

Perth and Kinross Council
Planning & Development Management Committee – 20 November 2019
Report of Handling by Head of Planning & Development (Report No. 19/333)

PROPOSAL: Change of use from vacant land to form a vehicle storage area (in retrospect)

LOCATION: Piob Mhor Workshop, 14 Mitchell Square, Blairgowrie, PH10 6HR

Ref. No: [19/01387/FLL](#)

Ward No: P3 - Blairgowrie and Glens

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 Planning permission is sought for a change of use from vacant land to form a vehicle storage area on land at Mitchell Square, Blairgowrie. The application is in retrospect although it is believed that there has been limited activity at the site since this planning application was submitted.
- 2 The site is located on the south side of Mitchell Square and comprises of an area of vacant land set between existing buildings. The site is part of an area of vacant ground associated with a former factory. The site is bounded by a high wall to the north and south with existing buildings bounding the east and west boundaries. The site is accessed via timber gates from an existing access onto Mitchell Square; which is a one way street accessed from Perth Street. The site is within a mixed area of uses with residential and commercial premises close by and is also located within Blairgowrie Conservation Area. There are residential properties immediately opposite the site entrance.
- 3 The application has been submitted following reports of an unauthorised change of use relating to the use of the site for vehicle storage. There were also reports that works were being undertaken to the cars stored on the site. The vehicle storage is linked to a garage premises at 17 Perth Street, around 50 metres from the site that received planning permission in January 2019 for a change of use from butchery store (Class 1) to vehicle repair garage (Class 5) (18/01957/FLL refers).

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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

- 6 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.
- 7 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
 - Historic Environment : paragraphs 135-137

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 71 Conservation Area Management
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 9 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.

Designing Streets 2010

- 10 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 11 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

- 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:

"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

- 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:
 - Policy PM1A - Placemaking
 - Policy PM1B - Placemaking
 - Policy PM2 - Design Statements

- Policy PM3 - Infrastructure Contributions
- Policy HE3A - Conservation Areas
- Policy TA1B - Transport Standards and Accessibility Requirements
- Policy RD1 - Residential Areas
- Policy EP8 – Noise Pollution.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 16 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 28 November 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

OTHER COUNCIL POLICY/GUIDANCE

Blairgowrie Conservation Area Appraisal

- 17 This appraisal is a management tool which helps to identify the special interest and changing needs of the Blairgowrie Conservation Area. It serves as supplementary planning guidance to the Local Development Plan.

Developer Contributions and Affordable Housing 2016

- 18 This document sets out the Council's policy on Developer Contributions and Affordable Housing provision.

SITE HISTORY

- 19 06/01654/OUT Residential development (in outline) Decision Issued 9 January 2007 Application Approved.

CONSULTATIONS

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

INTERNAL

- 21 **Development Negotiations Officer** – no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.
- 22 **Transport Planning** - no objection.
- 23 **Environmental Health (Noise Odour)** – no objection subject to conditions.

REPRESENTATIONS

24 The following points were raised in the six representations received:

- Traffic and road safety
- Noise
- Visual impact

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

ADDITIONAL STATEMENTS

26	Environment Statement	Not Required
	Screening Opinion	Not Required
	Environment 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

27 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.

28 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Blairgowrie Conservation Area Appraisal and the Developer Contributions and Affordable Housing Supplementary Guidance. The specific legislative requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also relevant. Section 64(1) of the Act places a duty on planning authorities to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas. These are material considerations in the determination of applications for planning permission which effect Conservation Areas.

Principle

29 The application is located within the settlement of Blairgowrie where Policy RD1 Residential Areas applies. This identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Changes away from ancillary uses including change of use from employment land will be resisted. Proposals also have to be compatible with the amenity and character of the area. In this case the site is part of a piece of ground associated with a former factory. The use is related to a vehicle repair

business sited close by and as such, would retain an employment use on the site which satisfies the principle of the policy.

- 30 The site is also within the Blairgowrie Conservation Area where Policy HE3A Conservation Areas applies. This seeks to preserve or enhance the character or appearance of the conservation area. In this case minimal change is proposed to the site, it is simply the use that is changing. As such, the proposal is considered to maintain the character and appearance of the Conservation Area. The detail of the proposal, including compliance with other LDP policies, will be assessed in more detail below.

Design and Layout

- 31 The proposal involves a change of use to a vehicle storage facility. The applicant has indicated that up to 12 vehicles will be stored on the site. The vehicles will be stored on the existing ground. A high wall and timber gates comprise the Mitchell Square frontage. No details of the layout of the storage area have been submitted.

Landscape

- 32 There is no existing landscaping on the site and nothing is proposed as part of this application. The proposal would not have any adverse landscape impact.

