

Perth and Kinross Council
Planning & Development Management Committee – 17 January 2018
Report of Handling by Interim Development Quality Manager

PROPOSAL: Change of use from retail unit to café/restaurant (Class 3) and hot food takeaway

LOCATION: 19 County Place, Perth, PH2 8EE

Ref. No: 17/01862/FLL
Ward No: P12- Perth City Centre

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 is for change of use of a Class 1 Retail unit to café/restaurant (Class 3) and hot food takeaway.
- 2 The unit is located in the secondary town centre zone and the Perth Conservation Area. The area is characterised by Class 1, 2 and 3 uses with a number of hot food takeaways and a hotel.
- 3 The proposal is for change of use only and no alterations have been detailed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 The scale of development falls below the EIA thresholds.

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

National Roads Development Guide 2014

- 10 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

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:

“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.”

- 13 Whilst there are no specific policies or strategies directly relevant to this proposal, the overall vision of TAYplan, as stated above, should be noted.

Perth and Kinross Local Development Plan 2014

- 14 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.

- 15 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 16 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 adaption.

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

- 18 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RC2 - Perth City Centre Secondary Uses Area

- 19 Within the area identified, a mix of appropriate uses including shops (particularly small specialist shopping units), residential, offices, restaurants, pubs and clubs will be encouraged.

Policy HE3A - Conservation Areas

- 20 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a 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. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

SITE HISTORY

- 21 No recent site history

CONSULTATIONS

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

External

23 No external consultations required.

Internal

Transport Planning

24 No objection to proposal and no conditions requested.

Environmental Health

25 No objection subject to conditions recommended related to noise and odour.

REPRESENTATIONS

26 The following points were raised in the 34 letters of representation received:

- Loss of a retail shop
- Over provision of cafes/hot food takeaways

These issues are addressed in the Appraisal section of the report.

27 ADDITIONAL STATEMENTS

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

APPRAISAL

28 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.

Principle

- 29 The site is located in an area designated as city centre secondary uses in the LDP.
- 30 Policy RC2 Perth City Centre Secondary Uses Area encourages a mix of uses including shops, offices, restaurants, pubs and clubs. Policy HE3A Conservation Areas seeks to ensure that within conservation areas development preserves or enhances its character and appearance.
- 31 The principle of development would comply with the acceptable uses as outlined in Policy RC2. The use is also not considered to raise any policy concerns in relation to the Conservation Area.

Use

- 32 There has been some concerns raised within the representations about the number of hot food takeaways and restaurants in the area and that the current newsagent occupier is not ending their lease. However this is not a material planning consideration. The consideration is whether or not the use proposed is acceptable in its own right, bearing in mind the nature and makeup of the area in which it is located – and ultimately, I consider the use proposed to be acceptable.

Design and Layout

- 33 No external changes to the building have been proposed. A further application for signage or any proposed alterations to the shopfront would be required and this will be added as an Informative.

Residential Amenity

- 34 This proposal by virtue of the nature of cooking has the potential to impact on residential amenity at nearby properties through odour and noise disturbance.
- 35 In this case the potential is lessened somewhat by the fact that this is a single storey property with no flats above. The applicant has not supplied any details of the type of food to be cooked or the ventilation system to be utilised, however the addition of planning conditions should provide reasonable protection to residential amenity. This is covered under conditions 2 and 3. An Informative will also be added to advise that a further application may be required if, for example, a flue is required.

Conservation Area

- 36 This proposal is for change of use only. As there are no external alterations proposed then it is considered that the use would not detrimentally impact the character or appearance of the Conservation Area.

Roads and Access

- 37 The site is within the town centre so off street parking is available in nearby car parks and is served by public transport. The proposal therefore raises no issues in terms of parking and access.

Drainage and Flooding

- 38 The proposal raises no issues in terms of drainage or flooding issues.

Waste Collection

- 39 The site is located within a town centre location and would be subject to the same waste collection procedure as the nearby takeaways and restaurants.

Developer Contributions

- 40 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

- 41 Whilst the economic impact of the proposal is likely to be minimal the approval of this application will provide more consumer choice and hopefully ensure the long term occupancy of the existing building.

LEGAL AGREEMENTS

- 42 No legal agreement required.

DIRECTION BY SCOTTISH MINISTERS

- 43 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

- 44 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 LDP and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 45 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 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

- 3 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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

B JUSTIFICATION

- 46 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

- 47 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 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 An application for Building Warrant may be required.
- 6 The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984
- 7 This application is for change of use only any external alterations for example shopfront alterations or the installation of a flue may require a further planning application.

Background Papers: 34 letters of representation
Contact Officer: Joanne Ferguson 01738 475320
Date: 22 December 2017

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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