

Perth and Kinross Council
Development Control Committee – 7 July 2010
Report of Handling by Development Quality Manager

**Change of use of Open Space to Car Park at Land
at School Park, Kettins, PH13 9JN**

Ref No: 10/00625/FLL
Ward No: N2 - Strathmore

Summary

This report recommends approval of the application for a change of use from open space to a car park. This change of use has been designed in accordance with the guidance contained within the Eastern Area Local Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site relates to an area of land to the rear of Kettins Primary School, within the Kettins settlement envelope. The site, which is on a gradual gradient, currently occupies a central location within a residential area and is bounded by residential properties on all sides. The site is not zoned for any particular purpose. This is a re-submission of a previous application that was withdrawn.
- 2 The proposal is for a change of use from open space to a car park with the total area of the site extending to 962 square metres. The proposal involves the provision of six tarmaced car parking spaces, to be in one line, close to and parallel to the southern boundary of the site. The number of car parking spaces has been reduced from ten in the previous application. The site is bounded by an existing timber fence to the north, west and eastern boundaries, with a new timber fence proposed for the southern boundary, to adjoin the existing fence, enabling the entirety of the site to be enclosed. The proposal also entails the formation of a new tarmaced vehicular access into and out of the site serving the spaces. The proposed parking spaces would be aimed at serving the surrounding residential properties.

NATIONAL PLANNING POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, The Scottish Planning Policy (SPP), and Planning Advice Notes (PAN), which are practice statements.
- 5 There are no National policies applicable to this application.

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Eastern Area Local Plan 1998.

Perth and Kinross Structure Plan 2003

- 7 Due to the scale of the development there are no relevant Structure Plan policies.

Eastern Area Local Plan 1998

- 8 Under the Local Plan the site lies within the defined boundary for Kettins.
- 9 The principal relevant policies are in summary:

Policy 71 (Village Uses)

- 10 10 Inset maps E to Y indicate villages and small settlements where residential amenity and village character will be retained and if possible, improved. Some scope may exist for infill development but only where this will not adversely affect the density, character or amenity of the village. Proposals which erode areas of public or private open space will be resisted.

Eastern Area Local Plan Strategy and Draft Plan, July 2005

- 11 The Council's Enterprise and Infrastructure Committee, at their meeting on 30 January 2008, took the decision not to progress the draft plan to a Finalised Stage. Given this was a draft document which did not reach an advanced stage I cannot give this any significant material weight in the determination of this application.

OTHER POLICIES

- 12 There are no other policies applicable to this application.

SITE HISTORY

- 13 Previous application, (09/01654FLL), was withdrawn following objections raised by residents. This proposed ten car spaces.

CONSULTATIONS

- 14 Perth and Kinross Heritage Trust (PKHT). In their comments, PKHT identified the site as having archaeological potential given its situation within the village of Kettins. As archaeological remains may be present it is recommended that an archaeological condition is attached to the consent.

REPRESENTATIONS

- 15 There have been no letters of representation, lodged in respect of the proposals.

16 ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Not required

APPRAISAL

Policy

- 17 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues are therefore: (1) Whether the proposal is in accordance with the relevant provisions of the Development Plan; and, (2) Whether an exception to those provisions is justified by other material considerations.
- 18 In terms of the Development Plan, the key policies are contained in the adopted Local Plan, the Eastern Area Local Plan 1998. The key consideration of this application is ultimately whether or not the proposal accords with the aims of Policy 71, which seeks to ensure that new developments do not detract from the character, amenity and density of the existing area. For reasons stated elsewhere in the report, I consider the proposal subject to appropriate conditions, to be in accordance with this policy and the Development Plan.
- 19 In respect of Policy 71, the issues to be addressed are therefore, Whether or not the application is in keeping with the character and amenity of the existing properties; and, does the proposed change of use adversely impact on neighbouring adjacent properties.

Residential Amenity

- 20 The development site is surrounded by residential use on all four sides. The nearest property, No. 8 School Park, is located two metres south-east from the site boundary, and 7.8 metres away from the edge of the car park. All other neighbouring adjacent properties are located further away from the application site, although their garden areas are closer to the parking spaces.
- 21 The only issue of impact on residential amenity would be potential noise but this would be no different to that generated by any access to residential property and is, therefore, not to be sufficient to justify a refusal in this instance.

Visual Amenity

- 22 In terms of visual amenity, the proposal includes the formation of a new timber fence to adjoin the existing fence, thus, enclosing the entire site. Moreover, it is clear from the plans that the proposed car park is only to encompass a certain percentage of the overall site. Approximately, a third of the site is proposed to be retained as open space in the form of a grassed area, located to the north and west points respectively.

23 Archaeological Interest

The site has been identified by PKHT as having archaeological potential, any possible archaeological remains could be safeguarded through the imposition of an appropriate condition.

24 Loss of Open Space

The application site is currently an area of grassed open space but has no formal status in terms of serving as an active or formal area of open space. In addition the site is not identified in the Local Plan as a formal area of open space to be retained undeveloped.

- 25 Whilst the proposed car park would hard surface, a large proportion of the site, nevertheless, areas of grass would remain in the west and east of the site. The site is though, not in a prominent, open position and therefore the loss of the open space would not have a significant impact on the character and appearance of the immediate area. In addition, the site is not the only area of open space in the area and its loss as open space would be compensated for by the additional spaces provided.

Drainage and Flooding

- 26 There are no drainage or flooding issues.

LEGAL AGREEMENTS

- 27 No legal agreement is required in respect of the proposed development.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 28 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the proposed development is not a significant departure from the Development Plan, a notification to the Ministers would not be required.

DIRECTION BY SCOTTISH MINISTERS

- 29 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, Regulations 30–32, there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 30 The principal factors in this application are the impact on neighbouring amenity, the visual impact and the benefits from providing additional off street parking facilities, versus the loss of open space. As a consequence of the location of the proposed car park, I do not consider the impacts on residential or visual amenity to be significant. The proposed change of use is therefore considered to be in accordance with the relevant provisions of the Development Plan, as the loss of open space is justified through the additional parking spaces formed.

RECOMMENDATION

A Approve the application for the following conditions:

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works 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.
- 4 Prior to the commencement of works on site, the applicant shall provide details (including sample), of the proposed adjoining fence, to be submitted in writing for the attention of the Council as Planning Authority.
- 5 A detailed landscaping and planting scheme for the site shall be submitted for the further approval of the Council as Planning Authority, prior to the commencement of the development and development shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding, or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as

subsequently approved shall be carried out and completed within 30 days; of completion; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

Reasons:

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 The site is considered to have archaeological potential.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.
- 5 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: Three letters of representation
Contact Officer: Philip Sweeney – Ext 75814
Date: 11 June 2010

Nick Brian
Development Quality Manager

Perth & Kinross Council

Development Control Committee: 7th July 2010

10/00625/FLL School Park Kettins



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