

Perth and Kinross Council
Development Management Committee – 27 March 2013
Report of Handling by Development Quality Manager

Erection of a Structure for Floral Display in the Public Park, 25 Metres South West of the Junction of St Margaret's Drive and Western Road/Townhead, Auchterarder

Ref: No: 13/00074/FLL
 Ward No: N7 – Strathallan

Summary

This report recommends approval of the detailed planning application for the erection of a structure for floral display. The proposal is consistent with the Development Plan and the structure will have no adverse impact on the existing residential or visual amenity of the area.

BACKGROUND AND DESCRIPTION

- 1 The public park in which this application is sited is within Auchterarder Burgh. The application is for a 2400mm diameter galvanised mild steel wheel which is 630mm wide. The wheel will be supported by 100mm galvanised tubes and painted dark green in colour, sited 600mm off the ground, supporting 12 floral hanging baskets. The structure will have a concrete foundation. It will be located in the centre of a circular flower bed 9 metres forward of a park bench and 12 metres forward of the Auchterarder Burgh Coat of Arms.

NATIONAL POLICY AND GUIDANCE

- 2 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars. Of particular relevance to this planning application are:-

Scottish Planning Policy (February 2010)

- 3 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and

- the Scottish Government's expectations of the intended outcomes of the planning system.
- 4 There are no specific sections of this policy that are applicable to this development.

DEVELOPMENT PLAN

- 5 The Development Plan for the area comprises the Approved TAYplan June 2012 and the Adopted Strathearn Area Local Plan 2001.

TAYplan June 2012

- 6 There are no strategic issues of relevance raised by TAYplan.

Strathearn Area Local Plan 2001

- 7 Under the Local Plan the site lies within the settlement of Auchterarder and within an area where the following policy applies:

Environment/Open Space

Policy63: Inset Map 2 identifies major areas of open space and recreation that are to be retained. Any development proposals that erode these areas will be resisted. Buildings that are ancillary to the recreational use of the site will be accepted provided:

- a) They are compatible with their surroundings.
- b) They do not become the main use of the site.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN – PROPOSED PLAN JANUARY 2012

- 8 On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application, reflecting a more up to date view of the Council.

The principal relevant policies are in summary:

Policy RD1: Residential Areas

- 9 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of

recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.

- 10 Generally encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:
- (a) Infill residential development of a similar density to its environs.
 - (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.
 - (c) Proposals which will improve the character and environment of the area or village.
 - (d) Business, home working, tourism or leisure activities.
 - (e) Proposals for improvements to community and educational facilities.

SITE HISTORY

- 11 No recent planning history.

CONSULTATIONS

- 12 None.

REPRESENTATIONS

- 13 None.

ADDITIONAL STATEMENTS

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

APPRAISAL

Policy

- 15 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. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

- 16 The most relevant policy of the Development Plan is policy 63 'Open Space'. This policy identifies major areas of open space and recreation that are to be retained. Buildings that are ancillary to the recreational use of the site will be accepted provided:
- a) They are compatible with their surroundings.
 - b) They do not become the main use of the site.

Residential Amenity

- 17 The proposal will have no adverse impact on the existing residential amenity enjoyed by neighbouring properties. Furthermore it is also noted that no objections have been received from any neighbouring residents.

Visual Amenity

- 18 The proposal will add further interest to this floral display in the public park forming a display feature at one of the main means of access to the town.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 19 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

- 20 None required.

