

Perth and Kinross Council  
Planning and Placemaking Committee – 5 June 2024  
Report of Handling by Strategic Lead: Economy, Development and Planning  
(Report No. 24/169)

<b>PROPOSAL:</b>	Part change of use and alterations to building to form 10 short-term let accommodation units
<b>LOCATION:</b>	54 - 56 High Street Kinross KY13 8AN

Ref. No: [23/01349/FLL](#)  
Ward No: P8- Kinross-shire

### **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 This application seeks planning permission for the part change of use and alterations to form 10 short-term let accommodation units at a commercial building on High Street, Kinross. The works are proposed to the first and second floors of an existing building. The ground floor of the building is currently in use as a supermarket. The upper floors are used for storage in association with the supermarket.
- 2 The proposals are for 8 one bedroom units at first floor level and 2 one bedroom units at second floor level. All have ensuite facilities and a kitchenette. A communal seating/lounge area is sited at first floor level.
- 3 The proposal is associated with an existing car park where there are currently 47 spaces. 10 of these spaces will be allocated for use of the guests of the self-catering units.
- 4 The site is within the Kinross Town Centre, Kinross Conservation Area and Loch Leven Catchment.
- 5 The proposal has attracted more than six objections and is therefore required to be considered at Planning and Placemaking Committee.

## **PRE-APPLICATION CONSULTATION**

- 6 Pre application Reference: None.
- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

## **DEVELOPMENT PLAN**

- 8 The Development Plan for the area comprises National Planning Framework 4 and the Perth and Kinross Local Development Plan 2 (2019, along with its associated statutory supplementary guidance).

### **National Planning Framework 4**

- 9 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 7: Historic Assets and Places
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 27: City, Town, Local and Commercial Centres
  - Policy 30: Tourism

### **Perth and Kinross Local Development Plan 2019**

- 12 The Local Development Plan 2 (2019) (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:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 10: City, Town and Neighbourhood Centres

- Policy 28A: Conservation Areas: New Development
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

### **OTHER POLICIES**

#### **Non Statutory Guidance**

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)

### **NATIONAL GUIDANCE**

- 14 The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars, in addition to NPF4.

#### **Planning Advice Notes**

- 15 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

#### **Creating Places 2013**

- 16 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**

- 17 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

## **National Roads Development Guide 2014**

- 18 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.

### **Site History**

- 86/00176/FUL Full Planning Permission was Approved on 2 March 1987 for Display of Sign at Sands Supermarket
- 86/00177/FUL Full Planning Permission was Approved on 2 March 1987 for Display of Sign at Sands Supermarket
- 93/01166/FUL Full Planning Permission was Approved on 8 October 1993 for Demolition and Construction New Wall and Fence and Fence (in retrospect) at Car Park.
- 95/00331/FUL Full Planning Permission was Approved on 23 May 1995 for Alterations to Shop Front and Disabled Access
- 09/01670/FLL Full Planning Permission was Approved on 9 November 2009 for Alterations to shop
- 10/00123/FLL Full Planning Permission was Approved on 11 March 2010 for Alteration to glazed entrance screen to accommodate ATM machine.
- 12/01085/ADV Advertisement Consent was Approved on 27 July 2012 for Display of signs
- 13/01702/ADV Advertisement Consent was Approved on 15 November 2013 for Erection of illuminated totem
- 17/02260/ADV Advertisement Consent was Approved on 15 February 2018 for Display of signs
- 22/02228/FLL Full Planning Permission was Approved on 8 March 2023 for Alterations to building and associated works
- 23/01098/FLL Full Planning Permission on 30 June 2023 for Construction of serviced apartments within the first and second floor of the existing building – Application returned.

### **CONSULTATIONS**

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

#### **External**

##### **Kinross Community Council**

- 20 The Community Council object to the proposal on the following grounds:

- Conflict with delivery vehicles manoeuvring in the car park close to the entrance, increase in deliveries due to loss of supermarket storage
- Query the appropriateness of the use
- Noise – impact on amenity

- Parking – impact on town centre parking
- Impact on Loch Leven from additional sewerage
- Impacts on waste collection
- Technical considerations relating to fire escape provision

### **Scottish Water**

- 21 No objection. There is sufficient capacity at the Glenfarg Water Treatment Works, and the applicant should contact SW with a pre development enquiry form relating to the Waste Water Treatment Works.

### **Internal**

#### **Communities Housing Strategy**

- 22 The postcode district level of saturation of potential short-term lets for KY13 is 1.0% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.
- 23 The number of units in the application would represent a 45% increase of self-catering units in the area (based on 2021 figures) as the numbers are low in the area. However, the overall saturation would still be below 1.1% and therefore not deemed to be a significant loss of residential accommodation for the area.

#### **Transportation And Development**

- 24 No objection following receipt of further details of parking arrangements and facilities provided for users of the accommodation.

#### **Environmental Health (Noise Odour)**

- 25 No objection, subject to informative drawing attention to Short Term Let licensing requirements.

#### **Development Contributions Officer**

- 26 No comments to make in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.

