

LRB-2022-56
22/00739/FLL - Part change of use of dwellinghouse to
form a beauty salon, 29 Croft Wynd, Milnathort, KY13 9GH

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LRB-2022-56

**22/00739/FLL - Part change of use of dwellinghouse to
form a beauty salon, 29 Croft Wynd, Milnathort, KY13 9GH**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The site is a previously converted garage to the rear of our property, so access to the garden is necessary to fully view the outside. That being said, we would be happy for a site inspector to access our garden during our absence if required

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

I wish to appeal this decision for a number of reasons:

- 1) My daughter no longer intends to work from the premises as she is pursuing an alternative career path, therefore it would be only me operating from the annex, seeing a maximum of 4 clients per day
- 2) I have spoken to most of the immediate neighbours and they all express surprise and some dismay on my behalf that permission has been refused, therefore I can only assume that they have no objections to the proposal. The neighbours I have spoken to live at No 27 (immediate left) No 25 (next left), No 31 (immediate right), No 20 (next right), No 16, and No 12 - all but 2 of the houses surrounding the turning circle at the end of our street. I have not had a chance to talk to No 18 and No 14 yet but believe they would have a similar view.
- 3) I feel my mental health is suffering due to my current, high stress job in the NHS, and I believe I could significantly improve this by being my own boss working from home
- 4) I have a fairly lengthy commute to my current place of work which makes for a very long working day, adds to my general stress levels, particularly in the winter, and increases my carbon footprint. All of this could be substantially improved by my being able to work from home
- 5) I understand that one facet of the PKC planning strategy is to facilitate people being able to work from home where possible, and I believe that in my case, my proposal entails little or no disruption to the current nature of the street
- 6) Finally, with the current mortgage my husband and I have on this property, I cannot afford, at this stage, to rent separate premises (and there are none currently suitable locally in any case) so the only other option would be to sell up, downsize and free up some cash resource to rent a property, which would almost certainly involve a commute to some extent. This would not only involve additional stress, but we are both emotionally tied to this house and to our friendly and supportive neighbours and would hate to move if not absolutely necessary.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

- 1) My daughter no longer intends to work from the annex. This is a decision she has made since the time the planning was refused. (She is now at college) I understand that the key reason why the permission was refused was due to the potential number of clients and cars generated by 2 staff members, and as she would no longer be working there it is a significant new development
- 2) I made no mention of my wish to reduce my stress levels being a key part of my proposal, as I did not consider this a necessary part of a planning application, however it is a big factor in my wanting to set up on my own and work from home, whilst reducing my carbon footprint, which is also very important to me.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- No new documentary or material evidence, however I confirm that all of the above statements are true

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature]

Date

05/10/2022



Christies
Mrs Sheila Kellett
29 Croftwynd
Milnathort
KY13 9GH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **6th July 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/00739/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 9th May 2022 for Planning Permission for **Part change of use of dwellinghouse to form a beauty salon 29 Croft Wynd Milnathort Kinross KY13 9GH**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to the Perth and Kinross Local Development Plan 2 2019 Policy 17 Residential Areas in that the change of use due to the scale of the development would not be compatible with the amenity and character of the area and would not ensure that the residential amenity of the area is protected.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

01

02

03

04

LRB-2022-56

22/00739/FLL - Part change of use of dwellinghouse to form a beauty salon, 29 Croft Wynd, Milnathort, KY13 9GH

PLANNING DECISION NOTICE *(included in applicant's submission, pages 487-488)*

REPORT OF HANDLING

REFERENCE DOCUMENTS

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00739/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	8th July 2022	
Draft Report Date	6th July 2022	
Report Issued by	JF	Date 06.07.22

PROPOSAL: Part change of use to dwellinghouse to form a beauty salon

LOCATION: 29 Croft Wynd Milnathort Kinross KY13 9GH

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for part change of use of dwellinghouse to form a beauty salon at 29 Croft Wynd, Milnathort. The property is detached dwelling with a one-bedroom

ancillary unit to the rear (most likely a former double garage). The dwelling lies within a residential area within the settlement of Milnathort.

The proposal is for part change of use of the ancillary one-bedroom unit to form a two treatment room beauty salon.

SITE HISTORY

99/01337/FUL Erection of 17 houses and integral garages and access road at
25 November 1999 Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: 22/00030/PREAPP

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“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 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 17: Residential Areas

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance

CONSULTATION RESPONSES

Transport Planning No objection

Environmental Health (Noise Odour) No objection

REPRESENTATIONS

No letters received

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

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 Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The site is located within a residential area and the applicable policy is Policy 17 Residential Areas. This policy supports proposals for business and homeworking but this must be where they are compatible with the amenity and character of the area with the policy also seeking to ensure that residential amenity is protected.

