

Perth and Kinross Council  
Planning & Development Management Committee – 3 July 2019  
Report of Handling by Head of Planning and Development (Report No. 19/201)

**PROPOSAL:** Alterations to street layout including hard landscaping, soft landscaping, street furniture, car parking and associated works.

**LOCATION:** The Square, Aberfeldy.

Ref. No: [19/00657/FLL](#)  
Ward No: P4 - Highland

### Summary

This report recommends approval of a detailed planning application for various works to the town square in Aberfeldy 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 This planning application seeks to obtain detailed planning permission for improvement works to Aberfeldy's town square. The square is located within the centre of Aberfeldy, and currently contains a series of formal parking areas and four roughly triangular shaped areas of small paved areas of public space which are located adjacent to the A827, Old Crieff Road and Burnside Lane – all of which run through the centre of the square. The proposal is for new hard and soft landscaping, the introduction of new street furniture, revised parking arrangements and other design related works such as flush kerbing. In support of the proposal a detailed design statement has been submitted which outlines in detail the scope of the proposed works, the aims and objectives of the proposal, reasoning behind the design that has been brought forward and the extent of the public / business community engagement which has taken place to date.
- 2 The proposal has been the result of 4 years of extensive collaborative working between Perth and Kinross Council, Aberfeldy Small Business Association and Aberfeldy Community Council with the aim of revitalizing the square into a more flexible public space that can be used for more musical and cultural events in the centre of the town – similar to what takes place in the centre of Perth. To facilitate this vision, a number of existing fixed parking spaces are to be replaced with more generic paved spaces which will be equipped with new multi-purpose power points and lowered kerbs / flush paving.
- 3 The key components of the development are the total resurfacing of the non-road areas, new lighting features, the re-configuration of parking spaces, soft

landscaping and new street furniture. The street furniture proposed includes an information board, seats, pedestrian handrails, bollards and cycle racks. An option has been suggested that some of the proposed seats may be 'light' benches which would be illuminated in soft colours. In terms of surface water drainage, the existing arrangements will remain and are unaffected by the proposal. In terms of parking provision, the proposal will reduce the parking provision within The Square from 21 spaces to 7 (including disabled spaces), a reduction of 14 formal parking spaces.

- 4 At the southern end of the square is an attractive water fountain, which is a listed structure (category C). The fountain is to be retained and is physically unaffected by the proposed works.

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework**

- 6 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 7 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57

## **Planning Advice Notes**

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

## **Creating Places 2013**

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

## **Designing Streets 2010**

- 11 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **National Roads Development Guide 2014**

- 12 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## **DEVELOPMENT PLAN**

- 13 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**

- 14 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*"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.”*

- 15 The following sections of the TAYplan are of particular importance in the assessment of this application.

#### **Policy 9 – Managing TAYPlan’s assests**

- 16 This policy (amongst other things) seeks to safeguard the historic assets of the TAYPlan region.

#### **Perth and Kinross Local Development Plan 2014**

- 17 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP 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.

- 18 The site is located within the town centre of Aberfeldy, which is within the towns Conservation Area and within the setting of a number of listed buildings. To this end, the following policies are applicable to this proposal,

#### **Policy PM1A - Placemaking**

- 19 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**

- 20 All proposals should meet all eight of the placemaking criteria.

#### **Policy HE2 - Listed Buildings**

- 21 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 HE3A - Conservation Areas**

- 22 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its

appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

### **Policy RC1 - Town and Neighbourhood Centres**

- 23 Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

### **Proposed Perth and Kinross Local Development Plan 2**

- 24 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed LDP2 was approved at the Special Council meeting on 22 November 2017.
- 25 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 26 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.
- 27 There are no policies or proposals within the LDP2 which affect the recommendation or decision of this application.

