

Perth and Kinross Council
Development Management Committee – 24 April 2013
Report of Handling by Development Quality Manager

**Formation of community allotments and siting of ancillary structures at former
Tulloch Bowling Green, Tulloch Terrace, Perth.**

Ref. No: 13/00398/FLL

Ward No: 11 – Perth City North

Summary

This report recommends approval of the application for the formation of community allotments and siting of ancillary structures as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 Full planning consent is sought for the formation of community allotments including the siting of ancillary structures at the former Tulloch Bowling Green, Tulloch Terrace, Perth. The site at present is laid out as a bowling green and surrounding the application site is housing to the northeast, tennis courts to the northwest, the Tulloch Institute Club to the southeast and the Crematorium access road to the southwest.
- 2 The allotment plots will consist of 6 large plots and 8 smaller plots to be managed by the North Perth Allotment Association. The site is to be secured by a fence and additional elements include the erection of a communal polytunnel, a small shed and greenhouse on each plot, a compost toilet and two communal sheds.
- 3 There is no vehicular access to the allotment with only pedestrian access via two gates. However, on street parking is available in the surrounding area.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010 (SPP)

- 4 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.

5 Of relevance to this application are:-

- Paragraphs 149 – 158: Open space and Physical Activity

DEVELOPMENT PLAN

6 The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan and the Adopted Perth Area Local Plan 1995. The Council's Proposed Local Development Plan 2012 is a relevant material consideration.

Tayplan: Strategic Development Plan 2012-2032

7 The principal relevant policy is in summary:

Policy 2: Shaping Better Quality Places

8 Seeking to shape better quality places through requiring new development to be fit for place, supporting more sustainable ways of life for people and businesses.

Perth Area Local Plan 1995

9 The application site is located within an area designated for residential and compatible uses.

10 The principal relevant policy is in summary:

Policy 41 – General Residential and Background Policies

11 The policy requires that existing residential amenity be retained and small areas of open space will be retained where they are of value.

PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012

12 On 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.

13 The principal relevant policy is in summary:

Policy CF3 – Community Facilities

14 This policy supports proposals where the provision of facilities will provide community benefit.

OTHER POLICIES

15 None.

SITE HISTORY

16 None.

CONSULTATIONS

SEPA

17 No objection to the proposal however notes to be added to the consent to cover any possible licensing required with regards to the import of top soil and the composting toilet discharge to soakaway.

Environmental Health

18 The proposal was discussed with Environmental Health who were not required to be consulted but due to the proximity to housing the discussion concluded that there would be sufficient controls through other legislation to cover any issues arising from the operation of the allotments.

REPRESENTATIONS

19 No letters of representation have been received.

ADDITIONAL STATEMENTS

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

APPRAISAL

Policy

21 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Perth Central Area Local Plan 1997 and Tayplan 2012 are outlined above. The Council's Proposed Local Development Plan 2012 is a relevant material consideration in this instance.

- 22 The application site is located within an area identified for residential and compatible uses. Policies contained within both the Perth Area Local Plan 1995 and the Proposed Local Development Plan (PLDP) 2012 indicates support for developments where areas of open space will be retained where they are of value to their surroundings. The proposal is considered to reflect development plan policy for this location.

Design and Layout

- 23 The allotments are to be laid out on the former Bowling Green with 576 tonnes of topsoil imported to the site. The plots are to be arranged around a communal polytunnel with footpaths formed from woodchip/gravel. To be erected within each plot will be a small shed and greenhouse and there will also be two communal sheds and a compost toilet to the southwest of the plots.
- 24 The plans also show an area for a potential garden/orchard and space for composting, raised beds and communal fruit.
- 25 The hedges around the site are to be retained and a fence is to be erected along side. The proposed fence is constructed of mesh security panels 2.01 metres in height with two pedestrian gate accesses, the retention of the hedge will aid in screening the fence.

Access/Parking

- 26 There is no direct vehicular access to the allotments but two gates will be installed for pedestrian access. However, on street parking is available in the surrounding area which is considered to be sufficient to serve this development given the likely low level of traffic generation expected from the proposed use.

