

**LRB-2022-34****22/00751/IPL – Erection of a hotel (in principle), 10-12 and  
14 South Methven Street, Perth, PH1 5PE****INDEX**

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**LRB-2022-34**

**22/00751/IPL – Erection of a hotel (in principle), 10-12 and  
14 South Methven Street, Perth, PH1 5PE**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**Use BLOCK CAPITALS if completing in manuscript**

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

We would like to appeal for a review as we are unclear on the issues persisting with the proposal. The existing structure is not providing any positive value to the site due to its run down condition (proof provided). The conservation area consent has been applied for. Furthermore similar proposal for this site has previously obtained approval from previous owner. The design is stated as an overdevelopment of the site which evidently is not the case as it has tried to keep in mind the context of the site.

**Site inspection**

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

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The building on site is in very poor condition, not in use and it is not safe to access to due poor structural condition.

**Statement**

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We would like to put forward a response and request further discussion and clarification to the refusal for the proposal of Erection of Hotel (In principle). Please find attached a letter along with supporting documents outlining our responses to the reasons of refusal.

Our proposal is to demolish the existing building on site, as it is in very poor condition (structurally and visually), to make way for redevelopment of the site while respecting and enhancing it's context. The existing building, although listed in a conservation area, is in a very poor condition and reflects not too well on its surrounding and unusable nature. The design consists detail information on the form, design and material of the building conveying the impact on the adjacent buildings is thought of and kept to minimum. The design tries to complement it surrounding, be subtle and inviting. The appeal is for sensitive redevelopment of the site which will respect the character and appearance of the conservation area with the aim to enhance it in the best way. An application of the Conservation Area Consent has been submitted to support our statements and proposal and is yet to be approved.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

-NA-

**List of documents and evidence**

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.

|  |  |
|--|--|
| 01_Letter for notice of review                   | 15. PROPOSED WEST ELEVATION                          |
| <b>ATTACHMENT 1-HOTEL PROPOSAL DRAWINGS SET:</b> | 16. PROPOSED EAST ELEVATION                          |
| 1. SITE SETTING PLAN                             | 17. PROPOSED SOUTH ELEVATION                         |
| 2. EXISTING BASEMENT PLAN                        | 18. PROPOSED NORTH ELEVATION                         |
| 3. EXISTING GROUND FLOOR PLAN                    | 19. PROPOSED SECTION AA                              |
| 4. EXISTING FIRST FLOOR PLAN                     | <b>ATTACHMENT 2:</b>                                 |
| 5. EXISTING SECOND FLOOR PLAN                    | 20. DESIGN STATEMENT FOR B+G+4 HOTEL                 |
| 6. EXISTING THIRD FLOOR PLAN                     | <b>ATTACHMENT 3:</b>                                 |
| 7. PROPOSED BASEMENT PLAN                        | 21. DANGEROUS BUILDING NOTICE_LETTER BUILDING        |
| 8. PROPOSED GROUND FLOOR PLAN                    | SCOTLAND ACT 2003                                    |
| 9. PROPOSED FIRST FLOOR PLAN                     | <b>ATTACHMENT 4: PREVIOUSLY APPROVED APPLICATION</b> |
| 10. PROPOSED TRYICAL FLOOR PLAN                  | 22. DECISION_NOTICE-807671                           |
| 11. PROPOSED FOURTH FLOOR PLAN                   | 23. DELEGATED_REPORT-807554                          |
| 12. PROPOSED ROOF PLAN                           |  |
| 13. EXISTING ELEVATION -1-                       |  |
| 14. EXISTING ELEVATIONS -2-                      |  |

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed  Date 05/07/2022

**Date** : **July 5<sup>th</sup>, 2022**

**To** : **The Secretary  
Local Review Body  
Perth and Kinross Council  
Committee Services  
Council Building  
2 High Street  
Perth  
PH1 5PH**

**Subject** : **Planning application reference 22/00751/IPL.  
Erection of a hotel (in principle) at 10-12 And 14 South  
Methven Street, Perth, U.K.**

Dear Sir,

Application Reference: **22/00751/IPL**

We are writing back to you in regards to the application reference above to re-appeal for permission of **Erection of a hotel (in principle) 10-12 And 14 South Methven Street Perth** – responding to the reasons undernoted.

**Reasons for appeal:**

1. Taking into consideration the Perth and Kinross Local Development Plan 2019 Policy 28B, we are aware that the area of demolishing is a conservation area therefore we have submitted a Conservation Area Consent application yet to be approved. The building on site which would be required to be demolished is possibly of value in its setting but due to its building at risk status it is unusable and would be more beneficial to be redeveloped with the appearance of the conservation area in mind.
2. The proposal ensures to maintain a positive contribution to the existing buildings however, demolishing it is necessary as the building is in very poor condition, with the rear wall having partially collapsed. A Structural inspection was carried out in 2003 and its summary stated that the existing buildings are in extreme run-down condition, with suggested foundation failure and movement of load bearing walls, and it would require extensive repairs to make the property usable at acceptable standards. It was concluded that the buildings were beyond reasonable repair and is recommended to be demolished. We also

recently received information dated October 21<sup>st</sup> 2021, that a structural engineer appointed by the Perth and Kinross Council carried out a building assessment which recommended that the buildings are past repair and demolition was the solution to ensure public safety. Refer to **figure 2** in the **Design Statement** attached.

3. With respect to the Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019, the building was previously cleared for 'Planning permission granted on this site for the demolition of building and the erection of new building' in 2007, extended till 31st March 2017. No action had been taken by previous parties. Any attempt to achieve retention or restoration would not be possible as it's structural condition rules out it's retention at a reasonable cost. Refer to **figure 2.1** in the **Design Statement** attached.
4. The proposal provides detailed information regarding the design, materials and form of the building to demonstrate that the building will respect the character and appearance of the Perth Conservation Area while aiming to enhance it. Refer to **figure 9** on the **Design Statement** which shows the main building materials used is Natural Stone Wall Cladding which was used to match and respect the character and appearance of the neighboring buildings within the Perth Conservation Area. Refer to **figure 9, 10, 11 and 12** in the **Design Statement**. The indicative plans provided are similar to the previous proposal in terms of measurements, design, drawings, and materials; which were previously approved by the Perth and Kinross Council.
5. It is not evident that the existing building complies with the requirements of Scottish Planning Policy 2014 (Paragraph 141). The existing building though a part of the appearance and history of the area, is no longer in use due its deteriorating condition which may have a negative impact. The proposal will provide an advantage of enhancing it. Redeveloping the building would effectively create a positive impact within the Conservation Area while respecting and enhancing the adjacent buildings and setting.
6. Although we are aware the owner of the adjacent building at 14 Methven Street (Former Quality Café) is applying to have the building demolished as it is also listed as a dangerous building; the proposal does not hold any responsibility for it. The elevations submitted were only intended to set out the overall view of the Street. In this proposal it will be clear the adjacent building is lightly lined as to show we are only responsible for 10-12 South Methven Street. To conclude, no damage will be sustained to 14 Methven Street due to their plans of having it demolished.

7. Policy 41 of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that wildlife and wildlife habitats will be protected. The previous approval was attained for this site and it would apply for this proposal as well.
8. The design has been thought of and planned in a way to minimize the noise generated from kitchen and other services which are all in the basement.
  - An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odors are not exhausted into or escape into any neighboring dwellings.
  - All plant or equipment including any ventilation system associated with operation of the commercial areas be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organization (ISO) Noise Rating 35 between 0700 and 2300 hours daily.
  - The refuse storage area for these premises shall be operated and maintained such that detriment is not caused to the amenity of occupiers or neighboring premises.
  - No music amplified or otherwise shall be permitted outside the premises and efforts will be made to minimize the impact of noise from inside the premises so no sound is audible in any nearby residential property

The previous approval had been attained within terms of these parameters and would apply for this proposal as well.

### **Justification**

The design proposal tries to respect the surrounding and make a positive impact with the redevelopment. The existing building, although listed in a conservation area, is in a very poor condition and reflects not too well on its surrounding and unusable nature. The design consists detail information on the form, design and material of the building conveying the impact on the adjacent buildings is thought of and kept to minimum. The design tries to complement it surrounding, be subtle and inviting. The appeal is for sensitive redevelopment of the site which will respect the character and appearance of the conservation area with the aim to enhance it in the best way. An application of the Conservation Area Consent has been submitted to support our statements and proposal and is yet to be approved.

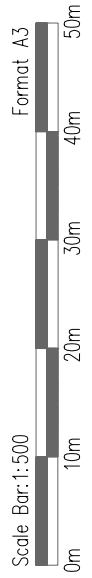
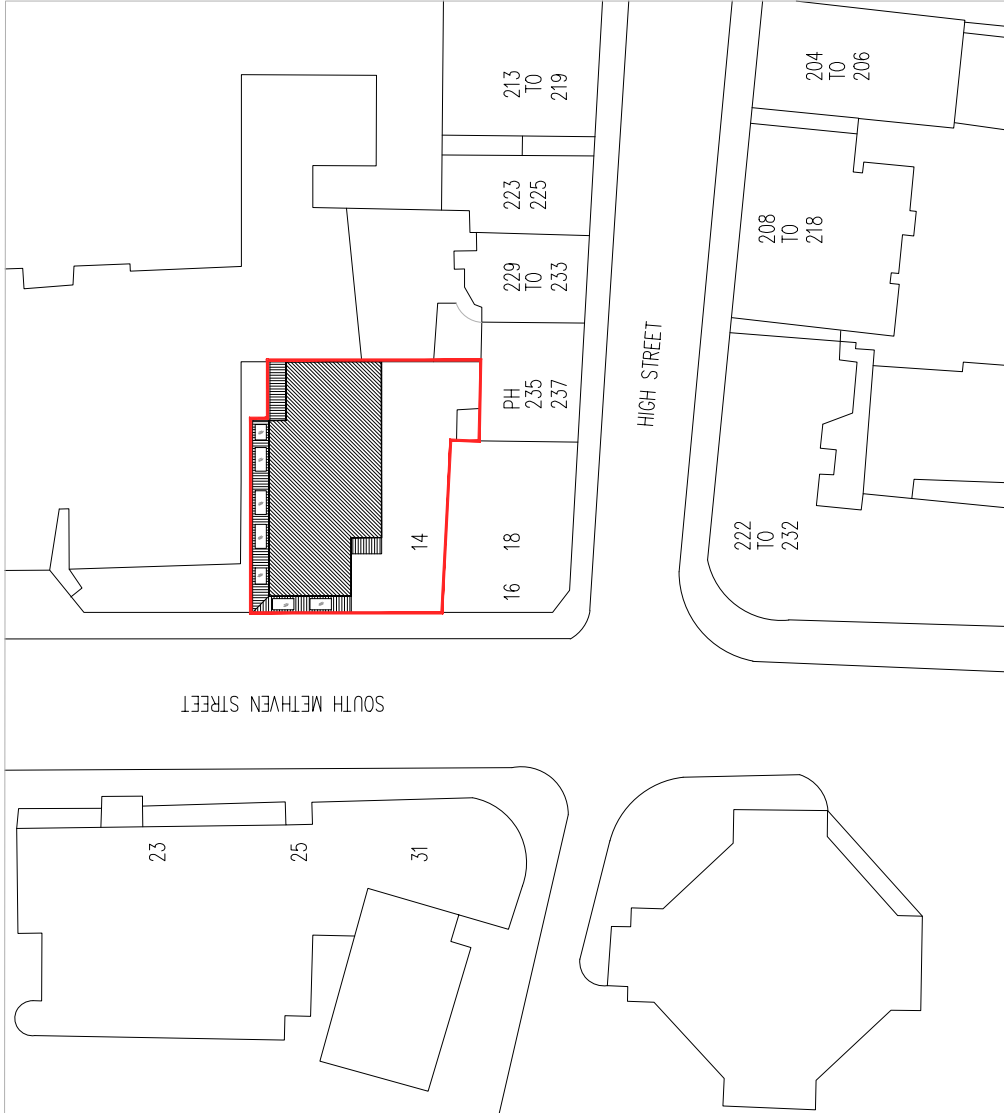
*Thanks & Best Regards,  
Urban Plan Consultants Ltd.*





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Client:

MOHAMED TAREQ FAYEZ

Consultant:



RNS House 322 Kenilton Road Herreweghe, Mechelen, Belgium  
P: 0364 443 891 Tel: +32 3 689 79 45 info@urbanplanconsultants.com

Project

B+G+4 HOTEL  
10-12 South Methven Street, Perth

PLOT: PH15 PEUK

BLOCK:

Drawing title

PROPOSED SITE SEATING LAYOUT

job no.

01

sheet no.

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revision no.

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Client: **MOHAMED TAREQ FAYEZ**

Consultant:



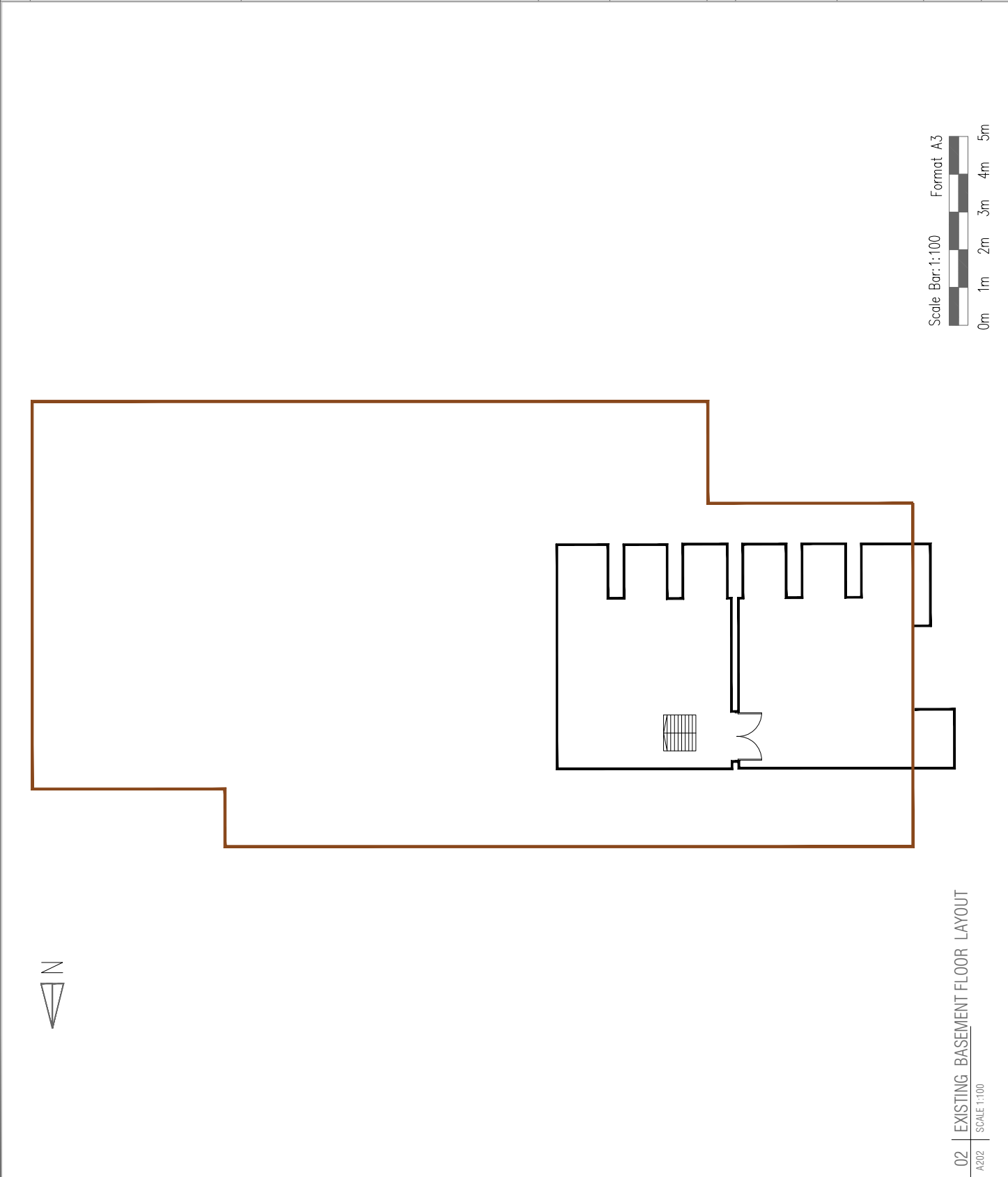
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 Harrow, UK  
 info@urbanplanconsultants.com

Project:  
**B+G+4 HOTEL**  
 10-12 South Methven Street, Perth  
 PH15 2E, UK

PLOT:  
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Drawing title  
**EXISTING BASEMENT FLOOR LAYOUT**

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Client:

MOHAMED TAREQ FAYEZ

Consultant:



PKS House, 302, Kemlen Road, Herrow, Middlesex, UK  
 P. 0845 443 8911 Fax: +442089879746  
 info@urbanplanconsultants.com

Project

B+G+4 HOTEL  
 10-12 South Methven Street, Perth  
 PH15 2EJ UK

PLOT: BLOCK:

Drawing title

EXISTING GROUND FLOOR LAYOUT

job no.

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revision no.

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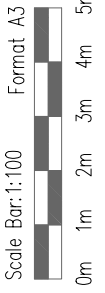
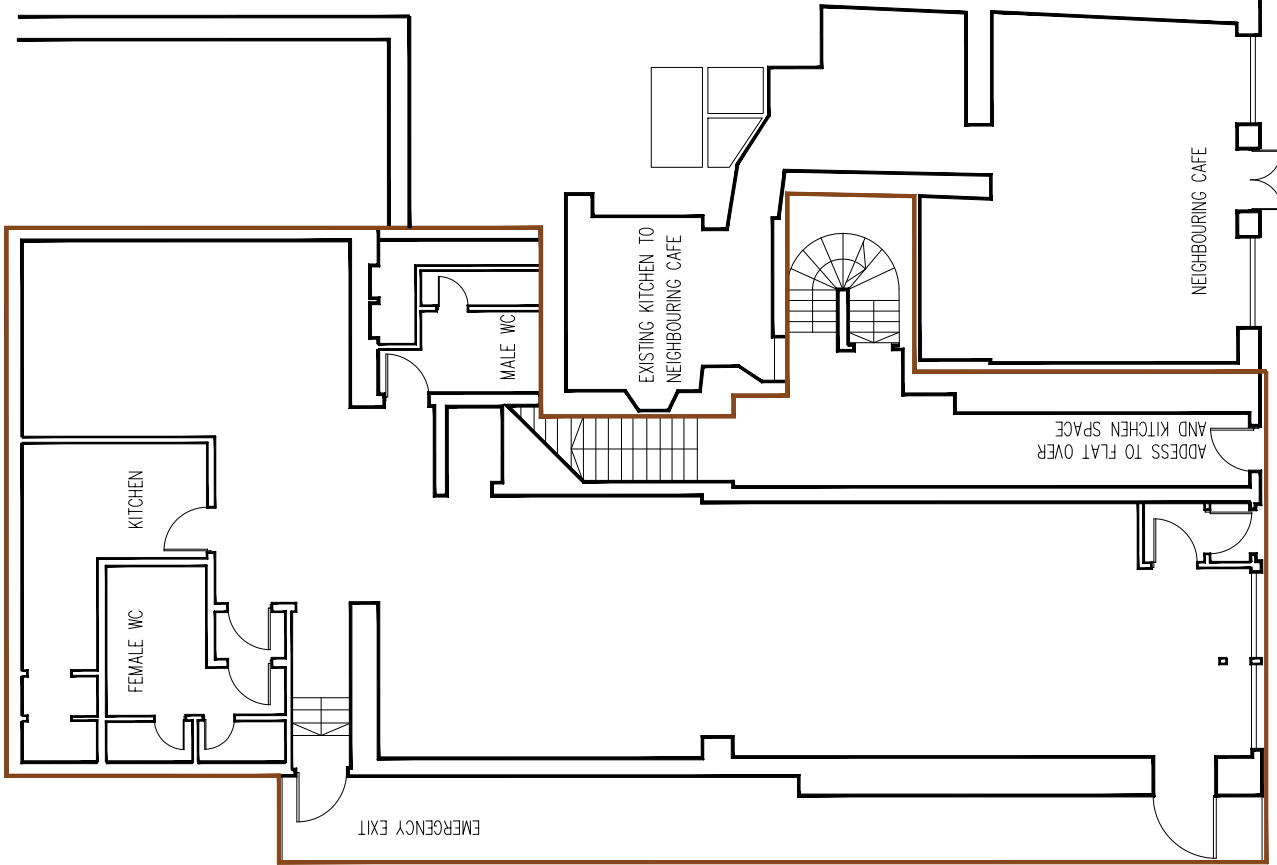
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03 | EXISTING GROUND FLOOR LAYOUT  
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Client:

MOHAMED TAREQ FAYEZ

Consultant:



DN3 House,382 Kent on Road Heron  
Perth,WA,6000

P:9800 4143 BDF:Tel:44288897945  
info@urbanplanconsultants.com

Project

B+G+4 HOTEL  
10-12 South Methven Street,Perth  
PH15 PE,UK

PLOT:

BLOCK:

Drawing title

EXISTING FIRST FLOOR LAYOUT

job no.

