

Perth and Kinross Council
Development Management Committee – 22 May 2013
Report of Handling by Development Quality Manager

**Erection of heavy horse sculpture with associated lighting and landscaping on
land 20 metres south-east of Marvingston, Union Street, Coupar Angus,
PH13 9AE**

Ref: No: 13/00612/FLL
Ward No: 2 – Strathmore

Summary

This report recommends approval of the application for the erection of a heavy horse sculpture with associated lighting and landscaping, Union Street, Coupar Angus as the development is considered to comply with the provisions of the Development Plan subject to compliance with conditions.

BACKGROUND AND DESCRIPTION

- 1 The application site is outwith and immediately adjacent to Coupar Angus Conservation Area, and comprises a triangular shape area of open space that is located on the junction of Union Street and the Relief road. In particular, the area features tree planning at both the north-west and south-west parts of the site. The application site is surrounded by residential buildings to the north, south and west, with a hotel and restaurant to the east.
- 2 The proposal is for the erection of a heavy horse sculpture to be located to the south-west of the application site; with associated lighting and landscaping at a height of 2.3 metres and a length of 2.6 metres. The sculpture would be a life size heave horse sculpture, to be constructed in sheets of corten steel (rusty in colour) and welded together. The structure is held secure by a stainless steel chain, looped and spot welded to the ground. The site is adjacent to a flowerbed that is to be formed in order to tie the sculpture in with existing planting. The base of the sculpture is proposed to be landscaped in decorative grass whilst three concealed uplighters are to be placed beneath the horse to provide illumination.

NATIONAL POLICY AND GUIDANCE

- 3 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.

The Scottish Planning Policy 2010

- 4 The SPP is a statement of Scottish Government policy on Land Use Planning and contains:

- The Scottish Governments view of the purpose of planning;
- The core principles of the operation of the system and the objectives for key parts of the system;
- Statutory guidance on Sustainable Development 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 Governments expectations of the intended outcomes of the planning system.

Of particular relevance to this application are

- Paragraphs 110 – 125: Conservation Areas

DEVELOPMENT PLAN

- 5 The Development Plan for the area comprises the approved Tay Plan 2012 (Strategic Development Plan 2012 – 2032) and the adopted Eastern Area Local Plan 1998.

There are no strategic issues of relevance raised in the Tay Plan 2012 .

Eastern Area Local Plan 1998

- 6 Under the Local Plan the site lies within the settlement boundary of Coupar Angus where the principal relevant policy is in summary:-

Policy 56: General Residential and Background Policies

- 7 Inset Maps B, C and D identify areas of residential and compatible uses there existing residential amenity will be retained and where possible improved. Where sites become available for development, housing will be the most obvious alternative use. Some scope may exist for infill development, but only where this will not have a significant adverse effect on the density, character or amenity of the area concerned. Small areas of private and public open space will be retained where they are of recreational or amenity value.

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

- 8 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.
- 9 Under the LDP the site is located within the defined settlement boundary for Coupar Angus and where the following policies apply:-

Policy 1: Placemaking

- 10 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.
- 11 The design and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy HE3: Conservation Areas

- 12 There is a presumption in favour of development within a Conservation Area that preserves or enhances its character or appearance. The design, materials, scale and siting of new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

Policy RD1: Residential Areas

- 13 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.

OTHER POLICIES

- 14 None.

SITE HISTORY:

- 15 98/01531/FUL Demolition of two temporary classroom units and erection of new extension comprising of four classrooms, offices and nursery school unit.

Application Approved.

- 16 99/01375/FUL Playground extension and staff car parking 23 November 1999.
Application Approved.

- 17 12/01646/FLL Erection of a banner Pole at Land 20 meters South East of Marvingston, Union Street, Coupar Angus. **Application Approved.**

CONSULTATIONS

- 18 None

REPRESENTATIONS

- 19 None.

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	None
	Business Plan	None submitted

APPRAISAL

- 21 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 adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Eastern Area Local Plan 1998. The LDP is also a material consideration.
- 22 The determining issues in this case are whether: the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.
- 23 In terms Policy 56 of the Local Plan and Policy RD1 of the LDP, it is not considered that the current proposal will have any detrimental effect on either, the residential character of the area or the character of the Coupar Angus Conservation Area given the small scale and nature of the structure, together with its distance from any neighbouring, residential properties.

VISUAL AMENITY

- 24 The design itself is a life size horse structure that is proposed to be constructed in sheets of corten steel. Corten steel is a copper, nickel and chromium alloy weathering steel that is weather resistant and required minimal maintenance. The proposed development is to be finished in a natural rusty red colour and will be lit night by 3 spotlights concealed beneath the horse – this lighting will make a feature of the sculpture at night. Full details of the lighting will be requested via a condition below. Although proposed in a position adjacent to the Conservation Area, the Council's Conservation Officer is satisfied that that it would not have any adverse impact on the character or appearance of the Conservation Area, subject to the imposition of a condition requiring details of the colour of the proposed lighting.