## **OTHER COUNCIL GUIDANCE**

### **Aberfeldy Conservation Area Appraisal 2008**

- 28 This appraisal is a management tool which helps to identify the special interest and changing needs of Aberfeldy Conservation Area. It serves as supplementary planning guidance to the Local Development Plan. The appraisal provides the basis for the development of a programme of action that is compatible with the sensitivities of the historic area and can enable the Local Authority to fulfil its statutory duties to protect and enhance that particular area.
- 29 Within the appraisal there are several specific references to The Square, and these are.
- 30 Para 4.6 relates to the historic context of Aberfeldy and 'The Square was planned and laid out as a public space in 1806. It became the focus for commercial and public buildings and is characterised by the varied architecture of its banks and hotels. The former Temperance Hotel, now the Co-op, retains its 1898 cast-iron shopfronts. The former Birks Cinema introduces an unusual Art Deco element to the space.
- 31 Para 4.14 relates to Spaces, and states that 'The main civic open space in the town centre is The Square, which is square in plan and laid out in a semi-formal manner. The Square is the visual focus of the commercial centre of the town and links with four main streets, namely Dunkeld Street, Chapel Street, Bridgend/Bank Street and Crieff Road. The main feature in the square is the Fountain, which was presented to the town in 1885 by the Marquis of Breadalbane.
- 32 Para 7.1 relates to Public Realm Audit, and states that 'Street furniture in Aberfeldy is generally of standard 'off-the-shelf' design, such as lamp standards, litter bins and benches. The Square has been hard landscaped in recent times with defined parking and pedestrian spaces using concrete setts and paviers. The main feature of The Square is The Fountain. Street furniture here includes specially designed assemblies for hanging flower baskets; curved benches; pedestrian finger posts; cast iron bollards and standardised litter bins. There are also two transplant trees planted recently.
- 33 Para 15.3 also identifies The Square as an area for a possible enhancement scheme where there is an opportunity for enhancement by carrying out environmental improvements.

## **SITE HISTORY**

- 34 None relevant to this proposal.

## **CONSULTATIONS**

- 35 As part of the assessment of the planning application, the following bodies were consulted:

### **External**

#### **Aberfeldy Community Council**

- 36 Offer support for the proposal, but acknowledge the issues regarding parking provision but consider it manageable. They also consider the movement of construction traffic and access to existing business during the construction phase as key areas of local interest.

#### **Kenmore Community Council**

- 37 Objects to the proposal on the grounds of the proposed loss of parking provision.

#### **Glen Lyon & Loch Tay Community Council**

- 38 Objects to the proposal on the grounds of lack of communication regarding the project, parking concerns and road safety concerns.

#### **Perth & Kinross Heritage Trust**

- 39 No objection to the proposal in terms of the impact on local, unscheduled archaeology.

### **Internal**

#### **Transport Planning**

- 40 No objection to the proposal in terms of parking provision and other road related matters.

#### **Structures & Flooding**

- 41 No objection to the proposal in terms of the surface water arrangements, which are to remain the same as they presently are

#### **Environmental Health**

- 42 No objection proposal in relation to noise, lighting or air quality issues.

## **REPRESENTATIONS**

- 43 Twenty seven letters of representations have been received, of which all are objecting to the proposal. The main issues raised within the letters of objections are:

- Timing of the proposed works
- Impact on Conservation Area and Listed Buildings
- Inappropriate land use
- Lack of parking provision including loss of existing parking provision
- Impact on local business/economy and tourism trade
- Lack of Electric Vehicle Charging units

44 These issues are addressed in the Appraisal section of the report.

### **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	Submitted
Reports on Impact or Potential Impact	Details of Parking survey submitted.

### **APPRAISAL**

45 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. 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, primarily the Aberfeldy Conservation Area Appraisal.

### **Public Involvement / Engagement**

- 46 Public engagement on the proposed works commenced in September 2013, following dialogue with Aberfeldy Community Council and Aberfeldy Small Business Association (ASBA). The first public consultation took place in October 2014, with a community charrette taking place in the spring of 2015. One of the key priorities that emerged from the public charrette was the desire to enhance the environment of The Square and to create a sense of place.
- 47 Since then, the Council has been working closely with Aberfeldy Community Council and ASBA to explore options with the vacant former co-op building (now occupied), and funding opportunities to maximise the enhancement of the impact of the works.



- 48 A final consultation with the community was undertaken in October 2017 in response to criticism around a lack of parking in Aberfeldy, and the initial proposals. Ahead of that the consultation the Council undertook a further parking survey and engaged with Aberfeldy Community Council. The results of the survey and the information collated from the Community Council showed there to be sufficient capacity at other parking areas in the town that could be used to cater for visitors to Aberfeldy, and to compensate for the proposed loss of spaces in The Square. The survey also suggested that there was a high turnover rate with on-street parking.

### **Principle**

- 49 The proposed development relates to physical alterations to improve the appearance of The Square, with no formal change of use proposed as part of the proposal. The principle of environmental improvements to The Square was identified within the Aberfeldy Conservation Area Appraisal, and raised as one of the key priority outcomes for the town in the community charrette which took place in 2014/2015. It is therefore clear that the enhancement of The Square is a clear aspiration for both the Council and the Community. The key issues for this proposal are whether or not the physical changes are acceptable in terms of the impact on the historic visual amenity and residential amenity of the area, and whether the changes to (reduction of) existing parking provision within The Square are acceptable.