Residential Amenity

- 27 The allotments and the activities carried out within would not be expected to cause any disturbance to residential amenity as the activities would be similar to those conducted in private residential gardens.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 28 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

29 None required.

DIRECTION BY SCOTTISH MINISTERS

30 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

31 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Perth Central Area Local Plan and Tayplan 2012. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following condition:-

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

Reason

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 that would justify a departure therefrom.

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.
- 3 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)).
- 4 The Scottish Environment Protection Agency (SEPA) should be contacted with regards to waste management licensing and The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

Background Papers: None

Contact Officer: Joanne Ferguson

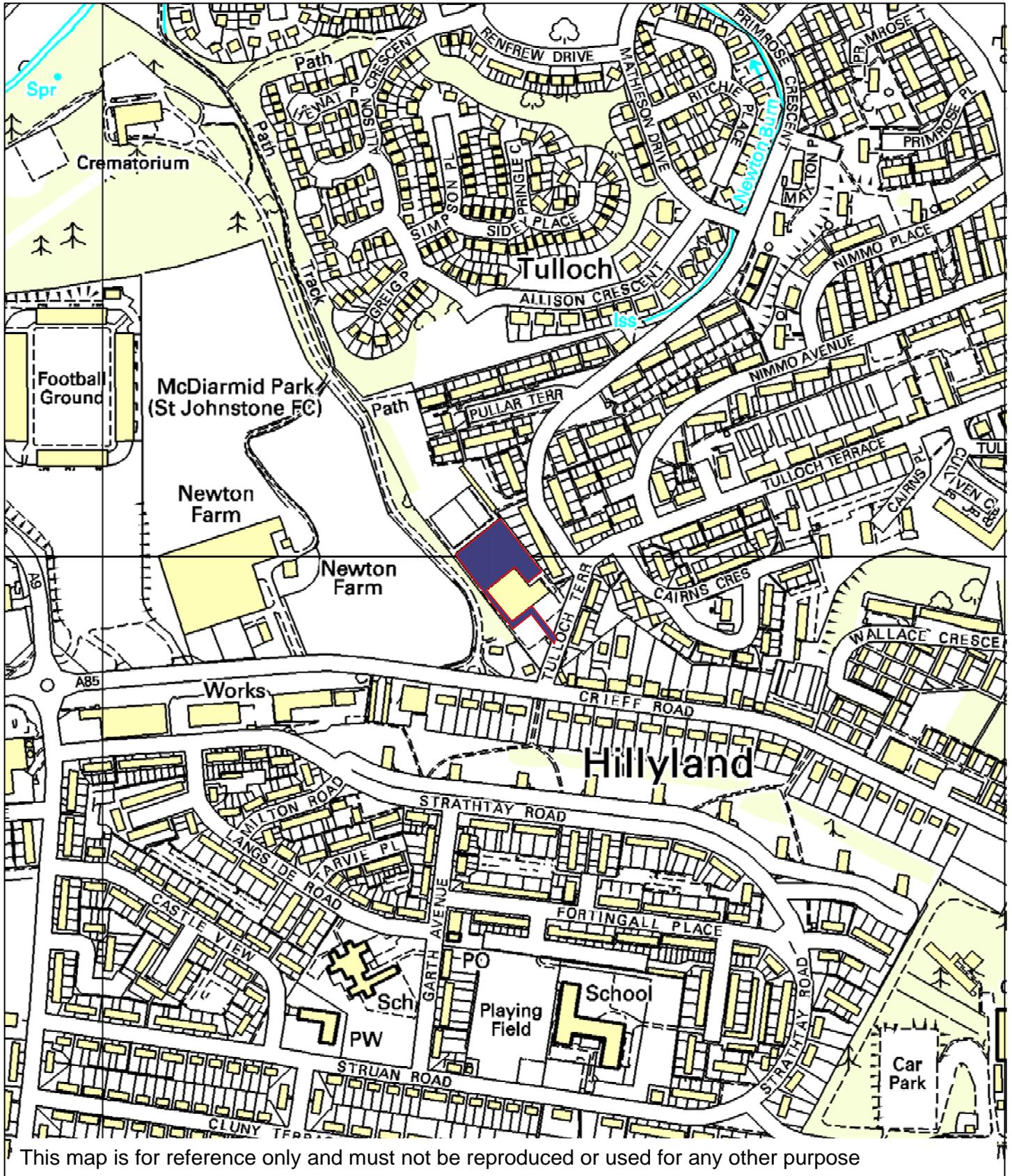
Date: 4 April 2013

Nick Brian
Development Quality Manager

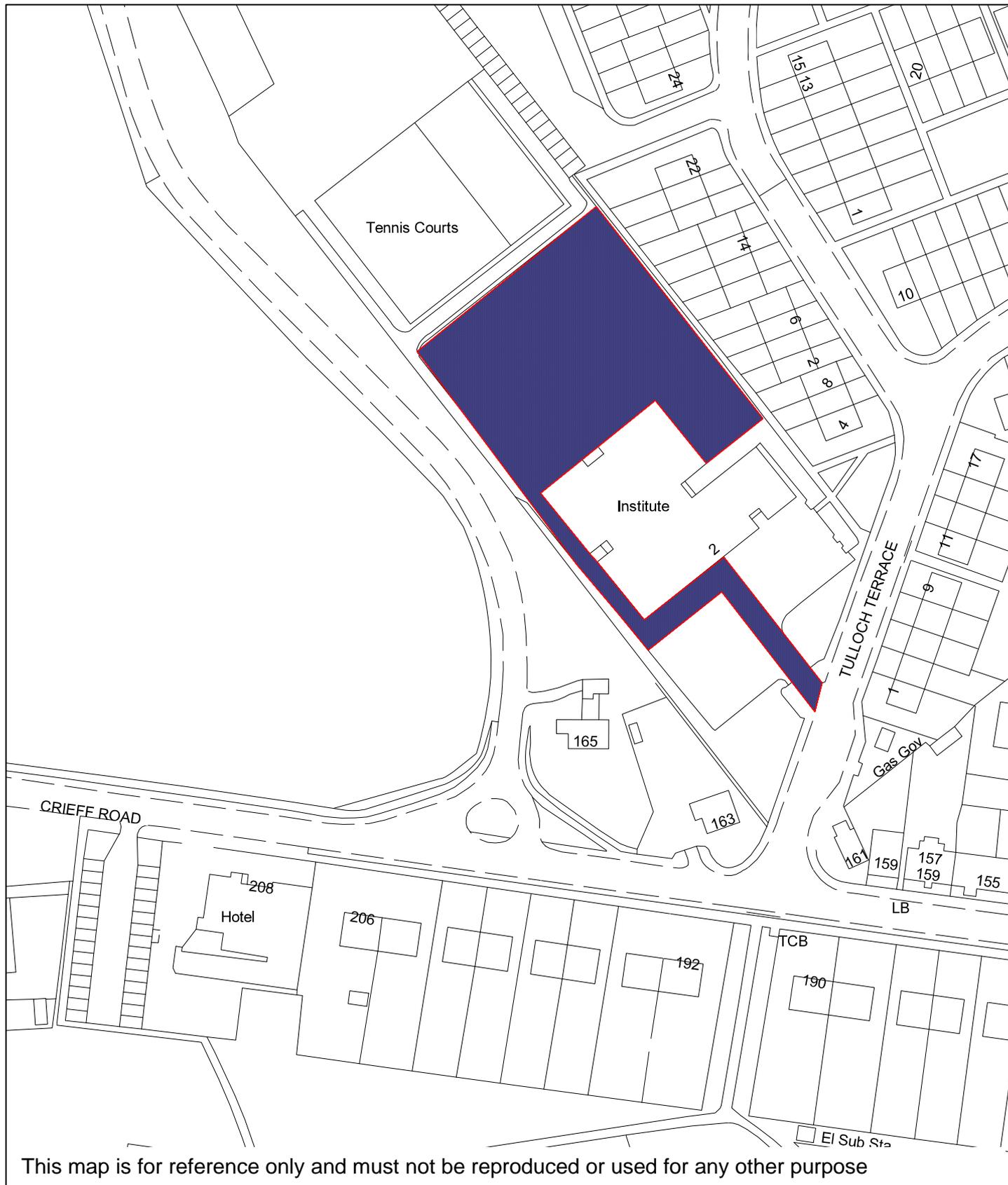
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