

Perth and Kinross Council
Planning & Development Management Committee – 11 March 2020
Report of Handling by Head of Planning & Development (Report No. 20/63)

PROPOSAL: Change of use from dwellinghouse (class 9) to guest house (class 7)

LOCATION: Woodcroft, Bellwood Park, Perth, PH2 7AJ

Ref. No: [19/01891/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 site is located at Woodcroft, a large detached stone-built property located on Bellwood Park in Perth. The site is located within Perth Conservation Area. The applicant seeks a change of use from a dwellinghouse (Class 9) to a guest house (Class 7). A Certificate of Lawfulness was granted in October 2018 which confirmed that the applicant could utilise two of the bedrooms within the five bedroom dwellinghouse for guest house/bed and breakfast under Class 1A of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.
- 2 The applicant now wishes the option to offer more than two bedrooms of the five bed roomed house for holiday accommodation. It is understood the applicant utilises one of the five bedrooms for her own use and therefore there would be a total of four bedrooms available for guest house use within the building.

NATIONAL POLICY AND GUIDANCE

- 3 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

- 4 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

- 5 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.
- 6 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

- 7 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

National Roads Development Guide 2014

- 8 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

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

TAYPlan Strategic Development Plan 2016-2036

- 10 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.”

- 11 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2 (2019)

- 12 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 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.
- 13 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 27A: Listed Buildings
 - Policy 28A: Conservation Areas: New Development
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 56: Noise Pollution
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

SITE HISTORY

- 14 17/00963/TW Removal of trees Decision Issued 2 June 2017 Application Approved
- 15 17/01267/TW Tree Works - Removal of cherry tree Decision Issued 9 August 2017 Application Approved
- 19 [17/01282/FLL](#) Alterations to dwellinghouse Decision Issued 7 September 2017 Application Withdrawn
- 20 [17/01602/FLL](#) Alterations to dwellinghouse Decision Issued 6 December 2017 Application Approved
- 21 [18/01832/LAW](#) Use of dwellinghouse (Class 9) as guest house (Class 7) (existing) Decision Issued 29 October 2018 Application Approved
- 22 19/01417/TW Removal of Lawsons Cypress close to north boundary wall Decision Issued 23 August 2019 Application Approved

CONSULTATIONS

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

EXTERNAL

24 **Scottish Water** - No objection

INTERNAL

25 **Development Negotiations Officer** - No requirement for a developer contribution

26 **Transport Planning** - No objection

REPRESENTATIONS

27 A total of 18 letters of representation have been received from individual households/addresses all of which object to the application:

28 The following points were raised in the representations received:

- Impact on road safety, pedestrian safety
- Lack of turning point for vehicles on road
- Junction with Dundee Road
- Lack of parking
- Increase in visitor and service vehicle traffic
- Impact on access for emergency and service vehicles
- Contrary to Development Plan
- Impact on character and setting of conservation area
- Impact on residential amenity/overlooking
- Setting of a precedent for similar development
- Impact on property values
- Right of access for commercial use of a private road
- Anti-social behaviour

29 The planning issues are addressed in the Appraisal section of the report. Impact on property values, anti-social behaviour and the use of, and legal issues associated with the use of the private road are not material planning considerations.

ADDITIONAL STATEMENTS

30	Screening Opinion	EIA Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact	Supporting Statement submitted

APPRAISAL

- 31 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 2019. Furthermore, the provisions of Section 64 (1) of the Planning (Listed Buildings and Conservation Areas (Scotland) 1997 are also relevant in this assessment. 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

- 32 The application site is located within an area allocated for residential and compatible uses where Policy 17 of the LDP2 applies. This identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected and, where possible, improved. It states that generally encouragement will be given to proposals which fall into certain categories. Category (d) of the policy refers to business, home working, tourism or leisure activities. It is common for guest houses to be located within residential areas and the Kinnoull area of Perth contains a number of guest houses given its easy access to Dundee Road and location within walking distance of Perth City Centre. As such the general principle of a change of use to a guest house is considered to be compatible with the requirements of Policy 17 of the LDP2.
- 33 There is also a requirement to consider other relevant policies of the LDP2 which include Policy 1A and B which relate to placemaking, Policy 28A which relates to Conservation Areas, Policy 56 which relates to noise pollution and Policy 60B which relates to transport standards and accessibility. These will be considered in more detail below.

Impact on Character of Conservation Area

- 34 The change of use is not considered to result in any detrimental impact on the character and appearance of the Perth Conservation Area. The proposal involves no physical changes to the building. The proposed change of use of the building is therefore considered to comply with Policy 28A of the LDP2.

