

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

**Change of use from former car repair workshop to garden/seating area at Land
40 Metres East Of 7 Croft Lane, Blairgowrie**

Ref No: 10/00155/FLL

Ward No: 3 - Blairgowrie & The Glens

Summary

This report recommends approval of the application for a change of use of a former car repair/workshop to public garden/seating area on the grounds that the proposal complies with the provisions within the Development Plan and will result in a net environmental benefit to the local area.

BACKGROUND AND DESCRIPTION

- 1 The application site is a former repair workshop area located to the east of No7 Croft Lane, Blairgowrie. The site is rectangular in shape measuring approx 176m² (22m x 8m) and lies within the Blairgowrie Conservation Area. The proposal is for a change of use of the area to a public area of open space with an associated garden and seating area. With the exception of proposed seating arrangements and small timber pergolas, the only notable physical works proposed is a new 1.8m high timber fence along the southern boundary of the site which will provide screening from the Council's existing recycling hoppers which are located on Croft Lane.

NATIONAL PLANNING POLICY AND GUIDANCE

- 2 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. Although there are general policies of relevance to this proposal, there are no specific national guidance applicable to this proposal.

DEVELOPMENT PLAN

- 3 The Development Plan for the area comprises the approved Perth and Kinross Structure Plan 2003 and the adopted Eastern Area Local Plan 1998. There are no issues of strategic relevance relevant to this application contained in the Structure Plan.

Eastern Area Local Plan 1998

- 4 The application site lies within the settlement boundary of Blairgowrie, therefore **Policy 56 (General Residential)** is directly applicable to the proposal. This policy seeks that all new developments do not have an adverse impact on the character, density and amenity of the area concerned.

Eastern Area Local Plan Review Strategy and Draft 2005

- 5 Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.

OTHER COUNCIL POLICIES

- 6 None relevant to this proposal.

SITE HISTORY

- 7 There have been no previous planning applications relating to this site.

CONSULTATIONS

- 8 None undertaken.

REPRESENTATIONS

- 9 One letter of representation has been received in support of the proposal.

ADDITIONAL STATEMENTS

10	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	None

APPRAISAL

Policy

- 11 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 12 In terms of the Development Plan, the principal policies are contained in the adopted Eastern Area Local Plan 1998. The key consideration of this application is therefore ultimately whether or not the proposal accords with the requirements of Policy 56, which refers to developments within the settlement of Blairgowrie and seeks to ensure that all proposals do not have an adverse impact on the character, density or amenity of the area concerned. For reasons

stated elsewhere in the report, I consider the proposal to meet with the aims of Policy 56.

Visual Impact

- 13 The principal visual consideration for this proposal relates to the proposed 1.8m timber fence proposed along the southern boundary of the site. Although the Council's Conservation Section have indicated a preference for railings and / or walling, the applicant has indicated that the budget for this project could not absorb the additional cost associated with providing railings and / or walling. As the proposal is one which is a locally driven which has the backing of Perth and Kinross Council, on balance, I am prepared to accept the 1.8m timber fence as an alternative to pursuing the screening other options to ensure that the project remains viable.

Road Issues

- 14 There are no road related issues with the proposal.

Residential Amenity

- 15 There are no residential properties which are affected by the proposal.

Impact on Trees

- 16 The existing elm tree will be retained and adequately protected during the course of construction.

Impact on Conservation Area

- 17 As stated previously, the erection of the 1.8m timber fence along the site's southern boundary is perhaps not the preferred means of enclosure within a Conservation Area. However, as the proposal is a locally driven project, which has the backing of Perth and Kinross Council, on balance I consider, proposed the timber fence acceptable to ensure that the project remains viable.

Planning Authority with an Interest in the Land

- 18 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 recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENTS

- 19 There are no legal agreements required prior to the issuing of the consent.

DIRECTION BY SCOTTISH MINISTERS

- 20 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 REASON FOR RECOMMENDATION

- 21 This application does not raise any significant planning issues in terms of the Development Plan or other land use issues. Approval of the application would therefore be in accordance with the Development Plan and result in a welcome improvement to the amenity of the area concerned.

RECOMMENDATION

A Approve application subject to 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 unless otherwise provided for by conditions imposed on the planning consent.
3. The existing Elm tree shall be retained, and adequately protected during the course of construction to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of any works on site precise details of all internal seating, tables and pergolas shall be submitted for the approval in writing by the Council as 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.
- 3-4 In the interest of visual amenity.

B JUSTIFICATION

The proposal accords with the Development Plan and there are no material reasons to merit a refusal.

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: One letter of representation
Contact Officer: Andy Baxter, Ext 75339
Date: 10 June 2010

Nick Brian
Development Quality Manager

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