DIRECTION BY SCOTTISH MINISTERS

- 21 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

- 22 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

In this respect, it is considered the proposal complies with the Adopted Perth Area Local Plan 1995. There are no material considerations that would justify refusing the application. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reasons

- 1 To ensure that the development is carried out in accordance with the plans approved.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations which would justify a departure therefrom.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 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.
- 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: None

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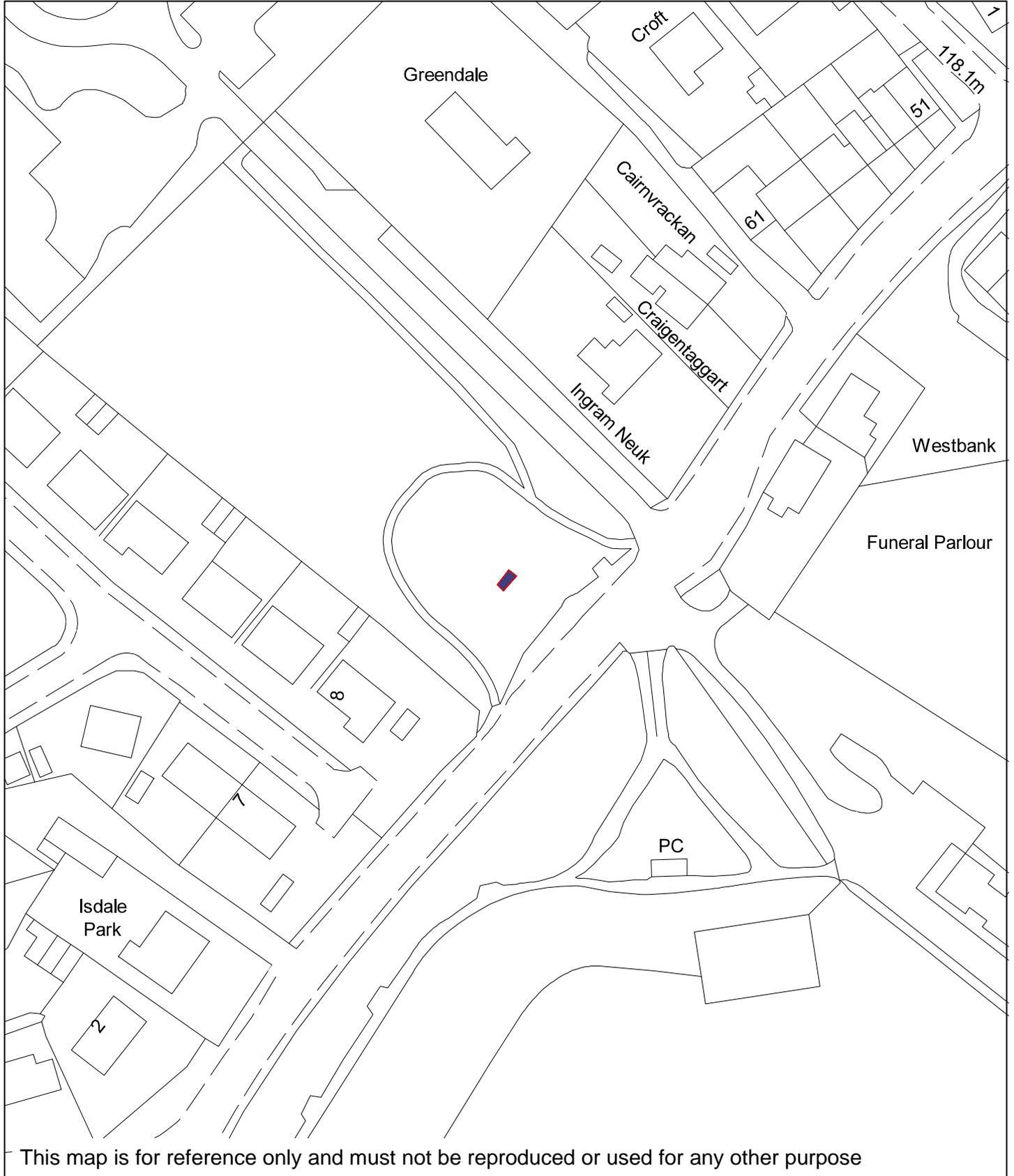
Date: 8 March 2013

Nick Brian
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