

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

**Formation of a play area and associated landscaping at South Inch
King's Place, Perth**

Ref. No: 13/00411/FLL
Ward No: 12 – Perth City Centre

Summary

This report recommends approval of a detailed planning application for Phase 2 of the South Inch upgrade project, on the grounds that the proposal is consistent with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site relates to a 1.2ha area of the South Inch, located at the north western corner, south of King James Place and north of the existing recreational pond. This particular part of the South Inch accommodates an old crazy golf course and the two redundant bowling greens. A number of mature trees are scattered across the site and along its boundaries.
- 2 The entire South Inch area covers an area of approximately 31ha and includes the Lesser South Inch which has an extensive area of hard standing, skate park, sports pitches, car parking and toilets. During 2012, Perth & Kinross Council started work to upgrade the South Inch starting with Phase 1 which focused on transforming the old boating pond into an attraction for both wildlife and visitor. Phase 1 was completed at the end of 2012.
- 3 This planning application seeks to obtain planning permission for works associated with Phase 2 of the upgrade programme which involves the re-design of the 1.2ha area into a high quality destination for both play and relaxation - for both children and families. The works subject of this application are centred around the re-design of the area including new landscaping (including changes in ground levels), new entrance features into the area, the introduction of a formal picnic area and the erection of a number of specialised pieces of children play equipment including various rope climbing units, cable slides, trampolines, several sand based play areas, swinging hammocks, a network of paths and many more sundry play apparatus. Council funding for Phase 2 of the upgrade programme was approved by the Councils Environment Committee earlier this year

NATIONAL POLICY AND GUIDANCE

- 4 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 2010

- 5 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.
- 6 Of particular relevance to this planning application is:-
- Paragraphs 113 -114: Listed Buildings
 - Paragraphs 149- 150, Open Space

Scottish Historic Environmental Policy December 2011 (SHEP)

- 7 This document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Scotland and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment.

RELEVANT LEGISLATION

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- 8 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural historic interest which it possesses.

DEVELOPMENT PLAN

- 9 The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000)

Tay Plan 2012

- 10 The principal relevant policy is in summary:

Policy 3

- 11 This policy seeks (amongst other things) to protect our cultural heritage from inappropriate developments.

Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000)

- 12 Within the Local Plan, the site lies within an area identified as a major area of public open space, where Policy 52 is directly applicable. Policy 52 states that encouragement will be given to proposals that would improve these areas.

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

- 13 On 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). 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.
- 14 Under the LDP the site is identified as being part of the proposed Green Belt.
- 15 The following policies (in summary) apply:

Policy PM1: Placemaking

- 16 Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design and siting of development should respect the character and amenity of the place.

Policy HE2: Listed Buildings

- 17 States that there will be a presumption in favour of the retention of listed buildings, and the protection of their settings.

Policy NE3: Green Belt

- 18 This policy seeks to protect areas identified with the Green Belt from inappropriate developments.

SITE HISTORY

- 19 There is no recent planning history for this site.

CONSULTATIONS

- 20 **Historic Scotland** have commented on the planning application and have raised no concerns in terms of the impact on the neighbouring listed buildings. .

- 21 **SportScotland** have commented on the planning application and have raised no concerns with regard to the loss of the existing bowling green.
- 22 **Scottish Water** have commented on the planning application and have raised no concerns.

REPRESENTATIONS

- 23 None received.

ADDITIONAL STATEMENTS

24	Environmental 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.	Not required

APPRAISAL

Policy

- 25 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. For reasons outlined below, I consider the proposal to be in accordance with the Development Plan.

Land Use

- 26 Although the proposal does not necessary result in a change of use of the land, the (improved) use of the land that is proposed is nevertheless a key determining issue for this planning application. The site lies within the South Inch, which is identified in the Local Plan as being a major area of public open space, where encouragement for proposals to improve the area is offered through *Policy 52*.
- 27 The proposals will directly contribute to the continued improvement of the development of the environment of the South Inch and contribute to the enhancement of play facilities within close to the City Centre. Members will be aware that this is one of the six priority areas identified within the Economic Recovery Programme as part of the Council's Economic Strategy.
- 28 The quality of our public realm is critical in the Council meeting its aspirations in encouraging inward investment and increasing the time users spend in the city centre – and a major, high profile Public Park in close proximity will play a very important role in achieving this. For Perth, this is particularly important if it is to retain its enviable reputation for environmental quality and high quality visitor experiences, creating a more economically and socially vibrant place.

- 29 The public rightly have a great local affinity with the South Inch and whilst routine maintenance has generally kept the play park facilities fit for purpose, the progressive decline of the ageing infrastructure has taken its toll over recent years. The phase 1 works to rejuvenate the boating pond have made a positive and widely welcomed improvement to the park, whilst the second phase regeneration (subject of this planning application) has been enthusiastically welcomed at the community during consultation events and its development will ensure that this area of Perth is served by a high quality play destination for years to come. To this end, I consider the proposal to be entirely consistent with the aims of Policy 52 of the Local Plan.

