

Perth and Kinross Council
Development Control Committee – 17 February 2010
Report of Handling by Development Quality Manager

**Relocation of monument and repair of cross at James Small Monument,
Kirkmichael**

Ref No: 09/01435/FLL
Ward No: 3 - Blairgowrie & The Glens

Summary

This report recommends approval of the application for the relocations, etc on the grounds that the proposal complies with the provisions with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application is for the re-erection and re-location of the James Small Monument on the edge of the road junction between the A924 and B950 at the eastern end of the village of Kirkmichael. The previous monument was subject to an act of malicious vandalism in 2007 which resulted in it being toed from its foundations
- 2 In addition to its repair by a stone mason and its re-erecting, it is proposed to brace the monument by installing a stainless steel support to prevent any further acts of vandalism. Five GRP council 'standard' bollards will be sited at the edge of the junction, again with the intention of preventing further attack of vandalism. The re-location is a slight positional change to the north of the monuments former position.
- 3 Members should note that the application did originally proposed galvanised steel for the supporting structure, armature & straps – as opposed to stainless, and ten bollards were proposed around the junction edge instead of 5.

NATIONAL PLANNING POLICY AND GUIDANCE

- 4 The Scottish Government expresses it's planning policies through The National Planning Framework 1 & 2, 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. Although there are general policies of relevance to this proposal, there is no specific national guidance applicable to this proposal.

DEVELOPMENT PLAN

- 5 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 contained in the Structure Plan.

Eastern Area Local Plan 1998

- 6 The application site lies within the landward area of the Eastern Area Local Plan, therefore **Policy 38 (General Policies)** is specific to this proposal. Developments in the landward area, as shown on Proposals Map A, on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators, for which a countryside location is essential. Developments will also be judged against a series of criteria including a good landscape framework capable of absorbing, and if necessary, screening the development, compatibility with its surroundings in land use terms and should not result in a significant loss of amenity to the local community and should not be located adjoining and outwith those settlements which are the subject of Inset maps.

OTHER COUNCIL POLICIES

- 7 None

SITE HISTORY

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

CONSULTATIONS

- 9 **Mount Blair Community Council** have commented on the application and raised concerns over the proposed use of galvanised steel.

REPRESENTATIONS

- 10 One letter of representation has been received commenting on the proposed use of galvanised steel.

11 Additional Statements

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	None

APPRAISAL

Policy

- 12 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.

- 13 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 ultimately whether or not the proposal accords with the requirements of Policy 38 which refers to developments within the landward area of the Plan and seeks (amongst other things) to ensure that all proposals are compatible with their surroundings. For reasons stated elsewhere in the report, I consider the proposal to be in accordance with the Development Plan.

Visual Impact

- 14 The principal visual consideration for this proposal relates to the type of material that will be used for the monuments new supports, armatures and straps. On the advice of the Conservation Section, stainless steel is now proposed as it is considered to be a far more appropriate and durable material than galvanised steel. The reduction in the number of bollards around the junction edge from 10 to 5 is also welcome, and is supported by the Conservation Section. I therefore have no concerns over the visual impact over the proposed re-erection.

Road Issues

- 15 There are no road relates issues with the monuments re-location.

Residential Amenity

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

Planning Authority with an Interest in the Land

- 17 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

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

DIRECTION BY SCOTTISH MINISTERS

- 19 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

- 20 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 in be accordance with the Development Plan and will offer greater protection to the monument from future acts of vandalism.

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 provided for by conditions imposed on the planning consent.
- 3 Prior to works commencing, precise details of all fixings (including method of fixing) 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 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 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: One letter of representation
Contact Officer: Andy Baxter Ext 75339
Date: 17 January 2010

Nick Brian
Development Quality Manager

