

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

**Change of use from open space to community allotments and siting of ancillary structures at Kingswell Terrace, Perth**

Ref. No: 13/00076/FLL

Ward No: 11 – Perth City North

**Summary**

This report recommends approval of the application for the change of use from open space to 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 change of use of open space to community allotments including the siting of ancillary structures at Kingswell Terrace, Perth. The site at present is grassed open space surrounding the application site and is a hardstanding with a number of individual garages and beyond that housing to the east, west and south with Goodlyburn Primary School to the North.
- 2 The allotment plots will consist of 7 full plots and 4 half plots to be managed by the Letham Climate Challenge Charity Group. The site is to be secured by 2.2 metre high fencing and additional elements include the erection of a polytunnel on one plot and the installation of an ex-shipping container for the storage of garden tools.
- 3 Vehicular access exists to the garages but no parking is proposed as part of this application however on street parking is available for allotment users.

**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 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.

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 No other policies.

### **SITE HISTORY**

- 16 No site history.

### **CONSULTATIONS**

#### **Scottish Water**

- 17 No objection.

#### **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 legislation to cover any issues arising from the operation of the allotments.

#### **SEPA**

- 19 SEPA have no objection to the proposal but a note will be added regarding and an exemption waste management licensing maybe required should additional topsoil be required.

### **REPRESENTATIONS**

- 20 No letters of representation have been received.

### **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

### **Policy**

- 22 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.
- 23 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, in general terms, is considered to reflect development plan policy for this location.

### **Design and Layout**

- 24 The existing area of open space shall be spread with 210 tonnes of topsoil to a depth of 150mm over the entire site. The space will then be divided to form 7 full plots and 4 half plots with a polytunnel and compost bins centrally located within the plots.
- 25 A storage container is proposed to the west of the plots on the existing tarmac area for communal use in storing equipment.
- 26 A 2 metre high mesh fence is proposed to enclose the allotments.

### **Access/Parking**

- 27 Vehicular access to the site exists for the garages from Rannoch Road but it is not intended to be used for the allotments as no parking will be provided within the site. However, on street parking is available on Rannoch Road.

### **Residential Amenity**

- 28 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**

- 29 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**

30 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

31 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**

32 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 conditions:-**

- 1 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.
- 2 Each plot shall have no more than two sheds / greenhouses measuring no more than 2m x 3m in area and no more than 4m in height, to the satisfaction of the Council as Planning Authority unless otherwise agreed in writing. Any sheds / greenhouses must be maintained in perpetuity to a standard which is acceptable to the Council as Planning Authority.

### **Reasons**

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 To control any additional development within the allotments.

## **B JUSTIFICATION**

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

## **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)).

Background Papers: None

Contact Officer: Joanne Ferguson

Date: 4 April 2013

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

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↑ Scale  
1:5001

### Allotments at Kingswell Terrace, Perth

Change of use from open space to community allotments and siting of ancillary



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↑ Scale  
1:1250