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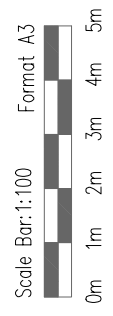
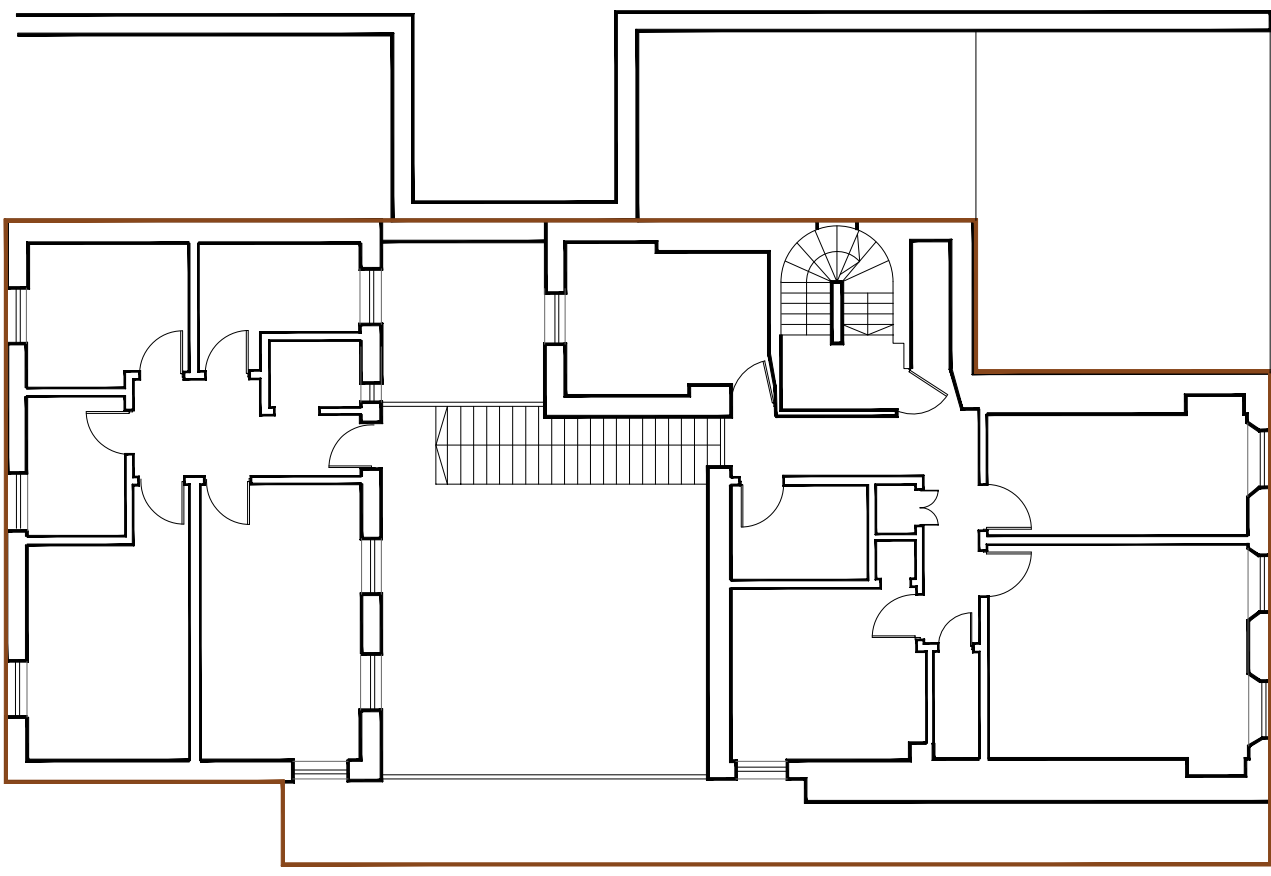
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04 | EXISTING FIRST FLOOR LAYOUT  
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Client:

MOHAMED TAREQ FAYEZ

Consultant:



DNS House,352 Kemton Road Heronwood,Perth,WA 6150, AUSTRALIA  
 P: 9836 1143 BPT: 081 420 887 9745  
 info@urbanplanconsultants.com

Project

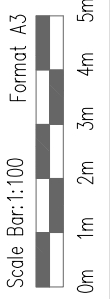
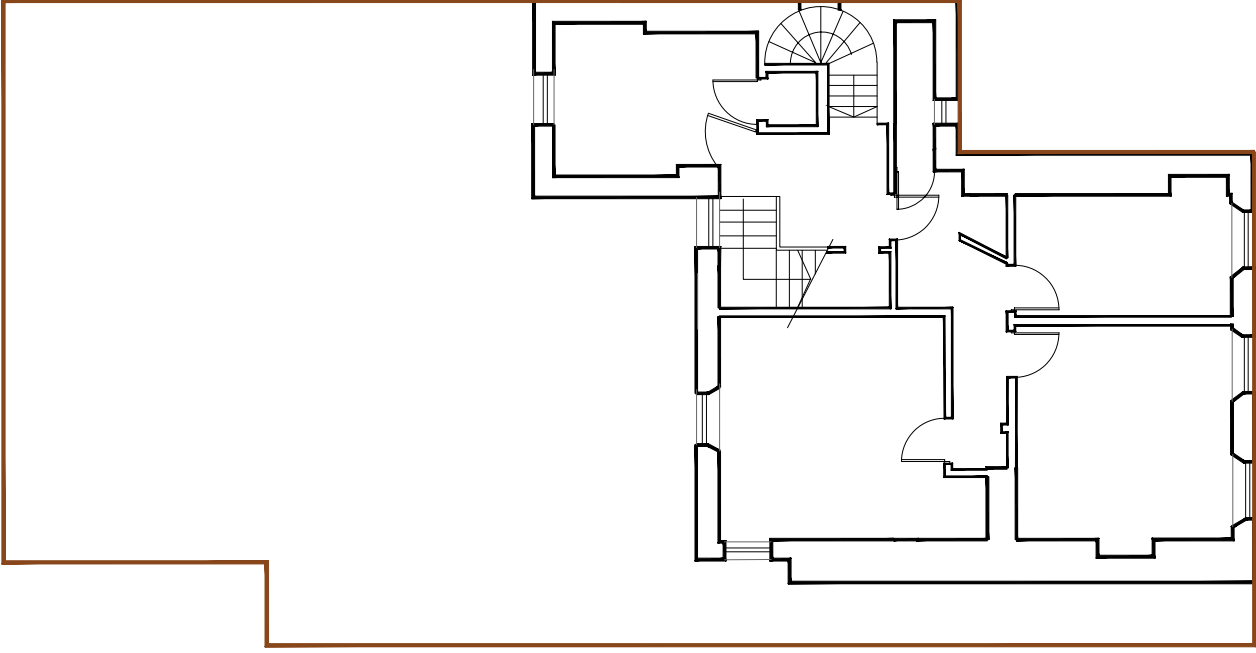
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 PH15 PE,UK

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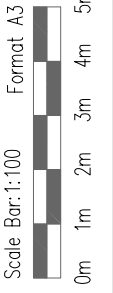
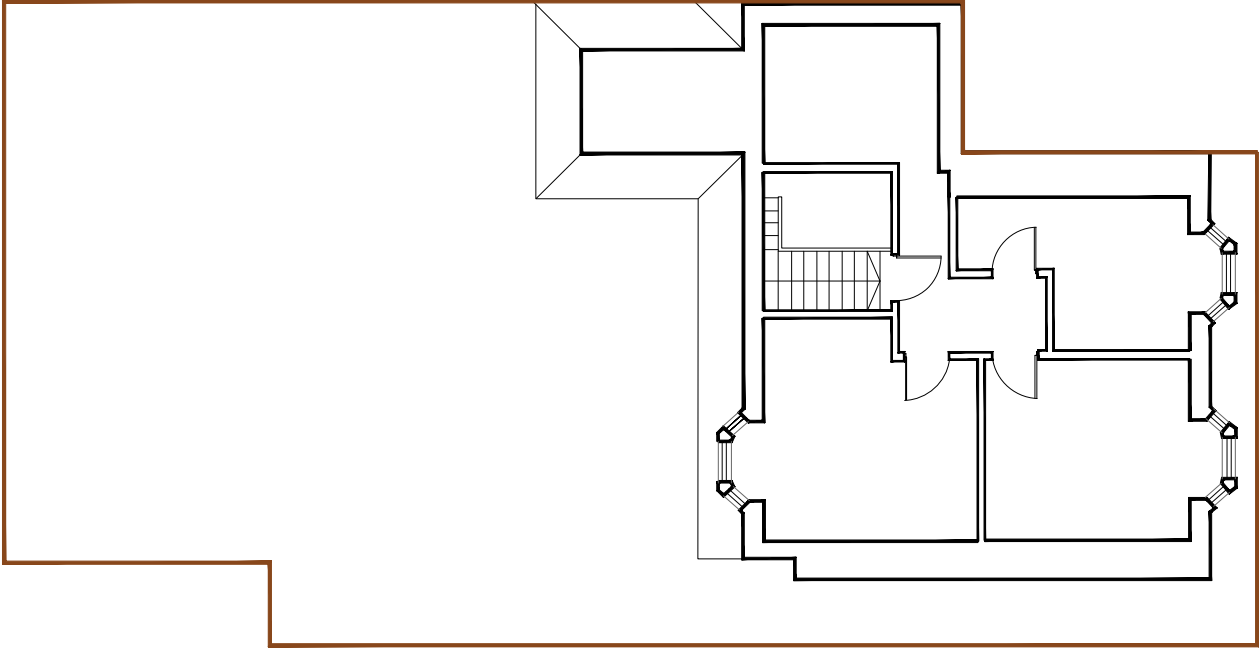
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EXISTING SECOND FLOOR LAYOUT



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Client:

MOHAMED TAREQ FAYEZ

Consultant:



PKS House, 322, Kemlin Road, Heronwood, Perth, WA 6005, Australia  
 P: 08 9443 8971, F: 08 9443 8972, E: info@urbanplanconsultants.com

Project

**B+G+4 HOTEL**  
 10-12 South Methven Street, Perth  
 PH15 PE, UK

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Drawing title

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Client:

MOHAMED TAREQ FAYEZ

Consultant:



DNS House, 382 Kenton Road Harrow  
 Harrow, Middlesex, UK  
 P: 0845 443 8029 Tel: +44208987945  
 info@urbanplanconsultants.com

Project

B+C+4 HOTEL  
 10-12 South Methven Street, Perth  
 PH15 1PE, UK

PLOT:

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Drawing title

PROPOSED BASEMENT FLOOR LAYOUT

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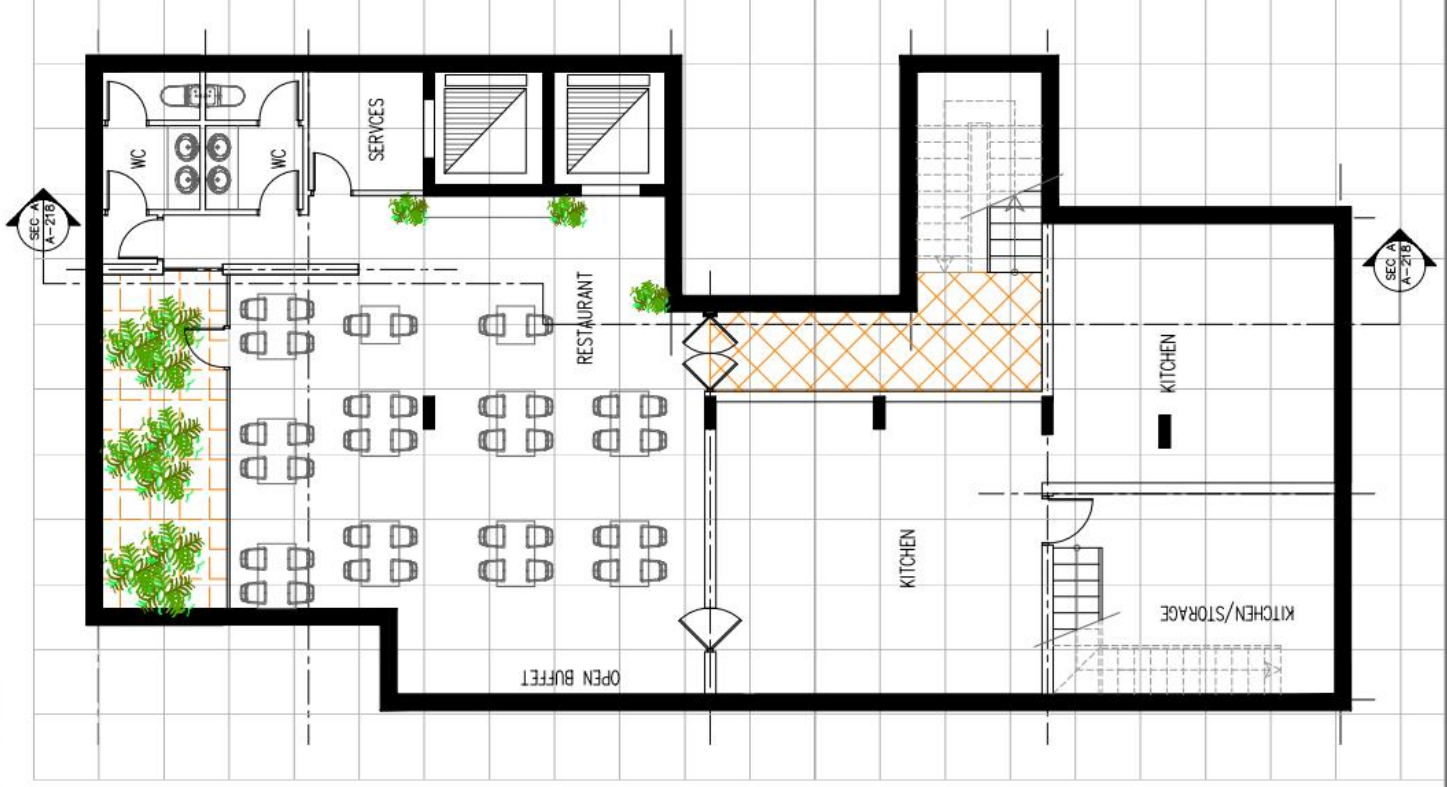
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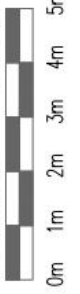
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07 | PROPOSED BASEMENT FLOOR LAYOUT

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Client:

MOHAMED TAREQ FAYEZ

Consultant:



DNS House, 382 Kenton Road Harrow  
 Harrow, Middlesex, UK  
 P: 0800 443 802, Tel: +44208979745  
 info@urbanplanconsultants.com

Project

**B+G+4 HOTEL**  
 10-12 South Methven Street, Perth  
 PH15 1PE, UK

PLOT:

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Drawing title

PROPOSED GROUND FLOOR LAYOUT

job no.

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revision no.

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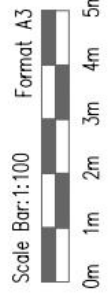
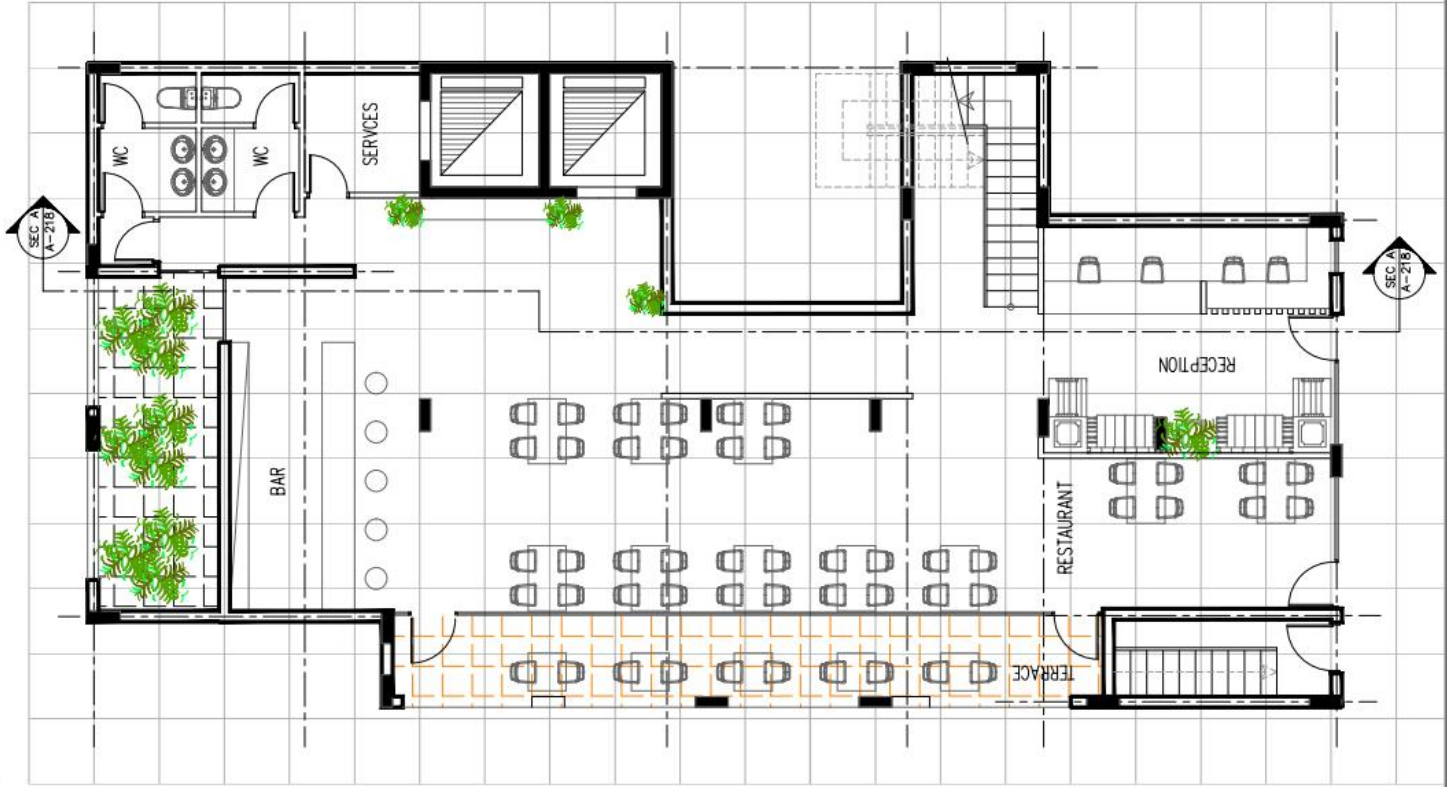
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08 | PROPOSED GROUND FLOOR LAYOUT  
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Client:

MOHAMED TAREQ FAYEZ

Consultant:



DNS House, 382 Kenton Road Harrow  
 Harrow, Middlesex, UK  
 P: 0845 443 8029 Tel: +4420897945  
 info@urbanplanconsultants.com

Project

**B+G+4 HOTEL**  
 10-12 South Methven Street, Perth  
 PH15 1PE, UK

PLOT:

BLOCK:

Drawing title

PROPOSED FIRST FLOOR LAYOUT

job no.  
01

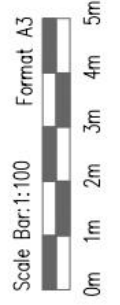
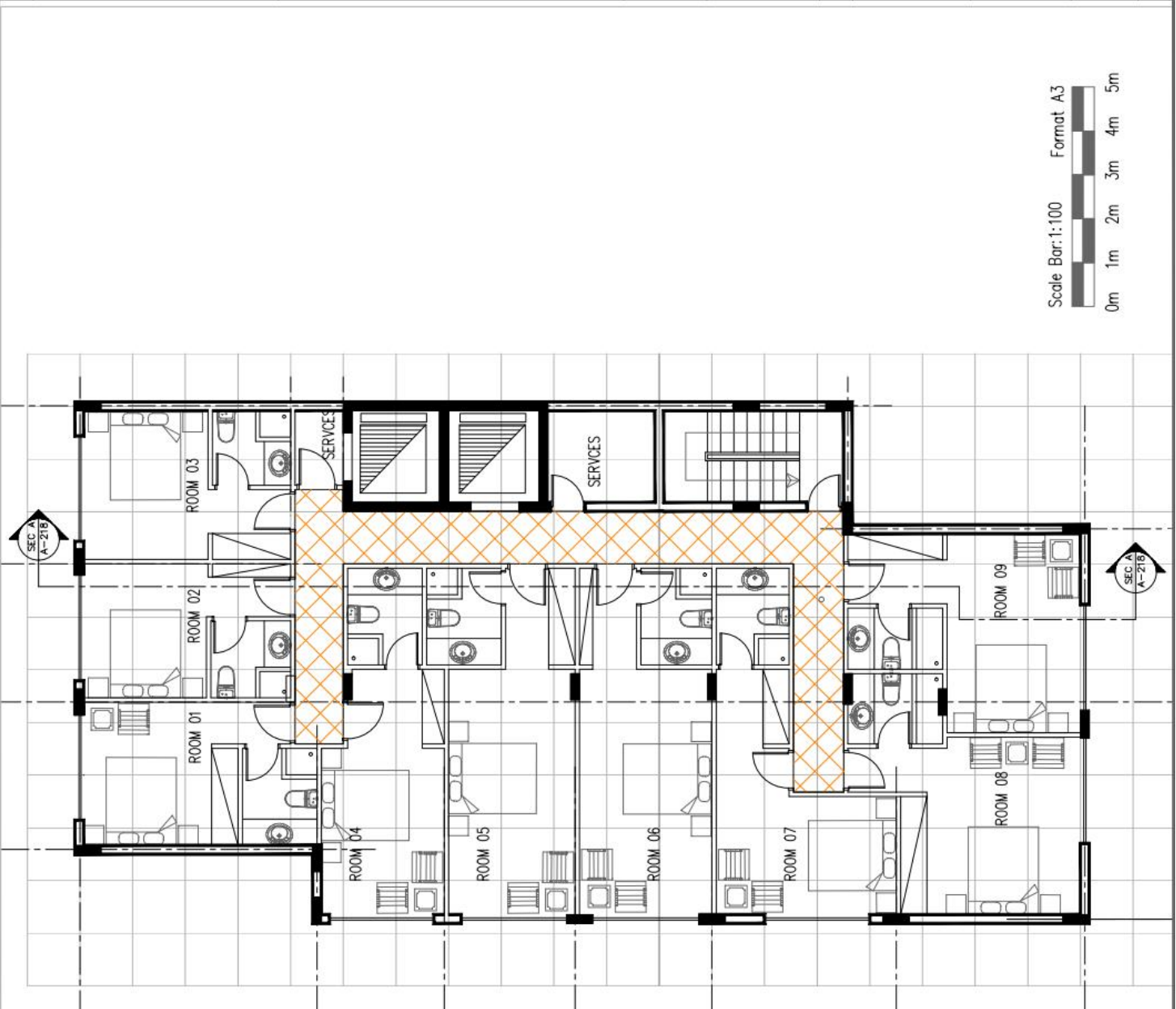
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209

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09 | PROPOSED FIRST FLOOR LAYOUT  
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Client:

MOHAMED TAREQ FAYEZ

Consultant:



PKS House 382, Kemlon Road, Herrow, Middlesex, UK  
 P: 0885 443 891 Fax: +44 (0)885 79 46  
 info@urbanplanconsultants.com

Project

**B+G+4 HOTEL**  
 10-12 South Methven Street, Perth  
 PH15 2E, UK  
 BLOCK:

PLOT:

Drawing title

PROPOSED TYPICAL FLOOR LAYOUT

job no.

