planning authority? *

08/03/2018

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr john bol

Declaration Date: 08/06/2018

Planning Application Appeal Statement

4 Edinburgh Road, Perth (South Inch Filling Station)

The application site is situated within the Perth Council boundary. The location of the site is on 4 Edinburgh Road, Perth PH2 8AR, opposite Perth prison establishment.

Reasons for refusal:

Loss of Daylight and Outlook under Policies PM1A + RD1

PM1A: we would state that our proposal improves the current amenity areas of kincardine cottages by removing the current noise issues associated with filling station equipment (compressed air and vacuum units) positioned directly above the cottages and disturbance caused by the customers to the adjacent take away late into the evening, providing a more peaceful amenity for the residents to enjoy

RD1: as described above we believe we are improving the quality of life for the residents, as also stated within RD1 encouragement is to be given to improvements to local shopping and business use which this proposal will provide.

There is no specific mention within both policies of “daylight or outlook”

We have also provided a daylight analysis of the site and an amended proposal changing the roofscape of the proposal to minimise any impact on amenity and daylighting as documented within the attached documents provided with the proposal providing a wall to the garden side around 150mm higher than the present metal barrier.

We have provided this information as we did not get an opportunity during the application process.

it should also be noted and included within the documentation that daylight and outlook are not issues for the residents and owners of kincardine cottages, they have not objected and at present one property has a plastic covered conservatory while the other has a kitchen and bathroom with the only bedroom has the window covered over, it has to be presumed to prevent overlooking. The main living areas are to the opposite side of the cottages.

In conclusion we state that our proposals do not contravene PM1A or RD1.

Policy PM1A

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

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy RD1: Residential Areas

The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.

Generally encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:

- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.
- (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.
- (c) Proposals which will improve the character and environment of the area or village.
- (d) Business, home working, tourism or leisure activities.
- (e) Proposals for improvements to community and educational facilities.



Kincardine cottages

plastic conservatory



Rear elevation

Kincardine Cottages



Service Station forecourt

vacuum units + air compressor



Adjacent take away food retail
unit

PERTH AND KINROSS COUNCIL

JR Petroleum Ltd c/o B3a John Bol The Whisky Bond 2 Dawson Road Glasgow G4 9SS	Pullar House 35 Kinnoull Street PERTH PH1 5GD
	Date 8th March 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/02295/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 5th January 2018 for permission for **Erection of a retail unit Land 20 Metres West Of South Inch Filling Station 4 Edinburgh Road Perth** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal would be contrary to the Perth and Kinross Local Development Plan 2014 Policy PM1A Placemaking as the proposed development by virtue of the proximity to existing residential properties would not respect the amenity of the place due to loss of daylight and outlook.
2. The proposal would be contrary to the Perth and Kinross Local Development Plan 2014 Policy RD1 Residential Areas as the proposed development by virtue of the proximity to existing dwellings would not protect existing residential amenity due to loss of daylight and outlook.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

17/02295/1

17/02295/2

17/02295/3

17/02295/4

17/02295/5

17/02295/6

17/02295/7

17/02295/8



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

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Thank you for completing this application form:

ONLINE REFERENCE 100079801-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

erection of a single storey commercial unit for retail or office use on land within the present boundary of 4 edinburgh road, perth

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	b3a		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	john	Building Name:	The Whisky Bond
Last Name: *	bol	Building Number:	2
Telephone Number: *	07545 696542	Address 1 (Street): *	Dawson Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G4 9SS
Email Address: *	b3arch@mac.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	south inch filling station
First Name: *	Mohammad	Building Number:	
Last Name: *	Jahangir	Address 1 (Street): *	
Company/Organisation	JR Petroleum Ltd	Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

South Inch Filling Station

Address 2:

4 Edinburgh Road

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Perth

Post Code:

PH2 8AR

Please identify/describe the location of the site or sites

Northing

722497

Easting

311678

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1902.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

vacant land used for ancillary use for filling station for vacuum cleaning, water and compressed air units

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px; width: 100px;">4</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px; width: 100px;">6</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

Retaining the existing area for waste collection

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Don't Know

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

107

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

multiple use classes as a small retail unit or office

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☐ Yes ☐ No ☒ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: john bol

On behalf of: JR Petroleum Ltd

Date: 22/12/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☒ Other.

If Other, please specify: * (Max 500 characters)

no landscaping is required

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr john bol

Declaration Date: 22/12/2017

South Inch Filling Station, Perth Proposed retail/office unit

Supporting Planning, Design + Access Statement



This Supporting Planning, Design and Access Statement has been prepared by b3a, on behalf of JR Petroleum Ltd. It accompanies a planning application for the erection of a retail/office unit within the boundary of the South Inch Filling Station.

The Site and Surrounding Area The Location

- 2.1. The application site is situated within the Perth Council boundary. The location of the site is on 4 Edinburgh Road, Perth PH2 8AR, opposite Perth prison establishment.
- 2.2. The site is well located for public transport with local bus links to the town of Perth and trains from Perth Railway Station for transport links to locations throughout the UK.
- 2.3. The existing site comprises of a mixture of petrol filling station with ancillary equipment and retail unit.
- 2.4. There are similar filling stations located within the area.
- 2.5. The site is currently used as a petrol filling station with ancillary retail unit.
- 2.6. The surrounding buildings are of a typical local vernacular to this area with a mixture of uses.
- 2.7. There is a gradient over the site from South to North of approximately 900 mm.



3. Planning Policy and Justification for Scheme Pre-Planning Discussions

- 3.1. The proposed scheme has not been the subject of a pre-planning application.
- 3.2. The overall principle of development should be welcomed by the local authority as it is in a similar vein to nearby sites.
- 3.3. The car parking provision meets with the local policy requirements with 5 car parking spaces for staff.
- 3.4. A Flood Risk Assessment is not applicable for this site.
- 3.5. The scheme includes provision for the relocation of ancillary equipment; namely 2 No vacuum units, a compressed air dispenser and a combined water + air compressor.
- 3.6. The retail/office unit will create a building of approx 107 sq.m, incorporating open plan area, toilets, and stores.
- 3.7. The opening times for public access will be from 6.00am to 10.00 pm Monday to Sunday.
- 3.8. The proposal will create a retail unit /office unit which will generate employment and contribute to the local economy and community.

4. Use

- 4.1. The area of the site is currently used as an ancillary area for vacuum, water and air compressors.
- 4.2. The proposal will provided a small retail unit/office.