Loss of Existing Bowling Greens

- 30 The bowling greens at the South The South Inch Bowling Club was the former occupier of the two bowling greens until the end of 2012, at which time the club decided not to transfer maintenance of the greens from the Council to themselves. Former club members has since relocated, and now play at one of the many other public or private bowling greens within the Perth Area. Although it is always regrettable when a specialised sports facility is lost, in this case bearing in mind what is proposed as its replacement and the fact that there are a number of other facilities within the area, I do not consider the loss of these public bowling greens to be a significant issue and this view is shared by SportScotland.

Impact on Listed Buildings

- 31 Although there are a number of listed buildings surrounding the site, the proposed works will have no impact on the setting of those historic buildings.

Residential Amenity

- 32 The proposal will have no adverse impact on the existing residential amenity enjoyed by neighbouring properties.

Road and Pedestrian Safety

- 33 The proposal will have no adverse impact on either road or pedestrian safety.

Impact on Trees

- 34 The majority of the trees which are either within the site or along its boundaries will be retained as part of the proposals, however there will be some tree removals. The tree removals are not considered to be significant, and appropriate replanting will replace trees which are being removed. The trees which are to be retained, will be protected during the course of construction by adequate fence as per the requirements of the British Standards.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 35 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 REQUIRED

- 36 No legal agreement is required for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 37 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

- 38 As the area is already used by the public for recreation purposes (albeit on a reduced scale since the closure of the bowling clubs), this proposal raises no issues in terms of its land use acceptability or in terms of its impact on either the residential amenity of the area or on its historic neighbours. The proposal, once complete, will result in a new, fit for purpose high quality play area to complement the Council's existing area on the North Inch which will help Perth develop as a welcoming, vibrant City for visitors and residents alike.

RECOMMENDATION

A Approve 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.
- 2 All trees which are to be retained shall be adequately protected during the course of construction by stout fencing, as per the requirements of the British Standards.

Reasons:

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

- 2 In order to ensure that trees are adequately protected from unnecessary damage.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no material reasons which justify refusing the planning application.

