

Perth and Kinross Council  
Development Control Committee – 17 February 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: 09/01654/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 mixture of different types of housing type and tenure. Therefore, the site is surrounded by residential properties on all sides.
- 2 Although the site is not zoned for any particular purpose, the current use of the area is established open space.
- 3 The proposal is for a change of use from open space to the formation of a car park with the total area of the site extending to 962 square metres. The proposal includes the provision of ten car parking spaces (all tarmaced), to be in two lines parallel to each other: one line of four car parking spaces, and one line of six spaces. The site is bounded by a timber fence, with a new timber fence proposed 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.. The proposed parking spaces would be aimed at serving the surrounding residential properties.

**NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through The National Planning Framework, a series of National Planning Policy Guidelines (NPPG) which are currently being replaced by 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 There is no planning history to the site.

### **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 three letters of representation received from local residents. These raise the following relevant issues:
- Neighbouring overlooking issues, impacting on privacy as a result of the development;
  - Adverse noise issues;

- Adverse impact on the character of Kettins village

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

## 16 ADDITIONAL STATEMENTS RECEIVED

- |   |              |
|---|--------------|
| • Environmental 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 i.e. 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, and the approved Perth and Kinross Structure Plan 2003. 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 The key considerations of this application are as follows: Whether or not the application is in keeping with the character and amenity of the existing properties; does the proposed change of use adversely impact on neighbouring adjacent properties?
- 20 The principal reason of objection from the letters of representation received is with respect to an adverse impact on neighbouring privacy.
- 21 Other matters arising include an adverse impact on the visual amenity of the area. For reasons outlined below, it is considered that the proposal will not have a negative impact on either.

### **Residential Amenity**

- 22 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.
- 23 All other neighbouring adjacent properties are located further away from the application site, and, therefore, neighbouring amenity would not be adversely impacted upon by the proposed car park.

### **Visual Amenity**

- 24 The other main ground of objection is with regard to 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.

### **Access and Parking**

- 25 With regard to access, the proposal entails the formation of a new tarmaced vehicular access into and out of the site. This is to be located to the south-west of the site and leaves a separation distance of between 2 and 3 metres to neighbouring, adjacent properties. As with the remainder of the application site, this access will be bounded by a timber fence, thus, offsetting any visual impact or disturbance by vehicular movements. In addition, the parking spaces, which would result from this redevelopment, would provide off street parking for residential properties in the immediate area which currently do not have such provision. This would therefore represent an improvement to the area by reducing on street parking.

### **Design and Layout**

- 26 The proposed design is of a standard form and construction for a car park with the materials consisting of tarmac surfacing whilst the boundary fence is to be timber. The layout of spaces is conventional, being of the 2 parallel rows and would operate effectively.

### **Loss of Open Space**

- 27 The application site is currently an area of grassed open space but has no formal status in terms of serving as an active area. In addition the site is not identified in the Local Plan as a formal area of open space to be retained undeveloped.
- 28 Whilst the proposed car park would hard surface a large proportion of the area, nevertheless, areas of grass would remain to the north, west and south sides. The site is 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.

### **Drainage and Flooding**

29 There are no drainage or flooding issues.

### **LEGAL AGREEMENTS**

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

### **PLANNING AUTHORITY WITH AN INTEREST IN THE LAND**

31 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.

### **DIRECTION BY SCOTTISH MINISTERS**

32 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**

33 The principal factors in this application are with respect to any impact on neighbouring amenity or visual impact and the benefits from providing additional off street parking facilities. As a consequence of the location of the proposed car park, I do not consider the impacts on amenity to be significant. Similarly, there would not be a significant visual impact from the proposed change of use. It is clear that the proposed change of use is therefore in accordance with the relevant provisions of the Development Plan, in particular, Policy 71 of the Eastern Area Local Plan 1998.