The proposal will form a two-treatment room beauty salon and the applicant has confirmed that two members of staff will be employed (applicant and her daughter). They have indicated that they would have four appointments each per day and operate Mon-Fri 9-5 with some appointments offered on one or two days out with these times.

The applicants dwelling lies within a residential cul-de-sac. Whilst the council is supportive of proposals which enable people to open new businesses it is important that these are in the right location. This proposal provides a workplace within a residential area for someone to travel to, although the applicant has indicated that this would be her daughter (who may live within the existing dwelling) this could not be controlled by condition. In addition, the applicant has noted a small number of daily appointments (4 each) but in approving such an application the council would not be able to restrict the business in this way as a condition in this regard would not meet the conditions tests for example in relation to enforceability.

However ultimately the proposal is for the provision of a business that falls within Class 2 of the Use Classes Order. The order states that these are considered as an acceptable town centre use which is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public. The dwelling is located in Milnathort and close to Kinross both of which have zoned town/neighbourhood centres where this scale and kind of development could be facilitated and supported.

It is considered that at this scale of development, providing a beauty salon which is a place of work for employees, within a residential area cannot be supported. The scale of the development would not be compatible with the amenity and character of the area and would not ensure that the residential amenity of the area is protected.

Design and Layout

There are no changes proposed externally or internally. The unit is already separate from the dwelling with no internal linkage. The living kitchen will be converted into a treatment room as will the bedroom and the bathroom will be retained.

Residential Amenity

The proposal will introduce a beauty salon into an enclosed residential street. The Environment Health Officer has no objection to the proposal but the assessment is in relation to the noise generated from the use not the overall impact of the use on the character and amenity of the wider residential area.

Whilst it is considered a single person operating a business from home may be acceptable in some locations in this case the proposal is much more and forms a beauty salon business premise from within a dwelling within a residential cul-de-sac. It is considered that the introduction of a business premises in this location would have a detrimental impact on the residential character of the area.

Roads and Access

Transport Planning have no objection to the proposal as a parking area has been shown on the plans. The applicant has also confirmed that the appointments would not overlap so there would only be one staff car and two customer cars at any one time. If the proposal was to be supported a plan would have been required to formally show how the site could be laid out with the parking space and turning for vehicles.

Drainage and Flooding

No drainage or flooding implications.

Developer Contributions

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

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

Conditions and Reasons

The proposal is contrary to the Perth and Kinross Local Development Plan 2 2019 Policy 17 Residential Areas in that the change of use due to the scale of the development would not be compatible with the amenity and character of the area and would not ensure that the residential amenity of the area is protected.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04