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: 4 April 2013

Nick Brian
Development Quality Manager

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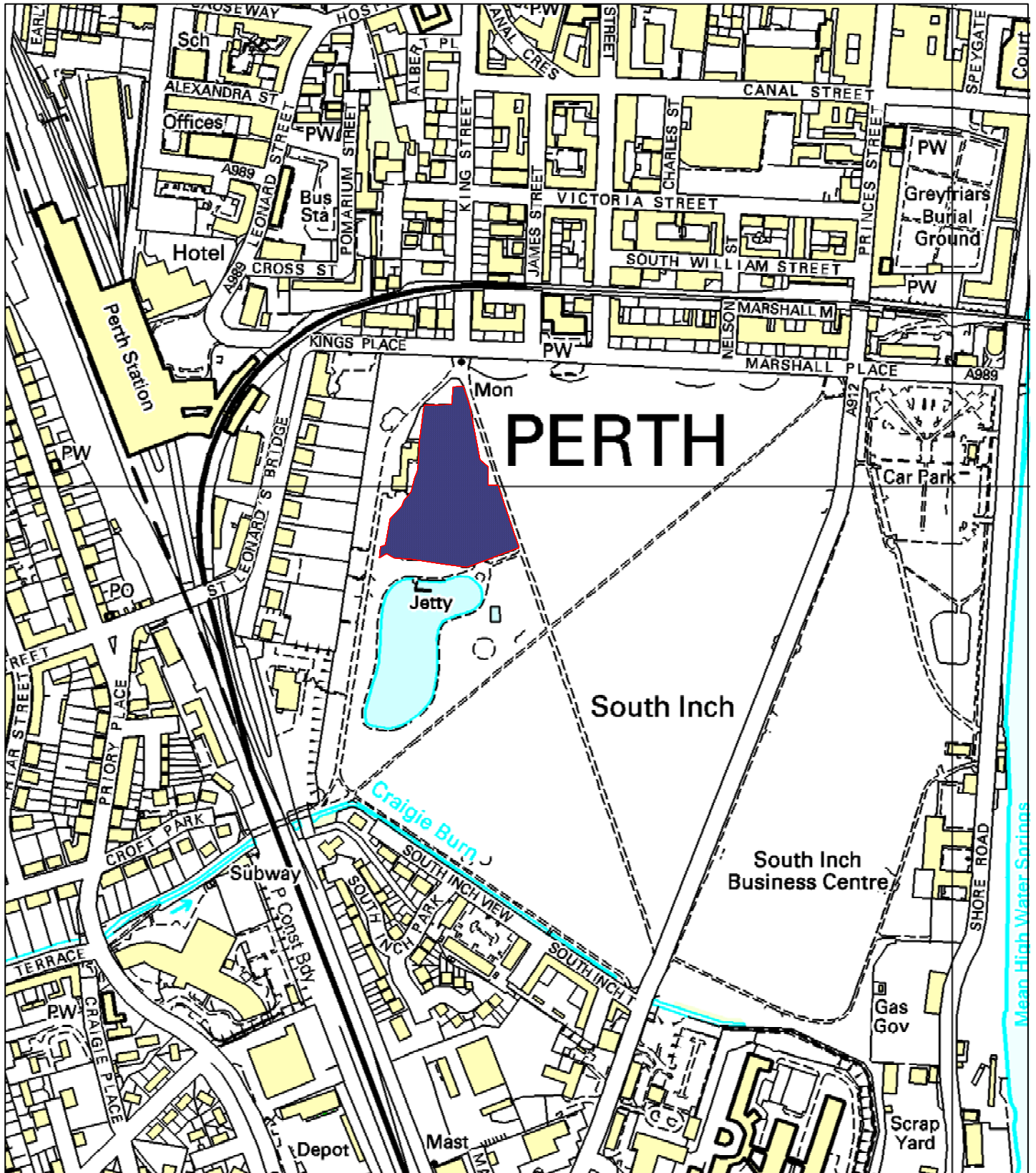
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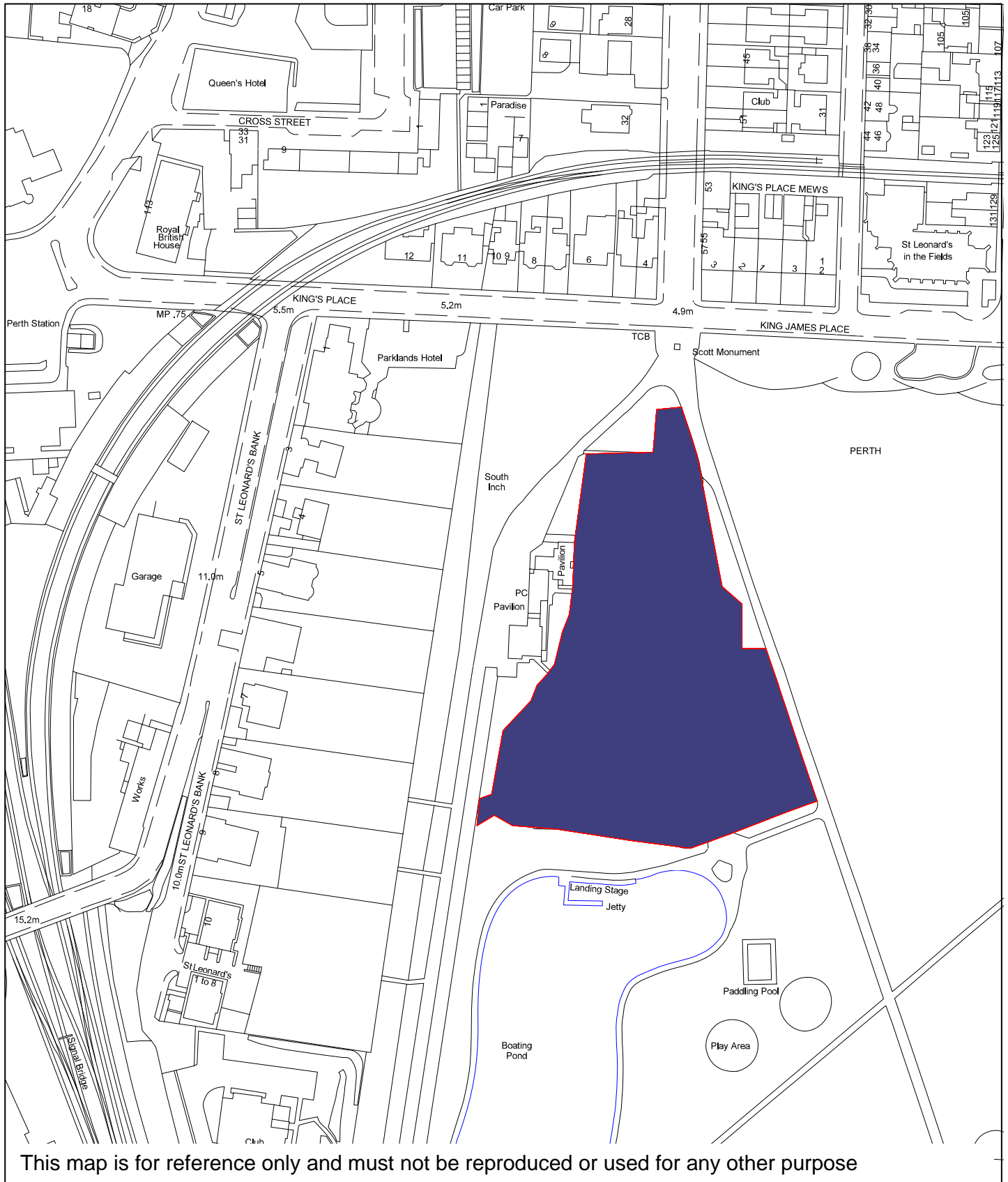
South Inch, King's Place, Perth

Formation of a play area and associated landscaping



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↑ Scale
1:5001



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1:2000