### **Visual Amenity / Impact on Historic Environment**

- 50 Within the letters of representation, concerns have been expressed regarding the impact that the proposal will have on the visual amenity of the area, which is protected by its Conservation Area status, and also by being within the setting of a number of listed buildings - including the water fountain at the southern side of The Square. It is generally accepted that the existing square is in poor condition, and that it does not contribute positively to the character or appearance of the wider Conservation Area. The area of The Square was also identified within the Conservation Area Appraisal as a potential area for an environment improvement scheme. The proposed works are therefore a welcome opportunity to enhance the character and environment of The Square, which is the focal point of the town centre.
- 51 The greatest impact on the appearance and character of the area will be the proposed new hard surfaces. To create new spaces which are accessible to all, new pavers are proposed to be laid across the expanded open space areas on both sides of the public roads. The surface of the public road is not proposed for change. The proposed pavers will be stone, with the type of stone, their size, pattern and unit sizes carefully selected so that they will complement the colour and texture of the existing surrounding buildings. The details submitted indicate the proposed use of a mix selection of Scottish whin and Caithness stones and selected others, for both paving and kerbs. Samples of all the hard materials have been made available for inspection, and are considered to be acceptable and of a suitable quality for this sensitive area. .

- 52 In terms of other physical matters, the impact of the proposed street furniture will be minimal in the context of the wider development, and subject to clarification on some of the items (including any illuminated seats), will not have an adverse impact on the historic amenity of the area. The submitted details of the proposed furniture include stainless steel and timber benches, stainless steel railings and cycle racks. In principle this is considered acceptable. Additional litter bins and an information board are proposed of a similar design to those located on Perth High Street, but a condition will ensure these details are acceptable (Condition 3)
- 53 The proposed new paving will surround the existing fountain, but will not affect the original base of the fountain. Accordingly, listed building consent is not required for the proposed works.
- 54 In light of the above, the proposed works are considered to be in accordance with Policies HE2 (listed buildings) and HE3 (Conservation Areas), all of which seek to ensure that the setting of listed buildings are protected, and that the character and appearance of Conservation Areas are protected or improved by new developments. In addition to this, the proposed works meet with the recommendations of the Conservation Area Appraisal which identifies The Square as a potential opportunity for enhancement.

### **Residential Amenity**

- 55 Whilst one of the main purposes of the square improvements is to increase the public usage of The Square, it is unlikely that the residential amenity of surrounding residential properties will be adversely affected by the proposed additional public usage. My colleagues in Environmental Health have commented on the proposal, and have raised no concerns in relation to either noise or air quality issues.

In terms of light nuisance, new lighting at ground level and within the proposed replacement trees is proposed. The lighting proposed is soft lighting, which will be designed and positioned in such a way that light spillage to adjacent properties will not occur. Within a town centre, lighting is a common feature. I have no objection to the proposed lighting subject to the new lighting being aligned so that there is no direct illumination of neighbouring properties and that spillage beyond the paved areas is minimised. (Condition 2).

### **Roads and Access**

- 56 Within the letters of representations concerns have been raised regarding the reduction in parking provision, and the impact that reduction may have on both people working within The Square and its locality, and also visitors coming into the town. There are currently 21 parking spaces within The Square, including 1 designated disabled space. It is proposed to reduce the number of spaces to 7 spaces – 5 regular spaces, 1 large space and one designated disabled space.

- 57 The proposed square enhancements have been subject to extensive discussions between relevant stakeholders for over 4 years and the feedback received from local business, residents and visitors to the proposals have generally been positive towards the proposal. After considering all the options available and taking into account the feedback from the stakeholders including the results of a Parking Survey undertaken in 2017, the loss of 14 spaces from the square is considered to be acceptable. It is considered that the loss is justified as a result of the existing level of parking provision on nearby streets as well as both Moness Terrace Car Park and Chapel Street Car Park -both of which are only within a few minutes' walk away from The Square. Parking provision is also available at the Breadalbane Campus which is slightly further away.
- 58 This position is reflective of the position taken by Aberfeldy Community Council in their consultation response to the current proposal.

### **Drainage and Flooding**

- 59 In terms of drainage matters, the existing surface water drainage arrangement is to remain and my colleagues in the Structures and Flooding team have no objection to this. In terms of flooding matters, the proposal raises no issues.