01

sheet no.

A  
2/10

revision no.

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scale

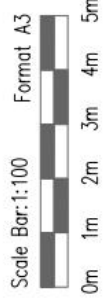
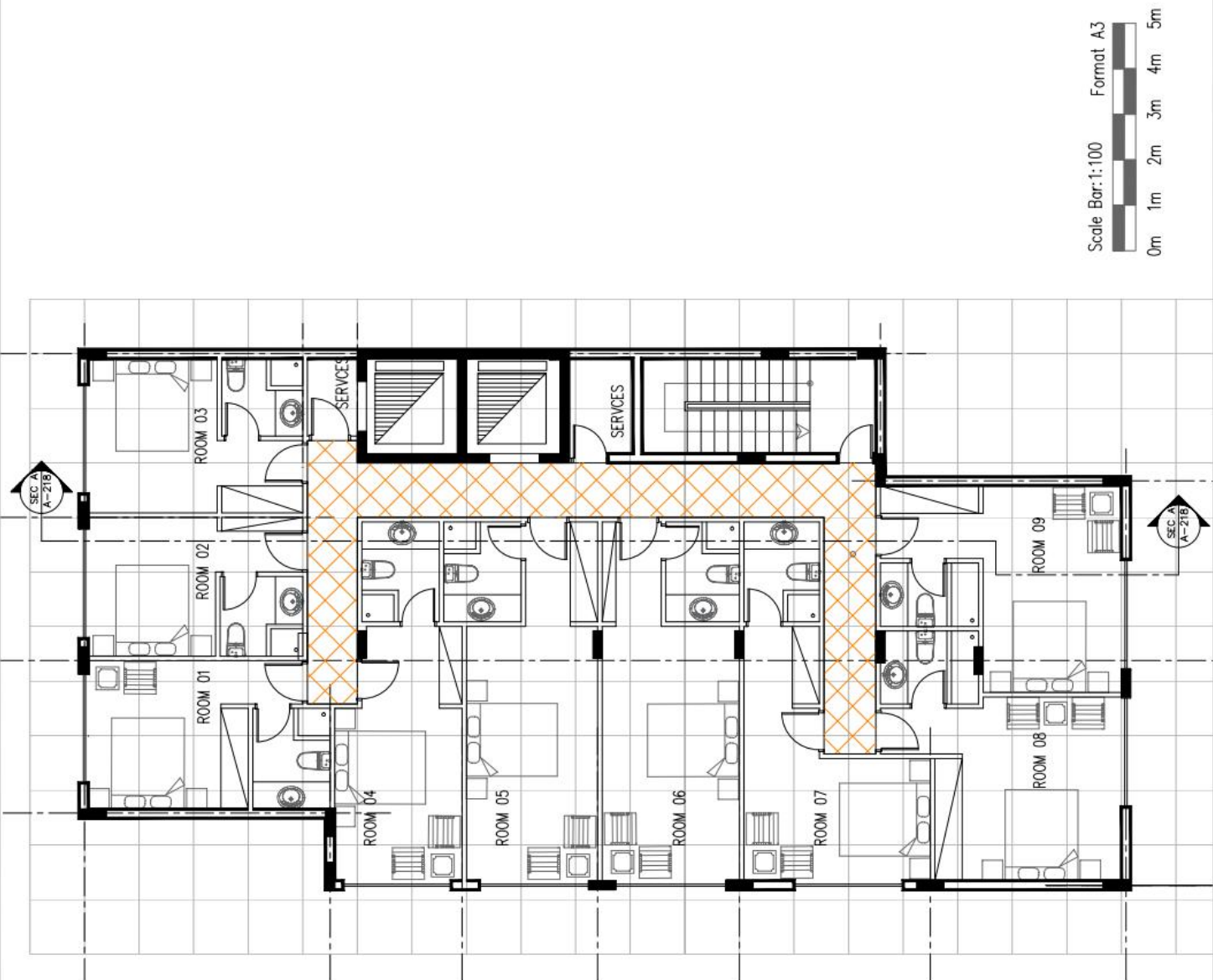
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10 | PROPOSED TYPICAL FLOOR LAYOUT  
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Client:

MOHAMED TAREQ FAYEZ

Consultant:



RNS House 302, Kemlon Road, Herrow  
Middlesex, UK P: 0845 443 891 Tel: +44 (0)845 79746  
info@urbanplanconsultants.com

Project

**B+G+4 HOTEL**  
10-12 South Methven Street, Perth  
PH15 2E, UK

PLOT: BLOCK:

Drawing title

PROPOSED FOURTH FLOOR LAYOUT

job no.

01

sheet no.

A  
211

revision no.

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scale

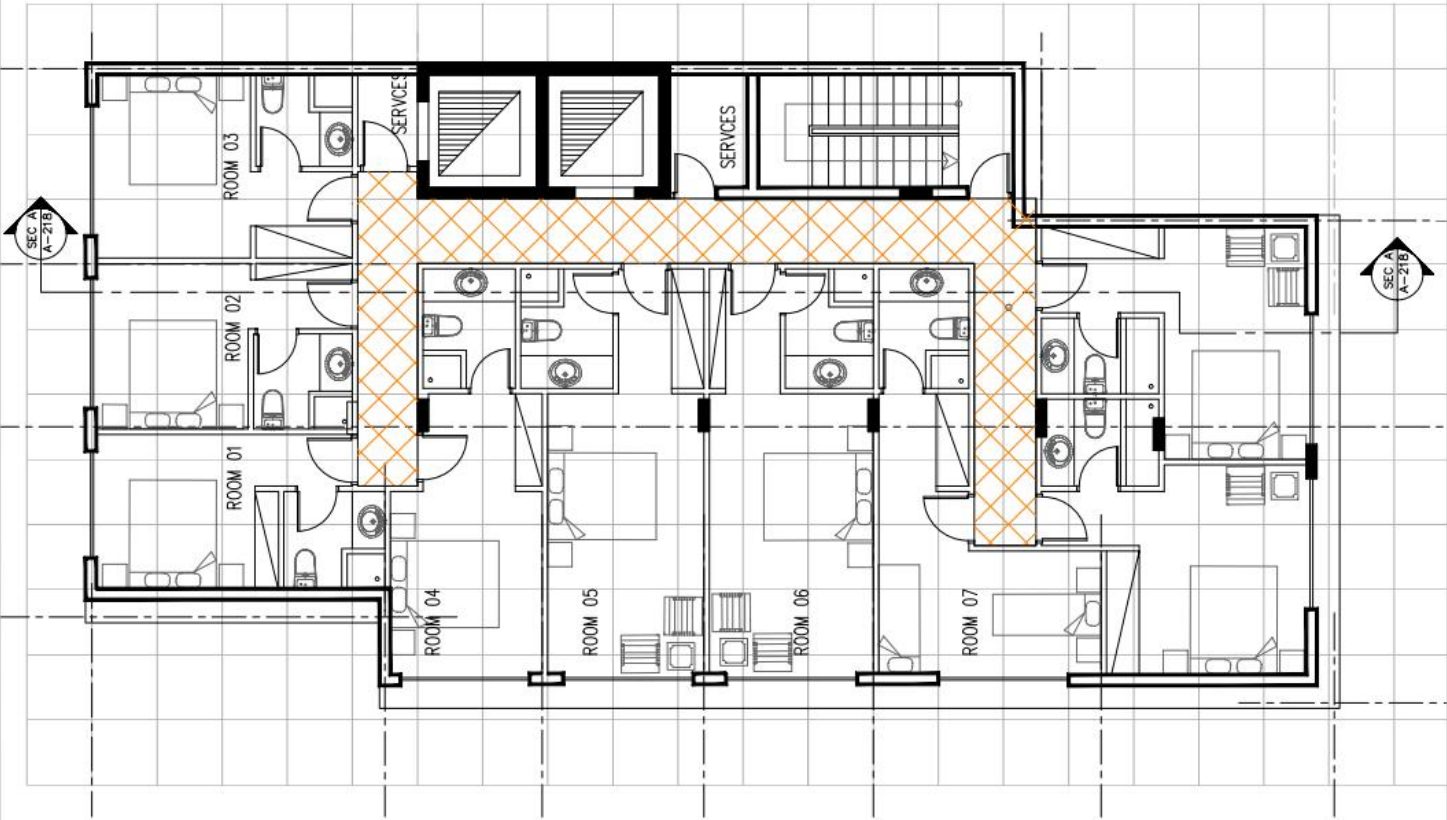
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11 | PROPOSED FOURTH FLOOR LAYOUT

A211 | SCALE 1:100

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Client:

MOHAMED TAREQ FAYEZ

Consultant:



PKS Urban 322 Kemlon Road Herrow  
ne4d8ax.uk P: 0800 143 891 Tel: +44208987946  
info@urbanplanconsultants.com

Project

**B+G+4 HOTEL**  
10-12 South Methven Street, Perth  
PH15 2EJUK

PLOT: BLOCK:

Drawing title

ROOF LAYOUT

job no.

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sheet no.

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revision no.

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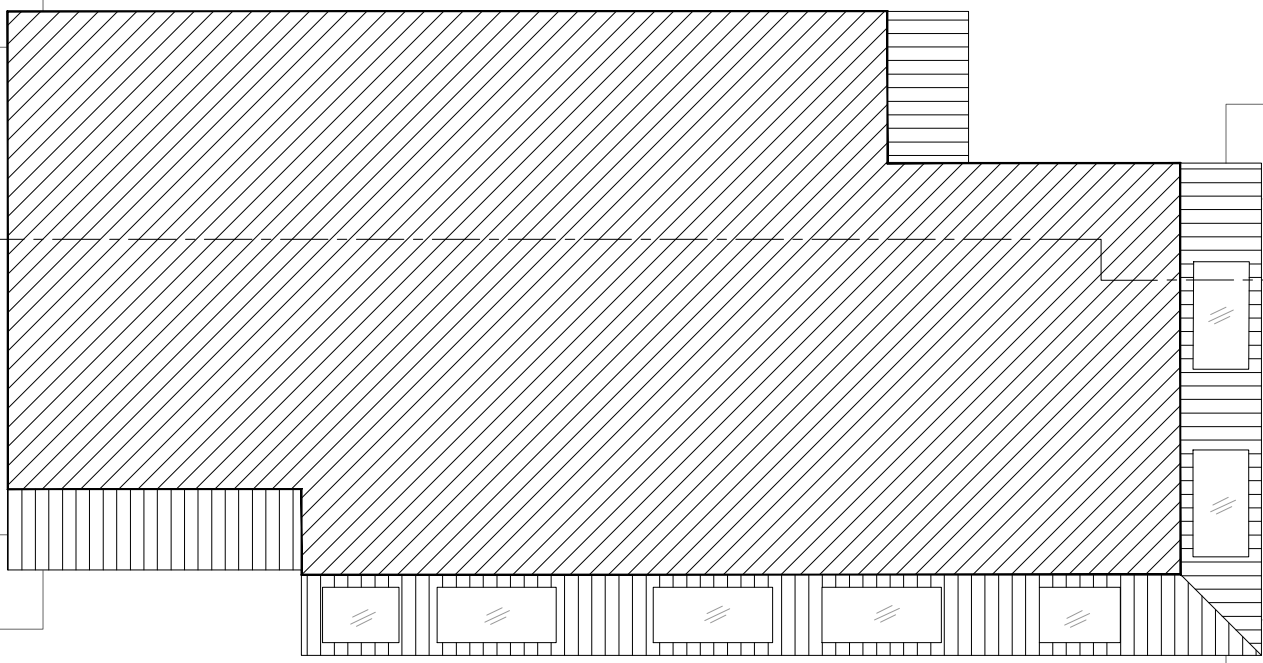
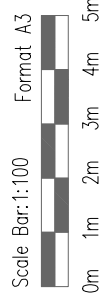
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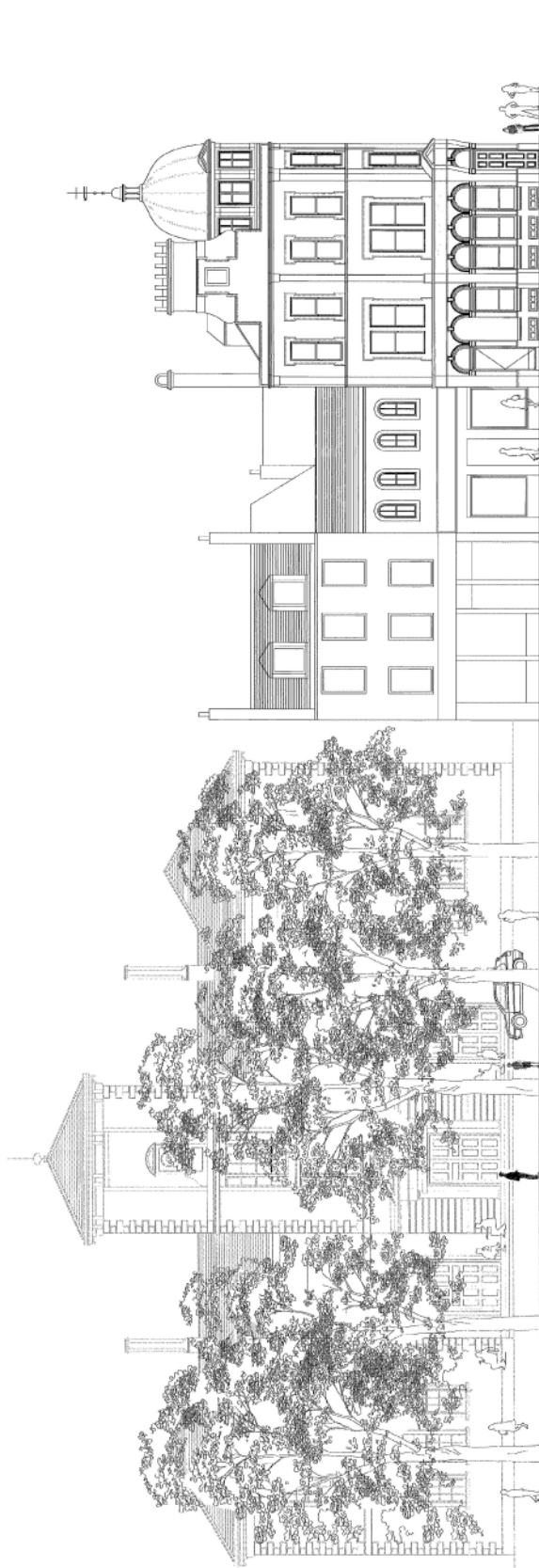
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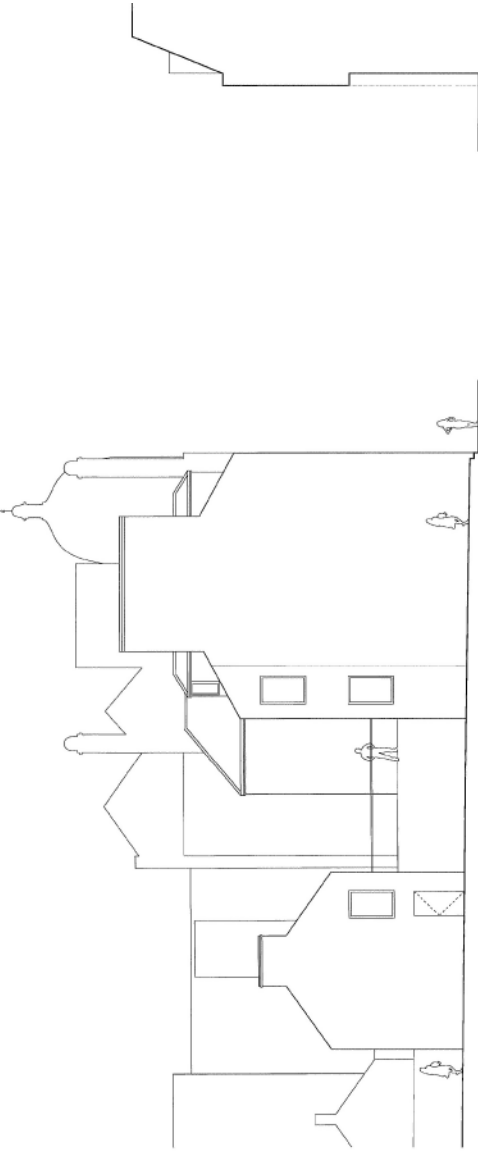


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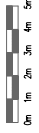
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South Meihven Street Elevation  
(West Elevation)



Side Elevation  
(North Elevation)



Client:

MOHAMED TAREQ FAYEZ

Consultant:



PKS House, 322 Kemlon Road, Heronwood, Perth WA 6005, Australia  
info@urbanplanconsultants.com

Project:

B+G+4 HOTEL  
10-12 South Meihven Street, Perth  
PH15 PE,UK

PLOT: BLOCK:

Drawing title

EXISTING ELEVATIONS

job no.  
01

sheet no.  
A  
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revision no.  
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date issued  
10/05/2022

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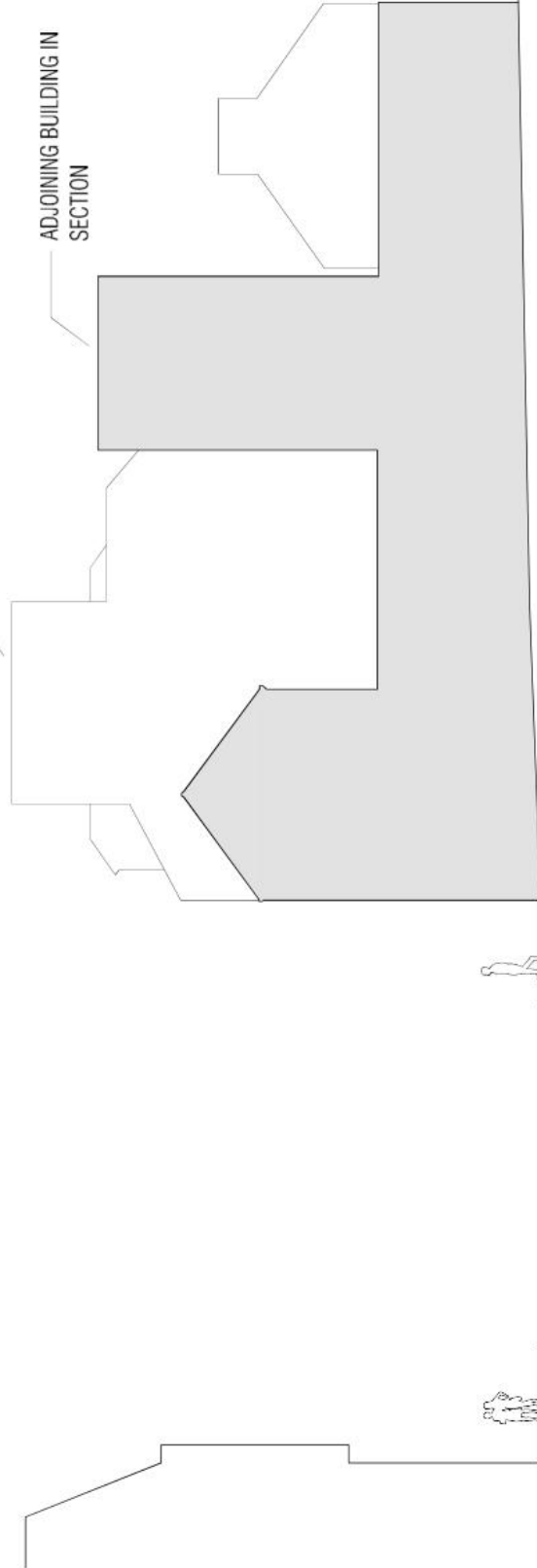