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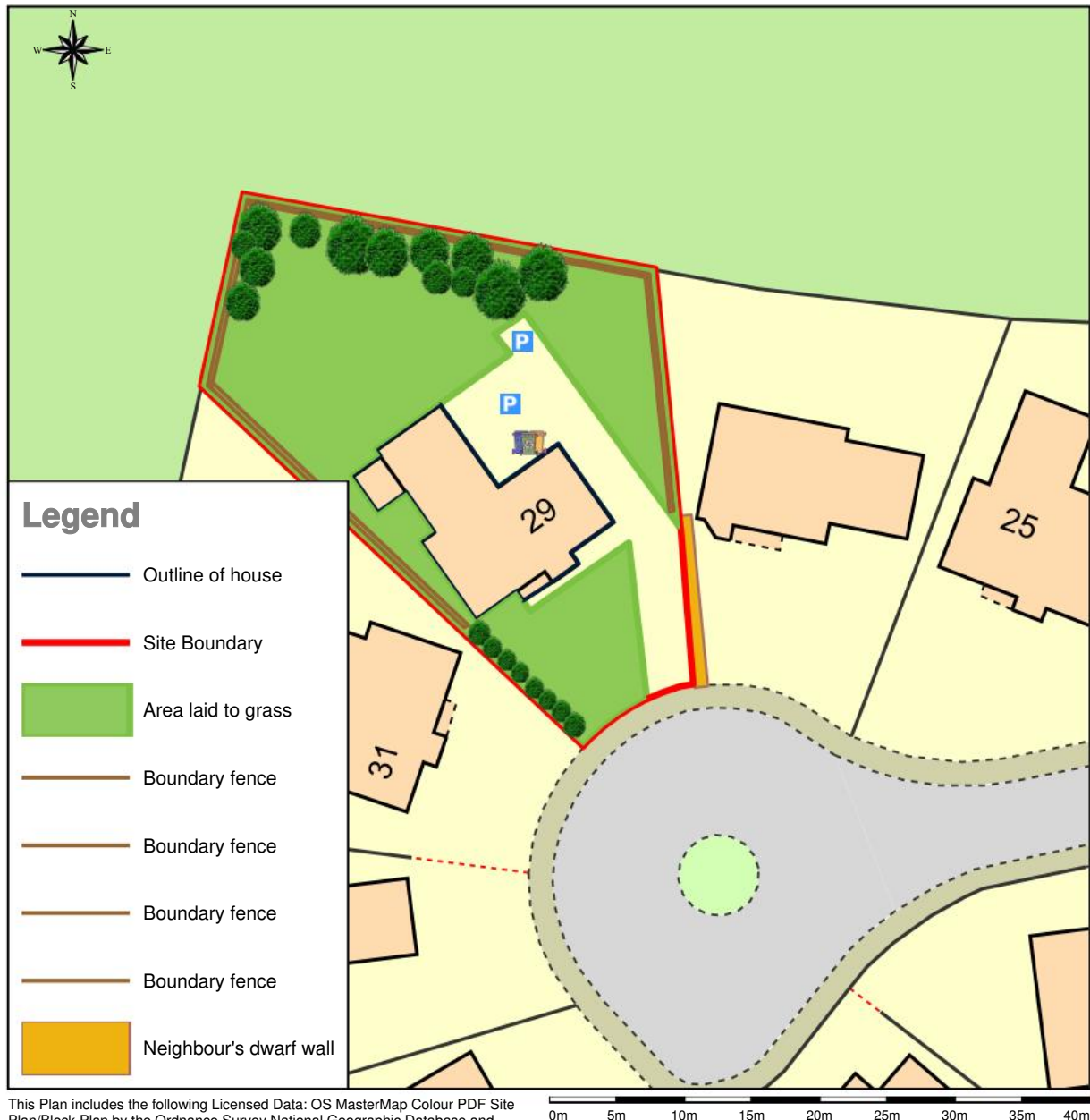
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plans

Site Plan/Block Plan near KY13 9GH



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Scale: 1:500, paper size: A4

Christies Aesthetics & Beauty Salon

Red outline denotes full site

Salon itself is rear part of building nearest the trees (not including shed on side of No 31)

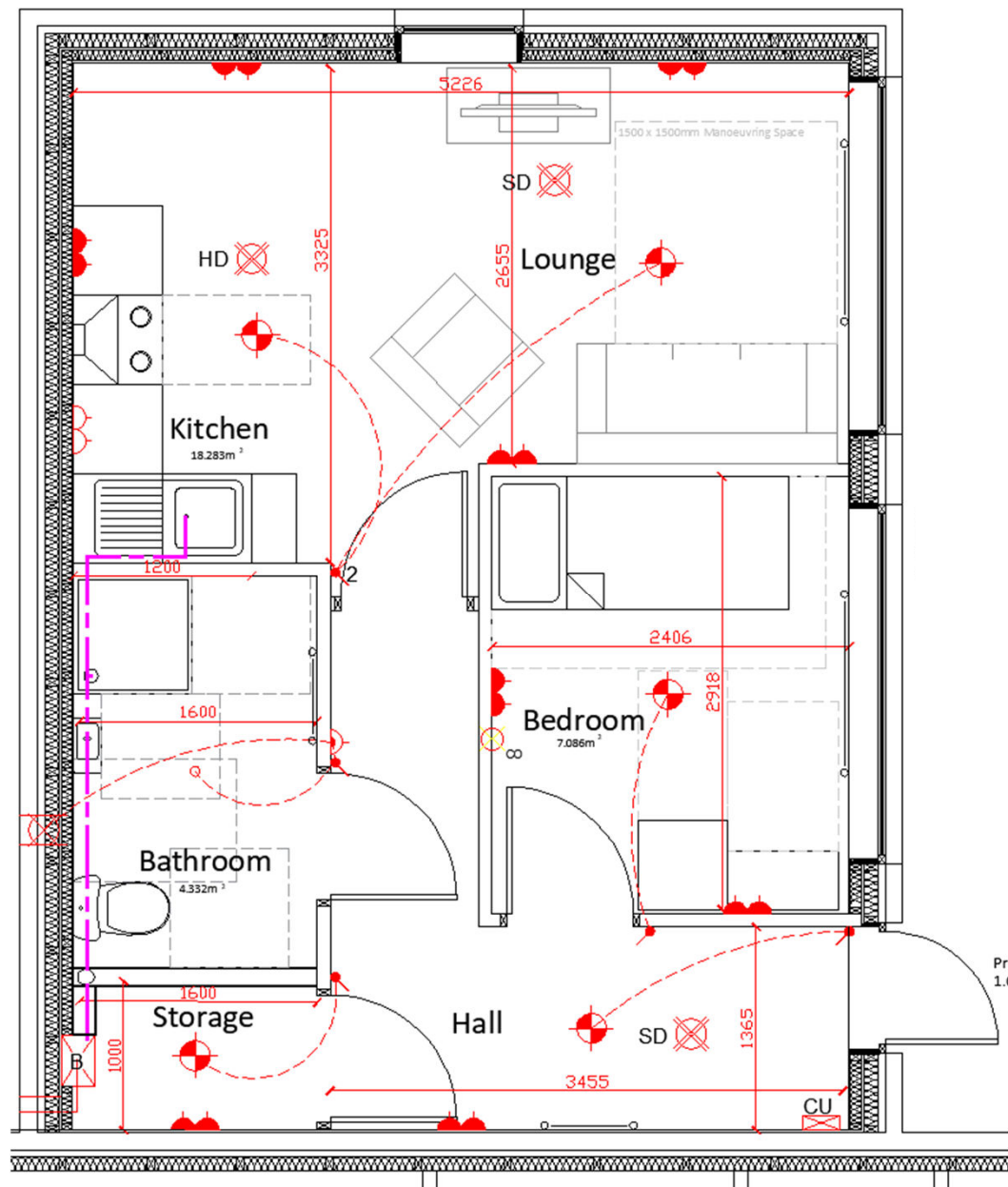
Driveway from street, to side of house and full salon curtilage area is all hard standing monobloc paving