5. Amount

- 5.1. The site is 1902 sq.m in area.
- 5.2. The visitor centre will be 107 sq.m on a single floor level.
- 5.3 The number of staff will vary from 1 to 2.

6. Layout

- 6.1. The unit space is accessed directly from the filling station forecourt area with an exit on Edinburgh Road.
- 6.2. The service area for bins and stores is via a created 1m wide service zone to the rear of the proposed property.

7. Scale

- 7.1. The form of the scheme reflects the density and character of the surrounding area and is suitable in scale. The height of the eaves and ridge of the building frontage matches the adjacent buildings within the filling station and retail unit adjacent.

8. Landscaping

- 8.1. The proposal does not involve any soft landscaping, all hard landscaping will be to match the existing footpath and concrete hardstanding.

9. Design

- 9.1. The building is traditional in design and draws inspiration from the surrounding architecture and features of the surrounding area. The architectural treatment of the retail unit is a continuation of the neighbouring buildings on Edinburgh Road.
- 9.2. The proposal is positioned on site infilling a redundant area of the site and consequently will not impact on the day to day activities of the filling station and will have no adverse impact on any surrounding properties.



9.3. The proposed unit will, from the entrance and main road have the appearance of a traditional building, tiled pitched roof, render walls and polyester powder coated aluminium doors and windows.

9.4. The external materials to be used will be tiled roof, off white smooth render to all walls and aluminium polyester powder coated windows to provide a low maintenance solution.

9.65 All new exterior lighting shall be low level, hooded where feasible to reduce the possibility of light pollution.

10. Access

10.1. Access to the Unit will be via the extended footpath within the filling station site adjacent to the existing retail unit on site. Exit from the unit will be via the doorway directly on to the footpath on Edinburgh Road.

10.2. The unit will be fully wheelchair accessible throughout.

10.3. All doors to the development will comply with all relevant building regulations where applicable and practicable.

10.4. -

- Provision for the following has been included:

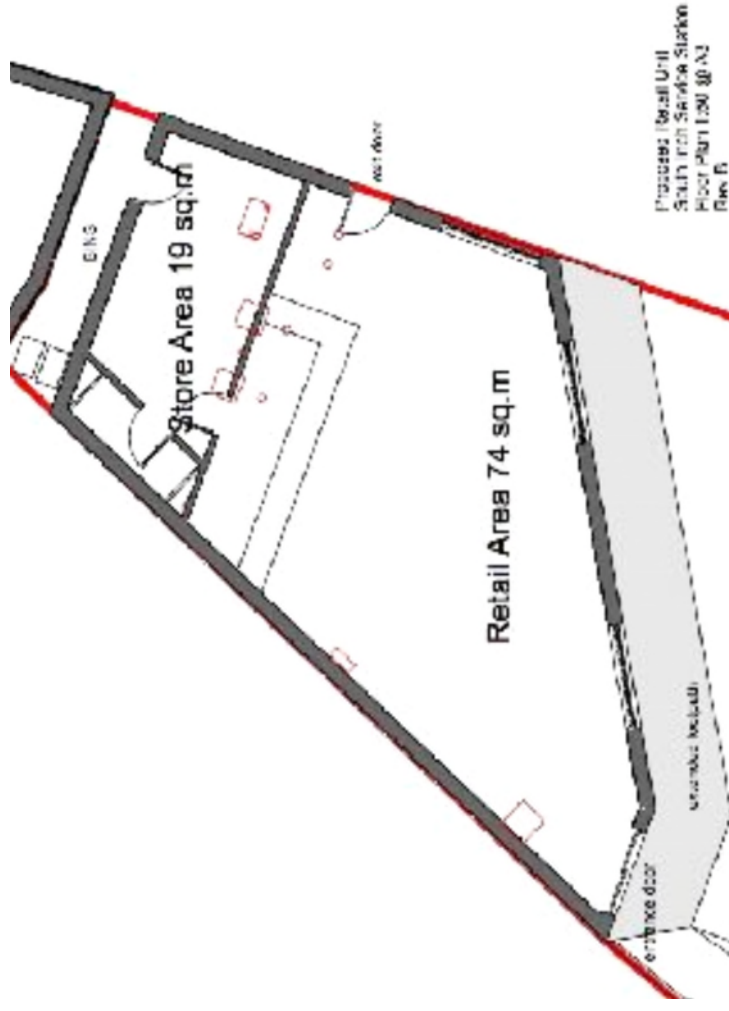
Entrances: Level thresholds to all entrance doors and minimum clear widths to comply with Building Regulations Approval will be provided.

Circulation: Internal ground floor access with minimum clear widths of unobstructed openings will be achieved.

- Means of escape: the provision of a safe means of escape from the building is to be provided via compliance with Building Regulations Approval
- Door widths and openings: All door widths and openings to meet minimum requirements (for clear openings, type and height of handles, vision panels, door closers etc).

11. Conclusions

11.1. The proposed development makes best use of previously undeveloped land on this brownfield site with the addition of retail / office unit.



