

Perth and Kinross Council
Planning & Development Management Committee – 5 June 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/168)

PROPOSAL: Change of use of hairdressers (class 1) to cafe (class 3).

LOCATION: Louis T'ney Hair And Beauty, 8 West Mains Avenue, Perth PH1 1QZ.

Ref. No: [19/00377/FLL](#)

Ward No: P11 - Perth City North

Summary

This report recommends approval of the change of use 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 the change of use from hairdressers (Class 1) to café (Class 3) at West Mains Avenue, Perth. The unit forms part of a small complex of commercial buildings located within a residential area on the western edge of Perth.
- 2 The unit is located between the Co-op Food store and a hot food takeaway. The supporting statement submitted states that the proposed café is to be licensed serving wine and bottled beers with food. The types of food to be prepared on the premises are Tapas style foods, soups, sandwiches and paninis.
- 3 No changes are proposed to the exterior of the building. Changes to the internal layout are required to form the kitchen, washrooms and dining area.
- 4 The hours of operation are to be Sunday - Thursday 0900 to 2100 hours and Friday - Saturday 0900 to 2300 hours.
- 5 A communal car park for the units is located to the northeast.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 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

- 8 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.
- 9 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

- 10 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
 - PAN 75 Planning for Transport

Creating Places 2013

- 11 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

- 12 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

- 13 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:
- 14 *“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.”*

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 adaption.

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 PM3 - Infrastructure Contributions

- 20 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 TA1A - Transport Standards and Accessibility Requirements

- 21 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 23 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.
- 24 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.
- 25 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

- 26 No recent site history.

CONSULTATIONS

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

External

- 28 No external consultations required.

Internal

Development Negotiations Officer

- 29 No developer contributions required.

Transport Planning

- 30 No objection to proposal and no conditions required.

Environmental Health

- 31 No objection conditions required to cover noise, odour and servicing.

REPRESENTATIONS

- 32 The following points were raised in the 6 letters of representations received:

- Consumption of alcohol on premises
- Disturbance from deliveries, clearing up and patrons leaving premises
- Littering
- Lack of parking
- Odour from existing takeaways
- Noise pollution

- 33 The issues are addressed in the appraisal section with the exception of alcohol consumption which cannot be controlled through the planning process but instead would be under the remit of the licensing board.

ADDITIONAL STATEMENTS

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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

- 35 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

- 36 The site is located in an area zoned for residential and compatible uses under Policy RD1. In these areas, residential amenity will be protected and changes of use away from ancillary uses such as local shops will be resisted.
- 37 For reasons mentioned throughout this report, the proposed change of use is considered to be compliant with the relevant provisions of the aforementioned Local Development Plan. The proposed use is considered to be compatible with neighbouring land uses and residential amenity is not considered to be compromised.

Design and Layout

- 38 There are no external alterations proposed to the unit, however, signage will be required if permission is granted. Internal alterations are required to form the kitchen, washrooms and dining area. It is therefore considered that there are no design and layout concerns with this proposal.

Residential Amenity

- 39 The site is within a block of commercial units. The closest residential property, 5 Geddes Drive, is approximately 40 metres away from the proposed café.
- 40 The hours of operation are stated within the supporting statement as Sunday - Thursday 0900 to 2100 hours and, Friday - Saturday 0900 to 2300 hours.
- 42 Odour from the daily operation of the café has the potential to affect existing residential amenity. The impact of this can be controlled and mitigated by the installation of the correct ventilation system (Condition 2).
- 43 Noise from patrons leaving the premises especially in the late evening period has the potential to disturb neighbouring properties. However, the applicant will need to provide information to the licensing board about the control measures proposed to prevent 'public nuisance' arising from not only noise but also, light, odour, litter and anti-social behaviour. It is recognised that operational noise could give rise to amenity impacts. To safeguard the residential amenity of the area, the operational noise from cooking and ventilation systems can be controlled (Condition 3) and the hours for servicing and delivery can be restricted (Condition 4).
- 44 It is considered that a small licensed café with 20 covers and with good management policies/procedures, subject to the control measures identified, would not adversely affect residential amenity and would comply with LDP Policies RD1 and EP8.

Roads and Access

- 45 The existing units have a car park located to the northeast for use of the businesses. The site also benefits from being located within a residential area where people will be able to travel on foot and access by the local bus services. The proposal therefore complies with LDP Policy TA1A.

Waste Collection

- 46 Refuse collection would be required to meet the commercial waste requirements and the site can be accessed by refuse vehicle and there is provision for bins within the site.
- 47 Littering would not fall under the remit or control of the Planning Authority.

Developer Contributions

- 48 The proposal does not exacerbate or generate any need for additional infrastructure as set out in LDP Policy PM3. As such, no developer contributions are required for this proposal.

Economic Impact

- 49 The proposal will retain the commercial use of the building and provide employment and a local service.

LEGAL AGREEMENTS

- 50 None required

DIRECTION BY SCOTTISH MINISTERS

- 51 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

- 52 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. In this case I am content that the development proposed accords with the Development Plan and there are no material considerations that would warrant setting these objectives aside.
- 53 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. 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 amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

3. 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 neighbouring residential amenity in the area.

4. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

B JUSTIFICATION

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

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. An application for Building Warrant may be required.

Background Papers: 6 letters of representation
Contact Officer: Joanne Ferguson 01738 475320
Date: 23 May 2019

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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