

Perth and Kinross Council
Development Control Committee – 07 July 2010
Report of Handling by Development Quality Manager

Change of Use from Public to Private Ground
11 Cameron Place, Crieff PH7 3LD

Ref. No: 10/00534/FLL
Ward No: 06 Strathearn

Summary

This report recommends approval of the application for the change of use of public open space to private ground as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site consists of an area of land used as public open space, located to the rear of Cameron Place in Crieff. The site comprises a level grassed area which forms part of a larger network of landscaped open space provision that serves the established residential estates situated to the east of Crieff town centre.
- 2 Consent is sought in this instance to change the use of this section of the public open space, in order to extend the existing rear curtilage of the adjoining dwellinghouse, 11 Cameron Place.
- 3 The site area extends to approximately 30 metres square, and will essentially follow the present rear boundary line of the applicant's rear garden and be an extension of the garden to the south side. The existing 1.8m high timber fence which encloses the present garden area will be relocated in the region of 3.5 metres to the south, in order to accord with the extended site boundaries. Neighbouring Cherry trees will be unaffected by the development.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through The National Planning Framework, 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 Strathearn Area Local Plan 2001.

Perth and Kinross Structure Plan 2003

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

Strathearn Area Local Plan 2001

- 8 The site lies within the defined settlement boundary of Crieff in an area identified for residential and compatible uses and the relevant policies are in summary:

Policy 2: Development Criteria

- 9 Identifies the criteria against which all development proposal will be judged and includes landscape setting, built form, land use, local transport network, services and energy efficiency.

10 Policy 36: Open Space Provision

Ensure the provision of appropriate areas of informal and formal recreational open space as an integral part of any new housing development.

Policy 66: Residential and Compatible Uses

- 11 Indicates that the existing residential amenity will be retained and where possible improved. Where sites become available for development, housing will be the most obvious alternative use. Small areas of private open space will be retained where they are of recreational or amenity value.

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 **Community Greenspace:** No objections.

- 15 **Scottish Water:** No objections

- 16 **Transport Planning:** No objections

REPRESENTATIONS

- 17 No representations have been received in respect of this application.

18 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	None Submitted

APPRAISAL

Policy

- 19 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 in this instance comprises the Perth and Kinross Structure Plan 2003 and the Strathearn Area Local Plan 2001.
- 20 In terms of the Development Plan, the principle policies are contained in the adopted Strathearn Area Local Plan 2003. The key consideration of this application is ultimately whether or not the proposal accords with the requirements of Policy 66 which refers to residential and compatible uses within the built up area of Crieff, and seeks (amongst other things) to ensure that all proposals do not significantly adversely affect the character and amenity of the surrounding area.

Loss of Open Space

- 21 The application site is currently an area of grassed open space but has no formal designation in the Local Plan, in terms of serving as an active recreational area which should remain undeveloped in perpetuity. Proposals to change the use of the land therefore shall be judged on an individual case by case basis.
- 22 This is a relatively small parcel of land area being transferred, and is situated immediately adjacent to the existing dwelling. An adequate standard of open space provision will remain in the locality and I do not consider that the loss of this area would either undermine the overall integrity of the wider area of open space nor lead to other applications which would cumulatively have the same effect. Accordingly, I am of the opinion that the character of the overall area will be unaffected and there should be no noticeable impact on the visual or residential amenity of the surrounding area.

Infrastructure Requirements

- 23 There are no associated infrastructure implications in terms of traffic, drainage, flood risk or other servicing issues.

LEGAL AGREEMENTS

- 24 There is no planning requirement for any legal agreement to be entered into in respect of this application.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 25 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. Notification to the Ministers is not considered necessary in this instance as the proposals are not deemed to be a significant departure from the Development Plan.

DIRECTION BY SCOTTISH MINISTERS

- 26 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

- 27 The proposed change of use of the small area of ground is considered to be in full accordance with the Development Plan. The applicants existing private garden area is of limited size and can be satisfactorily extended without resulting in a negative impact to the surrounding environs. Additionally, the location of the site is not obtrusive and there will be no loss of any of the existing trees within the landscaped area. There are no material considerations which warrant departing from the approved Development Plan; therefore the recommendation is for approval.

RECOMMENDATION

A Approve the 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 relocated boundary fence shall not exceed 1.8m in height and any alterations or additions to the boundary fencing shall require to be forwarded for the prior approval in writing of the Council as Planning Authority,

Reasons:

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (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 interests of visual amenity, to ensure a satisfactory standard of local environmental quality.

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: None
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Date: 1 June 2010

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