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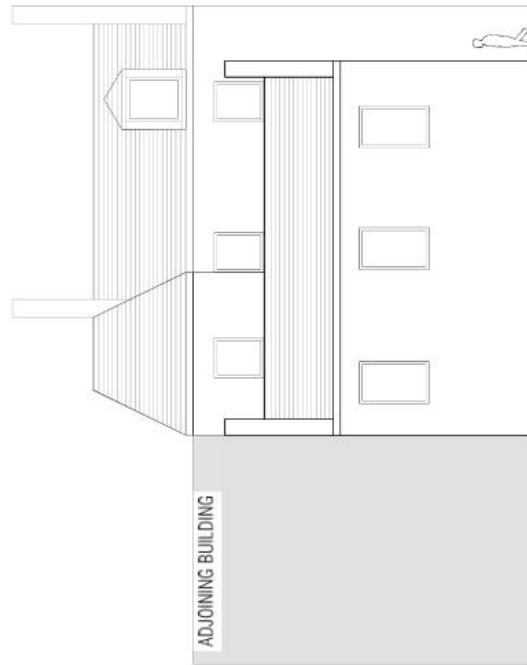
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EXISTING ELEVATION

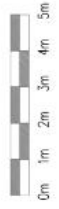
ADJOINING BUILDING IN SECTION



South Elevation



East Elevation



EXISTING ELEVATIONS

Client: **MOHAMED TAREQ FAYEZ**

Consultant:



Unit: 10/15, 302 Kien-Lin Road, Harrow, Middlesex, UK  
 P: 0203 443 899 F: 0203 4420897  
 info@urbanplanconsultants.com

Project:

**B+G+4 HOTEL**  
 10-12 South Methven Street, Perth  
 PH15 7EJ UK

PLOT: BLOCK:

Drawing title

job no. 01

sheet no. A  
 213-2

revision no. 0

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Client:

MOHAMED TAREQ FAYEZ

Consultant:



RNS House, 302, Kemlon Road, Harrow  
 info@urbanplanconsultants.com  
 need@urbanplanconsultants.com

Project

B+G+4 HOTEL  
 10-12 South Methven Street, Perth  
 PH15 PE, UK

PLOT: BLOCK:

Drawing title

PROPOSED WEST ELEVATION\_ MAIN ELEVATION

|                     |                           |                           |
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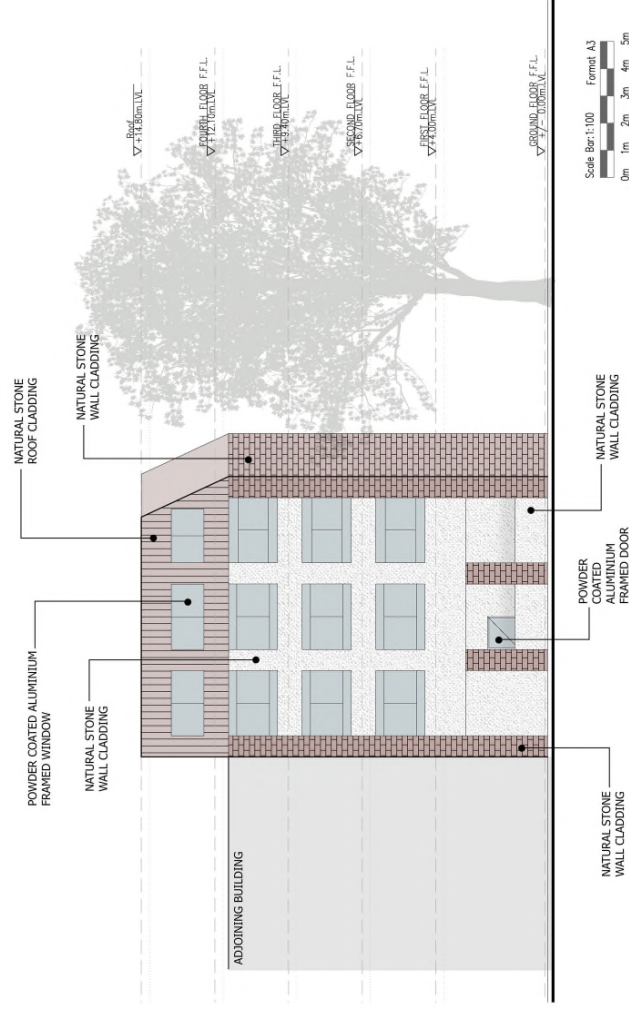
Client: **MOHAMED TAREQ FAYEZ**

Consultant: **Urban Plan CONSULTANTS ARCHITECTURE**

Project: **B+C+4 HOTEL**  
**10-12 South Methven Street, Perth**  
 PH15 1PE, UK

Drawing title: **PROPOSED EAST ELEVATION**

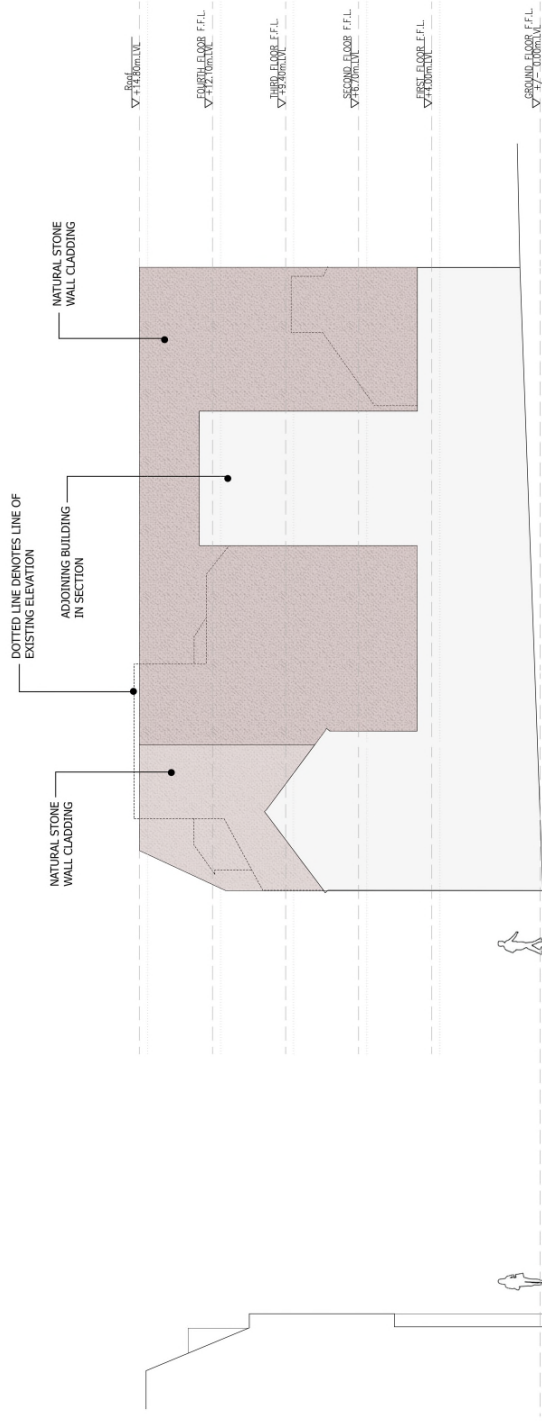
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Client:

MOHAMED TAREQ FAYEZ

Consultant:



Project  
 B+C+4 HOTEL  
 10-12 South Methven Street, Perth  
 PH15 1PE, UK  
 PLOT: BLOCK:  
 Drawing title  
 PROPOSED SOUTH ELEVATION

job no. 01  
 sheet no. A/216  
 revision no. 0

scale 1:200 (A3)  
 date issued 10/05/2022  
 designed by Urban Plan

DNS House, 382 Kenton Road Harrow  
 HA3 8DP, UK  
 Tel: +44 (0)20897945  
 info@urbanplanconsultants.com  
 me@urbanplanconsultants.com

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Client:

MOHAMED TAREQ FAYEZ

Consultant:



Project  
 B+C+4 HOTEL  
 10-12 South Methven Street, Perth  
 PH15 1PE, UK

PLOT: BLOCK:

Drawing title

PROPOSED NORTH ELEVATION

job no.

01

sheet no.

A  
217

revision no.

0

scale

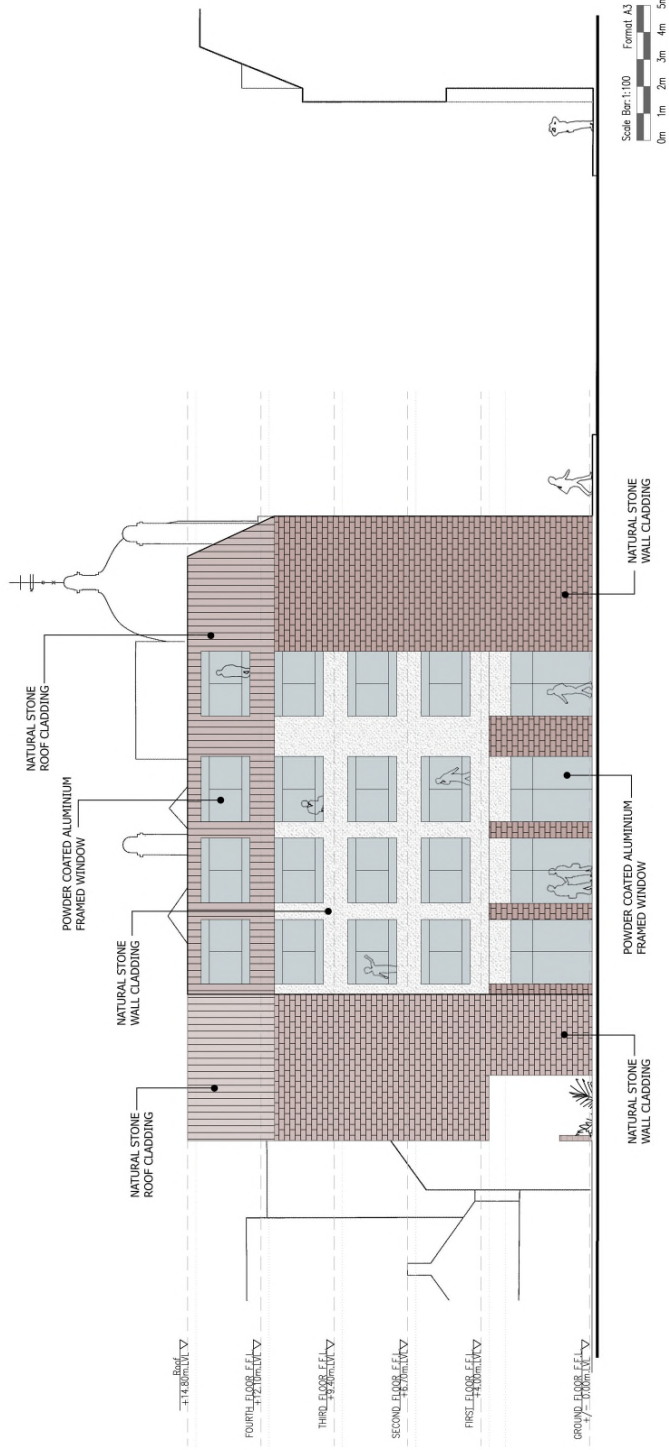
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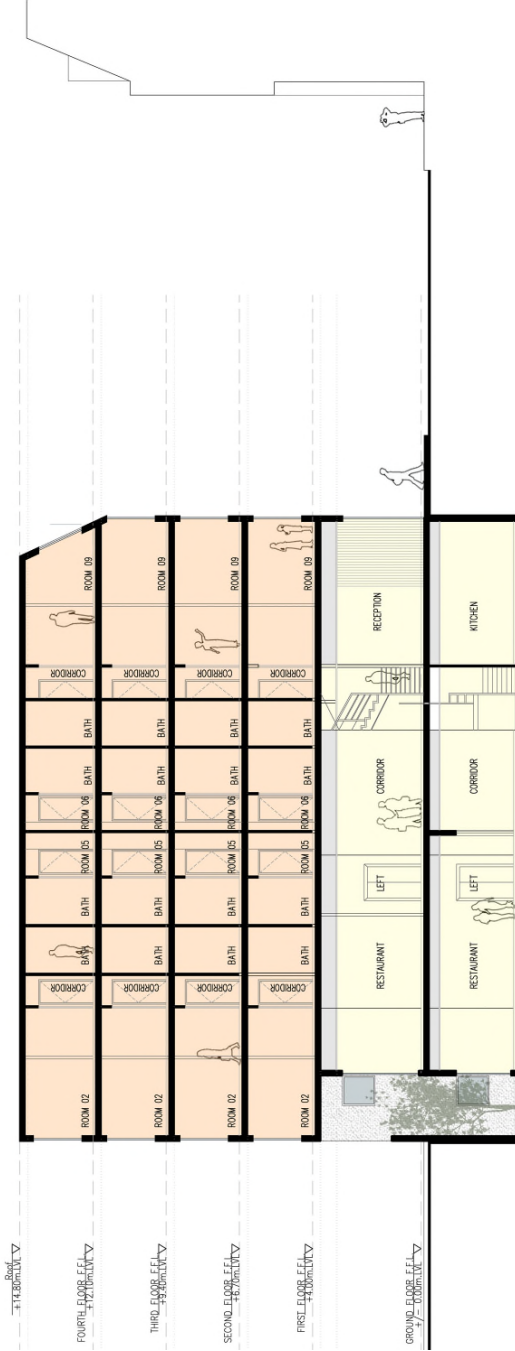


17 | PROPOSED NORTH ELEVATION

SCALE 1:200

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Scale Bar: 1:100 Format: A3  
0m 1m 2m 3m 4m 5m

Client:

MOHAMED TAREQ FAYEZ

Consultant:



DNS House, 382 Kenton Road Harrow  
me@urbanplan.co.uk

P: 0845 443 8027 Tel: +4420897945  
info@urbanplanconsultants.com

Project

B+C+4 HOTEL  
10-12 South Methven Street, Perth  
PH15 1PE, UK

PLOT:

BLOCK:

Drawing title

PROPOSED SECTION \_AA

job no.

01

sheet no.

A  
218

revision no.

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scale

1:200 (A3)

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# DESIGN STATEMENT FOR B+G+4 HOTEL

AT 10-12 And 14 South Methven Street, Perth, UK



# 1. SITE

**LOCATION:** 10-12 And 14 South Methven Street Perth

Located within the center of Perth, the site fronts onto South Methven Street and is situated between High Street and Mill Street. It is bounded by an open car parking area to the north, for 6 and 8 South Methven Street, which is a category B listed building (Buildings of regional importance or important historic buildings that have been altered) currently occupied by a public house, another category B listed building to the south at 16 South Methven Street, the rear elevations of the building to the east and fronted by south Methven street to the west.



Figure 1 Site map of 10-12 South Methven Street, Perth, UK

## 1.2 EXISTING CONDITIONS

A traditional two-storey residential building at the rear and a three-storey traditional building with accommodation in the attic is currently standing on the site. A single storey, flat-roofed linking structure connects the two residential buildings. Part of the existing buildings accommodated the now vacant former Clachan public house on the ground floor and a total of 4 flats.

The existing buildings on site are buildings at risk.





Figure 2 Existing front and side view respectively

The building is in very poor condition, with the rear wall having partially collapsed. A Structural inspection was carried out in 2003 and its summary stated that the existing buildings are in extreme run-down condition, with suggested foundation failure and movement of load bearing walls, and it would require extensive repairs to make the property usable at acceptable standards. It was concluded that the buildings were beyond reasonable repair and is recommended to be demolished. Looking at the building state and inspection conclusions at that time, without any measures taken, it can be said that the existing structure has only degraded through passing time.

The building was previously cleared for 'Planning permission granted on this site for the demolition of building and the erection of new building' in 2007, extended till 31<sup>st</sup> March 2017. No action had been taken by previous parties.

It has also been notified with dangerous building notice repeatedly. We also received information recently (October 21, 2021) that a structural engineer appointed by the council carried out a building assessment which recommended that the buildings are past repair and demolition was the solution to ensure public safety.

The above supporting facts would lean towards demolishing the building at risk and redeveloping the site for the safety of people and enhancement of the area.

**21/00035/DB**

**DANGEROUS BUILDING NOTICE**  
Building (Scotland) Act 2003  
Notice under Section 29 and 30 requiring owner to reduce or remove the danger constituted by a building

To Urban Plan Consultants Ltd, DMS House, 382 Kenton Road, Harrow, HA3 8DP

As owner of The Former Clachan Bar, 10-12 South Methven Street, Perth, PH1 5PE

It appearing to Perth and Kinross Council that the above building constitutes a danger that requires to be reduced or removed, the Council therefore require that the following steps must be taken to secure compliance with this notice.

The steps which must be taken are:

**The Demolition of the buildings situated at 10-14 South Methven Street, Perth formerly known as the Clachan Bar & Quality Cafe**

A building warrant is not required, and a completion certificate need only be provided where the Local Authority has done the work.

The above work must be commenced by **21<sup>st</sup> April 2022** (See note 2) and the work completed by **21<sup>st</sup> July 2022**

Signed  
[Redacted Signature]  
for Perth and Kinross Council

Dated 21<sup>st</sup> October 2021





**FLOOR PLANS:** It will consist of a restaurant and public house on the ground and basement floors while the 1<sup>st</sup> to 4<sup>th</sup> floors consist of 27 hotel rooms.



Figure 4 Basement floor plan

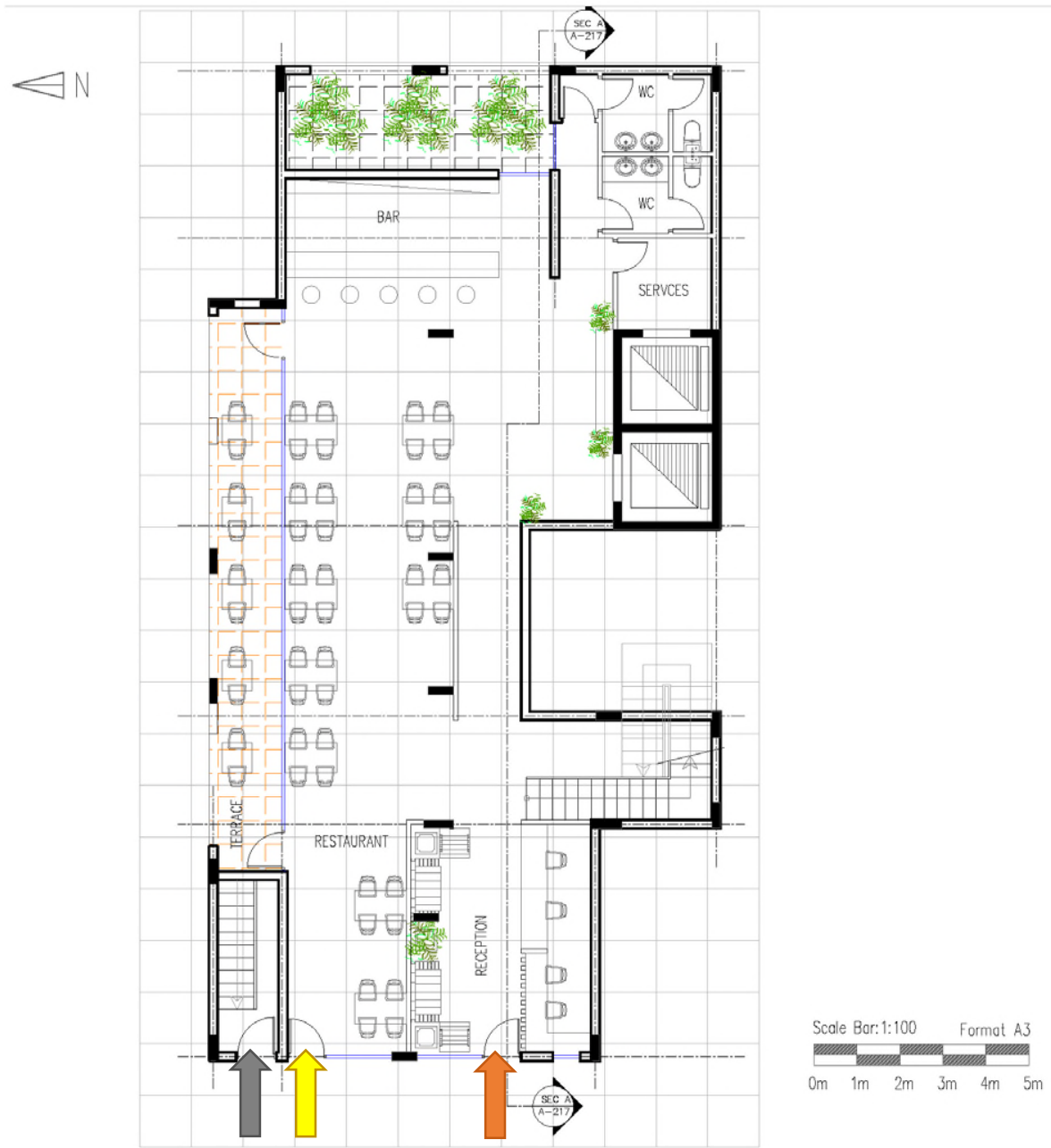


Figure 5 Ground floor plan

The ground floor will have the main entrance (orange) to the hotel reception, a secondary direct entrance (yellow) to the restaurant and public house, and a third entrance (grey) for services and staff.