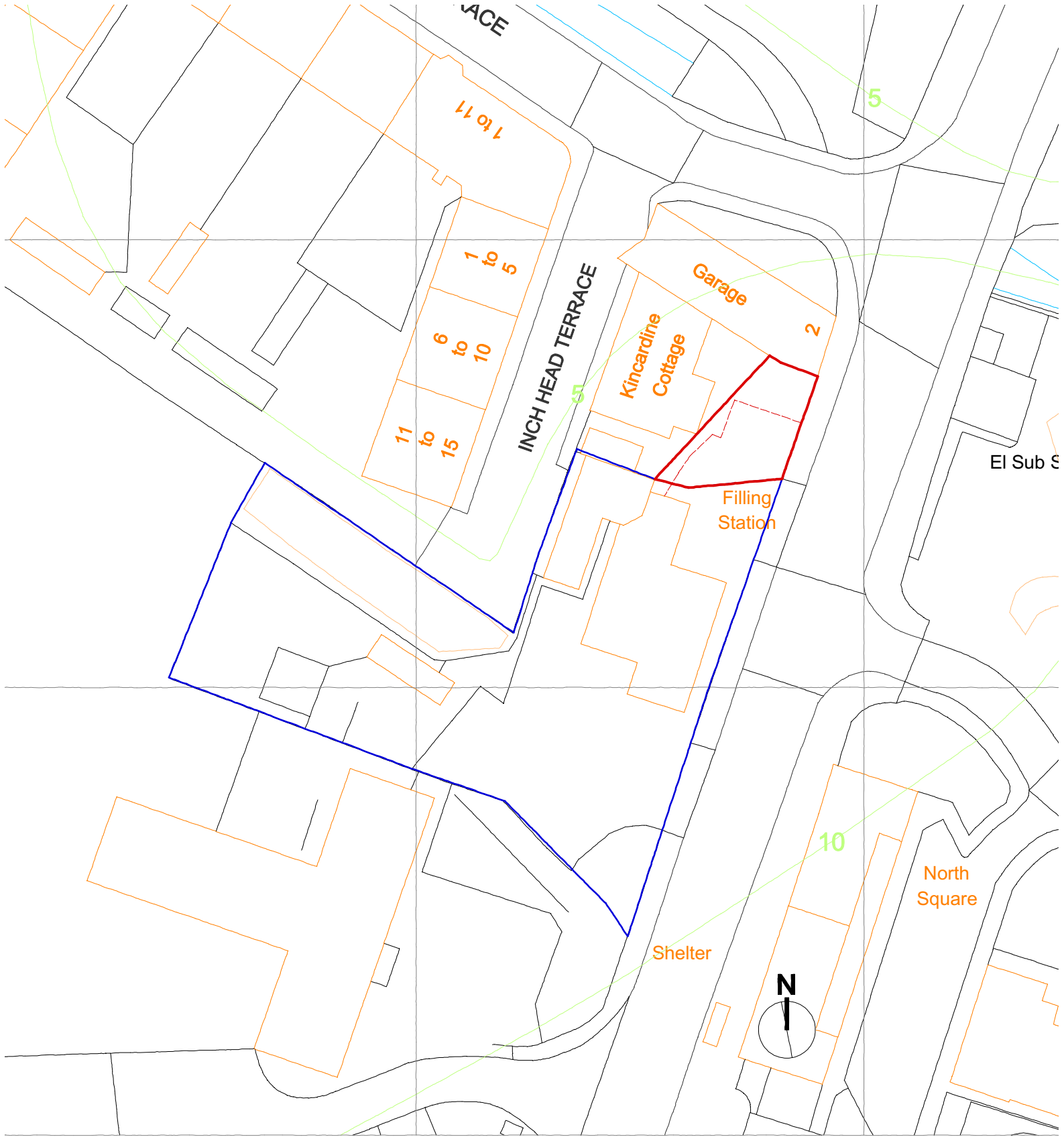


Road Elevation (East)



Side Elevation (South)