Residential Amenity

- 33 Within the letters of representation claims have been made of noise from the premises when vehicles are being worked on, including engine noise and vehicle noise from speeding vehicles when they are being tested on residential streets. There is also concern from residents that vehicles that cannot fit onto the site are being stored on local roads.
- 34 It should be noted that the majority of these concerns stem from activities that were being undertaken before this planning application was submitted. Since the application was submitted the gates have been closed on the site and work appears to have ceased at this site.
- 35 As previously stated, the application is for the storage of vehicles only. The applicant has stated that repairs will not be undertaken at the site. Broken down cars will occasionally be stored whilst awaiting repair at the applicant's garage and may need to be transported to the site by another vehicle.
- 36 The applicant has also stated that hours of work proposed will be Monday to Friday 0900 hours to 1800 hours and Saturday 0900 hours to 1300 hours. There will be no operations at the site on a Sunday.
- 37 Environmental Health commented that, whilst there are residential properties close to the site, the main concern will be if operations at the site are undertaken at antisocial hours. As such it is recommended that the hours of operations are controlled by condition. The hours suggested by Environmental

Health propose that operations and deliveries be restricted to between 0700 hours and 1900 hours daily (Conditions 3 & 4).

- 38 With conditions imposed on hours of operation and servicing of, and deliveries to, the site it is considered that the proposal will not impact adversely on residential amenity and as such is considered to accord with LDP Policy RD1 Residential Areas and Policy EP8 Noise Pollution.

Impact on Character of Conservation Area and Visual Amenity

- 39 The proposal does not involve any physical alterations at the site which is contained by buildings to the sides and high walls to the front and rear. Vehicles parked on the site are therefore screened from most views at street level, particularly when the front gate is closed. The proposal will not therefore have an adverse impact on either visual amenity or the character of the Conservation Area. It is therefore considered to comply with LDP policy PM1A and B Placemaking and Policy HE3A Conservation Areas.

Roads and Access

- 40 The site is accessed from a one way street. There are a number of parking restrictions on this street. There have been objections to the proposal due to concerns with road safety in particular speeding cars and vehicles reversing out of the site onto Mitchell Square. There have also been concerns that lorries will use the site.
- 41 It is understood that the site will primarily be used to store light vehicles, mainly cars. Use by larger vehicles however cannot be ruled out if a vehicle needs to be moved to be repaired although Transport Planning have indicated that use of HGV transport vehicles in this area would not be appropriate. Whilst there are no traffic orders to prevent HGVs accessing Mitchell Square loading and unloading outside of the premises is likely to cause an obstruction which would block the narrow street.
- 42 Transport Planning does not object to the proposal. Most of the concerns raised by residents such as driving the wrong direction on a one way street, speeding or blocking the street are matters that are enforceable by Police Scotland not through planning restrictions.
- 43 Concerns have also been raised by residents that vehicles are reversing out of the site on to the public road. As such, Transport Planning has commented that there must be enough space available within the storage area to enable all vehicles to turn and exit onto the public road in a forward gear. A condition requiring further details of how this layout will be achieved is recommended to be attached to any permission (Condition 2).
- 44 Subject to conditional control it is considered that the proposal is in accordance with Policy TA1B Transport Standards and Accessibility Requirements.

Drainage and Flooding

- 45 The proposal will not have any impact on existing drainage arrangements. The site is not within an area at risk of flooding.

Natural Heritage and Biodiversity

- 46 There will be no impact on any natural heritage or biodiversity interest.

Developer Contributions

Transport Infrastructure

- 47 The site is located outwith the catchment area for Transport Infrastructure contributions. There is no requirement for any developer contributions with regard to this proposal. .

Economic Impact

- 48 The proposal is linked to an existing garage business and as such there would be some positive economic impact from it.

LEGAL AGREEMENTS

- 49 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 50 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 51 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 52 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.
- 53 Accordingly the proposal is recommended for approval subject to the following conditions.

A 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 operations re-commencing at the site, a plan detailing the proposed layout of the vehicle storage area that enables all vehicles to turn and exit onto the public road in a forward gear, shall be submitted to and approved in writing by the Council as Planning Authority. The approved shall be implemented prior to the re-commencement of the use and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site and to enable a vehicle to enter and leave the site in forward gear.

3. The hours of operations shall be restricted to 0700 hours to 1900 hours daily.

Reason - In order to safeguard the neighbouring residential amenity in the area.

4. Servicing of and deliveries to the site shall only be carried out between 0700 and 1900 hours daily.

Reason - In order to safeguard the neighbouring residential amenity in 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. 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: 6 letters of representation

Contact Officer: Persephone Beer 01738 475354

Date: 7 November 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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