

Perth and Kinross Council
Development Control Committee – 7 April 2010
Report of Handling by Development Quality Manager

**Change of Use from Workshop/Office/Sales area to Trade Counter with
Ancillary Retailing, Unit 1, Blair Street, Perth PH20JQ**

Ref. No: 09/01507/FLL
Ward No: 10 Perth City South

Summary

This report recommends approval of a retrospective application for a change of use as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 A large former print works in Blair Street has been subdivided into several units which are occupied by various business and leisure users. The applicants are selling carpets from one such unit, but, as it was previously a joiner's workshop, an unauthorised development has occurred, hence the current submission. It refers to a site of 392sqm which has a frontage to Blair Street and is flanked on the east boundary by a service road.
- 2 Retrospective consent is sought for change of use of the unit from industry to warehouse with ancillary retailing. A revised floor plan has been submitted which indicates that the retail element would occupy less than 20% of the total floor-space. In addition, consent is sought for alterations to the elevation facing Blair Street involving the installation of a glazed door and screen within the original opening.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 3 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are;-

- Paragraphs 52 - 65 : Town Centres and Retailing

DEVELOPMENT PLAN

- 4 The Development Plan for the area consists of the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1995.

Perth and Kinross Structure Plan 2003

- 5 The development does not raise any strategic issues and there are no relevant Structure Plan policies.

Perth Area Local Plan 1995

- 6 Under the Local Plan the site lies within an area allocated for business purposes.

The principle relevant policies are in summary: -

Policy 48

- 7 This policy applies to areas zoned for business uses in the Local Plan, which include the application site. Within these areas, business development such as light industry, offices and storage or distribution will be supported. Retail uses, except for the retailing of motor vehicles, will not be in accordance with the Local Plan.

Draft Perth Area Local Plan 2004

- 8 Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.
- 9 It is worth noting however that, in the report to Committee on the Draft Plan, there was a definition, for the first time, of what was meant by ancillary retailing which would be acceptable in business and industrial areas. This indicated that a retailing use will be defined as ancillary to wholesale distribution on a site where the following criteria are satisfied:
- Retail and display floor-space not to exceed 20% of total floor-space.
 - The layout and elevations of the building have the appearance of a primary warehouse/wholesale usage.
 - No retail advertising on the building or site.
 - Retail opening hours restricted to no more than warehouse hours
 - The retailing of goods is of a form and nature which is not appropriate in identified retail areas.

The retail element of the site meets these requirements.

OTHER POLICIES

10 None

SITE HISTORY

11 There is no planning history pertaining to the application site.

CONSULTATIONS

12 No statutory consultations were required.

REPRESENTATIONS

13 Summary of Issues raised by Representations

14 Two representations against the application have been received, one from a local resident and one from a local business. These have raised the following issues: -

- The use is retail rather than business and will adversely affect other businesses.
- The road network adjacent to the site is unsuitable for large vehicles

These issues are all raised 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	None
Report on Impact or Potential Impact	None submitted

APPRAISAL

Policy

16 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 most relevant policy of the Development Plan is Policy 48 of the Local Plan which relates to the areas zoned for business use. This seeks to encourage light industry, offices and storage or distribution, but to exclude primary retailing.

- 17 The key issue here is therefore whether the level of retailing proposed is considered to be acceptable in the context of the Local Plan zoning from a policy position. It is clear that retailing is currently involved but the proposals do show a restriction of the floor space specifically for retailing to 17% of the gross floor area and with the bulk of the floor space being utilised for storage and the distribution of the goods, namely floorings. There is no restriction proposed on the type of trade by the applicant so it would not be, for example, restricted to the trade. Indeed sales are currently open to the general public. The proposed partitioning of the premises to reduce the level of retail floor space has not yet been fully implemented but if consent was granted then this would be required through a condition.
- 18 I consider that this would ensure the retail element is, in the physical land use planning sense, ancillary to the distribution use.
- 19 Members will be aware that there are currently established retail uses within the business zoning of the Local Plan, for example on Glasgow Road and Glenearn Road, which have no restrictions on the percentage of floor space devoted to retail sales. In the case of the current proposal it would represent a controlled and limited retail use.

Traffic

- 20 It is unlikely that the current use would generate significantly more traffic than the previous occupant but, in any event, the local road network has the capacity to accommodate an increase and the Transport Planning Section has no objection to the proposal. As the site lies within a business area and the premises have been historically used for that purpose then there will always have been traffic generation associated with commercial uses on the site.

Residential Amenity

- 21 The premises lie within a mixed use area but there are flatted residential properties on the opposite side of Blair Street. In my view however the existing use should be compatible with housing, if properly regulated, and will have less impact on the residential amenities of the area than the previous use as a joiner's workshop.

Design and Layout

- 22 The alterations to the north elevation which have been undertaken, namely the installation of a glazed screen and door within the original opening, have been tastefully designed.

Impact on Existing Businesses

- 23 It is proposed that the retail use will be ancillary, in order that it complies with Council policy, and the development is be regulated as such. A further consideration is that the sale of bulk goods usually requires larger premises and are often better suited to an out of centre location. On the basis of the details proposed and the condition recommended for a consent, it is not considered that the business would impact adversely on any other retailing activities within the city centre.