Proposed Retail Unit
South Town Service Station
Flexible 1-100 @A3
Revision B



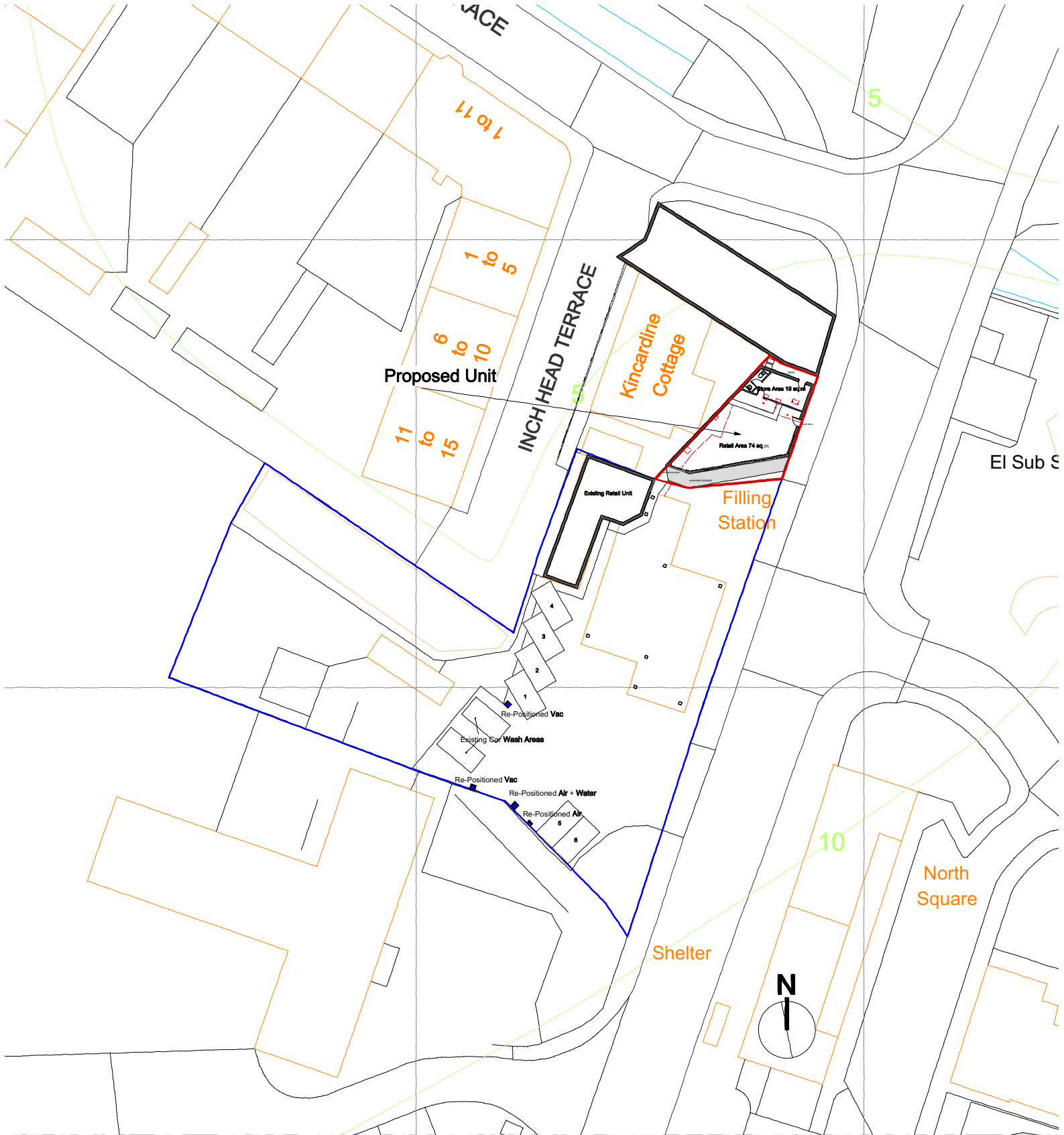
311657

311707

Proposed Retail Unit
South Inch Service Station
Existing Block Plan 1:200 @ A1



465 Metres



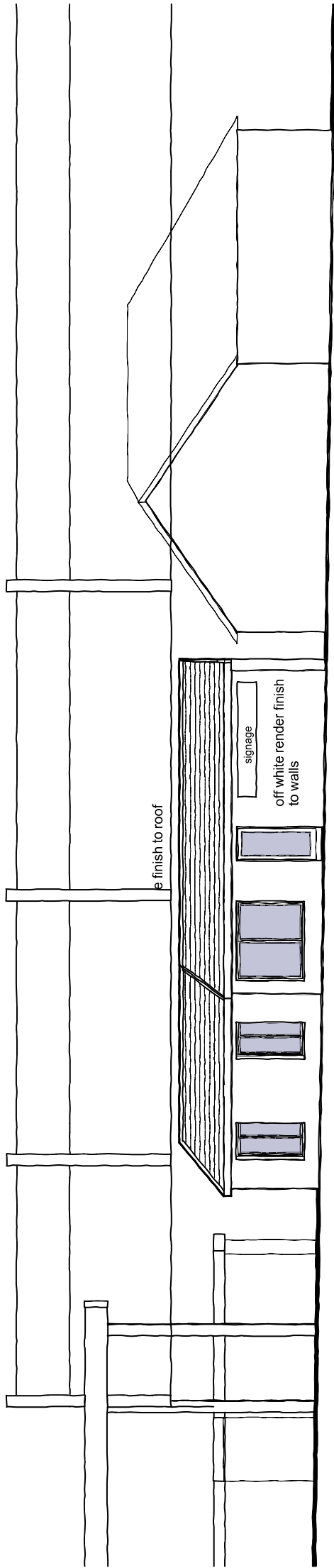
311657

311707

Proposed Retail Unit
South Inch Service Station
Block Plan 1:200 @ A1
Rev B

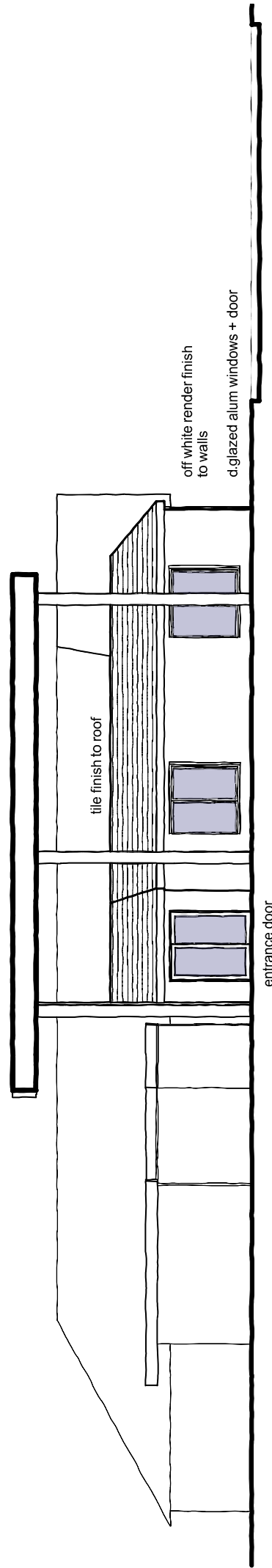


466 Metres



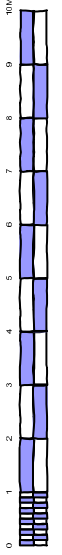
Road Elevation(East)

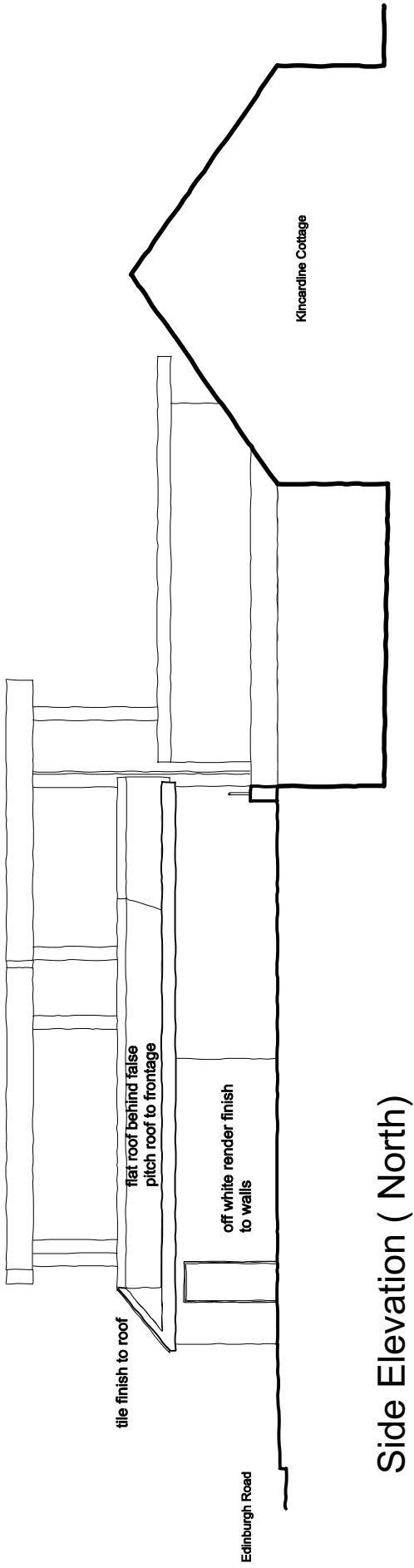
467



Side Elevation (South)