### **REPRESENTATIONS**

- 27 7 representations were received. The main issues raised within the representations are:
- Traffic and Parking – unclear where occupants of the units would park, conflict with supermarket deliveries

- Sufficient provision already in the area of short term lets. No need for more
- Loss of privacy / overlooking
- Design - does not enhance the Conservation Area and is contrary to requirements set out in the Conservation Area Appraisal. Need hard landscaping and tree planting
- Drainage, environmental impact, additional water use and sewerage – already an issue with drain at the end of Piper Row with odour/capacity issue
- Development should be in conjunction with civic improvements as set out in Conservation Area Appraisal
- Density of units/over intensive development
- Use of the units is unclear – what is short-term use
- Concern at how the units would be managed, and also matters such as waste disposal
- Potential impacts through noise and odour (smoking etc)
- Loss of storage to supermarket
- No design statement or impact assessment submitted
- Lack of fire escapes

28 A further concern was also raised that the plans were inaccurate with regard to land ownership – this matter has been addressed and revised site plans were received removing a small section of the site that were in another ownership. Any other unresolved land ownership issues are not material to the consideration of this application and are a civil matter for discussion/agreement between interested parties.

29 The reference to the presence of fire escapes would ultimately be a matter for consideration through a parallel application for Building Warrant.

### **ADDITIONAL STATEMENTS**

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Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under 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**

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 Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. 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, namely

- 32 In this instance, section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

### **Principle**

- 33 The proposal seeks to change the use of the upper floors of an existing building in Kinross Town Centre to 10 short term let units. These could be for holiday or other uses such as for short term workers in the area.
- 34 LDP2 Placemaking Policies 1A and 1B, and 10, City, Town and Neighbourhood Centres have relevance for a proposal of this nature. Both seek to ensure that new developments do not have an adverse impact on the area in which they are located. Policy 10 specifically encourages the retention and development of housing and other uses on upper floors, particularly where property is underutilised and the use would be compatible with existing town centre uses. NPF4 Policy 27: City, Town, Local and Commercial Centres is also relevant as it promotes proposals which increase the mix of uses in city centres and enhance and improve the vitality and viability of such centres.
- 35 NPF4 Policy 30(e): Tourism, is relevant to this proposal. This states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
  - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 36 The building is not currently in use as residential accommodation so criterion ii of (e) is not relevant. However it is noted that the postcode district level of saturation of potential short-term lets for KY13 is 1.0% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.
- 37 Whilst the number of units in the application would represent a 45% increase of self-catering units in the area (based on 2021 figures) the numbers in general are low in the area. However, the overall saturation would still be below 1.1% and there will not be a loss of residential accommodation for the area.

- 38 The site is within a Conservation Area where the NPF4, Policy 7, Historic assets and place, looks to protect historic assets from inappropriate new developments. while Policy 28 of LDP2, Conservation Areas, seeks to protect historic heritage.
- 39 In this case the principle of the use for short term let is supported by policy 10 of LDP2. The proposal will bring an active use to a building currently underutilised that does not readily lend itself for mainstream residential or other commercial uses. The provision of 10 short term lets which do not need the amenity ground provision etc of mainstream residential development is a sustainable use of the building for a particular market at this time. The development will contribute to the increase in the mix of uses in the town centre and will add to the vitality and viability of the centre as required by policy 27 of NPF4.
- 40 Criterion (i) of NPF4 Policy 30(e), will not support proposals where there is an unacceptable impact on local amenity or the character of a neighbourhood or area. The site is within a town centre location close to retail and other commercial uses. Whilst there will be an increase in footfall this will not impact on the character or amenity of the area so long as good management practices are in place. In this case the application site's town centre location with its mix of uses, is such that the levels of activity associated with the short term let accommodation will not adversely impact the amenity or character of the area.
- 41 The proposal therefore accords in principle with NPF4 Policy 30(e): Tourism, and the intent of NPF4 Policy 27: City, Town, Local and Commercial Centres, and LDP2 Policies 1A and 1B: Placemaking and Policy 10: City, Town and Neighbourhood Centres.

### **Design, Layout and Visual Amenity**

- 42 NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1Aa nd 1B, Placemaking, and LDP2 Policy10 City, Town and Neighbourhood Centres supports proposals that are compatible with existing uses, the amenity and character of the surrounding area, and consistent with the six qualities of successful places. Representations refer to the lack of a Design Statement. This has not been requested given the limited architectural qualities of the host building. Whilst the site is in Conservation Area the proposals are limited in their visual impact and their scope to impact on its character or appearance. Internal and external alterations are required to subdivide the building into 10 ensuite bedrooms and provide windows to a building that has in the past been primarily used for storage. There will be no change to the east (front elevation). Two new windows will be installed at first floor level on the north elevation and a line of new windows will be installed on the west (rear) elevation at first floor level including removal of one window and some railings. Given the associated distances to the nearest residential property, and the existence of some windows at first floor level already, there are no concerns in respect of privacy or overlooking.

- 43 The wall is currently blank and relatively non-descript. The addition of windows on the east and north elevation will not impact on the visual amenity or character of the area and as such is in accordance with Placemaking and Design policies, Placemaking 1B of the LDP and Policy 14, Design of NPF4.