Access and Parking

- 35 Policy 60B of the LDP2 refers to Transport Standards and Accessibility and generally relates to new developments which generate significant levels of traffic. It refers to the need to ensure direct links to path networks, access to local bus routes and that it would not have a detrimental effect on the safe and efficient operation of strategic road and rail networks. It goes on to state that new development should provide access to cycling and walking and that development proposals should not exceed maximum on-site parking standards. Furthermore, the National Roads Development Guide refers to parking and access standards

for various development types. The level of vehicle movements associated with a guest house use of this scale is considered to be acceptable.

- 36 The application site is located within Perth and within walking distance of Perth City Centre and there are designated cycle routes from the junction of Bellwood Park with Dundee Road into the city centre and beyond. The Core Path KINL/1 runs along the east side of the River Tay is also within approximately 315m from the site which provides walking and cycle routes north and south and links westbound towards Perth City Centre. The site is also within walking distance of Perth Railway Station and is well served by local and regional bus routes along Dundee Road. As such the site is located within a sustainable location and therefore well served by sustainable means of transport in line with carbon reduction principles which are outlined in Scottish Planning Policy.
- 37 It is accepted that some residents will travel to the site by private car. Concerns have been expressed in letters of representation relating to the increase in visitor and service vehicles traffic associated with the use. Given the scale of the guest house it would not require servicing by commercial vehicles other than the Council Waste Collection vehicle which already serves the street. Given the number of bedrooms proposed within the guest house, this is not considered to generate significant levels of additional traffic in comparison with the use as a private dwelling and is therefore considered to be acceptable. Furthermore, check in time is 1400hrs and check out is 1100hrs as such generally guests would not be arriving or leaving during busy traffic periods.
- 38 The submission indicates that there are a total of four car parking spaces on site, two within an existing garage and two within the off street driveway for the house. It is noted from letters of representation that concerns have been expressed relating to cars parking on the private road. Having visited the site, the width of the road is considered to be sufficient to accommodate on street parking without detriment to users of the road.
- 39 It is noted that concerns have been expressed regarding winter maintenance of the private road. Winter maintenance of public roads is undertaken on the basis of priority and therefore it can sometimes be the case that even small-scale public or private roads would not receive gritting and snow clearing during the winter months. As such it is not considered to be uncommon for a road such as Bellwood Park to suffer from winter maintenance issues, regardless of it being a private road. An individual would be aware of the conditions and have a responsibility to approach with caution and drive to the road conditions.
- 40 The junction with Dundee Road is considered to be sufficient to cater for the proposed development and the likely level of traffic which would be generated. The junction is considered to have adequate visibility in both directions and Transport Planning have offered no objection in this regard.
- 41 Overall, the access, parking and traffic generation for the site are considered to be acceptable. Transport Planning have offered no objection to the application and therefore the proposal is considered to comply with Policy 60B of LDP2 and the National Roads Development Guide.

Residential Amenity

- 42 Policy 1A and B and 17 of LDP2 require new development to respect existing levels of residential amenity. Furthermore Policy 56 refers to noise pollution and states that there is a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing noise sensitive land uses. As mentioned above guest houses are frequently located within residential areas and Policy 17 of LDP2 specifically states that tourism based uses are considered to be acceptable in residential areas. The use of the building as a guest house is not considered to generate high levels of noise which cannot be accommodated in a residential area.
- 43 The house is located within a large plot which is well contained by established planting and boundary treatments and the change of use is not considered to result in excessive overlooking to neighbours in comparison with the existing use.
- 44 The proposal is therefore considered to comply with policies 1A and B, 17 and 56 of the LDP2.

Right of Access/Use of Private Access

- 45 It is noted that Woodcroft is a private road. The control and use of a private road is a civil matter between the applicant and the owner/those who maintain the road and is not a material planning consideration.

Impact on Property Values

- 46 The impact of the proposal on property values is not a material planning consideration.

Precedent

- 47 Each planning application requires to be considered on its own merits based upon the detail contained within an application and therefore the decision on this application is not considered to set a precedent for this type of development elsewhere.

Anti-Social Behaviour

- 48 The letters of representation raise concerns relating to anti-social behaviour. As referred to in the residential amenity section above, the use of the property as a guest house is not considered to have a detrimental impact on the amenity of neighbours. Any perceived anti-social behaviour associated with the use as a guest house would be a matter for the police to investigate.

Waste Collection

- 49 Waste collection will continue in the same manner as currently and no additional servicing is considered to be required.

Natural Heritage and Biodiversity

- 50 The proposed change of use is not considered to impact on natural heritage or biodiversity issues and therefore complies with LDP2.

Developer Contributions

- 51 There is no requirement for a developer contribution for the proposed development.

Economic Impact

- 52 There is likely to be some economic benefit associated with bringing a guest house into use, however this is considered to have limited weighting in the assessment of this application.

LEGAL AGREEMENTS

- 53 None required

CONCLUSION AND REASONS FOR RECOMMENDATION

- 54 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.

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

RECOMMENDATION

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.

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.

Background Papers: 18 letters of representation
Contact Officer: John Williamson 01738 475360
Date: 27 February 2020

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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