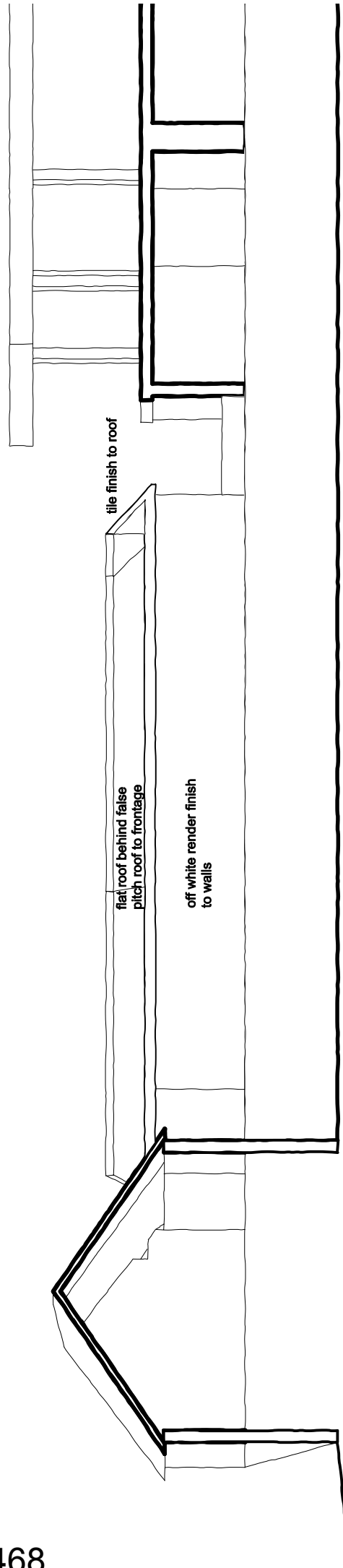
Proposed Retail Unit
South Inch Service Station
Elevations 1:100 @A3
Revision B



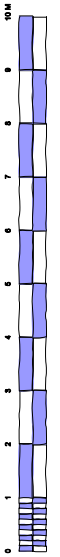


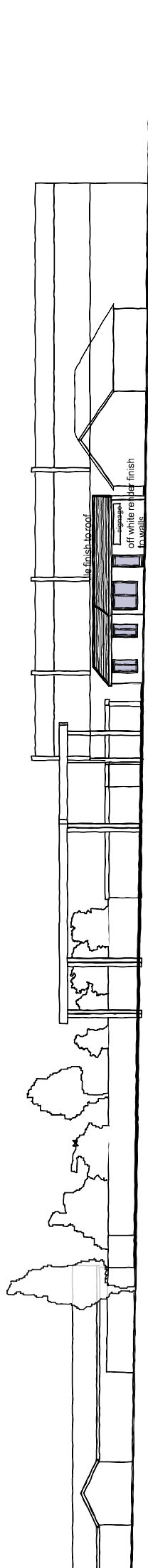
Side Elevation (North)

468



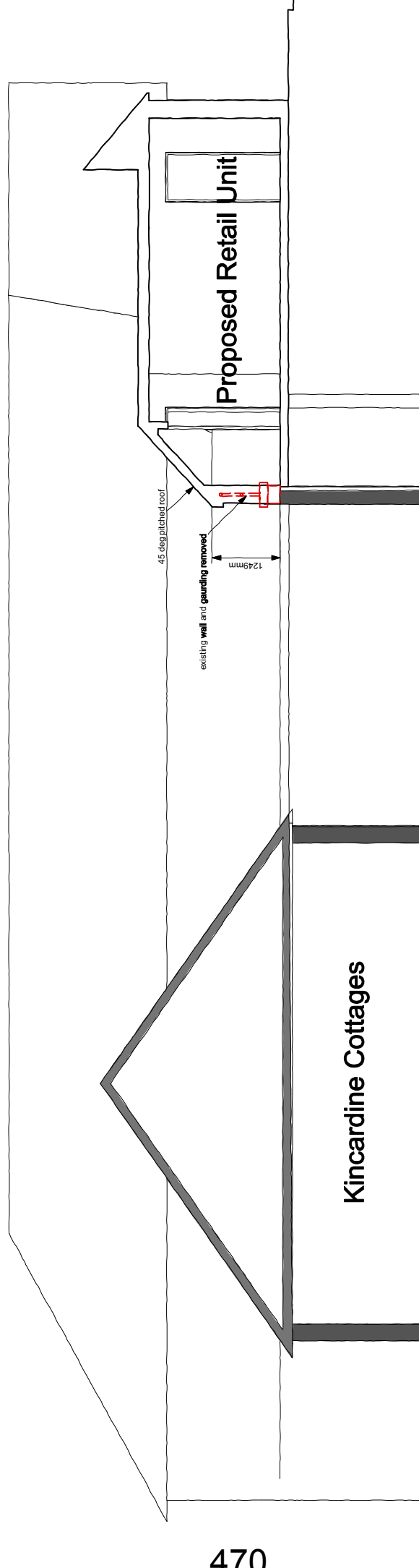
Rear Elevation (West)





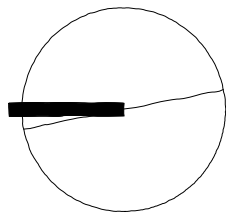
Road Elevation(East)





Section

N



BINS

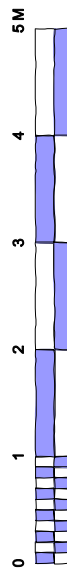
Store Area 19 sq.m

exit door

Retail Area 74 sq.m

entrance door

extended footpath



Proposed Retail Unit
South Inch Service Station
Floor Plan 1:50 @ A3

b3a

Dear John ,

For your reference and action , please find below , Email/Reply received yesterday from Anne Condliffe of the Planning Department. I would be grateful if you could contact me as soon as possible in order to discuss the matter.

Regards ,

Mohammad.

-----Original message-----

From : [REDACTED]
Date : 22/05/2018 - 16:20 (GMTDT)
To : [REDACTED]
Cc : b3arch@mac.com
Subject : RE: Retail Unit at South Inch F/S , 4 Edinburgh Road , Perth , PH2 8AR

Dear Mr Jahangir,

I refer to your email dated 21 May regarding your planning application for the erection of a new retail unit on land west of South Inch Filling Station, Edinburgh Road, Perth. As David Niven (Joanne's Line Manager) is currently off sick, your message has been passed to me to respond. I have discussed the matter with Joanne Ferguson as case officer and Christine Brien (Team Leader) who signed off the original Report of Handling. I must advise that I am in agreement with the decision to refuse planning permission as I consider the proposal would have a detrimental effect on the neighbouring residential properties. I have also reviewed the correspondence that has subsequently occurred between your agent John Bol and the case officer post the decision to refuse permission. I fully accept the effort that has gone in to showing the shadow analysis and in proposing an amended design by trying to cut back the roof. However, as indicated in the latest response to your agent dated 10 May 2018 unfortunately this is still not something that we could support. The layout in the area is unfortunate with the cottages positioned at a lower level than your site but it is important to protect the limited amenity attributed to these residential units. Again I would suggest that an ancillary retail unit to the filling station is acceptable in principle but perhaps it would be better to look at your site as a whole to see if an alternative position can be found. I remain to be convinced that even reducing the unit in size and pulling it towards Edinburgh Road would be sufficient to achieve the retention of sufficient amenity to the cottages. In light of the above I see no merit in meeting on site and would suggest that you take up your option to seek a review of the decision to Local Review Body. Please note that this must be done within 3 months of the decision to refuse the planning application (8 March 2018) and therefore would require to be submitted by 8 June 2018. Whilst I am sure disappointing, I trust the above clarifies matters.