LEGAL AGREEMENTS

- 24 None required

DIRECTION BY SCOTTISH MINISTERS

- 25 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

- 26 The key issue to address is whether or not the development complies with Council policy as set out in the Perth Area Local Plan 1995. I am of the view that the nature and extent of the use, together with the controls proposed would result in a use which would accord with policy and there are no other technical or land use constraints which would justify a refusal of the continued use of the site for a warehouse with ancillary retailing.

RECOMMENDATION

A Approve the application subject to the following conditions:

1. The use of the premises shall fall primarily within Class 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 i.e. Storage or Distribution.
2. The floor area identified on submitted plan, ref 02 rev B, to be partitioned off and used for retail purposes shall be set out as such and made available to the public by 30 April 2010, to the satisfaction of the Planning Authority and permanently maintained thereafter.
3. The hours of delivery shall be agreed with the Planning Authority and implemented by 30 April 2010, to the satisfaction of the Planning Authority.

Reasons

- 1&2. In order that the use of the premises complies with Council policy.
3. In order to safeguard the residential amenities of the area.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

None

D INFORMATIVES

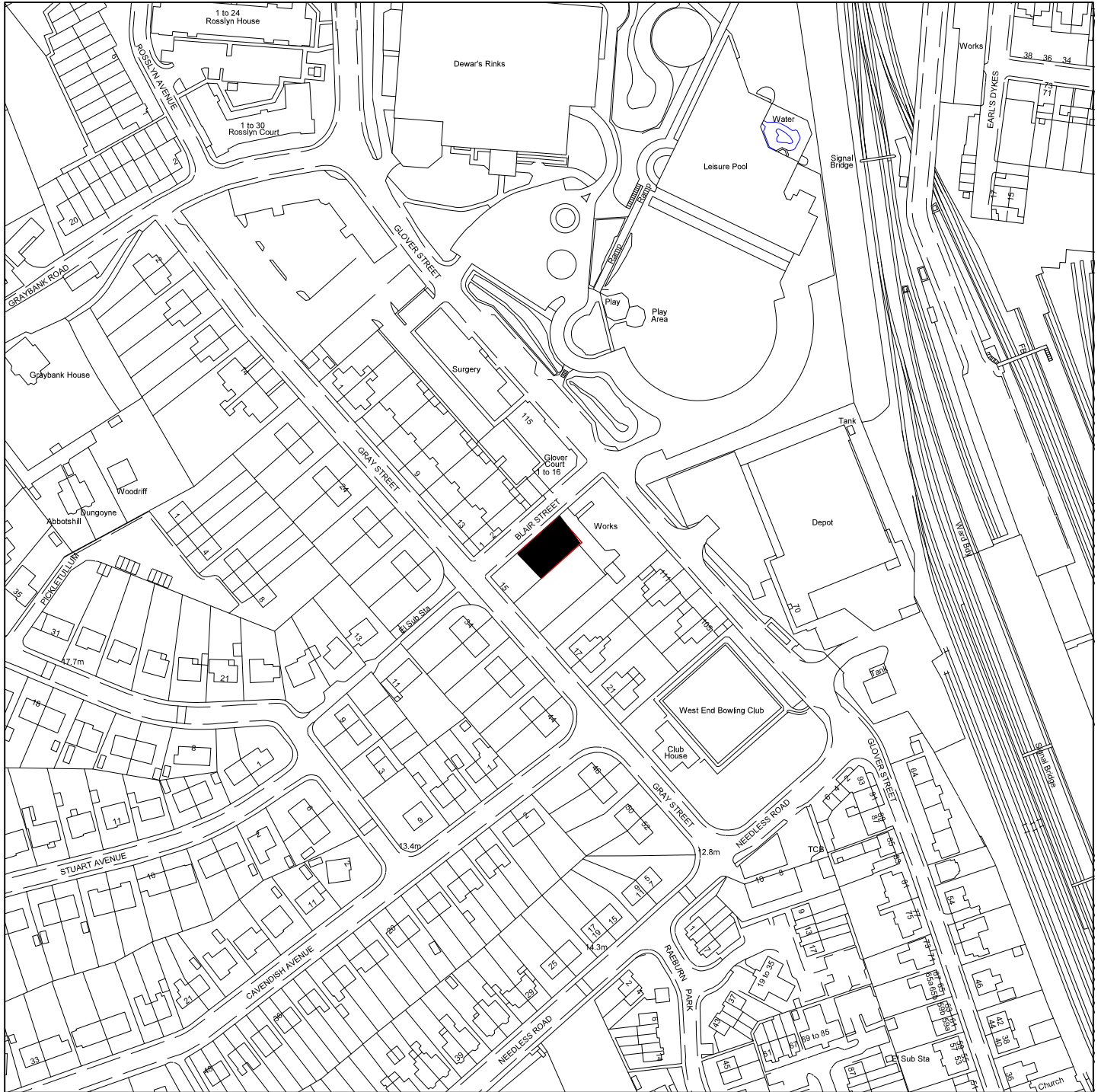
None

Background Papers: Two representations were submitted
Contact Officer: Brian Dunkin – Ext 75354
Date: 16 March 2010

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

09/01507/FLL

C/U to trade counter & ancillary retail Blair Street, Perth



Scale : 1:2500

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
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