

Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
(Report No. 23/69)

**PROPOSAL:** Alterations to change door colour

**LOCATION:** The Ell Shop, 9 The Cross, Dunkeld PH8 0AN

Ref. No: [22/01817/FLL](#)

Ward No: P5- Strathtay

### **Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application property comprises the ground floor of a category B listed building known as The Ell House (Historic Environment Scotland ref: LB5646) and lies within the Dunkeld Conservation Area. The property was previously in use as a shop (Class 1). In 2021, planning permission (20/01886/FLL) was granted for the property to be used as an office for professional services (Class 2). The property is currently in use as an estate agency.
- 2 Full planning permission is sought to paint the two entrance doors on the ground floor of the east elevation black. The doors are currently pale yellow.
- 3 An application for listed building consent (ref: 22/01816/LBC) for alterations including the painting of the two doors and installation of signage (previously approved under ref 22/01818/ADV) is also under consideration by this committee.

### **Pre-Application Consultation**

- 4 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake any formal pre-application consultation with the local community.

### **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, Planning Advice Notes (PAN), Creating

Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **National Planning Framework 4**

- 6 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023 and was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

#### **Planning Advice Notes**

- 7 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 47 Community Councils and Planning

#### **DEVELOPMENT PLAN**

- 8 The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2019.

#### **National Planning Framework 4**

- 9 NPF4 is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 7: Historic assets and places
  - Policy 14: Design, quality and place

#### **Perth and Kinross Local Development 2019**

- 11 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 28A: Conservation Areas: New Development
  - Policy 27A: Listed Buildings

## **OTHER POLICIES**

### **Perth & Kinross Placemaking Supplementary Guidance 2020**

- 13 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

## **SITE HISTORY**

- 14 [20/01886/FLL](#) Full Planning Permission was approved on 15 February 2021 for change of use from shop (Class 1) to office for professional services (Class 2)
- 15 [22/00901/ADV](#) Advertisement Consent application was withdrawn on 13 October 2022 for display of sign, as the wrong address had been used on the application.
- 16 [22/01213/LBC](#) Listed Building Consent application was withdrawn on 13 October 2022 for alterations, as the wrong address had been used on the application.
- 17 [22/01816/LBC](#) Listed Building Consent currently under consideration for alterations, specifically the painting of two doors black and installation of signage.
- 18 [22/01818/ADV](#) Advertisement Consent was approved on 12 December 2022 for the display of a sign.

## **CONSULTATIONS**

- 19 As part of the planning application process the following bodies were consulted:

### **External**

- 20 Historic Environment Scotland: No comments.
- 21 Dunkeld and Birnam Community Council: Object to the changing of the colour of the doors on the grounds that black is not part of a "limited and approved colour palette" and the doors would not match the colour of another door on the building.

### **Internal**

- 22 Conservation Team: No comments or concerns regarding the proposed change of door colour.

## REPRESENTATIONS

- 23 No representations were received.

## ADDITIONAL STATEMENTS

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Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Perth & Kinross Placemaking Supplementary Guidance 2020.
- 26 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

### Principle

- 27 Alterations to a commercial premises are generally considered to be supportable in principle. Nevertheless, consideration must be given to whether the proposal has any adverse impacts on visual amenity or on the historic environment.

## **Conservation Considerations**

- 28 The two doors on the front (east) elevation are to be painted black. Black is a traditional colour that is generally considered to be appropriate for doors on a listed building and for doors within a conservation area.
- 29 PAN 47 (Community Councils and Planning), paragraph 14, states that “community councils are advised to limit their attention to proposals which raise issues of genuine community interest”. Dunkeld and Birnam Community Council (DBCC) objected to the changing of the colour of the doors on the grounds that black is not part of a “limited and approved colour palette”. For clarification, the colour palette referred to was set by the National Trust for Scotland (NTS) for their owned properties in Dunkeld. The Council does not have a set palette of colours but rather seeks traditional colours that are appropriate for the host building and the surrounding area. As NTS are the owners of the property, the applicant would require the agreement of NTS to change the colour of the doors; this is separate from and in addition to the requirement for planning permission.
- 30 On the southern elevation of the building, there is a door serving a residential property within the building. DBCC objected to the proposal as the doors on the east elevation would not match this door. Given that the doors serve different properties and are on different elevations of the building, it is not considered necessary to require all the doors to be the same colour. Indeed, different colours provide a distinction between the doors serving the commercial premises and the door serving the residential property. It is noted the doors are currently different colours.
- 31 The proposed colour for the doors does not adversely affect the special architectural and historic interest of the listing building. As such, the proposal is in accordance with Policy 7(c): Historic Assets and Places of NPF4 and Policies 1A: Placemaking and 27A: Listed Buildings of LDP2.
- 32 The proposed colour for the doors will have a neutral impact on the character and appearance of the conservation area. As such, the proposal is in accordance with Policy 7(d): Historic Assets and Places of NPF4 and Policies 1B: Placemaking and 28A: Conservation Areas: New Development of LDP2.

## **Developer Contributions**

- 33 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

## **Economic Impact**

- 34 The economic impact of the proposal is likely to be minimal and limited to the works to paint the doors.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 35 None.

## **DIRECTION BY SCOTTISH MINISTERS**

- 36 None.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 37 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 38 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.
- Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
- Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C INFORMATIVES**

1. This is approval of your application Ref no 22/01817/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 22/01816/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. 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.
4. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

Background Papers: No letters of representation  
Contact Officer: David Rennie  
Date: 10 February 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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