Large tree symbols at North end of site represent large pine trees and approximate canopy spread

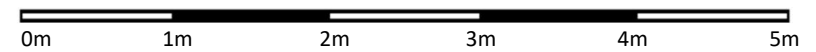
Row of small tree symbols along boundary line with No 31 represent a boundary hedge



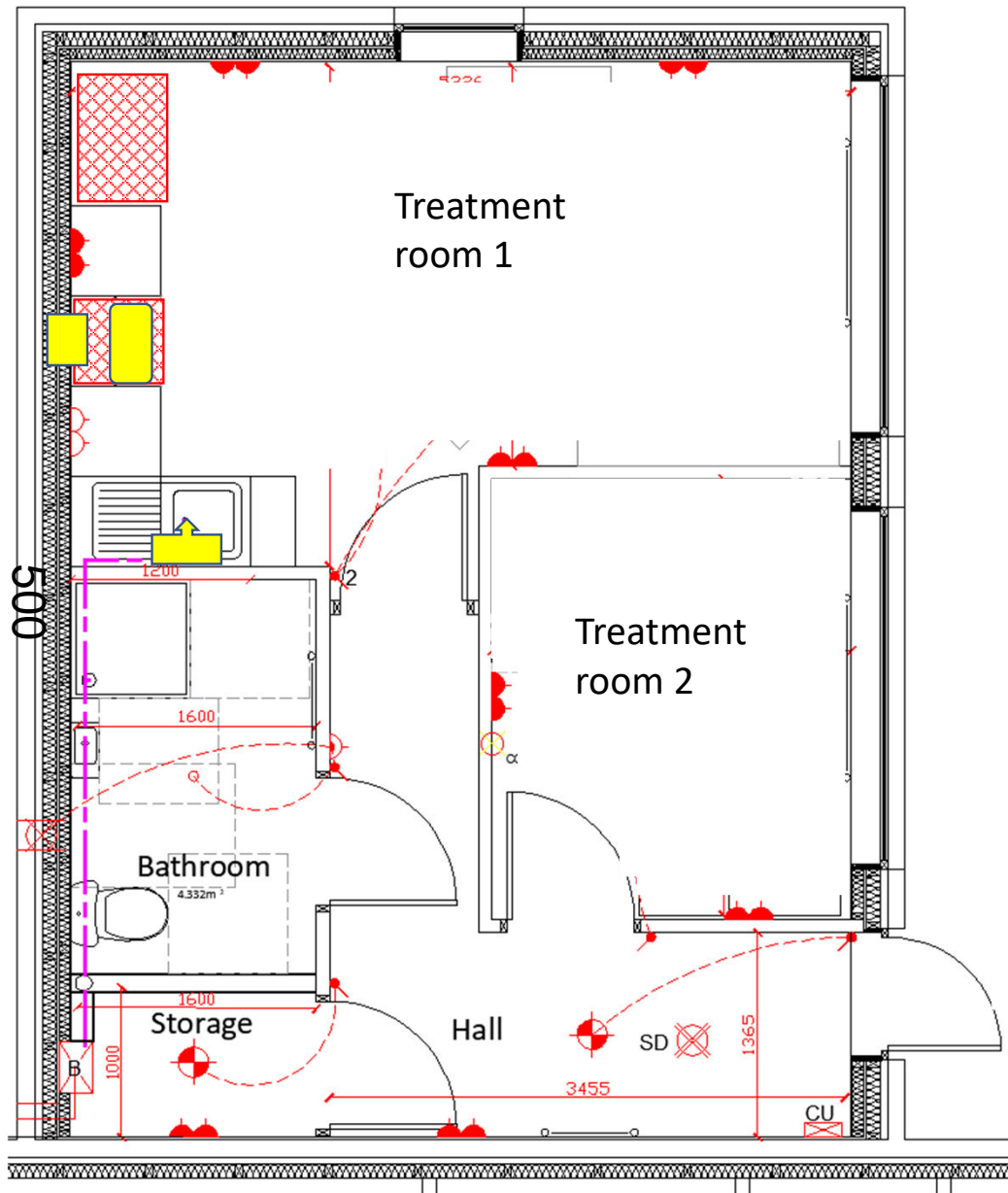
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plans



