

Perth and Kinross Council
Development Management Committee – 18th January 2017
Report of Handling by Interim Head of Planning

**Change of use and alterations from carpet warehouse to car storage and office
(in retrospect) Unit 1 Blair Street Perth**

Ref. No: 16/01239/FLL
Ward No: N10 - Perth City South

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

- 1 Full planning permission is sought for the change of use and alterations from carpet warehouse to car storage and office (in retrospect). The application site is at Blair Street, Perth. The premises are on the south side of the street which is a one way street linking Glover Street with Gray Street. The area comprises a mix of residential, business and leisure uses.
- 2 The premises were previously used as a carpet warehouse which had an ancillary retail element. The proposal is for storage of vehicles used by A and B taxis plus office use.
- 3 The business has been operating from this site since 2013. This was brought to the attention of the Council's Enforcement Officer and this planning application was submitted to regularise the planning position for the development.

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 6 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014

- 7 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 8 The principal relevant policies are, in summary:

Policy RD1 - Residential

- 9 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 PM1A - Placemaking

- 10 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

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

Policy PM3 - Infrastructure Contributions

- 12 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 TA1B - Transport Standards and Accessibility Requirements

- 13 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy EP8- Noise

- 14 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.

OTHER POLICIES

- 15 Developer Contributions and Affordable Housing Supplementary Guidance April 2016

SITE HISTORY

- 16 09/01507/FLL Change of use from workshop/office/sales area to trade counter/ancillary retail 9 April 2010 Application approved by the Development Control Committee in April 2010.

CONSULTATIONS

EXTERNAL

- 17 None.

INTERNAL

- 18 **Transport Planning** – no objection
- 19 **Environmental Health** – no objection subject to conditions with regard to hours of operation and noise

REPRESENTATIONS

- 20 A total of eight letters of representation were received all of which object to the application. The letters raise the following relevant issues:
- Increase in traffic/traffic congestion;
 - Lack of parking/inconsiderate parking;
 - Road safety;
 - Noise and disturbance;
 - Contrary to Local Development Plan;
 - Non compliance with building regulations

- 21 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

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	Not required
Reports on Impact or Potential Impact	Not required

APPRAISAL

Policy Appraisal

- 23 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

Principle

- 24 The application site is located on Blair Street, Perth on land which is part of an area identified for residential and compatible uses in the LDP where Policy RD1 applies. Generally, proposals which fall into certain categories including business uses, are encouraged that are compatible with the amenity and character of the area and protect or improve existing residential amenity. Other policies of relevance include those concerned with placemaking (PM1), noise (EP8) and transport standards (TA1B).

Design/Layout

- 25 The building is a warehouse style building with slate and render on the street elevation. A roller shutter door has been installed where previously there were glazed doors. A small side door has also been installed on the Blair Street frontage. The ground floor includes vehicle storage and office use. A mezzanine level is also proposed for storage. There was one representation with regard to the lack of a Building Warrant for this mezzanine floor. Discussions have been on going with Building Standards and it is understood that any issues will be resolved if planning permission is in place. The internal alterations would be permitted development in terms of planning.

Impact on setting of listed buildings

- 26 The site is close to a category B listed former bobbin mill. The external alterations are limited to the introduction of roller shutters to the existing door opening and a new door, and are not considered to have any adverse impact on the setting of the listed building.

Residential Amenity

- 27 The area comprises a mix of residential, business and leisure uses. There is a pharmacy and doctor's surgery close by as well as Perth Leisure Pool. There are also residential properties in close proximity to the site which have the potential to be impacted upon by the development. There have also been a number of representations with regard to noise and disturbance, particularly throughout the night.
- 28 Environmental Health has commented on the proposals and notes that the application has the potential to lead to noise complaints through vehicle movements, particularly early in the morning. The applicant has stated that the hours of operation will be 06.00 to 18.00, however Environmental Health would prefer the hours being limited to from 07.00 to 19.00 with no Sunday working. The agent has been contacted who has confirmed that such hours would be acceptable although he suggested that occasional access might be required for the office on Sundays. Environmental Health has also recommended that a noise management plan be produced within two months of any permission being granted. Such a plan would not be unduly onerous and would cover measures to minimise noise such as vehicle idling minimisation, reverse alarms and other operations likely cause issues. The plan should also include a noise complaints procedure detailing how any noise complaints should be dealt with.
- 29 In support of the application the applicant has stated that there is currently only one vehicle with warning sensors stored at the premises which is used to carry school children. This leaves the premises at 0800 and returns after 0900. The vehicle does a return run for the children in the afternoon. Other vehicles fitted with warning reversing sensors are located elsewhere and are not stored in the premises.
- 30 From the information submitted with regard to the operation of the site as well as from a site visit I am of the opinion that the proposal would not have an adverse impact on residential amenity or the character of the area. Conditions to limit hours of operation are recommended.

Roads and Access

- 31 The proposal is primarily for the storage of vehicles associated with a taxi business. The premises can store around 10 vehicles. It is noted that a number of letters of representation have been received regarding traffic, road safety and parking issues. The Transport Planner has been consulted and notes the objections relating to the change of use and the problems experienced in relation to parking and vehicle movements into/out of the warehouse but would highlight that the already consented use of the building could potentially generate a higher number of vehicle movements (including HGV's) than that typically associated with vehicle storage and office. The access across the pavement was in existence when the current business took occupation.
- 32 While parking is at a premium in the residential streets in the vicinity of the warehouse, following two site visits by the Transport Planner there was no evidence that vehicles associated with the current use of the warehouse were exacerbating the problem. It is considered that the provision of a fairly large off street parking area within the building would appear to be a net benefit to the overall parking provision associated with the existing building.
- 33 The applicant has supplied information that highlights steps that have been taken to resolve previous issues which also confirms that the office is an administrative base for the business and not a taxi booking office. It is also noted that the company has an arrangement to park at the West End Bowling club when it is not required for bowling. This also helps to ease any parking and traffic related issues. As such the proposal is considered to be acceptable with regard to roads and access matters.

Waste Collection

- 34 There are no issues with waste and recycling provision. Existing arrangements for waste and recycling collection will continue.

Drainage and flooding

- 35 There will be no change to existing drainage arrangements. No issues have been raised with regard to flooding.

Developer Contributions

- 36 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The proposal is for a change of use that is likely to have a lower trip rate than the previous retail / storage use so as a consequence no developer contributions are required.

LEGAL AGREEMENTS

- 37 None required.

DIRECTION BY SCOTTISH MINISTERS

- 38 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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

- 39 In conclusion, 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 comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve, subject to the following conditions:

- 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 Vehicles shall only enter or exit the building between the hours of 0700 hours to 1900 hours Monday to Saturday. There shall be no vehicle movements into or out of the premises on Sundays.

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

- 3 The hours of operations shall be restricted to 0700 hours to 1900 hours Monday to Saturday and no operations shall be undertaken on the premises on Sunday.

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

- 4 Within 2 months of the date of this consent, a Noise Management Plan shall be submitted to and approved in writing by the Council as Planning Authority. The plan as approved shall be fully implemented to the satisfaction of the Planning Authority.

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.
- 2 An application for Building Warrant may be required.

Background Papers	Eight letters of representation
Contact Officer	Persephone Beer – Ext 75354
Date:	21 December 2016

NICK BRIAN
INTERIM HEAD OF PLANNING

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