### **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.

**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.

**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.

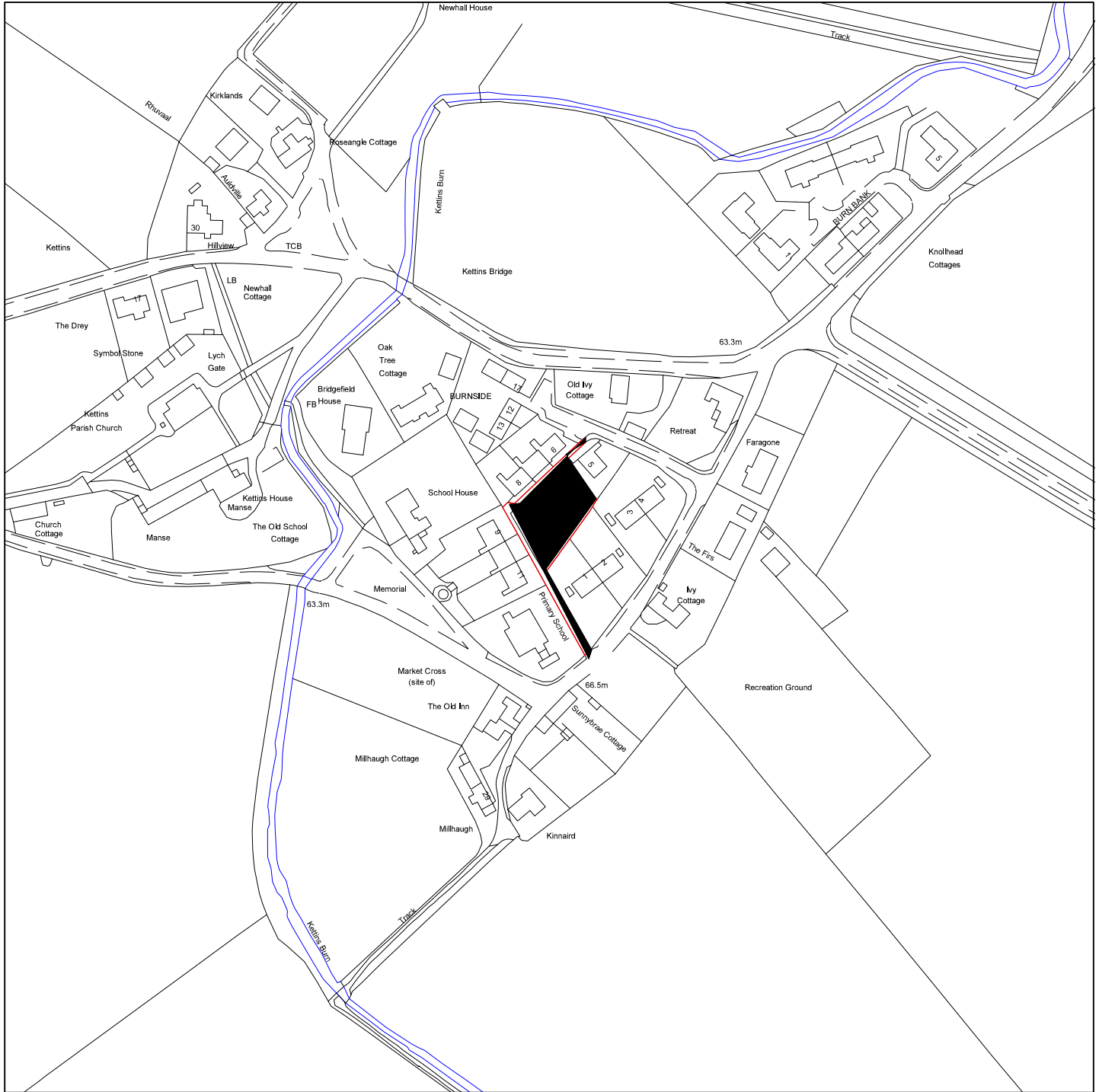
- 2 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 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.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: Three letters of representation  
Contact Officer: Philip Sweeney – Ext 75814  
Date: 13 January 2010

**Nick Brian**  
**Development Quality Manager**



## C/U open space to car park, School Park, Kettins



Scale : 1:2500

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<b>Organisation</b>	Perth & Kinross Council
<b>Department</b>	Planning
<b>Comments</b>	
<b>Date</b>	13 January 2010
<b>SLA Number</b>	100013289