### **Landscape**

- 44 The town centre area close to the site was subject to an environmental enhancement scheme some years ago. Trees from this scheme provide some vegetation and landscape features in the area. The proposal will not impact on these or any other landscape features.

### **Residential Amenity**

- 45 NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1A: Placemaking, and 10 City, Town and Neighbourhood Centres supports proposals that are compatible with existing uses, the amenity and character of the surrounding area, and consistent with the six qualities of successful places. Policy 56, Noise Pollution, does not support the siting of activities that generate high levels of noise alongside noise sensitive uses. It is acknowledged that short term lets can result in additional levels of disturbance and noise concerns, and that the primary avenue to regulate such matters is via the separate licensing regime.
- 46 In this instance, there is the potential for noise from the users of the properties to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to be licensed and noise conditions will form part of the Licence.
- 47 As set out in an appeal decision in 2023 from the DPEA elsewhere in Perth and Kinross at Birnam (ref: PPA-340-2155), management guidelines cannot be relied upon as a means to restrict or control the adverse impacts on neighbouring properties and harm to amenity. In this case the potential for noise nuisance has been raised in representations. However, the immediate area has a mix of uses, and the property is situated above a supermarket on a busy through route for vehicles passing through the town centre. It is considered that the proposed use as a short-term let is compatible with the established character and is unlikely to increase noise and disturbance to a harmful extent. Notwithstanding, these would ultimately be controlled through a parallel Short Term Let licence.
- 48 Representations have also raised concern with regard to overlooking and loss of privacy. As noted above, in this case the orientation of the building and distance from rear and side elevations would not result in overlooking or loss of privacy from the development.
- 49 As such, the proposal accords with the intent of NPF4 Policy 14(c): Design, Quality and Place and LDP2 Policies 1A and 1B, Placemaking and 10, City,

Town and Neighbourhood Centres in respect of residential amenity. It also accords with Policy 56, Noise Pollution, of LDP2.

### **Roads and Access**

- 50 The existing car park for the site currently allows one-hour free parking for customers of the supermarket. Parking for the site is stated in the planning application at 47 spaces. Additional clarification was sought from the applicant as to how car parking for users of the units would be allocated. Revised plans show that 10 of the existing spaces will be allocated for the use of the guests of the self-catering units. While this would result in the loss of ten parking spaces for the existing supermarket, this is a private facility which is not always at capacity, and would leave a sufficient level of parking for both the existing and proposed use.
- 51 The site is in the centre of Kinross with easy access including by foot and by cycle to local facilities including public transport. Transport and Development do not raise any matters of concern.
- 52 The proposal satisfies policy 13, Sustainable Transport, of NPF4 and policy 60B of LDP2.

### **Drainage and Flooding**

- 53 The proposal is within the Loch Leven Catchment. The proposal will connect to existing drainage infrastructure and as such satisfies Policy 46 parts A and B, Loch Leven Catchment, which requires development within the Catchment to connect to a publicly maintained drainage system incorporating phosphorus reduction measures.
- 54 An objection refers to capacity issues with an external drain. This is an existing situation and not a material consideration. Notwithstanding, Scottish Water (SW) have confirmed that they have no objection to this planning application, and that there is currently sufficient capacity in the Glenfarg Water Treatment Works. In respect of waste water, the applicant is advised to contact SW to undertake a pre development enquiry form. Notwithstanding, it is the responsibility of the applicant to address if capacity issue, and maintenance of sewerage connections in general).

### **Waste Collection**

- 55 The application form states that the proposal will make use of the existing waste collection services used for the property. An informative note with regard to this will be added.

## **Conservation Considerations**

- 56 Policy 7 of NPF4 and Policy 28 of LDP2 share an aim to enhance and preserve the character and appearance of Conservation Areas. The alterations relate to a sizable building with little in the way of architectural merit. The provision of new windows on the rear and side elevations will not have an adverse impact on the character and appearance of the conservation area. As such, the works are considered compatible with policy and can be supported due to the positive benefit the alterations will have on the proposal to find a new use for an under utilised part of the building.
- 57 The proposal is in accordance with Policy 7, Historic Assets and Places of NPF4 and Policy 28 Conservation Areas of LDP2.

## **Developer Contributions**

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

## **Economic Impact**

- 59 The economic impact of the proposal is likely to be limited to guest expenditure in the local economy and construction works required to convert the building.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 60 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site plan to clarify parking arrangements.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 61 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 62 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**

- 63 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local

Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

## **CONDITIONS AND REASONS FOR RECOMMENDATION**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

3. The development hereby approved shall be used solely for short term accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - In order to clarify the terms of the permission; to control and restrict the use of the building.

## **JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **PROCEDURAL NOTES**

None.

## **INFORMATIVES**

1. 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. Please use the form attached herewith.

2. 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. Please use the form attached herewith.
3. An application for Building Warrant may be required.
4. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>
5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

Background Papers: 7 letters of representation  
Contact Officer: Persephone Beer  
Date: 24 May 2024

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING**

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