RESIDENTIAL AMENITY

- 25 Due to the distance between the proposed structure and the nearest neighbouring residential properties that are located along Union Street, (7 metre distance), there are no adverse issues to either the neighbouring residential amenity or, will there be any adverse issues from the spotlighting.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 26 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

- 27 A legal agreement is not required for this application.

DIRECTION BY SCOTTISH MINISTERS

- 28 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

- 29 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 to comply with the adopted Local Plan and TayPlan together with the local Development Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. The application is therefore 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 Full details of the proposed lighting scheme shall be submitted in writing for the approval of the Planning Authority prior to the commencement of the development.

Reasons:

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 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 not material reasons which justify departing from the Development Plan.

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.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: None

Contact Officer: Philip Sweeney – Ex 75814

Date: 6 May 2013

Nick Brian
Development Quality Manager

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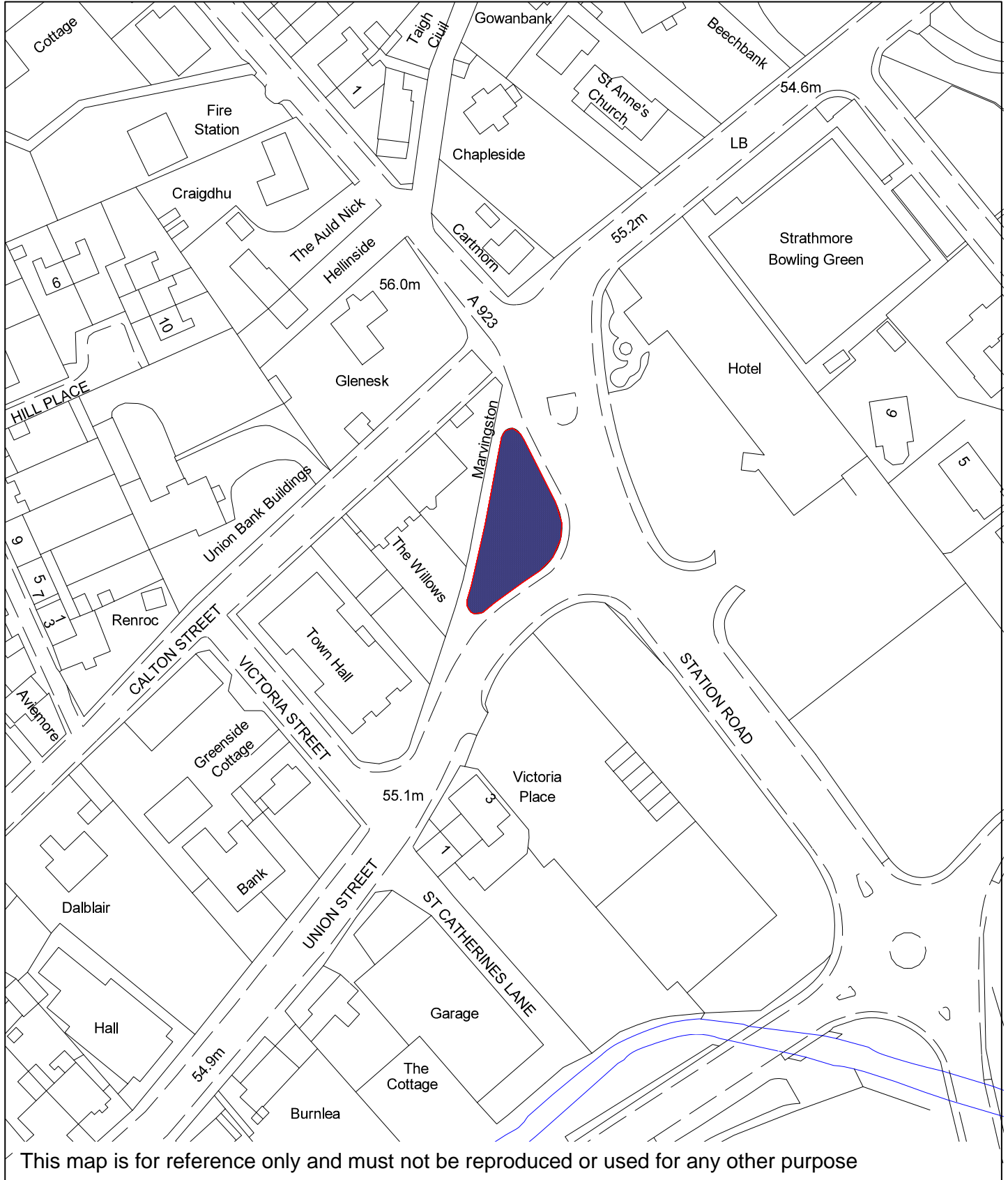
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Perth & Kinross Council

13/00612/FLL

Land SE of Marvingston, Union Street, Coupar Angus

Erection of a heavy duty horse sculpture with associated lighting and landscaping



↑ Scale
1:1250

