

Perth and Kinross Council
Planning & Development Management Committee – 21 November 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/382)

PROPOSAL: Change of use and alterations to garden ground to form waste recycling business (class 6) comprising the siting of a skip, erection of a wall, fence and replacement gates, formation of raised hardstanding, steps and associated works (in retrospect)

LOCATION: Bridge House, Main Street, Keltybridge, Kelty, KY4 0JH

Ref. No: [18/01492/FLL](#)

Ward No: P8- Kinross-shire

Summary

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is Bridge House, Main Street, Keltybridge, Kelty. The application seeks detailed planning permission in retrospect for the change of use of garden ground to the storage of waste associated with an established plumbing and heating business (class 6). The existing business on the site (Crombie Plumbing and Heating) was granted planning permission in 1995 under application 95/01473/FUL. The current application for the change of use also includes the siting of a skip, the erection of a wall, fence and replacement gates, the formation of raised hardstanding, steps, and associated works.
- 2 The waste storage area has been operating for approximately 6 years without planning consent. In this time, the Council did not receive any complaints regarding its use. A complaint was however sent to Planning Enforcement in early 2018 concerned that the relevant consents were not in place. Planning Enforcement consequently investigated, hence the current application in retrospect.
- 3 The overall site area for Bridge House is approximately 1200sq m and the proposed area subject to the change of use is approximately 30sq m, which is 2.5% of the overall site. It is indicated that the skip will be removed and replaced every 4 – 5 weeks.

PRE-APPLICATION CONSULTATION

- 4 No pre-application consultation was undertaken; however there was enforcement interest on the site therefore there was correspondence between the applicant and the Planning Enforcement Officer.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 6 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 7 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 68 Design Statements

Creating Places 2013

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

DEVELOPMENT PLAN

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016-2036

- 12 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 13 *"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*
- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2014

- 15 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 16 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

- 18 All proposals should meet all eight of the placemaking criteria.

Policy RD1 - Residential Areas

- 19 In identified areas, 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 of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy TA1B - Transport Standards and Accessibility Requirements

- 20 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy EP2 - New Development and Flooding

- 21 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP8 - Noise Pollution

- 22 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP12 – Contaminated Land

- 23 Consideration will be given to proposals for the development of contaminated land, as defined under Part IIA, Section 78A(2) of the Environmental Protection Act 1990, where it can be demonstrated to the satisfaction of the Council that appropriate remediation measures can be incorporated in order to ensure that the site/ land is suitable for the proposed use and in order to ensure that contamination does not adversely affect the integrity of a European designated site.

Policy EP9B – New Waste Management Infrastructure

- 24 The development of waste management infrastructure, including any activity ancillary to any industrial or commercial process, will be supported where it meets a number of criteria set out by the Plan.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 25 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 26 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 27 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 28 89/00716/FUL Reserved Matters to erect a dwellinghouse 17 July 1989. Application Approved under delegated powers.
- 29 95/01473/FUL Formation of a business (class 6) and associated works 21 December 1995. Application Approved by Committee decision.
- 30 [11/01947/FLL](#) Alterations to garage to form ancillary accommodation 16 January 2012. Application Refused under delegated powers.
- 31 [14/00542/FLL](#) Alterations and extension to dwellinghouse 25 April 2014. Application Approved under delegated powers.

CONSULTATIONS

- 32 As part of the planning application process the following bodies were consulted:

External

Cleish & Blairadam Community Council

33 Expressed concerns with regards to access and the proposed use.

The Coal Authority

34 No response to the consultation.

Internal

Structures & Flooding

35 Initially requested a Flood Risk Assessment (FRA) however accepted site levels as a suitable alternative and now have no objection to the proposed development.

Environmental Health (Contaminated Land)

36 No comment to make on the application.

Environmental Health (Noise Odour)

37 No objection to the proposed development subject to conditional control regarding hours of operation and the burning of materials on site.

Transport Planning

38 No objection to the proposed development.

Development Negotiations Officer

39 No contributions required.

REPRESENTATIONS

40 8 letters of representation were received regarding the proposed development (6 objections, 1 letter of support and 1 general comment). In summary, the letters highlighted the following points:

41 Letter of Support

- Results in environmental improvements (reference to recycling over landfill)
- Supports economic development
- Site is well screened
- Minimal disturbance

42 Letters of Objection and General Comment

- Inappropriate access (reference to ownership and maintenance of access)
- Road safety
- Traffic congestion
- Impacts upon pedestrians and cyclists (reference to right of way)
- Noise disturbance
- Out of character with the area
- Concerns with existing water pipes and damage to existing properties
- Smoke and odour nuisance from burning goods
- Health and safety concerns
- Litter generation

43 These issues are addressed in the Appraisal section of the report, with the exception of litter generation, as this is not a material planning consideration.

ADDITIONAL STATEMENTS

44

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Not Required

APPRAISAL

45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council’s other approved policies and supplementary guidance, namely the Placemaking Guide.

Principle

46 The application site is within the settlement of Keltybridge as identified within the LDP; therefore Policy RD1 ‘Residential Areas’ is directly applicable. As this proposal is within a residential area, the proposed use must therefore be compatible with residential uses. In this instance, as the proposal is for waste storage facilities, Policy EP9B ‘New Waste Management Infrastructure’ will also be applied. This policy states that the development of waste management infrastructure, including any activity ancillary to any industrial or

commercial process, will be supported where it meets a number of criteria set out by the Plan. Other policies are also directly applicable to ensure that the residential amenity of the area is not compromised. These include the Placemaking Policies PM1A and PM1B which seek to ensure that all new developments contribute positively to the quality of place.