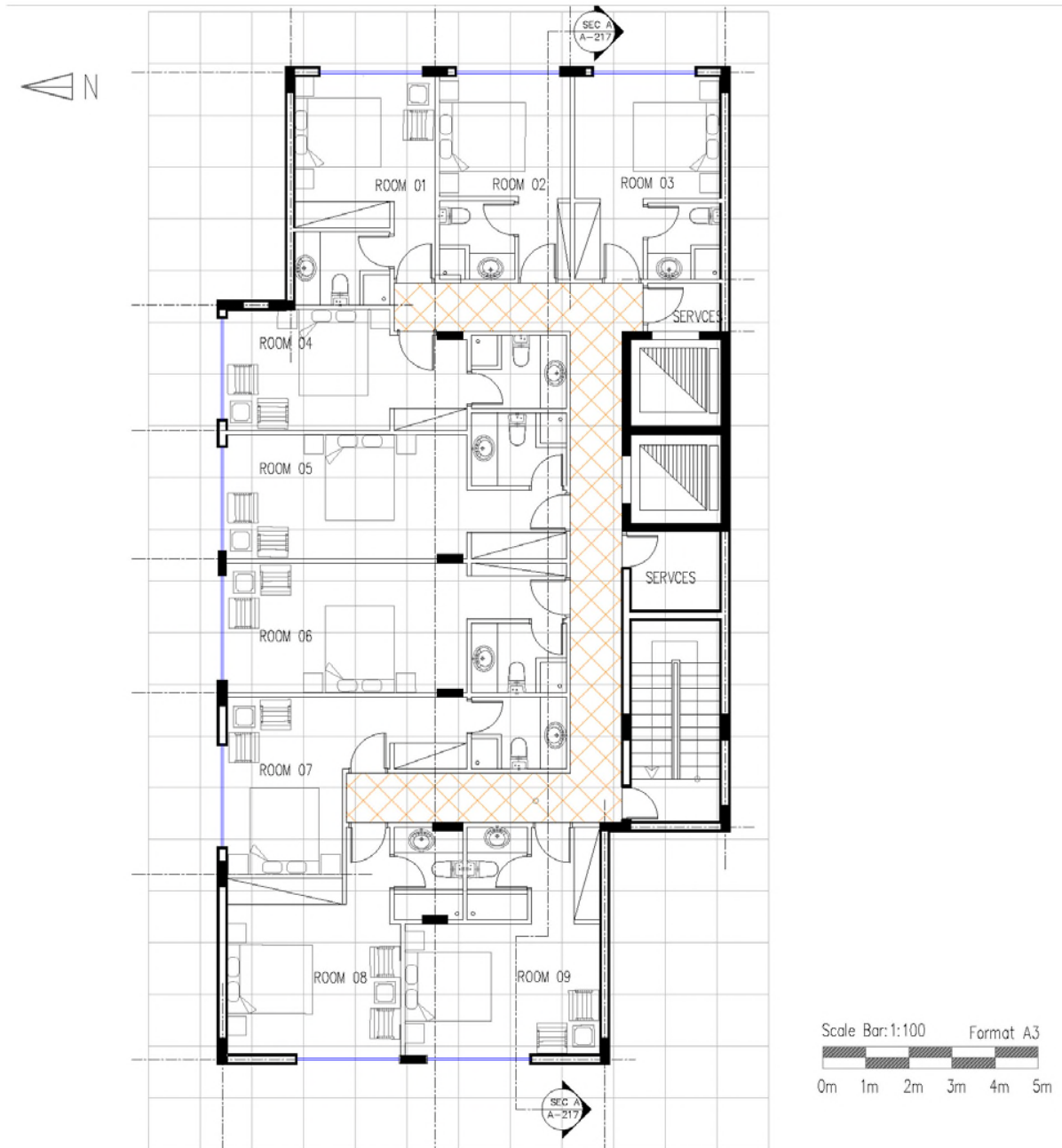


Figure 6 Typical floor plan (1st to 3rd floor)

There will be four floors of hotel rooms. Each floor consists of 9 studio rooms, 2 service/storage, 1 staircase, and 2 lifts.

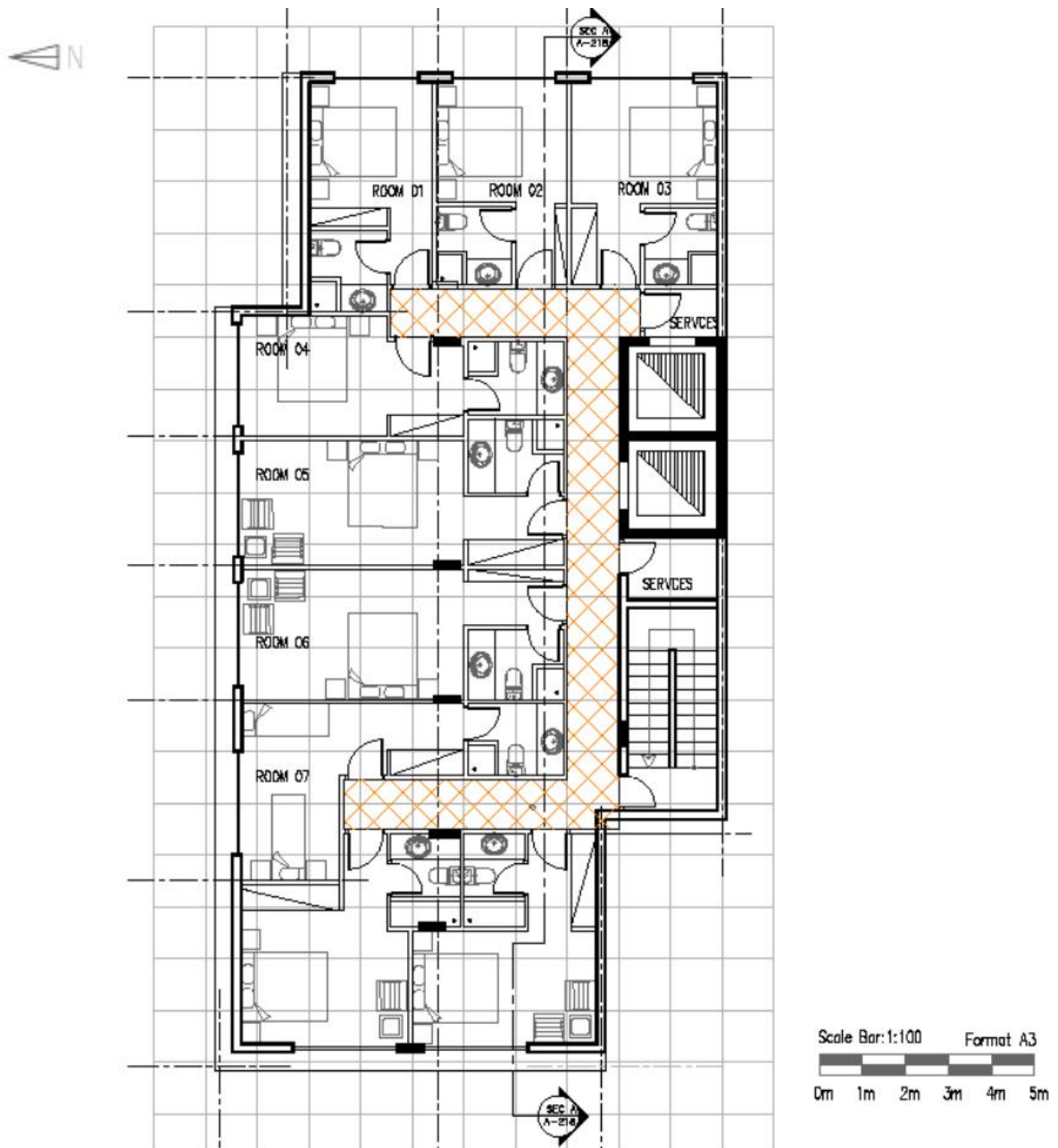


Figure 7 Fourth floor plan

The fourth floor is set back slightly from the edge to incorporate the sloped roof and for setback elevation view.

# ROOF PLAN

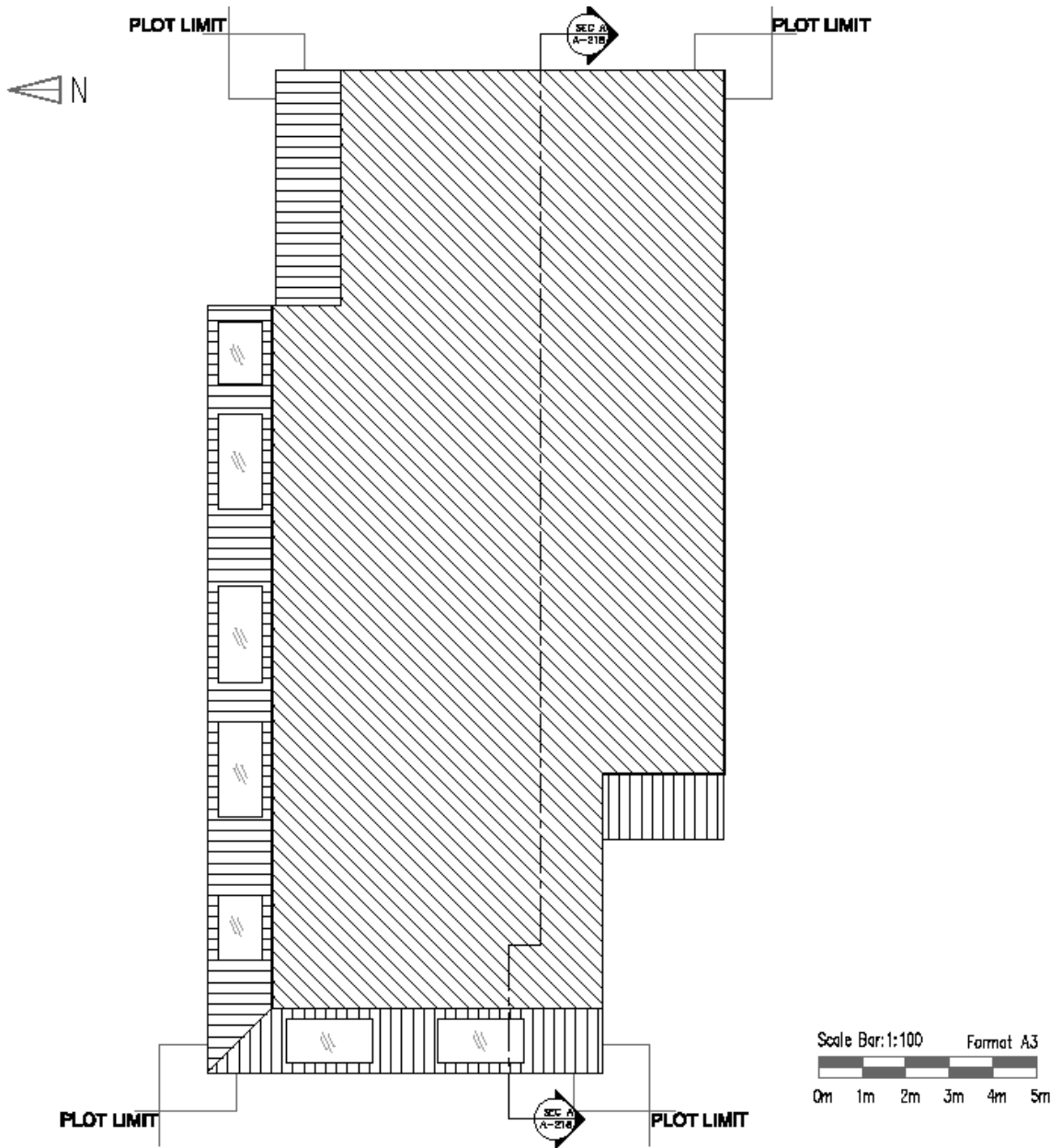


Figure 8 Roof plan

The roof plan indicates maintaining the sloped roofing in the front to help keep a resemblance to the previous buildings feel and keeping the side roof facing the open parking sloped as well to reduce the impact of height.





Figure 9 Front elevation (West)

The proposed front elevation tries to maintain a non-decorative traditional feel to respect neighboring buildings and the existing building elevation. The front roof slope is maintained for a less obstructive look. The materials proposed are simple to help the building be subtle in its surrounding.



Figure 10 Back elevation (East)

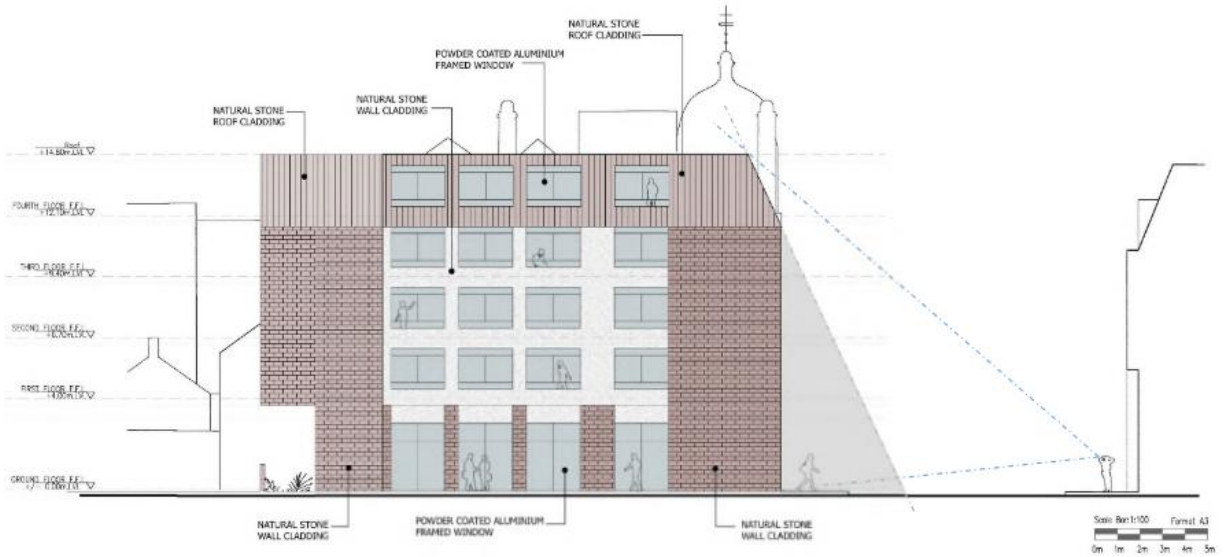


Figure 11 Side elevation (North)

As can be seen from the elevations the sloped roof facing the street helps achieve the design intent by minimizing the elevational view of the building from the street. The existing side elevations are overbearing to the open view from the neighboring plot while this gives more of an inviting feel.

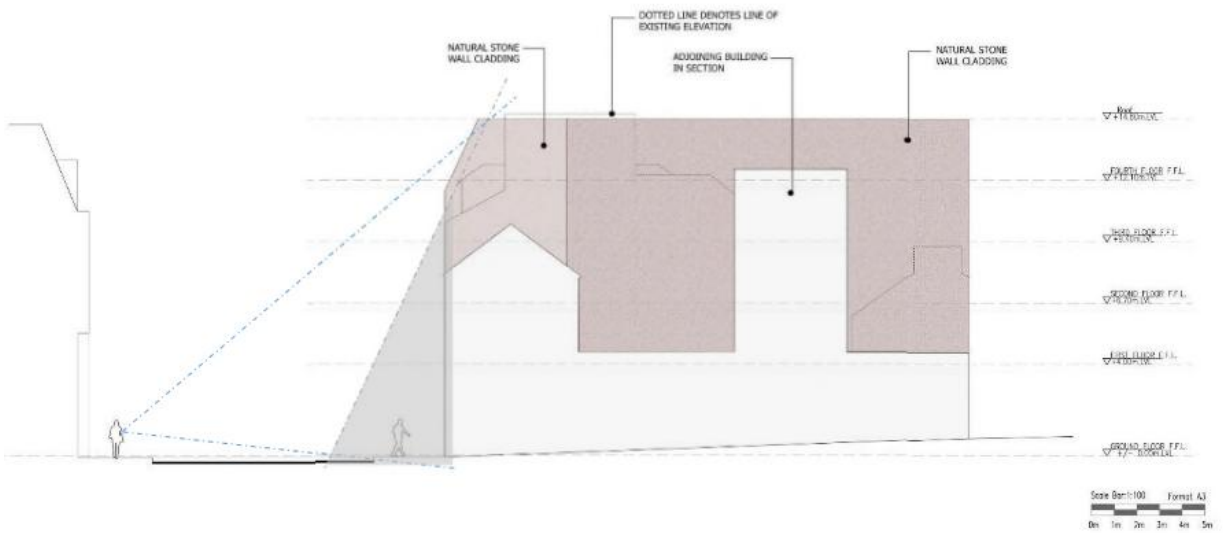


Figure 12 Side elevation (South)

The basement will hold the major services such as kitchen, entry/exit for staff and other service activities, and also part of the restaurant which will aim to be have natural light through double height courtyard. This will help mitigate some amount of noise of daily activities.

The ground floor will hold the lobby, public house and restaurant. The rest of the 4 floors will consist of 36 rooms, 9 rooms on each floor.



Figure 13 Section AA'





### 3. APPEAL FOR APPROVAL

After studying the existing site, building conditions, and proposed design in its detail of form and setting, the design has taken into consideration the adopted development plans, guidelines and comments.

#### 3.1 CONSIDERING POLICIES AND GUIDELINES

1. Perth and Kinross Local Development Plan 2 (2019) Policy 28B: Demolition within Conservation Areas

The building on site which would be required to be demolished is possibly of value in its setting but due to its building at risk status it is unusable and would be more beneficial to be redeveloped with the appearance of the conservation area in mind.

2. Scottish Planning Policy 2014 (paragraph 143) "Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance."

The impact of the proposal, for development within the conservation area, on its setting has been kept in mind and has been replicated to a level on its appearance to preserve the feel and character of the area. The existing building is in poor condition and harmful to be used by anyone. From multiple dangerous building notice served to structural inspection and passing of time, the building would be beyond practical repair at a reasonable cost. (Refer to structural inspection summary and notice served on the building on page 3)

3. Historic Environment Scotland's Guidance "Managing Change - Guidance on Conservation Areas" April 2019 and Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019 which states that a "positive attempt should always be made by the Planning Authority to achieve its retention, restoration and sympathetic conversion" and "in some cases, demolition may be thought appropriate.....if its structural condition rules out its retention at reasonable cost".

The existing building is in poor condition and harmful to be used by anyone. From multiple dangerous building notice served to structural inspection and passing of time, the building would be beyond practical repair at a reasonable cost. (Refer to structural inspection summary and notice served on the building on page 3)

4. Policy 27A: Listed Buildings, of the Perth and Kinross Council Local Development Plan 2 (2019)

The proposal provides detailed information regarding the design, materials and form of the building to demonstrate that the building will respect the character and appearance of the Perth Conservation Area while aiming to enhance it.

5. Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting.

The existing building though a part of the appearance and history of the area is no longer in use due its deteriorating condition which may have a negative impact. It being redeveloped would help positively impact the area while respecting and enhancing the adjacent buildings and setting.

6. Policy 41 of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that wildlife and wildlife habitats will be protected. The previous approval was attained for this site and would apply for this proposal as well.

7. Policy 56: Noise Pollution of the Perth and Kinross Council Local Development Plan 2 (2019)

The design has been thought of and planned in a way to minimize the noise generated from kitchen and other services which are all in the basement.

- The residential properties shall be so designed, constructed and soundproofed to ensure that noise from neighbouring uses is so attenuated that NR25 can be achieved in the period 23:00-07:00.
- The separating floor between the ground and first floor shall be so designed, constructed and sound proofed to provide attenuation such that noise from the normal operations within the public house and restaurant on the ground floor shall be inaudible within the rooms.
- An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
- All plant or equipment including any ventilation system associated with operation of the commercial areas be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organization (ISO) Noise Rating 35 between 0700 and 2300 hours daily.
- The refuse storage area for these premises shall be operated and maintained such that detriment is not caused to the amenity of occupiers or neighbouring premises.
- No music amplified or otherwise shall be permitted outside the premises and efforts will be made to minimize the impact of noise from inside the premises so no sound is audible in any nearby residential property

The previous approval had been attained within terms of these parameters and would apply for this proposal as well.

9. Policy 52 of the Perth and Kinross Local Development Plan 2 (2019)

The site is located within an area which is graded at low risk river flooding. The previous approval was attained for this site and would apply for this proposal as well.

### 3.2 JUSTIFICATION

The design proposal tries to respect the surrounding and make a positive impact with the redevelopment. The existing building, although listed in a conservation area, is in a very poor condition and reflects not too well on its surrounding and unusable nature. The design consists detail information on the form, design and material of the building conveying the impact on the adjacent buildings is thought of and kept to minimum. The design tries to complement it surrounding, be subtle and inviting.

The appeal is for sensitive redevelopment of the site which will respect the character and appearance of the conservation area with the aim to enhance it in the best way.







Urban Plan Consultants Ltd  
11962444  
DMS House  
382 Kenton Road  
Harrow  
HA3 8DP

**Planning and Development**  
*Head of Service – David Littlejohn*

Pullar House, 35 Kinnoull Street, PERTH PH1 5GD  
Tel 01738 475000

Contact Russell Watson

[www.pkc.gov.uk](http://www.pkc.gov.uk)

Our ref 21/00035/DB

Your ref

Date 21 October 2021

Dear Mr Fayez

**Building (Scotland) Act 2003**  
**Former Quality Café & Clachan Bar, 10-14 South Methven Street, Perth, PH1 5PE**

I write to you in response to concerns reported to us regarding the overall condition of the two adjacent properties situated at the address noted above. We believe you are the owner of the former Clachan Bar, 10-12 South Methven Street.