Yours sincerely

Anne Condliffe

Interim Development Quality Manager
Planning & Development
Perth & Kinross Council
The Environment Service
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Tel: 01738 475352

E-mail: abcondliffe@pkc.gov.uk

Website: www.pkc.gov.uk



From: Joanne Ferguson
Sent: 21 May 2018 16:20
To: Anne Condliffe
Subject: FW: Retail Unit at South Inch F/S , 4 Edinburgh Road , Perth , PH2 8AR

From: MOHD JAHANGIR [mailto:m[REDACTED]]
Sent: 17 May 2018 11:53
To: Joanne Ferguson
Subject: Retail Unit at South Inch F/S , 4 Edinburgh Road , Perth , PH2 8AR

For the Attention of Team Leader David Niven

Info : - Joanne Ferguson

Dear Sir ,

To initially clarify , Mr. John Bol of B3A architects was in communication on our behalf with your colleague from your department , Joanne Ferguson , regarding necessary consent for a small retail unit on our premises but it seems that this proposal is without success.

It is extremely important to improve our business to ensure our future survival . Reviewing the correspondence between John Bol and Joanne Ferguson , it seems that the Planning Department has overwhelmingly prioritised the neighbours' situation whilst giving little or no consideration to our rights at all.

We would like to propose for a representative from the Planning Department to attend the premises and offer us suitable guidance for any required modifications to our proposal , ie. positioning of the wall , elevation of the wall. Whatever the recommendations , we would be flexible to adhere to them.

Additionally , I believe that the completed project would be beneficial for the cottages , there would be less noise at night and people would be unable to park their vehicles to eat from the takeaway next door.

I sincerely hope that the Planning Department can consider our case carefully and based on the merit of the project.

If you could reply as soon as possible to this Email , it would be appreciated.

Regards ,

Mohammad Jahangir.
[REDACTED]

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Hi John

I did look at this with my Team Leader, David Niven. The existing property (even although they have not objected) has a limited level of residential amenity presently. Although this is an improvement with the cut back of the roof/wall there is still an impact on residential amenity which I don't think can be fully addressed. I don't consider the need for the development in this location to outweigh the residential amenity issue.

I consider that development cannot be accommodated successfully within this location, are there any other locations for the development?

Regards

Joanne

From: b3arch@mac.com [mailto:b3arch@mac.com]
Sent: 09 May 2018 15:07
To: Joanne Ferguson
Subject: Re: 4 edinburgh road, perth ref 17/02295/FLL

joanne,
any feedback from your meeting last Friday ?

regards

john bol
b3a

On 3 May 2018, at 11:42, b3arch@mac.com wrote:

joanne,
thank you and please let me have your comments after the meeting

regards

john bol
b3a

On 3 May 2018, at 11:28, Joanne Ferguson <[J\[redacted\]@mac.com](mailto:J[redacted]@mac.com)> wrote:

John

Sorry haven't had a chance but I've got a meeting with my Team Leader tomorrow so I'm going to run it past him.

Joanne

From: b3arch@mac.com [mailto:b3arch@mac.com]
Sent: 03 May 2018 10:56
To: Joanne Ferguson
Subject: Fwd: 4 edinburgh road, perth ref 17/02295/FLL

joanne,
have you had time to look at this amended proposal for 4 Edinburgh Road ?

regards

john bol
b3a

Begin forwarded message:

From: b3arch@mac.com
Subject: Re: 4 edinburgh road, perth ref 17/02295/FLL
Date: 25 April 2018 at 12:40:53 BST
To: Joanne Ferguson <[J\[redacted\]@mac.com](mailto:J[redacted]@mac.com)>

joanne,
thank you for your feedback and conclusions.

In light of your conclusions my client has requested your comments on reducing the height of the proposed building to the kincardine cottages by introducing a 45 deg pitched roof, which will be 150mm above the present wall and guarding as the

attached sketch section.

we would be grateful for your comments on this proposal.

regards

john bol
b3a

On 16 Apr 2018, at 17:20, Joanne Ferguson <[REDACTED]> wrote:

John

17/02295/FLL

I have considered the submitted shadow analysis and in house we have been able to generate our own comparisons. My concern is that increased morning daylight will be lost at various points throughout the year (more noticeably in Winter early Spring and in the Autumn) in particular to the windows as opposed to the garden which suffers from overshadowing more often throughout the year. I also consider that the rear of the cottage in terms of outlook would be detrimentally impacted by the resulting 5metre wall.

I therefore consider that my opinion on the proposal has not been altered. A review of the decision can sought at the Local Review Body details of which will have been included with the decision notice.

Regards

Joanne

From: b3arch@mac.com [<mailto:b3arch@mac.com>]

Sent: 04 April 2018 17:47

To: Joanne Ferguson

Subject: Fwd: 4 edinburgh road, perth ref 17/02295/FLL

joanne,
any feedback on the email sent on 26th March ?

regards

john bol
b3a

07545 696542

Begin forwarded message:

From: b3arch@mac.com

Subject: Re: 4 edinburgh road, perth ref 17/02295/FLL

Date: 26 March 2018 at 17:28:47 BST

To: Joanne Ferguson <[REDACTED]>

Joanne,
thank you for your email.

attached is a snapshot of the shadow analysis showing the shadows at a mid point in the Months of January, April, July + October at 11:30 (after 12:30 there is no effect) in the morning, with the left hand view as existing and the right hand view as the proposal. We can give you the shadows at ant time of day within a year if you wish more printouts, but I thought this would give you a general impression initially.

we have also attached photos of kincardine cottages from the service station forecourt.