- 47 It is considered that the proposed use is of a scale which is compatible in a residential area with appropriate conditional control. This will be discussed further within this report.

Design and Layout

- 48 The proposal is for a modest store building, along with a hardstanding to house a single skip, with two open recycling bays, all enclosed by a secure boundary fence, gates and a rendered wall within the curtilage of the original boundary wall.
- 49 The overall scale and height of the building and associated enclosure is relatively low level and is not highly visible from the private access track due to the height and established nature of the surrounding enclosure. It is therefore considered that there are no design and layout implications arising from the proposed development.

Landscape and Visual Amenity

- 50 Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, as the proposal is for a small scale development on a contained site within the settlement boundary of Keltlybridge, this is not considered to erode the visual amenity of the area, or the local distinctiveness, diversity and quality of the landscape.

Residential Amenity

- 51 The closest property to the waste storage area, outwith the applicant's ownership, is 4 Blairadam Grove which is approximately 52m away. The access to the storage area is down a single track road to the rear of Bridge House and Esfahan House sits at the junction of the road.
- 52 There is the potential for noise from the daily operation of the waste storage site to impact upon residential amenity. The noise sources are vehicle movements, disposing of materials into the skip and the removal and replacement of the skip; predominately banging and clattering noises. This has also been raised within some of the letters of representation received.
- 53 Environmental Health were consulted as part of this application and have stated that they have no objection to the proposed development, subject to conditional control regarding hours of operation and the prohibition of burning

of materials. It has been recommended to limit the hours of operation from 0830 hours to 1700 hours Monday to Friday only, with no operations permitted on Saturdays & Sundays. These hours were recommended after Environmental Health assessed information submitted by the agent. It is considered that by limiting hours and by prohibiting the burning of materials, that due to the scale of the development, this will be sufficient to protect existing residential amenity (Conditions 3 and 4). Environmental Health also further stated that in the 6 years that this waste storage area has been operating there has been no complaints with regards to noise from the general operations of the plumbing business.

- 54 Within some of the letters of representation received, concerns were also raised with regards to the usage of the site. It is considered appropriate to condition that the use of the waste storage area is restricted to purposes ancillary to the business on the site of Bridge House (granted under application 95/01473/FUL), and not to be used by any member of the public or other business, or sold or let separately from the Bridge House. This will ensure that in the future, should the area wish to be operated as a separate business or facility, then this can be controlled by the Council as Planning Authority(Condition 2).

Roads and Access

- 55 The site is accessed by a small access road which leads to Main Street. This access road is a right of way. Within some of the letters of representation received, it was raised that this access road is not considered to be sufficient for the proposed development.
- 56 The agent has stated that the total number of vehicle movements daily within the waste storage area is 5 plumbing vans inward to deposit waste and 5 outward, so a total of 10 vehicle movement daily.
- 57 The agent has also advised that the skip uplift is every 4-5 weeks or when the skip is full. The process involves the skip trailer reversing into site, the removal of new skip from skip trailer onto hard standing, uplift of full trailer onto skip trailer and then vehicle drives away. The whole uplift/removal process takes approximately 15 - 20 mins from when skip trailer vehicle arrives at the site.
- 58 Transport Planning were consulted as part of this application and have no objection to the proposed development, as the existing access track is considered to be sufficient for a development of this scale. Some concerns have been raised regarding ownership of the track and whilst this is not a material consideration an informative is recommended to be added to the consent to highlight the matter to the applicant's attention (Informative 3).

Drainage and Flooding

- 59 Indicative SEPA flood risk maps show most of this site to lie within the medium risk area for fluvial flooding from the adjacent Kelty Burn. As such,

the Structures and Flooding team were consulted as part of the application. They initially requested a Flood Risk Assessment (FRA) however accepted site levels as a suitable alternative and now have removed their objection to the proposed development. It is therefore considered that there is no drainage or flooding implications associated with the proposed development.

Conservation Considerations

- 60 The site is not in a designated Conservation Area or in close proximity to a listed building or any other designated site. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

Natural Heritage and Biodiversity

- 61 The proposed development is not considered to have any adverse impact upon the natural heritage and biodiversity of the area.

Developer Contributions

- 62 The Developer Negotiations Officer was consulted as part of this application and confirmed that no comments are relevant on this proposal in terms of the Developer Contributions and Affordable Housing Guidance. No contributions are therefore required.

Economic Impact

- 63 The proposed development will aid the existing established plumbing business whilst also being of economic benefit to a licenced recycling contractor.

LEGAL AGREEMENTS

- 64 None.

DIRECTION BY SCOTTISH MINISTERS

- 65 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 66 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

- 67 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 The waste storage area hereby approved shall be used solely for the purposes ancillary to the business on the site of Bridge House (granted under application 95/01473/FUL), and shall not be used by any member of the public or other business, or sold or let separately from the Bridge House, all to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

- 3 The hours of operation of the waste storage area shall be restricted to between 0830 hours and 1700 hours Monday to Friday only, with no operations permitted on Saturdays and Sundays.

Reason - In order to safeguard the residential amenity of the area.

- 4 There shall be no burning of materials on the site at any time.

Reason - In order to safeguard the residential amenity of the area.

B JUSTIFICATION

- 68 The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

- 69 None.

D INFORMATIVES

- 1 The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on development within a flood risk area.

- 2 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 3 The applicant is advised that the granting of planning permission does not guarantee rights of access to the site. This should be agreed with the relevant landowner(s).

Background Papers: 8 letters of representation
Contact Officer: Sean Panton
Date: 8 November 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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