I contacted you via e-mail on 26<sup>th</sup> August 2021 to relay our concerns relating to the condition of these buildings, but it appears that no further progress has been made bring them into a safe condition.

As mentioned in my previous e-mail a structural engineer, Allen Gordon LLP, was appointed by Perth and Kinross council to carry out an assessment of this building. Their recommendation was that the buildings have deteriorated to a point a repair is not likely possible and that demolition was the only long term solution to ensure public safety. A copy of this report was previously e-mailed to yourself however an additional copy can be forwarded if required.

I am writing to advise, as the owner, it is your responsibility to ensure the building does not pose a risk to the health and safety of the public. As the building poses a danger to the public, the council has a duty to serve a Dangerous Building notice under S29 and S30 of the above Act. This notice requires you to demolish the building by the date specified. In the interim period, it is your responsibility to ensure that regular inspection and monitoring takes place to ensure the safety of the public.

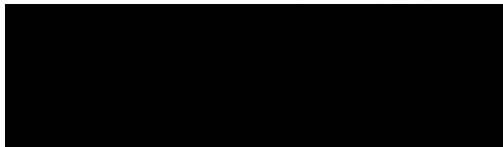
I would be grateful if you would inform me of the steps you intend to take to demolish the building. Due to the relationship between your property and the adjacent former Quality Café Building you will likely need to co-ordinate a demolition with the owner of the adjacent property. I can assist in forwarding correspondence to them if required.

As the building is sited within a conservation area, I would ask that you contact our conservation team to discuss any matters that may arise due to the demolition of the building. Our conservation team can be contacted via e-mail at [TConservationTeamAccount@pkc.gov.uk](mailto:TConservationTeamAccount@pkc.gov.uk).

You should also contact the Roads Network Management team of the Council to discuss the need for any traffic management requirements as part of the demolition process.

It should be noted that the period specified in the notice is in relation to the current condition of the buildings and should further deterioration occur over the coming few months a further notice may be served.

Yours sincerely



Russell Watson  
Building Standards Team Leader

## DANGEROUS BUILDING NOTICE

Building (Scotland) Act 2003

Notice under Section 29 and 30 requiring owner to reduce or remove the danger constituted by a building

To Urban Plan Consultants Ltd, DMS House, 382 Kenton Road, Harrow, HA3 8DP

As owner of The Former Clachan Bar, 10-12 South Methven Street, Perth, PH1 5PE

It appearing to Perth and Kinross Council that the above building constitutes a danger that requires to be reduced or removed, the Council therefore require that the following steps must be taken to secure compliance with this notice.

The steps which must be taken are:

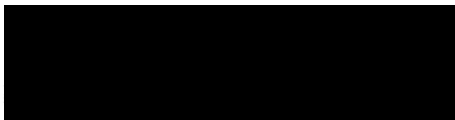
**The Demolition of the buildings situated at 10-14 South Methven Street, Perth formerly known as the Clachan Bar & Quality Cafe**

A building warrant is not required, and a completion certificate need only be provided where the Local Authority has done the work.

The above work must be commenced by 21<sup>st</sup> April 2022 (See note 2)

and the work completed by 21<sup>st</sup> July 2022

Signed



for Perth and Kinross Council

Dated 21<sup>st</sup> October 2021

Notes

- 1 Any applicant aggrieved by the requirements of this notice may, within 21 days of the date of the notice, appeal to the sheriff
- 2 Later dates may be substituted where there is an appeal, until the appeal is determined or abandoned.

**WARNING**

**IF YOU FAIL TO CARRY OUT THE WORK SPECIFIED IN THIS NOTICE YOU MAY BE GUILTY OF AN OFFENCE UNDER THE BUILDING (SCOTLAND) ACT 2003 AND LIABLE ON SUMMARY CONVICTION TO A FINE. IN ADDITION, THE LOCAL AUTHORITY MAY CARRY OUT THE WORK ITSELF AND CLAIM FROM YOU AS A DEBT ANY EXPENSES REASONABLY INCURRED BY IT SO DOING.**



# PERTH AND KINROSS COUNCIL

Zack Developments  
c/o Iain Denney  
132 West Nile Street  
Glasgow  
G1 2RQ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 18 March 2016

Town and Country Planning (Scotland) Acts.

Application Number **16/00076/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 21st January 2016 for planning permission for **Variation of condition 1 of permission 12/02031/FLL (Modification of 07/01079/FUL - Demolition of buildings and erection of eight residential units, restaurant and public house) to extend the time period for the commencement of development** at 10-12 South Methven Street Perth subject to the undernoted conditions.

## Development Quality Manager

Conditions referred to above

- 1 Consent is hereby granted until 31st March 2017.  
  
Reason - In the interests of visual amenity and to ensure the development is carried out within a reasonable period of time.
- 2 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.  
  
Reason - To ensure that the development is carried out in accordance with the plans approved.
- 3 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the

developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason - The site lies within an area which is archaeologically sensitive.

- 4 A sample of all the external finishing materials shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The external finishing materials as approved shall be implemented prior to the occupation and or use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 5 All living and sleeping apartments facing north shall be fitted with high performance double glazing or secondary glazing likely to reduce internal noise levels to below 35dB(A), which is the night-time standard in PAN 56.

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

- 6 The soundproofing of the commercial units of the application premises and the control of all amplified sound generated therein (including music, speech, electronic video games or other amusement machines) shall be such that no amplified sound is audible within neighbouring residential properties (including those contained within the application premises).

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

- 7 The hours of operation of the external terraces associated with the public house and restaurant shall be restricted to 08:00 hrs - 22:00 hrs.

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

- 8 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

- 9 All plant or equipment including any ventilation system associated with operation of the commercial areas be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on an ISO rating curve chart.

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

## **Justification**

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

## **Informatives**

- 1 The applicant should note that the Council would be unlikely to support any further request for an extension of time.
- 2 The developer is advised to contact Ms Sarah Malone to discuss terms of reference for archaeological work required Tel 01738 477080.
- 3 It is recommended that the developer incorporate a bin storage area into the plans. It is further recommended that the developer consult the Community Waste Team to discuss the provision of waste and recycling bins so that appropriate storage is provided for residents and businesses.
- 4 The applicants are reminded of the duty imposed on them by Sections 4 and 5 and 7 to 8A of the Chronically Sick and Disabled Persons Act, 1970 requiring any person providing premises (including sanitary conveniences) which are to be open to the public to make provision, where reasonable and practicable, for the means of access and parking to be designed to meet the needs of disabled people, with appropriate signposting and indicating the availability of the facilities. Your attention is drawn specifically to the BSI Code of Practice on Access for the Disabled to Buildings 8BS5810:1979).
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 7 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.

- 8 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.
- 9 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
- Displayed in a prominent place at or in the vicinity of the site of the development  
Readily visible to the public  
Printed on durable material.
- 10 There are trees on the adjacent site with root protection areas that may be affected by the proposed development. The developer should ensure that the works comply with BS 5837 2012: Trees in Relation to Design, Demolition and Construction in terms of tree retention and protection whilst construction works are ongoing.

**The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

**Plan and Document Reference**

16/00076/1

07/01079/FUL/1

07/01079/FUL/2

07/01079/FUL/3

07/01079/FUL/4

07/01079/FUL/5

07/01079/FUL/6

07/01079/FUL/7

07/01079/FUL/8

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                        |      |
|------------------------|------------------------|------|
| Ref No                 | 16/00076/FLL           |      |
| Ward No                | N12- Perth City Centre |      |
| Due Determination Date | 20.03.2016             |      |
| Case Officer           | Persephone Beer        |      |
| Report Issued by       |                        | Date |
| Countersigned by       |                        | Date |

**PROPOSAL:** Variation of condition 1 of permission 12/02031/FLL (Modification of 07/01079/FUL - Demolition of buildings and erection of eight residential units, restaurant and public house) to extend the time period for the commencement of development

**LOCATION:** 10-12 South Methven Street Perth

**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.

**DATE OF SITE VISIT:** 28 January 2016

**SITE PHOTOGRAPHS**



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

A variation of condition 1 of permission 12/02031/FLL (Modification of 07/01079/FUL - Demolition of buildings and erection of eight residential units, restaurant and public house) is sought to extend the time period for the commencement of development.

This application relates to 10-12 South Methven Street, Perth. The site is located within the centre of Perth and fronts onto South Methven Street, between High Street and Mill Street. The category B listed, former Sharpe's Institute and its courtyard, lies immediately to the north and east. The two-storey Quality Café, which recently closed, lies immediately to the south. The site covers an area of 284 sq metres and comprises a traditional two-storey residential building at the rear and a three-storey traditional building with accommodation in the attic with a single storey, flat-roofed linking structure in between. The existing buildings accommodate the now vacant former Clachan public house on the ground floor and a total of 4 flats.

Full planning permission was first approved in 2007 for the demolition of the existing buildings and the erection of a new building to form 8 flats, restaurant and public house. Condition 1 was varied in 2013 that extended the permission until 31<sup>st</sup> January 2016. The applicant is now seeking a further variation to again extend the time for the implementation of the consent. The application was submitted prior to the expiry of the 2013 permission.

## **SITE HISTORY**

06/02739/FUL Demolition of existing buildings and erection of new building to form 8 flats, restaurant and public house 23 April 2007 Application Withdrawn

07/01079/FUL Demolition of existing buildings (residential and public house) and erection of a new building (eight residential units, restaurant and public house) 18 February 2008 Application Permitted

12/02031/FLL Modification of consent 07/01079/FUL - amend condition 1 (Demolition of existing buildings (residential and public house) and erection of a new building (eight residential units, restaurant and public house) 23 January 2013 Application Permitted

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 14/00580/PREAPP

## **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 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 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 adaptation.

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy PM2 - Design Statements**

Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

#### **Policy HE3A - Conservation Areas**

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 HE3B - Conservation Areas**

There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for demolition should be accompanied by a detailed application for the replacement development.

#### Policy RC2 - Perth City Centre Secondary Uses Area

Within the area identified, a mix of appropriate uses including shops (particularly small specialist shopping units), residential, offices, restaurants, pubs and clubs will be encouraged.

#### Policy EP2 - New Development and Flooding

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

#### Policy EP8 - Noise Pollution

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### OTHER POLICIES

Supplementary Guidance – Developer Contributions  
Perth Conservation Area Appraisal

### CONSULTATION RESPONSES

#### Community Waste Advisor - Environment Service

It is recommended that the developer incorporate a bin storage area into the plans. It is further recommended that the developer consult the Community Waste Team at the time of submitting more detailed plans to discuss the provision of waste and recycling bins so that appropriate storage is provided for residents and businesses.

#### Environmental Health

No objection subject to conditions.

#### Perth And Kinross Area Archaeologist

No comment. Previous archaeological condition would apply.

### REPRESENTATIONS

The following points were raised in the one representation received:

Concern that if the time to implement the planning permission is extended no action will be taken by the owner to demolish what is a dangerous building.



## **ADDITIONAL STATEMENTS RECEIVED:**

|   |              |
|---|--------------|
| Environment Statement   | Not Required |
| Screening Opinion   | Not Required |
| Environmental Impact Assessment                               | Not Required |
| Appropriate Assessment  | Not Required |
| Design Statement or Design and Access Statement               | Not Required |
| 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 2012 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 within the Perth Conservation Area and within an area designated as being for city centre secondary uses. This supports business uses as well as residential. The original permission was approved before the site was part of the Conservation Area although its setting in relation to listed buildings has not changed.

### **Design and Layout**

The proposal is for the demolition of the existing buildings and the erection of a new building to form 8 flats, a restaurant and public house. There have been no changes to the detail of the proposal.

The original scheme was prepared a number of years ago and there is some doubt as to whether this will be the scheme that is ultimately constructed on the site. There have been discussions with the landowners about the possibility of extending the site to include the adjacent Quality Café building. However the applicant wishes to keep this permission live. If the permission lapses an application for Conservation Area Consent would be required for the demolition.

It is unfortunate that three years has passed since the previous extension of time was granted and little progress has been made with implementing the permission. The building has further deteriorated. The applicant is in discussions with possible developers and has indicated that he does not require another three years to implement the consent. So that something is able to happen soon but to ensure that

works are not delayed I suggest that the time of the planning permission be extended for another twelve months until 31<sup>st</sup> March 2017. It would be a straightforward matter for the applicant to undertake works to commence development and I would be reluctant to agree to any further extension of time as part of the building is dangerous and requires imminent demolition. A representation expressing concern that if the time to implement the planning permission is extended no action will be taken by the owner to demolish what is a dangerous building. Whilst I would sympathise with this view I believe that a reasonable compromise is to extend the consent for a short time to try to stimulate work on the site. As the possibilities of a larger site being developed it is likely that a new planning permission would be required before any works start on site and that whether the existing consent is extended or not will, in reality, make little difference.

### **Landscape**

There have been no changes to the site proposals in terms of any landscaping proposed. There are trees in the adjacent site that would need to be protected during demolition. I intend to attach an informative note in relation to these.

### **Residential Amenity**

There have been no changes to the design of the scheme. The planning conditions include a number of conditions required to safeguard residential amenity. These would be repeated on any new permission. Environmental Health has commented and suggested similar conditions as previously. As the application is only for variation of condition 1 I do not intend to amend the conditions to fully reflect this recent consultation but am satisfied that the existing conditions are sufficient to safeguard residential amenity.

### **Visual Amenity**

This was previously considered and there have been no changes to the scheme.

### **Roads and Access**

The proposal does not include any parking provision due to its location within the city centre. Any new planning application on the site may be required to at least incorporate some cycle parking provision and would be assessed in terms of the current guidance in terms of the National Roads Development Guide.

### **Drainage and Flooding**

No issues have been identified with regard to drainage or flooding matters.

### **Developer Contributions**

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

## **Economic Impact**

The site is currently unsightly and has been unused for many years. Development would help improve the area and potentially have a positive economic impact.

## **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 to comply with the approved TAYplan 2012 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 approval subject to conditions.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Approve the application**

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

1 Consent is hereby granted until 31st March 2017.

Reason - In the interests of visual amenity and to ensure the development is carried out within a reasonable period of time.

2 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

3 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority.

Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason - The site lies within an area which is archaeologically sensitive.

4 A sample of all the external finishing materials shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The external finishing materials as approved shall be implemented prior to the occupation and or use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

5 All living and sleeping apartments facing north shall be fitted with high performance double glazing or secondary glazing likely to reduce internal noise levels to below 35dB(A), which is the night-time standard in PAN 56.

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

6 The soundproofing of the commercial units of the application premises and the control of all amplified sound generated therein (including music, speech, electronic video games or other amusement machines) shall be such that no amplified sound is audible within neighbouring residential properties (including those contained within the application premises).

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

7 The hours of operation of the external terraces associated with the public house and restaurant shall be restricted to 08:00 hrs - 22:00 hrs.

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

8 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

9 All plant or equipment including any ventilation system associated with operation of the commercial areas be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on an ISO rating curve chart.

Reason - To ensure the occupants of the proposed flats are not subject to noise disturbance from adjacent uses outwith the building or from the commercial elements of the proposal.

### **Justification**

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

### **Informatives**

- 1 The applicant should note that the Council would be unlikely to support any further request for an extension of time
- 2 The developer is advised to contact Ms Sarah Malone to discuss terms of reference for archaeological work required Tel 01738 477080.
- 3 It is recommended that the developer incorporate a bin storage area into the plans. It is further recommended that the developer consult the Community Waste Team to discuss the provision of waste and recycling bins so that appropriate storage is provided for residents and businesses.
- 4 The applicants are reminded of the duty imposed on them by Sections 4 and 5 and 7 to 8A of the Chronically Sick and Disabled Persons Act, 1970 requiring any person providing premises (including sanitary conveniences) which are to be open to the public to make provision, where reasonable and practicable, for the means of access and parking to be designed to meet the needs of disabled people, with appropriate signposting and indicating the availability of the facilities. Your attention is drawn specifically to the BSI Code of Practice on Access for the Disabled to Buildings 8BS5810:1979).
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 7 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.

- 8 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.
- 9 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development  
Readily visible to the public  
Printed on durable material.

- 10 There are trees on the adjacent site with root protection areas that may be affected by the proposed development. The developer should ensure that the works comply with BS 5837 2012: Trees in Relation to Design, Demolition and Construction in terms of tree retention and protection whilst construction works are ongoing.

### **Procedural Notes**

It should be noted that due to the condition of the building and its prominent location it would be unlikely that a request for any further extension of time would be supported.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

07/01079/FUL/1

07/01079/FUL/2

07/01079/FUL/3

07/01079/FUL/4

07/01079/FUL/5

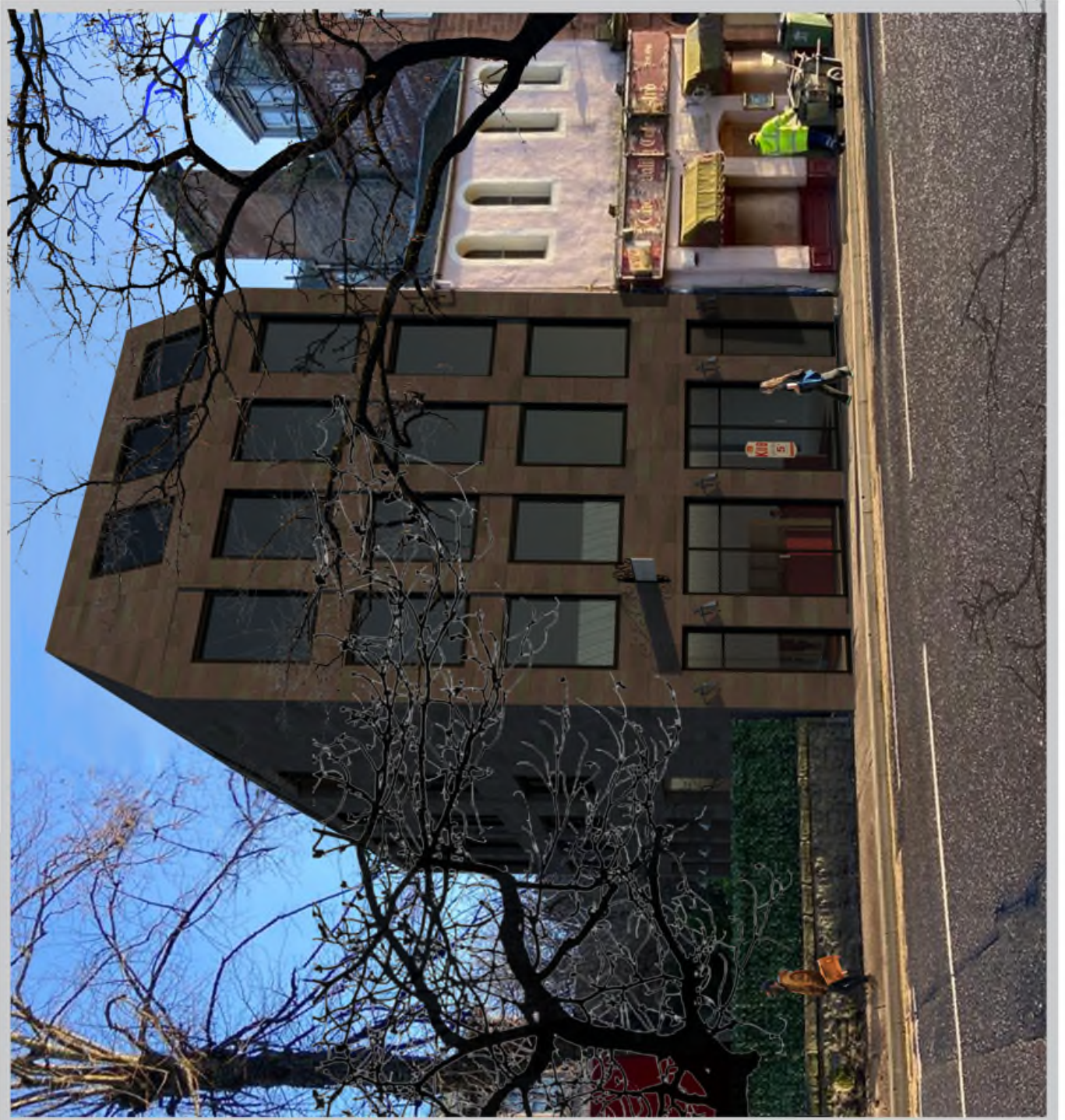
07/01079/FUL/6

07/01079/FUL/7

07/01079/FUL/8

16/00076/1

**Date of Report 17.03.2016**







**LRB-2022-34**

**22/00751/IPL – Erection of a hotel (in principle), 10-12 and  
14 South Methven Street, Perth, PH1 5PE**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(part included in applicant's submission, pages 21-60)*





Urban Plan Architecture Engineering Planning  
Consultants  
c/o Tariq Fayez  
382 DNS House  
Kenton Road  
Harrow  
Middlesex  
London  
HA3 8DP

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice :**13th June 2022**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **22/00751/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 10th May 2022 for permission for **Erection of a hotel (in principle) 10-12 And 14 South Methven Street Perth** for the reasons undernoted.

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposal is contrary to Perth and Kinross Local Development Plan 2019 Policy 28B: Conservation Areas, as the proposal requires the demolition of buildings which are considered to be of value and would therefore have an adverse impact on the historic character and appearance of the Conservation Area. Insufficient supporting information has been submitted to demonstrate the buildings are beyond practical repair at reasonable cost. Furthermore, no Conservation Area Consent application has been submitted which is required where a proposal seeks demolition of a building within a Conservation Area.