on both issues, we would make the following observations :

shadows: although there is a measure of increased overshadowing to the amenity area during the winter months, in the height of summer the percentage increase in relatively minimal, with the gain for the residents of the cottages, being the removal of overlooking from the forecourt and noise disturbance from the vacuum and air pressure units and debris being thrown into their property from the customers of the fast food outlet adjacent.

outlook: as can be seen from the photographs, the left hand cottage does not have any outlook as this is obscured by the plastic roof sheeting and the right hand cottage has only one window to the kitchen which will still have an outlook through the service gap, the other window being a bathroom window (obscured) and the remaining window is permanently covered (assumed to stop overlooking from the forecourt). At present the

remaining window is permanently covered (assumed to stop overlooking from the forecourt) At present the outlook is to a 3m high retaining wall with railings, satellite dishes with bins and associated equipment from the forecourt.

we would be grateful for your feedback on the contents of this email.

regards

john bol
for b3 architecture ltd
b3a

07545 696542

<image001.jpg>
<image002.jpg>
<image003.jpg>
<image004.jpg>

On 21 Mar 2018, at 09:55, Joanne Ferguson <[REDACTED]> wrote:

John

Apologies I have been having back problems and have been working from home a bit.

I would be happy to look at further information on the shadow analysis but I am also concerned with the outlook from the rear of the properties as the resultant wall will be an overbearing feature.

On anything further submitted I'll take to our in house team meeting so I can get a view from my colleagues and Team Leader.

Regards

Joanne

From: b3arch@mac.com [<mailto:b3arch@mac.com>]
Sent: 19 March 2018 15:36
To: Joanne Ferguson
Subject: 4 edinburgh road, perth ref 17/02295/FLL

FAO Joanne Ferguson

tried to call you a few times regarding the above application without success.

looking at the decision notice the issue seems to be with kincardine cottage at the lower level with regard to loss of daylight and outlook.

I have carried out a shadow analysis of the property and the percentage increase in shadow due to our proposals are relatively small and only in the early hours of the morning.

In an effort to try and resolve the issues, would you prefer me to email you a copy of the shadow analysis to ascertain your comments on them with a view to coming to a revised design which could be acceptable to the council.

regards

john bol
b3a

07545 696542

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TCP/11/16 TCP/11/16(539) – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 449-450)*

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 459-471)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/02295/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	04.03.2018	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a retail unit

LOCATION: Land 20 Metres West Of South Inch Filling Station 4
Edinburgh Road Perth

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 26 January 2018

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

The site comprises of part of the forecourt of the filling station located to the north of the building. The site is bound by a hot food take away to the north, dwellings to the west, the garage forecourt to the south and Edinburgh Road to the east.

This application is for the erection of a single storey commercial unit on land used as an ancillary area for vacuum, water and air compressors for the existing filling station (to be relocated). The building has been designed to fill the available space which means it has an unusual floorplan with a mansard style roof.

SITE HISTORY

No site history

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

NATIONAL POLICY AND GUIDANCE

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

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

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 adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a 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 ED1A - Employment and Mixed Use Areas

Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

Policy HE2 - Listed Buildings

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 HE1A - Scheduled Monuments and Non Designated A

There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

OTHER POLICIES

No other policies

CONSULTATION RESPONSES

Perth And Kinross Area Archaeologist	No objection, no conditions required
Local Flood Prevention Authority	No objection, no conditions required
Transport Planning	No objection, no conditions required
Contributions Officer	Contribution for Transport Infrastructure required
Environmental Health	No objection, conditions required to control noise, deliveries and external lighting

REPRESENTATIONS

No letters of representation received

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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.

Policy Appraisal

The site is located within the settlement boundary of Perth in an area covered by Policy RD1 Residential Areas and Policy PM 1 Placemaking.

The Policy RD1 identifies areas of residential and compatible uses where existing residential amenity will be protected and improvements to shopping facilities will be supported where it can be shown that they would serve local needs of the area. Policy PM1 states that development must contribute positively to the quality of the surrounding built environment and respect the amenity of the place.

The proposal will provide an additional retail unit which would be acceptable in principle however the proposal would have a detrimental impact on the residential amenity of neighbouring properties, see residential amenity section.

Design and Layout

This application is for the erection of a single storey commercial unit on land used as an ancillary area for vacuum, water and air compressors for the existing filling station.

The building has been designed to fill the available space which means it has an unusual floorplan with a mansard style roof. The building is in line with the hot food takeaway and tapers back to the existing filling station shop.

The finish materials are tiled roof, off white render and aluminium framed windows and doors (a condition will be added to ensure the roof tiles are acceptable). An area for signage has been shown; this may require a further application so an informative will be added.

Whilst the design of the building is acceptable the siting in close proximity to the neighbouring residential is an issue this is covered below.

Residential Amenity

The closest residential properties to the proposed development are 1 & 2 Kincardine Cottage which is directly adjacent to the proposed building. These properties were neighbour notified but did not object.

The cottage is located at a lower ground level than the application site and is accessed from Inch Head Terrace. The proposed building is single storey but built hard up against the site boundary. The building is 3.65m high and combined with the level change of 2.4m would result in a wall 6.05m in height at its closest 2m from the rear of the cottage. As the rear of the cottage is east facing there would be a loss of morning sun and when a daylight calculation is done taking a 45degree angle from the roof of the new building a shadow would be cast across the entire rear elevation of the dwelling. There are existing windows on the rear elevation of the cottage and although they currently face a 2.4m wall the extension of this wall to the height proposed would have a significant detrimental impact on residential amenity in terms of a loss of daylight and outlook.

The applicant has indicated in the supporting statement that the proposed opening times for public access will be 06:00 to 22:00 hours Monday to Sunday.

Noise

There is the potential for noise to be an issue from the proposed retail to existing residential properties in this case EH recommend the conditions to protect residential amenity from any plant noise and noise from deliveries should permission have been granted.

Lighting

The design statement states within section 9.65 that 'all new exterior lighting shall be low level, hooded where feasible to reduce the possibility of light pollution.' EH have no objection to external lighting but recommend a condition to protect existing residential amenity from light nuisance should permission have been granted.

Listed Building

The site of the proposed development is to the west of Perth Prison. The prison site contains a number of individually listed buildings, including the category A listed Staff Club and Visitor Centre (LB 39326) which is on the east side of Edinburgh Road, closest to the site.

It is considered that the scale and siting of the proposed development is unlikely to result in any significant detrimental impact on the setting of the listed buildings.