Current floorplan of single bed dwelling







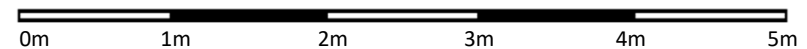
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Proposed floorplan of Aesthetics and Beauty Clinic

Update **29/04/22**:

- (As before) No changes currently are proposed to the internal or external structure of the building.
- Changes will be minor alterations to furniture and fittings only in the early stages of the business, e.g.:
 - Removal of all household furniture
 - Removal of oven, hob and hood, plus any free-standing kitchen appliances: 
 - hood extractor to be replaced with an extractor fan: 
 - Replacement of kitchen taps with single lever mixer tap from wall: 
 - Addition of suitable furniture and fittings for the business, including treatment beds, chairs and tables, and a locked medical fridge: 



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**22/00739/FLL - Part change of use of dwellinghouse to
form a beauty salon, 29 Croft Wynd, Milnathort, KY13 9GH**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.		Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Part change of use to dwellinghouse to form a beauty salon		
Address of site	29 Croft Wynd, Milnathort, Kinross, KY13 9GH		
Comments on the proposal	<p>The applicant is proposing to change the previously converted double garage from a one bedroomed self-contained dwelling into a combined aesthetics & beauty clinic.</p> <p>The applicant has shown that there will be parking within the curtilage of the dwellinghouse for the proposed salon.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	31 May 2022		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00739/FLL

Our ref LRE

Date 8 June 2022

Tel No

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

22/00739/FLL RE: Part change of use to dwellinghouse to form a beauty salon, 29 Croft Wynd Milnathort Kinross KY13 9GH for Christies

I refer to your letter email dated 18 May 2022 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections in principle to the application but recommend the undernoted conditions be included on any given consent.

Comments

This application is for the change of use, of the previously converted double garage, from a one bedroom self-contained dwellinghouse into a combined aesthetics and beauty clinic.

The proposed beauty clinic is located within a residential area with detached dwellinghouses the closest to the clinic is 27 Croft Wynd which is approximately 15 metres away.

There are no letters of representation at the time of writing this memorandum.

Noise

There is the potential for the residential amenity of neighbouring dwellinghouse to be affected from noise from the daily operation of the clinic.

Having spoken with the applicant the expected operational hours are to be Monday to Friday 0900 to 2000 with only occasional Saturday working with similar times.

The total number of clients per day would be eight and there is parking at the rear of the property.

I believe suitable control can be put in place to protect residential amenity from the operations of the clinic.

Odours

The plans indicate that an extraction ventilation fan is to be installed and on speaking with the applicant the main chemicals to be used are botox, fillers and nail varnish therefore, it is my contention that odours would not adversely affect residential amenity of neighbouring properties.

Therefore, I recommend that the undernoted conditions be attached to any given consent.

Conditions

- EH01** The hours of operations shall be restricted to 0900 hours to 2030 hours Monday to Saturday only.
- EH10** 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.
- EH31** All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.