2. The proposal does not accord with the Scottish Planning Policy 2014 (paragraph 143) which indicates the importance of preserving and enhancing the character and appearance of a Conservation Area, and the presumption in favour of retaining any building that makes a positive contribution. The existing buildings are considered to make a positive contribution to the Conservation Area, and their demolition would not therefore preserve its character and appearance. Insufficient supporting information has been submitted to demonstrate the buildings are beyond practical repair at reasonable cost. Furthermore, no Conservation Area Consent application has been submitted which is required where a proposal seeks demolition of a building within a Conservation Area.
3. The proposal is contrary to Historic Environment Scotland's Guidance "Managing Change - Guidance on Conservation Areas" April 2019 and Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019 which states that a "positive attempt should always be made by the Planning Authority to achieve its retention, restoration and sympathetic conversion" and "in some cases, demolition may be thought appropriate.....if its structural condition rules out its retention at reasonable cost". Insufficient supporting information has been submitted to demonstrate the buildings are beyond practical repair at reasonable cost. Furthermore, no Conservation Area Consent application has been submitted which is required where a proposal seeks demolition of a building within a Conservation Area.
4. The proposal is contrary to Perth and Kinross Local Development Plan 2019 Policy 27A: Conservation Areas as the indicative plans which accompany the application fail to provide detailed information regarding the design, materials and form of the building to demonstrate that the building will respect the character and appearance of the Perth Conservation Area. The indicative plans which have been provided propose a building which is considered to be an overdevelopment of the site and which would have a detrimental impact on the character of the Conservation Area.
5. The proposal does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting. The setting of the adjacent listed buildings will not be preserved or enhanced by this proposal due to the inappropriate indicative design, scale and form of the proposed development.
6. The submitted indicative elevations show the retention of the adjacent building at 14 South Methven Street (Former Quality Cafe) however the Dangerous Buildings Notice which has been submitted in support of demolition requires the demolition of 14 South Methven Street as it states that it is not possible to demolish the buildings at 10-12 South Methven Street without significant damage to 14 South Methven Street. Insufficient information has been submitted to demonstrate how this could be achieved.

7. The proposal is contrary to Policy 41 of the Perth and Kinross Local Development Plan 2019 which seeks to ensure that wildlife and wildlife habitats will be protected. The building is potentially habitat to protected species and no ecology survey has been submitted to demonstrate any potential impact on protected species and how the impact will be appropriately mitigated.
8. The proposal is contrary to Policy 56: Noise Pollution of the Perth and Kinross Council Local Development Plan 2019 as there is potential for noise from the daily operations of the hotel, musical entertainment and from fixed plant which could disturb residential amenity. A Noise Impact Assessment (NIA) is required in order to demonstrate the extent of noise impact from the hotel and no NIA has been submitted.

### **Justification**

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

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

**Plan Reference**

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## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                        |                   |
|------------------------|------------------------|-------------------|
| Ref No                 | 22/00751/IPL           |                   |
| Ward No                | P12- Perth City Centre |                   |
| Due Determination Date | 9th July 2022          |                   |
| Draft Report Date      | 13th June 2022         |                   |
| Report Issued by       | JW                     | Date 13 June 2022 |

**PROPOSAL:** Erection of a hotel (in principle)

**LOCATION:** 10-12 And 14 South Methven Street 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.

#### SITE VISIT:

1st June 2021

#### SITE PHOTOGRAPHS







## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission in principle is sought for the erection of a hotel at 10-12 and 14 South Methven Street within the Conservation Area in central Perth. The proposal includes indicative plans indicating the erection of a 27-room hotel and includes a public house and restaurant. The public house, restaurant and kitchen will be located on the ground and basement floors with the bedrooms being located on the upper floors.

The site is located within the centre of Perth and fronts onto South Methven Street, between High Street and Mill Street. The category B listed, former Sharpe's Institute and its courtyard, lies immediately to the north and east. The site comprises a traditional two-storey residential building at the rear and a three-storey traditional building with accommodation in the attic with a single storey, flat-roofed linking structure in between. Part of the existing buildings accommodated the now vacant former Clachan public house on the ground floor and a total of 4 flats.

A set of indicative plans have been submitted which show a proposed hotel located at the northern end of the site. The elevational drawings provide limited information on the design, form and scale of the proposed development. The application site is bound by South Methven Street to the west, to the south by a category B listed building at 16 South Methven Street, to the east are the rear elevations of buildings which front onto High Street. To the north is an open car parking area for 6 and 8 South Methven Street which is also a category B listed building and is currently occupied by a public house.

It is understood that the existing buildings on site are buildings at risk and a Dangerous Buildings Notice has recently been served on the owners under the Buildings Scotland Act which requires the demolition of the buildings. It should be noted that this notice is served under the Buildings Scotland Act and therefore has no relevance to the consideration of this planning application.

No detailed supporting information has been submitted with the application to support demolition and no Conservation Area Consent application has been



submitted, which is a requirement where demolition within a Conservation Area is proposed.

Planning permission was previously granted on this site for the demolition of buildings and the erection of 8 residential units, restaurant and public house in 2007 (07/01079/FLL), extended in 2012 (12/02031/FLL) and then again in 2016 (16/00076/FLL). The most recent permission expired on 31st March 2017.

An application for a similar planning permission in principle application was refused in June 2021 (21/00618/IPL) due to the lack of justification for demolition of the existing buildings, impact on the setting of adjacent listed buildings, the lack of an ecological survey, lack of a noise impact assessment and the lack of a Flood Risk Assessment.

## **SITE HISTORY**

06/02739/FUL Demolition of existing buildings and erection of new building to form 8 flats, restaurant and public house 23 April 2007 Application Withdrawn

07/01079/FUL Demolition of existing buildings (residential and public house) and erection of a new building (eight residential units, restaurant and public house) 18 February 2008 Application Approved

12/02031/FLL Modification of consent 07/01079/FUL - amend condition 1 (Demolition of existing buildings (residential and public house) and erection of a new building (eight residential units, restaurant and public house) 23 January 2013 Application Approved

16/00076/FLL Variation of condition 1 of permission 12/02031/FLL (Modification of 07/01079/FUL - Demolition of buildings and erection of eight residential units, restaurant and public house) to extend the time period for the commencement of development 18 March 2016 Application Approved

21/00618/IPL Erection of a hotel (in principle) 2 July 2021 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **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 2 (2019).

## **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 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 11: Perth City Centre Secondary Uses Area

Policy 16: Social, Cultural and Communities Facilities

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

Policy 27A: Listed Buildings

Policy 28A: Conservation Areas: New Development

Policy 28B: Demolition within Conservation Areas

Policy 41: Biodiversity

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 56: Noise Pollution

Policy 57: Air Quality

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance**

## **CONSULTATION RESPONSES**

Transport Planning – no objection

Development Contributions Officer – condition recommended

Environmental Health (Noise Odour) – Noise Impact Assessment and Air Quality Screening required.

Structures And Flooding – no objection

Commercial Waste Team – waste bin storage facilities required to be accommodated in design

Conservation Team – lack of justification for demolition, impact on setting of listed buildings and character of Conservation Area

Bio Diversity Officer – no response within statutory period

## **EXTERNAL**

Scottish Water – no objection

Perth And Kinross Heritage Trust – condition recommended to ensure archaeological investigation and standing building survey

## **REPRESENTATIONS**

None received

## **ADDITIONAL STATEMENTS**

|  |   |
|--|---|
| Screening Opinion  | EIA Not Required                        |
| Environmental Impact Assessment (EIA):<br>Environmental Report   | Not Required                            |
| Appropriate Assessment   | Habitats Regulations AA Not<br>Required |
| Design Statement or Design and Access<br>Statement               | Submitted                               |
| Report on Impact or Potential Impact eg Flood<br>Risk Assessment | Supporting Statement                    |

## **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 and the adopted LDP2.

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.

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 application site is located within an area designated for City Centre (Secondary Uses) in the Perth and Kinross Council Local Development Plan 2019 (LDP2). Policy 11 applies which states that the Council will encourage a mix of appropriate uses including shops, residential, offices, cultural facilities. The proposal for a hotel use within the City Centre is considered to be acceptable in principle and meets the requirements of policy 11 of the LDP2.

Policy 28B seeks to ensure that new development preserves or enhances the character and appearance of the Conservation Area. Other relevant policies include 1A and B which relate to placemaking and require new development to respect its surroundings in terms of appearance, height and scale and respect existing building lines amongst other criteria. As the site is located within the centre of Perth, the principle of development is considered to be acceptable. The paragraphs below will provide an assessment of the relevant criteria above and associated LDP2 policies.

The site is within the city centre of Perth as identified in the LDP2. Policy 28B and paragraphs 143-144 of Scottish Planning Policy (SPP) 2014 state that there is a presumption against the demolition of buildings within a Conservation Area and in favour of retention and restoration and that any proposals for demolition should be accompanied by a detailed application for the replacement development. Whilst permission was previously granted for the demolition of 10-12 South Methven Street this permission has now expired.

Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019 is also a material consideration. This is a much more compact document in comparison with the previous Scottish Historic Environment Policy (SHEP 2016). HEPS contains wide ranging policies and guidance on managing the historic environment, including understanding the benefits of the historic environment and its

promotion. It also states that, should detrimental impact on the historic environment be unavoidable, steps should be taken to minimise the impact and demonstrate that alternatives have been explored.

HES have published separate guidance relating to Conservation Areas called "Managing Change - Guidance on Conservation Areas" dated 25 April 2019 where paragraphs 16-20 refer to demolition. Paragraph 17 requires Planning Authorities to take into account the importance of the building to the character and appearance of the Conservation Area and the proposals for future use of the cleared site. Paragraph 18 states that a "positive attempt should always be made by the Planning Authority to achieve its retention, restoration and sympathetic conversion to some other compatible use".

Paragraph 19 states that "in some cases, demolition may be thought appropriate.....if its structural condition rules out its retention at reasonable cost". It goes on to state that "where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building".

### **Cultural Heritage/Design and Layout**

This part of Perth is characterised by a mixture of building types. South Methven Street is characterised by three and four storey commercial and residential development. There are differing styles in the immediate area with some buildings relatively simple in their architectural style whereas nearby listed buildings are more decorative in their architectural style.

The site is on one of the busiest main routes in the city and its position next to the set back 6 and 8 South Methven Street increases the sensitivity of the site. The site is located within the Perth Conservation Area and adjacent to category B listed buildings. The proposal relates to the erection of a new build hotel, albeit the proposal is only in principle. A set of indicative elevations have been submitted and these are more detailed than the previous refusal. The proposals would suggest that the existing buildings are proposed for demolition, however, no application for Conservation Area Consent for the demolition of the existing buildings has been submitted. Policy 28B of the Perth and Kinross Council Local Development Plan 2019 is relevant in this instance and states that the Council will give careful consideration to the merits of a building and its contribution to the character and appearance of the Conservation Area. Where a building is considered to be of value, either by itself or as part of a group, there will be a presumption in favour of its retention, restoration for an appropriate use. The existing buildings are considered to be of merit and contribute to the street scene within this part of the Conservation Area, although it is appreciated that permission has previously been granted for the demolition of 10-12 South Methven Street but this has now expired. It is also noted that a Dangerous Buildings Notice has been served given the poor condition of the buildings and that this seeks for the buildings to be demolished. The applicant has submitted a copy of the Dangerous Buildings Notice as evidence to support the demolition of the buildings. The submission makes reference to a structural survey carried out by the Council which resulted in the preparation of the Dangerous Buildings Notice but this survey has not been submitted with the application.

Furthermore, an application for Conservation Area Consent has not been submitted to support demolition of the existing buildings on site as is required by policy and as was clearly indicated as a requirement as part of the recent refusal on this site. The approval of this planning application would require the demolition of the existing buildings and it has been established that the demolition has not been sufficiently justified in accordance with LDP2 policy 28B and Historic Environment Scotland (HES) guidance as the correct application type has not been submitted by the applicant to enable consideration of demolition. Whilst it is accepted that the buildings are in poor condition, it is the applicant's responsibility to submit sufficiently detailed supporting information and the correct application to justify demolition and this is not the case with this submission.

Policy 28A relates to new development and states that development within a Conservation Area must preserve and enhance the character and appearance of the Conservation Area. It goes on to state that applications for Planning Permission in Principle will not be considered acceptable without detailed plans, including elevations, which show the development in its setting. Policy 27A of the LDP2 relates to listed buildings and states that 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 buildings character, appearance and setting. In this instance a set of basic elevational drawings have been submitted although these are more detailed than those previously submitted. These indicate that the proposed building is to extend to 15.3m in height with "natural stone cladding" proposed on the elevations and on the roof. It is not clear how it would be possible to clad a sloping roof in natural stone. The elevation provides more detail on how the proposed building will sit within its setting and the adjacent listed buildings to the south. Whilst more detail has been provided the building is still of significant scale and the design and form of the elevations are considered to have a detrimental impact on the setting of the category B listed 6 and 8 South Methven Street given the open nature of the north elevation and the fact that the elevation will front onto the car park located adjacent to the listed building. The indicative proposal is therefore considered to be an overdevelopment of the site, detrimentally impacting upon the character of the Conservation Area, contrary to policy 28A of the LDP2.

The elevations also show the retention of the adjacent building at 14 South Methven Street (Quality Cafe) but it is understood that the two buildings are interlinked and it would not be possible to demolish 10-12 South Methven Street without significant damage to 14 South Methven Street. Ultimately the plans are indicative only and are not of sufficient detail to enable a proper assessment of the impact which the development would have on adjacent listed buildings and the wider character of the Conservation Area. The Dangerous Buildings Notice requires the demolition of 14 South Methven Street but this is still shown on the indicative plans. It has not been demonstrated in the submission how this could be achieved and therefore there are inconsistencies in the submission which require to be addressed.

While it is accepted that both buildings are in poor condition and there is potential for redevelopment of the site, the information submitted is insufficient to assess the current proposal.

The lack of sufficiently detailed information regarding the design, materials and form of the building and the information provided in the indicative plans suggest that the proposed building would be of detriment to the setting of the listed buildings to the north and south of the site, together with impacting detrimentally on the character and appearance of the Perth Conservation Area, contrary to policies 27A and 28A of the LDP2. Should the developer wish to proceed with a proposal on this site, a detailed planning application should be made with appropriate supporting information. A Conservation Area Consent application, with detailed justification for the demolition of the existing buildings on site, including a structural survey would also be required so both applications can be considered concurrently as required by policy. The Conservation Area Consent application also requires to explain how the buildings on the application site can be demolished whilst retaining 14 South Methven Street if that is the intention or alternatively should propose demolition for the entire site. These requirements were identified in the Report of Handling for the previous application but the advice has not been taken by the applicant.

### **Residential Amenity/Noise**

The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. There is the potential for noise from the daily operations of the hotel, musical entertainment and from fixed plant noise e.g., air conditioning units, kitchen extraction systems and refrigeration units which could disturb residential amenity. There is reference to noise generation in the submission. The applicant's supporting statement makes reference to a proposal for residential apartments and outlines conditions which were applied to previous approvals on the site. The previous permissions on the site principally involved the erection of residential flats which is not proposed as part of this application. The proposal now involves a hotel which has very different noise generation characteristics which require to be considered through an NIA as indicated in the previous refusal. The applicant needs to submit a noise impact assessment as required by Policy 56 of the LDP2. This was identified as a requirement during assessment of the previous refusal. As no Noise Impact Assessment has been submitted the proposal is contrary to Policy 56 of the LDP2.

### **Bio Diversity**

The existing buildings may be habitat to protected species and the new development will require the demolition of the existing buildings which could potentially destroy habitat. Policy 41 states that the Council will seek to protect and enhance all wildlife habitats. Given that the buildings have been out of use for some time it is likely that they will be habitat to protected species and a survey is required in order to demonstrate the extent of impact and propose mitigation. It is accepted that this may not be possible given the structural condition of the building. However, as no survey has been submitted and no justification for not preparing a survey has been submitted the proposal is contrary to Policy 41 of the LDP2. The applicant makes reference to the previous applications on this site not requiring an ecology survey but this in itself is not sufficient justification to depart from policy.

## **Air Quality**

The development is within Perth's Air Quality Management area and there is no indication with regards to parking and as such the applicant needs to submit an air quality screening assessment in line with Perth and Kinross Councils Air Quality and Planning Supplementary Guidance (2020) to determine if a detailed Air quality impact Assessment is required. Given the recommendation of refusal, this information has not been requested.

## **Traffic and Parking**

As no detailed information on the size of the hotel and number of bedrooms has been submitted it is not possible to ascertain the level of car parking required for the site and this can only be determined should a full application be submitted. Transport Planning have been consulted and offered no objection subject to conditions. Policy 60B of the LDP2 and the National Roads Development Guide are relevant in considering detailed access arrangements and parking for the site.

Perth and Kinross Structures have indicated that the basement level of the proposed building appears to extend towards the public road and that due to the proximity to the public road, loading requires to be considered for the building. Technical approval during construction is also likely to be required. As the plans are indicative and the recommendation is for refusal there is no intention to investigate this matter further at this point.

## **Archaeology**

The site is archaeologically sensitive as it is located within the historic core of the medieval burgh of Perth. Perth and Kinross Heritage Trust (PKHT) have been consulted and recommended a condition to ensure a detailed archaeological investigation is undertaken, together with a standing building survey to meet the requirements of SPP and Policy 26B of the LDP2.

## **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 application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning permission in principle be granted.

## **Waste Collection**

As the application is principle it is not possible to consider the detailed waste collection requirements for the hotel. A properly thought out waste/bin storage area will require to be integrated into the design of the hotel and this should be fully addressed within any detailed application.



## **Flood Risk and Drainage**

The location of the proposed development is graded at low risk of river flooding and hotels are classed as a Highly Vulnerable Use. The previous application was refused given the lack of a Flood Risk Assessment (FRA). PKC Structures and Flooding have been re-consulted and have indicated that an FRA is no longer required.

## **Economic Impact**

Whilst there is likely to be some economic benefit with the introduction of a hotel on this site, this is not considered to outweigh the various planning policy issues associated with the proposal as submitted.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

There have been no variations to the application.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

### **Reasons for Refusal**

The proposal is contrary to Perth and Kinross Local Development Plan 2019 Policy 28B: Conservation Areas, as the proposal requires the demolition of buildings which are considered to be of value and would therefore have an adverse impact on the historic character and appearance of the Conservation Area. Insufficient supporting information has been submitted to demonstrate the buildings are beyond practical repair at reasonable cost. Furthermore, no Conservation Area Consent application has been submitted which is required where a proposal seeks demolition of a building within a Conservation Area.

The proposal does not accord with the Scottish Planning Policy 2014 (paragraph 143) which indicates the importance of preserving and enhancing the character and appearance of a Conservation Area, and the presumption in favour of retaining any

building that makes a positive contribution. The existing buildings are considered to make a positive contribution to the Conservation Area, and their demolition would not therefore preserve its character and appearance. Insufficient supporting information has been submitted to demonstrate the buildings are beyond practical repair at reasonable cost. Furthermore, no Conservation Area Consent application has been submitted which is required where a proposal seeks demolition of a building within a Conservation Area.

The proposal is contrary to Historic Environment Scotland's Guidance "Managing Change - Guidance on Conservation Areas" April 2019 and Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019 which states that a "positive attempt should always be made by the Planning Authority to achieve its retention, restoration and sympathetic conversion" and "in some cases, demolition may be thought appropriate.....if its structural condition rules out its retention at reasonable cost". Insufficient supporting information has been submitted to demonstrate the buildings are beyond practical repair at reasonable cost. Furthermore, no Conservation Area Consent application has been submitted which is required where a proposal seeks demolition of a building within a Conservation Area.

The proposal is contrary to Perth and Kinross Local Development Plan 2019 Policy 27A: Conservation Areas as the indicative plans which accompany the application fail to provide detailed information regarding the design, materials and form of the building to demonstrate that the building will respect the character and appearance of the Perth Conservation Area. The indicative plans which have been provided propose a building which is considered to be an overdevelopment of the site and which would have a detrimental impact on the character of the Conservation Area.

The proposal does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting. The setting of the adjacent listed buildings will not be preserved or enhanced by this proposal due to the inappropriate indicative design, scale and form of the proposed development.

The submitted indicative elevations show the retention of the adjacent building at 14 South Methven Street (Former Quality Cafe) however the Dangerous Buildings Notice which has been submitted in support of demolition requires the demolition of 14 South Methven Street as it states that it is not possible to demolish the buildings at 10-12 South Methven Street without significant damage to 14 South Methven Street. Insufficient information has been submitted to demonstrate how this could be achieved.

The proposal is contrary to Policy 41 of the Perth and Kinross Local Development Plan 2019 which seeks to ensure that wildlife and wildlife habitats will be protected. The building is potentially habitat to protected species and no ecology survey has been submitted to demonstrate any potential impact on protected species and how the impact will be appropriately mitigated.

The proposal is contrary to Policy 56: Noise Pollution of the Perth and Kinross Council Local Development Plan 2019 as there is potential for noise from the daily operations of the hotel, musical entertainment and from fixed plant which could disturb residential amenity. A Noise Impact Assessment (NIA) is required in order to demonstrate the extent of noise impact from the hotel and no NIA has been submitted.