Roads and Access

The application site is adjacent to the exit for the filling station pumps. Transport Planning have been consulted and have no objection to the proposal and no conditions are recommended.

Drainage and Flooding

The Flood Team have been consulted and have no objection to the proposal.

Archaeology

Perth and Kinross Heritage Trust have been consulted and have confirmed that the proposed development does not raise any significant issues. No archaeological mitigation is required in this instance.

Developer Contributions

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The proposal is for the creation of a new Office/Retail unit with 74m² of trade space and 19m² of storage space. For Class 1 Retail and Class 2 Service use a contribution of £123 per m² of new floorspace will apply and for the storage use a contribution of £11 per m² will apply.

For Class 1 or Class 2 the following contribution would apply (the store room calculated on employment rate):

$$£123 \times 74\text{m}^2 = £9,102$$

$$£11 \times 19\text{m}^2 = £209$$

$$\text{Total} = £9,311$$

The contribution would have needed to be paid upfront or secured by S75 Legal Agreement if permission was granted.

Economic Impact

The economic impact of the proposal is likely to be in the provision of a new retail unit which in turn will provide employment opportunities.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken

account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period.

LEGAL AGREEMENTS

None

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

1 The proposal would be contrary to the Perth and Kinross Local Development Plan 2014 Policy PM1A Placemaking as the proposed development by virtue of the proximity to existing residential properties would not respect the amenity of the place due to loss of daylight and outlook.

2 The proposal would be contrary to the Perth and Kinross Local Development Plan 2014 Policy RD1 Residential Areas as the proposed development by virtue of the proximity to existing dwellings would not protect existing residential amenity due to loss of daylight and outlook.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Informatives

None

Procedural Notes

None

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/02295/1

17/02295/2
17/02295/3
17/02295/4
17/02295/5
17/02295/6
17/02295/7
17/02295/8

Date of Report 08.03.18

TCP/11/16 TCP/11/16(539) – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02295/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a retail unit		
Address of site	Land 20 Metres West Of South Inch Filling Station, 4 Edinburgh Road ,Perth		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The proposal is for the creation of a new Office/Retail unit with 74m² of trade space and 19m² of storage space. For Class 1 Retail and Class 2 Service use a contribution of £123 per m² of new floorspace will apply and for the storage use a contribution of £11 per m² will apply.</p> <p>For Class 1 or Class 2 the following contribution would apply (the store room calculated on employment rate): £123 x 74m² = £9,102 £11 x 19m² = £209 Total = £9,311</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Transport Infrastructure: £9,311</p> <p><u>Total:</u> £9,311</p> <p>Phasing</p>		

	<p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for applications of this scale are not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p>
Recommended informative(s) for applicant	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Remittance by Cheque</p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House</p>

	<p>35 Kinnoull Street Perth PH15GD</p> <p>Bank Transfers All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference.</p> <p>Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. <p>Transport Infrastructure For Transport infrastructure contributions please quote the following ledger code: 1-30-0060-0003-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	19 January 2018

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02295/FLL	Comments provided by	Gavin Bissett
Service/Section	TES/Flooding	Contact Details	██████████ ████████████████████
Description of Proposal	Erection of a retail unit		
Address of site	Land 20 Metres West Of South Inch Filling Station 4 Edinburgh Road Perth		
Comments on the proposal	No comment on this application.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	23/01/18		

Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/02295/FLL

Our ref LRE

Date 25 January 2018

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission PK17/02295/FLL RE: Erection of a retail unit land 20 metres West of South Inch Filling Station 4 Edinburgh Road Perth for JR Petroleum Ltd

I refer to your letter dated 8 January 2018 in connection with the above application and have the following comments to make.

Environmental Health (assessment date – 25/01/18)

Recommendation

I have no adverse objection in principle to the application but recommend that the under noted conditions be included on any given consent.

Comments

This application is for the erection of a single storey commercial unit for retail or office use on land used as an ancillary area for vacuum, water and air compressors for the existing filling station.

The applicant has submitted a supporting planning, design and access statement with the application and it states that the proposed opening times for public access will be 06:00 to 22:00 hours Monday to Sunday.

The closest residential properties to the proposed development is 1 & 2 Kincardine Cottage which will be directly adjacent to the proposed building; however the cottages are also within close proximity to other commercial operations such as the existing filling station and a fast food takeaway.

There are no letters of representation at the time of writing this memorandum.

Noise

There is the potential for noise to be an issue from the the proposed retail to existing residential properties I therefore recommend the undernoted conditions to protect residential amenity from any plant noise and noise from deliveries.

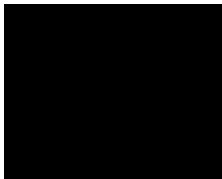
Lighting

The design statement states within section 9.65 that '*all new exterior lighting shall be low level, hooded wheres feasible to reduce the possibility of light pollution.*'

I recommend a condition for new exterior lighting to protect existing residential amenity from light nuisance.

Conditions

- EH10** All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
- EH02** Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.
- EH31** All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02295/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	██████████ ██████████████████
Description of Proposal	Erection of a retail unit		
Address of site	Land 20 Metres West Of South Inch Filling Station 4 Edinburgh Road Perth		
Comments on the proposal	Insofar as the roads matters are concerned, I do not object to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	25 January 2018		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/02295/FLL	Comments provided by	Diane Barbary
Service/Section	Conservation	Contact Details	[REDACTED]
Description of Proposal	Erection of a retail unit		
Address of site	Land 20m west of South Inch Filling Station, 4 Edinburgh Road, Perth		
Comments on the proposal	<p>The site of the proposed development is to the west of Perth Prison. The prison site contains a number of individually listed buildings, including the category A listed Staff Club and Visitor Centre (LB 39326) which is on the east side of Edinburgh Road, closest to the site.</p> <p>I am content that the scale and siting of the proposed development is unlikely to result in any significant detrimental impact on the setting of the listed buildings.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	26/01/18		



To:	Joanne Ferguson, Planning Officer
From:	Sarah Winlow, Heritage Officer
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	29th January 201

17/02295/FLL: Erection of a retail unit Land 20 Metres West Of South Inch Filling Station 4 Edinburgh Road Perth for JR Petroleum Ltd

Thank you for consulting PKHT on the above application.

In respect to archaeology and the planning process, as outlined by Scottish Planning Policy, the proposed development does not raise any significant issues. No archaeological mitigation is required in this instance.