### **Waste Collection**

- 60 The proposed development will have no adverse impact on the bin presentations arrangements of existing residents and existing commercial premises as all existing arrangements are unaffected by the proposal.

### **Trees and Biodiversity**

- 61 There are two existing medium sized trees within the square which are proposed to be replaced by two sweetgum trees, which are medium sized trees which will provide long lasting autumn colour. The two existing trees are a Himalayan birch and an Alder. The existing Himalayan birch is planted into a tree pit that is raised above the surrounding paved area. In order to create a flush paved area, the raised tree pit will need to be reduced in level which in turn will have an adverse impact on the long term health of the tree as the surface roots will be damaged/removed to accommodate the new levels. Its removal (and replacement) is therefore considered to be both necessary and acceptable.
- 62 In terms of the existing Alder, this tree is considered to be inappropriate for this location. Its canopy is dense and shades the eastern side of The Square, and once the tree is fully grown, it will be too large for The Square and will eventually block light to the adjacent properties. Another consideration for the replacement of both trees was that the combination of both existing trees offered little seasonal interest to The Square, the proposed trees will provided this by virtue of its autumn colours.

- 63 Accordingly, I have no objection to the proposed tree replacements. The new trees will complement the improved sense of place within The Square, and the matching species will also help to provide a sense of balance and continuity to the appearance of the enhanced square.

### **Timing of the Construction**

- 64 The majority of the letters of representation raise concerns regarding the proposed timing of the construction of the project, which is currently timetabled for summer 2019. All development projects have some degree of disturbance, and it is envisaged that there will be some disturbances for local business, residents and visitors during the construction phase. Any disruption will be kept to a minimum, and the long term benefits for the local community are considered to outweigh any consequences of the construction. Whilst the timing of the works are not a planning matter, the Council's project delivery team have advised that they will continue to liaise with the key stakeholders regarding timings and interim arrangements during the construction phase. A traffic management plan will be prepared for the development and will be secured by condition (Condition 4).

### **Electric Vehicle (EV) Charging Units**

- 65 Within some of the letters of representation, a concern has been raised regarding the lack of EV charging units for electric vehicles. The possible provision of charging points in this location would be available to install the technology if deemed appropriate by the Council. However, there are currently four EV charging points located in Moness Terrace Car Park, a few minutes' walk from the Square. I would suggest that this is a more appropriate location for specialised EV charging points than in The Square which, on completion of the development, would have less formal parking spaces and the potential restrictions that would be placed on 1 or 2 of those available spaces to EV charging I would consider to be inappropriate.

### **Local Archaeology**

- 66 The Square has two entries on the Perth & Kinross Historic Environment Record, one of which relates to a military road (MPK17862) the other to the square itself (MPK10601). Remains related to the military road are significant, and may survive below the existing ground surface however they are also likely to have suffered truncation and disturbance previously through re-surfacing, installations of services/utilities, installation of street furniture etc. As the current proposal is mainly re-surfacing with limited areas of slightly deeper disturbance, the potential impact on any surviving remains of the military road is considered to be low. The PKHT have reviewed the proposals and agree with this position. It is therefore not considered necessary for any additional work on archaeological investigations.

### **Developer Contributions**

- 67 Due to the nature of the proposed development, there is no requirement for any Developer Contributions.

## **Economic Impact**

- 68 The overall proposal is considered to have a positive impact on the town centre, which in turn would be of benefit to the local economy.

## **LEGAL AGREEMENTS**

- 69 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 70 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 71 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 72 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **A Approve the planning application, subject to the following conditions**

1. 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

2. 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 conforms to requirements to meet the Obtrusive Light Limitations for exterior Lighting Installations for Environmental Zone –E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

Reason – In the interest of protecting the visual and residential amenity of the area.

3. Prior to the commencement of the development hereby approved, final details of the type of benches to be sited (illuminated or not), litter bins and the information board, shall submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting the visual amenity of the area.

4. Prior to the commencement of the development hereby approved, details shall be submitted for the further written agreement of the Council as Planning Authority, (in consultation with the Roads Authority) of a Construction Traffic Management Scheme and a Site access management plan. Thereafter, the approved schemes shall be strictly adhered to during the entire site construction programme, to the satisfaction of the Council as Planning Authority.

Reason – In order to co-ordinate traffic movements associated with the construction phase during the construction.

## **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 PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. 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).
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: 27 letters of representation  
Contact Officer: Andy Baxter 01738 475339  
Date: 20 June 2019

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

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