### **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**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

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LAND REGISTER  
OF SCOTLAND

Officer's ID / Date

3135  
8/8/2018

TITLE NUMBER

**PTH21315**



ORDNANCE SURVEY  
NATIONAL GRID REFERENCE

70m

NO1123NW NO1123NE

Survey Scale

1/1250

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**TITLE NUMBER** PTH21315

**A 1**

**A. PROPERTY SECTION**

**DATE OF FIRST REGISTRATION**

19 MAR 2004

**DATE TITLE SHEET UPDATED TO**

18 JUN 2020

**REAL RIGHT**

OWNERSHIP

**DESCRIPTION**

Subjects within the land edged red on the Title Plan being the flat situated on the first floor above the ground floor at 12 SOUTH METHVEN STREET, PERTH PH1 5PE of the Tenement 10 and 12 South Methven Street. Together with (One) a joint right in common with the proprietors of that part of the public house premises situated on the ground floor immediately beneath the subjects in this Title (which part of the said public house premises is hereinafter referred to as "the Rear of the Public House" and the Rear of the Public House and the subjects hereby disposed are together hereinafter called "the Rear Building") to (a) the solum on which the Rear Building is erected and (b) the roof, chimneyhead and chimney vents, gable walls, internal walls and partitions, sewers, drain, soil, waste and ventilating pipes, rain water conductors, rhones, electricity cables and wiring, water and gas service pipes and all fitments and others in so far as the same are common or mutual to the Rear Building with access to and egress from the rear of the Public House on all necessary occasions for the purpose of cleaning vents, repairs and renewals and for all other necessary purposes, subject to making good any damage occasioned by such operations and subject to a reciprocal right of access in favour of the proprietors of the Rear of the Public House to and from the subjects in this Title for similar purposes, (Two) a joint right in common with the proprietors of the remainder of the said tenement buildings to the common entrance or close giving access to the subjects in this Title and to the two flats situated on the first and upper floors of the Front Building and with free ish and entry to the dwellinghouse in this Title by said common entrance or close and (Three) a right in common with the proprietor



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TITLE NUMBER PTH21315

A 2

**A. PROPERTY SECTION**

of the dwellinghouse comprising the first floor above the ground floor of the Front Building to use exclusively for the purpose of drying clothes and for no other purpose whatever that platt covering part of the roof of the said public house premises, lying said platt to the north of and entered by the outside stairs leading from the common passage to the subjects in this Title.



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TITLE NUMBER PTH21315

B 1

**B. PROPRIETORSHIP SECTION**

**ENTRY PROPRIETOR**

**NO**

|   |  |  |   |
|---|--|--|---|
| 1 | URBAN PLAN DEVELOPMENTS LTD<br>a Company incorporated under<br>the Companies Acts, (Company<br>Number 11962444), and having<br>its Registered Office at<br>Dms House, 382 Kenton Road,<br>Harrow, HA3 8DP. | <b>DATE OF<br/>REGISTRATION</b><br>18 JUN 2020 | <b>CONSIDERATION</b><br>£69,000.00<br><br><b>DATE OF ENTRY</b><br>16 JUN 2020 |
|---|--|--|---|





# LAND REGISTER OF SCOTLAND



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**TITLE NUMBER** PTH21315

**C 1**

**C. SECURITIES SECTION**

**ENTRY  
NO**

**SPECIFICATION**

**DATE OF  
REGISTRATION**

No Entry



D. BURDENS SECTION

ENTRY  
NO

SPECIFICATION

- 1 Disposition by Bass Holdings Limited to Abdul Hak Ismail Darwish and his executors and assignees, recorded G.R.S. (Perth) 18 Dec. 1992, of the subjects in this Title, contains the following burdens:

(First)

The burden of payment of a one-third share of the expense of upholding, maintaining and, when necessary, renewing the common entrance or close, it being declared that we and our successors as proprietors of the part of the public house premises situated within the Front Building shall be responsible for payment of a one-third share of the expense of upholding, maintaining and, when necessary, renewing the roof, chimneys and chimneyheads, rhones, conductors, drains, water and gas pipes and electricity cables and the gable walls and division walls and partitions of the Front Building and all fitments and others in so far as the same are common and mutual to the Front Building; and

(Second)

A one-half share of the expense of upholding, maintaining and, when necessary, renewing the roof, chimneys and chimneyheads, rhones, conductors, drains, water and gas pipes and electricity cables and the gable walls and division walls and partitions of the Rear Building under declaration that we and our successors as proprietors of the Rear of the Public House shall be responsible for the remaining one-half share of such costs.

**LRB-2022-34**

**22/00751/IPL – Erection of a hotel (in principle), 10-12 and  
14 South Methven Street, Perth, PH1 5PE**

## **REPRESENTATIONS**



## Comments to the Development Quality Manager on a Planning Application

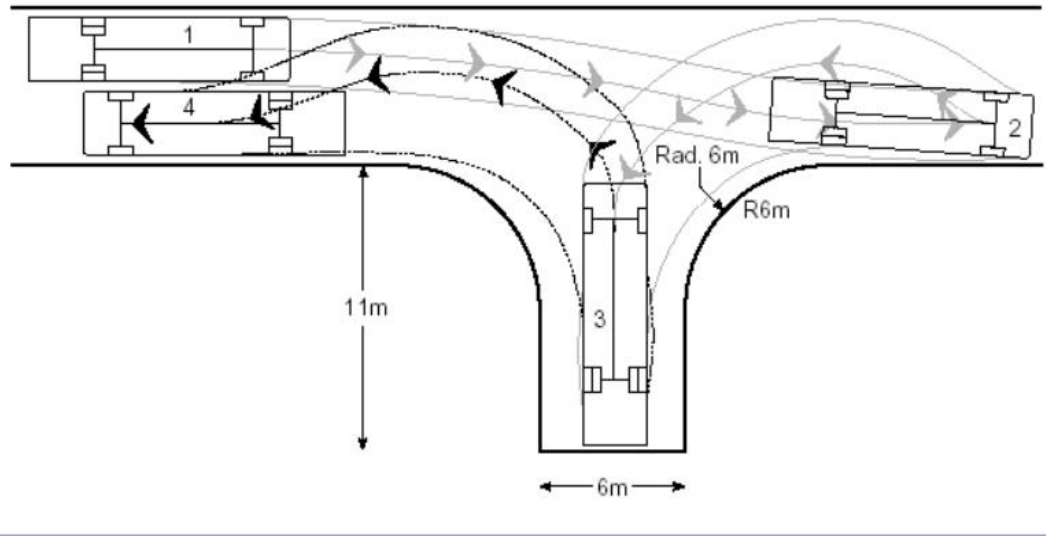
| <b>Planning Application ref.</b>         | 22/00751/IPL  | <b>Comments provided by</b> | Robert Amponfi |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
|--|---|-----------------------------|----------------|----------------|--|--|--|----------|-----------|-----------|------------|------|-----|-----|------|------|-----|-----|------|------|-----|-----|------|-------|------|-----|------|------|------|-----|
| <b>Service/Section</b>                   | Commercial Waste Team – Waste Services  | <b>Contact Details</b>      | [REDACTED]     |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
| <b>Description of Proposal</b>           | Erection of a hotel (in principle)  |                             |                |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
|  | Address of site<br>10-12 And 14 South Methven Street Perth  |                             |                |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
|  | <p>Comments on the proposal</p> <p>There is no provision for waste in this planning application. We would recommend that there is a central storage area for waste collection. I would therefore recommend that the proposed bin store is of sufficient size to accommodate the following:</p> <ul style="list-style-type: none"> <li>• 2 x 1280L containers for general waste</li> <li>• 2 x 1280L container for cans &amp; plastics waste</li> <li>• 2 x 1280L container for paper &amp; cardboard waste</li> <li>• 3 x 240L bins for Glass waste</li> <li>• 2 x 140L bins for Food Waste</li> </ul> <p>Dimensions are;</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="4">Bin Dimensions</th> </tr> <tr> <th>Bin Size</th> <th>Width(mm)</th> <th>Depth(mm)</th> <th>Height(mm)</th> </tr> </thead> <tbody> <tr> <td>140L</td> <td>480</td> <td>544</td> <td>1060</td> </tr> <tr> <td>240L</td> <td>600</td> <td>880</td> <td>1090</td> </tr> <tr> <td>360L</td> <td>585</td> <td>740</td> <td>1070</td> </tr> <tr> <td>1100L</td> <td>1250</td> <td>980</td> <td>1370</td> </tr> <tr> <td>1280</td> <td>1260</td> <td>985</td> <td>1430</td> </tr> </tbody> </table> |                             |                | Bin Dimensions |  |  |  | Bin Size | Width(mm) | Depth(mm) | Height(mm) | 140L | 480 | 544 | 1060 | 240L | 600 | 880 | 1090 | 360L | 585 | 740 | 1070 | 1100L | 1250 | 980 | 1370 | 1280 | 1260 | 985 |
| Bin Dimensions                           |   |                             |                |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
| Bin Size                                 | Width(mm)   | Depth(mm)                   | Height(mm)     |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
| 140L                                     | 480   | 544                         | 1060           |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
| 240L                                     | 600   | 880                         | 1090           |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
| 360L                                     | 585   | 740                         | 1070           |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
| 1100L                                    | 1250  | 980                         | 1370           |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
| 1280                                     | 1260  | 985                         | 1430           |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |
| <b>Recommended planning condition(s)</b> | <p>Waste must be contained, and the collection point must be provided.</p> <p>We would expect that the waste will be collected on site and therefore road specifications need to allow access for RCVs. Specifications are as follows:</p> <ul style="list-style-type: none"> <li>• Surfaces: The refuse collection operative must have clear access to the bin storage area and where possible the surfaces must be a paved or hard finished, which must be smooth, where possible, without steps or kerbs with a minimum width of 1.5 metres and clear headroom of 2 metres.</li> <li>• Working Area Dimensions; Where a refuse vehicle is required to drive onto a site or to work under any structure there should be a minimum height clearance of 4.5 metres, with a minimum working area of 3.5 metres width by 4 metres length where the emptying of the containers will take place.</li> <li>• The lengths of refuse collection vehicles vary between 10 to 12 metres, with a width of 2.54 metres (width of mirrors extra) the working length should take</li> </ul>  |                             |                |                |  |  |  |          |           |           |            |      |     |     |      |      |     |     |      |      |     |     |      |       |      |     |      |      |      |     |

account of the size of the container, making the length of the vehicle with the container in emptying position one metre longer. A further 3 metres is required for operatives to stand clear of the bin whilst being lifted, therefore a minimum of 16 metres is required.

- The emptying position that the vehicle manoeuvres to and operates from should be relatively level and flat for the entire length of vehicle and container. Any slopes or gradients (other than those necessary for surface water drainage) should be avoided
- Access Roads; Loading: All vehicle access roads that the refuse collection vehicles will be required to use must be constructed to withstand a gross vehicle weight of 32 tonnes and axle loading of 11.5 tonnes. Manhole covers, gratings etc. situated in the road must also be capable of withstanding the loads indicated.
- Look towards a minimum of 4 metres in width and the layout should permit the vehicle to travel in a forward direction. The turning circle for refuse collection vehicles is approximately 24 metres. See FTA diagram
- Refuse collection vehicles should not be expected to reverse over any great distances to or from the collection point. Attention is drawn to the Health and Safety Executive publication Workplace Transport Safety Guidance for Employers. Page 32 - examples of safe working practices – states in paragraph 129:
- Nearly a quarter of all deaths involving vehicles at work occur while vehicles are reversing. Many other reversing accidents do not result in injury but cause costly damage to vehicles, equipment and premises.
- Paragraph 130 continues:  
The most effective way of dealing with the risk of reversing accidents is to remove the need for reversing altogether.

Therefore, roads with inadequate width or turning facilities that would be inaccessible to collection vehicles should have designated collection points on or near a nearby public highway.

**FTA Large rigid design vehicle  
Side road stub**



**Recommended  
informative(s)  
for applicant**

If the applicant has different types of waste or expects different quantities than mentioned above information on services available can be obtained from [www.pkc.gov.uk/commercial](http://www.pkc.gov.uk/commercial).

**Date comments  
returned**

18/05/2022





## Comments to the Development Quality Manager on a Planning Application

|   |  |                             |               |
|---|--|-----------------------------|---------------|
| <b>Planning Application ref.</b>                | 22/00751/IPL   | <b>Comments provided by</b> | Diane Barbary |
| <b>Service/Section</b>                          | Conservation   | <b>Contact Details</b>      | [REDACTED]    |
| <b>Description of Proposal</b>                  | Erection of a hotel (in principle)   |                             |               |
| <b>Address of site</b>                          | 10-12 and 14 South Methven Street, Perth   |                             |               |
| <b>Comments on the proposal</b>                 | <p>10-12 and 14 South Methven Street are traditional, unlisted buildings in the Perth Central Conservation Area.</p> <p>The site is within the setting of the category B listed former Sharp's Institute to the east, and the corner tenements to the south at 16-18 and 31 South Methven Street, both also category B listed.</p> <p>I note that the current Dangerous Buildings Notice (DBN) has been submitted in support of the application, although no other supporting evidence has been provided for the proposed demolition, and no conservation area consent application has been submitted. The DBN requires demolition of the former Quality Café, but this is still shown on the indicative proposed plans. It is unlikely that no. 10-12 could be demolished without significant damage to the adjoining building.</p> <p>Although some detail has been provided in terms of plans/ elevations, this is indicative only. In addition to the requirement to preserve or enhance the conservation area, any proposal on this site would need to fully assess the potential visual and physical impact of the development on neighbouring listed buildings, particularly 16-18 South Methven Street.</p> <p>Provision should also be made for archaeological standing building recording.</p> <p>While it is accepted that both buildings are in poor condition and there is potential for redevelopment of the site, the information submitted is insufficient to assess the current proposal.</p> |                             |               |
| <b>Recommended planning condition(s)</b>        |  |                             |               |
| <b>Recommended informative(s) for applicant</b> |  |                             |               |

|                               |            |
|-------------------------------|------------|
|                               |            |
| <b>Date comments returned</b> | 25/05/2022 |

Wednesday, 25 May 2022



Local Planner  
Planning and Development  
Perth and Kinross Council  
Perth  
PH1 5GD

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**10-12 And 14 South Methven Street, , Perth, PH1 5PE**  
**Planning Ref: 21/00618/IPL**  
**Our Ref: DSCAS-0065546-XNJ**  
**Proposal: | Erection of a hotel (in principle) | 10-12 And 14 South Methven Street Perth**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

### **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Perth Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### **Waste Water Capacity Assessment**

- ▶ There is currently sufficient capacity for a foul only connection in the Perth City Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

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## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.



- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
  - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
  - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?".

Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Ruth Kerr**

Development Operations Analyst

Tel: 0800 389 0379

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

## Comments to the Development Quality Manager on a Planning Application

|   |   |                             |                 |
|---|---|-----------------------------|-----------------|
| <b>Planning Application ref.</b>                | 22/00751/IPL  | <b>Comments provided by</b> | Charlie Haggart |
| <b>Service/Section</b>                          | HE/Flooding   | <b>Contact Details</b>      | [REDACTED]      |
| <b>Description of Proposal</b>                  | Erection of a hotel (in principle)  |                             |                 |
| <b>Address of site</b>                          | 10-12 And 14 South Methven Street, Perth  |                             |                 |
| <b>Comments on the proposal</b>                 | No objections.  |                             |                 |
| <b>Recommended planning condition(s)</b>        | N/A   |                             |                 |
| <b>Recommended informative(s) for applicant</b> | The applicant is advised to refer to Perth & Kinross Council's <a href="#">Supplementary guidance on Flood Risk and Flood Risk Assessments 2021</a> as it contains advice relevant to your development. |                             |                 |
| <b>Date comments returned</b>                   | 30/05/2022  |                             |                 |





### Comments to the Development Quality Manager on a Planning Application

|   |  |                             |   |
|---|--|-----------------------------|---|
| <b>Planning Application ref.</b>                | 22/00751/IPL   | <b>Comments provided by</b> | Lucy Sumner   |
| <b>Service/Section</b>                          | Strategy & Policy  | <b>Contact Details</b>      | <b>Development Contributions Officer:</b><br>Lucy Sumner<br>Email: [REDACTED] |
| <b>Description of Proposal</b>                  | Erection of a hotel (in principle)   |                             |   |
| <b>Address of site</b>                          | 10-12 And 14 South Methven Street Perth  |                             |   |
| <b>Comments on the proposal</b>                 | <p><b>Transport Infrastructure</b></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 application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>   |                             |   |
| <b>Recommended planning condition(s)</b>        | <p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to transport infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p> |                             |   |
| <b>Recommended informative(s) for applicant</b> | N/A  |                             |   |
| <b>Date comments returned</b>                   | 02 June 2022   |                             |   |



### Comments to the Development Quality Manager on a Planning Application

|   |   |                             |                                     |
|---|---|-----------------------------|-------------------------------------|
| <b>Planning Application ref.</b>                | 22/00751/IPL  | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                          | Transport Planning  | <b>Contact Details</b>      |                                     |
| <b>Description of Proposal</b>                  | Erection of a hotel (in principle)  |                             |                                     |
| <b>Address of site</b>                          | 10-12 And 14 South Methven Street<br>Perth  |                             |                                     |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned, I have no objection to this proposal on the following condition.  |                             |                                     |
| <b>Recommended planning condition(s)</b>        | The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority. All matters regarding: access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority. |                             |                                     |
| <b>Recommended informative(s) for applicant</b> |   |                             |                                     |
| <b>Date comments returned</b>                   | 02 June 2022  |                             |                                     |



# Memorandum

To Development Management & Building  
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00751/IPL

Our ref DAT

Date 07 June 2022

Tel No 

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission**

**22/00751/IPL RE: Erection of a hotel (in principle) 10-12 And 14 South Methven Street Perth**

I refer to your letter dated 17 May 2022 in connection with the above application and have the following comments to make.

## **Environmental Health Recommendation**

**I have no objections to the application but recommend the undernoted conditions be included in any given consent.**

## **Comments**

The applicant is proposing the erection of a 27-room hotel on a currently derelict site and includes a public house and restaurant. The public house, restaurant and kitchen will be located on the ground and basement floors with the bedrooms being located on the upper four floors. As this is an in-principle application details of associated plant equipment and ventilation/extraction systems have not been included.

## **Noise**

Given the proximity to neighbouring residential properties there is the potential for noise from the development to impact on residential amenity. The applicant has noted that the conditions applied to a previous consent for restaurant, public house and 8 residential units (07/01079/FUL and 12/02031/FLL) will be adhered to and therefore at full planning stage I would request a noise impact assessment be submitted to this Service and include all noise sources associated with the development.

## **Odour**

As the application includes the provision of kitchen facilities, at full planning stage details on the type of extraction system will be required to be submitted.

Therefore, whilst I have no objections to the application, I would recommend the following conditions be attached to any given consent.

## **Conditions**

- EH21** Prior to the commencement of the development hereby approved, details of an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be submitted for the written agreement of the Council as Planning Authority. Prior to the development being completed or brought into use, the approved system shall be installed and operated within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings. Thereafter the system shall be maintained.
- At the detailed planning stage, noise shall be assessed to ensure that a suitable level of residential amenity at neighbouring properties can be achieved. A Noise Impact Assessment shall be required to be submitted.







|        |  |
|--------|--|
| To:    | John Williamson, Planning Officer          |
| From:  | Sophie Nicol, Historic Environment Manager |
| Tel:   | 01738 477027                               |
| Email: | Sophie.Nicol@pkht.org.uk                   |
| Date:  | 9 <sup>th</sup> June 2022                  |

## 22/00751/IPL | Erection of a hotel (in principle) | 10-12 And 14 South Methven Street Perth

Thank you for consulting PKHT on the above application. In line with our response to the previous application 21/00618/IPL this site is archaeologically sensitive as is located within the historic core of the medieval burgh. Perth's medieval archaeology is known to be well preserved underneath the current streetscape and approximately 10m to the SE of the proposed development site wattle structures and midden deposits containing bone and pottery have been recorded. Similar deposits may survive within the development area. For example, recent archaeological work in advance of the redevelopment of the Red Rooms at Perth Theatre (19 Mill Street) have revealed the remains of a stone-built, medieval building surviving directly beneath a 19<sup>th</sup> century building.

In addition, the development proposal appears to include the demolition of several historic buildings, including 10-12 and 14 South Methven Street, as well as buildings to the rear that likely pre-date the 1<sup>st</sup> Edition OS of the area. Rutherford's map of 1820 shows some of the buildings already in existence. PKHT believes that wherever possible historic buildings should be retained and re-used to preserve the character of the historic streetscape and Conservation Area. As noted in Scottish Planning Policy (paragraph 137) sensitive re-development that protects the special characteristics of historic buildings can positively contribute to a sense of place. We would strongly suggest that the removal of historic buildings in a key part of town is detrimental to the character of Perth and they should be retained wherever possible. However, we note that this application includes a dangerous building notice and that structural engineers have deemed the buildings unsafe therefore the fate of these buildings may have already been decided.

Therefore, should this application be approved there is the potential for the development to impact upon significant archaeological remains and, as such, a programme of archaeological work is required to a) assess the impact of the development and b) mitigate this impact either through the preservation of deposits in situ through modification of the building's design or by record, through archaeological excavation. This methodology should be agreed with PKHT via a Written Scheme of Investigation prior to site works.

There is also a requirement to ensure the historic buildings are thoroughly recorded in advance of all site work. We would recommend that a standing building survey is undertaken prior to development, the specification of this should be agreed in advance with PKHT. Given the state of the building we understand this will be limited but archive resources can be utilised to augment the record.

### **Recommendation:**

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following conditions for a programme of archaeological works and standing building survey be attached to consent, if granted:

**HE25** *Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.*

*And*

**HE26** *Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.*

Notes:

- 1. Should consent be given, it is important that the developer, or their agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.