

Perth and Kinross Council  
Development Management Committee – 12 August 2015  
Report of Handling by Development Quality Manager

**Change of use from retail (Class 1) to function venue (Class 11) at The Lairds House, Lower Mill Street, Blairgowrie, PH10 6AQ**

Ref. No: 15/01017/FLL

Ward No: 3 - Blairgowrie And Glens

**Summary**

This report recommends approval of the application for change of use from retail (Class 1) to function venue (Class 11) as the proposal is considered to comply with the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application is for a change of use of retail (Class 1) to function venue (Class 11). The building is relatively new having been approved in 2002, ref 02/01521/FUL, as an extension to the adjacent restaurant/gallery to form cafe and retail area.
- 2 The application site is located within an area zoned for residential and compatible uses under the Perth and Kinross Local Development Plan 2014 just outwith the town centre zoning. The area is characterised by a mix of uses and is located within the Blairgowrie Conservation Area.
- 3 To the north of the application site is Ericht Court Sheltered Housing, the Riverside walk and play area lie to the east, to the south is the Riverside Granary which has just recently been granted change of use from restaurant and gallery to hotel and to the west of the site are small areas of private parking, Wetherspoon's beer garden and commercial buildings.
- 4 The application site only relates to the footprint of the existing building although within the applicants ownership is the car park to the front which is accessed from Lower Mill Street.

**NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

**National Planning Framework**

- 6 The third National Planning Framework for Scotland (NPF) was published in June 2014, setting out a strategy for Scotland's spatial development for the next 20 – 30 years. 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**

7 The Scottish Planning Policy (SPP) was published on 23 June 2014. It 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.

8 The following sections of SPP (2014) are of particular importance in the assessment of this application:-

- Paragraphs 92 – 108: Supporting Business and Employment

### **DEVELOPMENT PLAN**

9 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2012 – 2032 (Approved June 2012) and the Perth and Kinross Local Development Plan (Adopted February 2014).

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

10 The overall vision of the Tay Plan 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.”*

11 The principal policy is, in summary:

### **Policy 1: Location Priorities**

12 Focuses the majority of development in the region's principal settlements and prioritises land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

### **PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN FEBRUARY 2014**

13 The Local Development Plan 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.

14 The principal relevant policies are, in summary:

**Policy PM1A - Placemaking**

15 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 adaptation.

**Policy RD1: Residential Areas**

16 The policy states that generally encouragement will be given to proposals for business which are compatible with the amenity and character of the area.

**Policy HE2: Listed Buildings**

17 The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

**Policy HE3: Conservation Areas**

18 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development out with an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

**OTHER POLICIES**

19 None

**SITE HISTORY**

20 02/01521/FUL Extension to form cafe and retail area at Roy Sim's Antiques Lower Mill Street, Blairgowrie approved under delegated powers in December 2002

**CONSULTATIONS**

**External**

21 None

**Internal**

22 **Environmental Health** - No objection subject to conditions relating to noise, delivery hours and ventilation.

## REPRESENTATIONS

23 A total of 23 letters of representation have been received raising the following issues:

- Detrimental impact on residential amenity
- Lack of parking
- Impact on future sale price of properties
- Increase in traffic

24 These issues are addressed in the Appraisal section of the report with the exception of the devaluation of property which is not a material planning consideration.

## ADDITIONAL STATEMENTS

25

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
Report on Impact or Potential Impact	Not required

## APPRAISAL

26 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

27 The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from policy.

### Policy

28 Scottish Planning Policy 2014 identifies that Planning Authorities need to adopt a flexible approach to ensure that changing circumstances are accommodated for new economic opportunities to be realised and that the Development Plan needs to create an environment where existing businesses can grow.

29 The site lies outwith but within close proximity of Blairgowrie town centre in an area zoned under Policy RD1: Residential Areas. Within these areas changes away from ancillary uses such as employment land, local shops and community

facilities will be resisted and there will be encouragement given to developments which are compatible with the amenity and character of the area.

- 30 Policy RD1 therefore supports the retention of business uses within residential areas. It is considered that the Class 11 use, in this case, a function venue, would be acceptable within a residential area, particularly in close proximity to the town centre zoning. In terms of the impact on residential amenity with the addition of conditions in relation to noise etc. it is considered that these uses can function successfully within or adjacent to residential areas without detrimental impact on residential amenity.
- 31 The building is also located within the Blairgowrie Conservation Area and adjacent to a listed building. The policies applicable are Policy HE2: Listed Buildings and Policy HE3: Conservation Areas. There are no external alterations proposed and the use would not be considered to impact on the character of the Conservation Area or the setting of the listed building.

### **Use**

- 32 The proposal is to change the use from retail and café to a function venue under Class 11. The agent has confirmed that the applicant wishes the space to function in a similar way to the Birnam Arts and Conference Centre being used for conferences, meetings, events, gala dinners, charity functions, markets, book festivals, cooking workshops etc. This use is considered compatible with the existing mixed uses in the locality.
- 33 It is accepted that Class 11 can cover a wide variety of uses. The inclusion of the recommended conditions to cover noise, deliveries and odours and the additional requirement of holding a licence to operate from the premises will allow any alternative uses within Class 11 to be adequately controlled.

### **Design and Layout**

- 34 The proposal is for change of use and no alterations are proposed to the building. Internal alterations may be required but these would not require planning permission.

### **Residential Amenity**

- 35 The site is located within an area characterised by a mix of residential and commercial properties. The impact on residential amenity therefore forms part of the consideration of this proposal.
- 36 This application is for change of use only and no further alterations to the building (which require planning permission) are sought. Environmental Health have noted in their response that they regularly receive complaints from function venues mainly due to late night noise, however they also consider that there are many other venues which operate without complaint and therefore it is possible to do so.

- 37 The closest receptors are around 20 metres from this site which can lead to disturbance if the venue is not properly managed. Environmental Health has recommended standard noise conditions with an additional requirement of a noise management plan to be agreed prior to the operation of the premises. Deliveries have also been restricted to take place between 7am and 7pm and not on a Sunday.
- 38 I consider that due to the mix of uses in the area and the presence of hotels and pubs in close vicinity that a function venue could be operated without detrimentally impacting residential amenity, subject to the restrictions imposed through conditions.

### **Access and Parking**

- 39 The application building is located within a wider piece of land which is within the applicant's ownership. Within this area of land is a gravel parking area with access taken from Lower Mill Street.
- 40 Transport Planning note the presence of a parking area to the front of the building and the concerns which have been raised regarding parking of vehicles on the public road. Parking is only permitted on a public road if it will not cause an obstruction and therefore the issue of on-street parking is a civil enforcement issue rather than a planning issue. Additional parking such as a public car park is located within walking distance of the application site and the area is also well served by public transport.

### **Developer Contributions**

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

### **Economic Impact**

- 42 The change of use will allow the building to be operated as a function venue (Class 11) bringing a currently vacant building back into use. The proposal would provide employment opportunities and provide a new function venue for use by the local community.

### **LEGAL AGREEMENTS**

- 43 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 44 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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**

- 45 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the Local Development Plan 2014 and Tay Plan 2012. I have taken account of all material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for approval subject to conditions.

### **A Approve the application subject to the following conditions**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the residential amenity of the area.

- 3 The delivery of goods to the premises shall take place between 7am to 7pm Mondays to Saturdays only and at no other time.

Reason - In order to safeguard the residential amenity of the area.

- 4 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason - In order to safeguard the residential amenity of the area.

- 5 The venue shall not operate until a suitable noise management plan to minimise disturbance at nearby receptors has been submitted to, evaluated and agreed in writing with the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of 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.

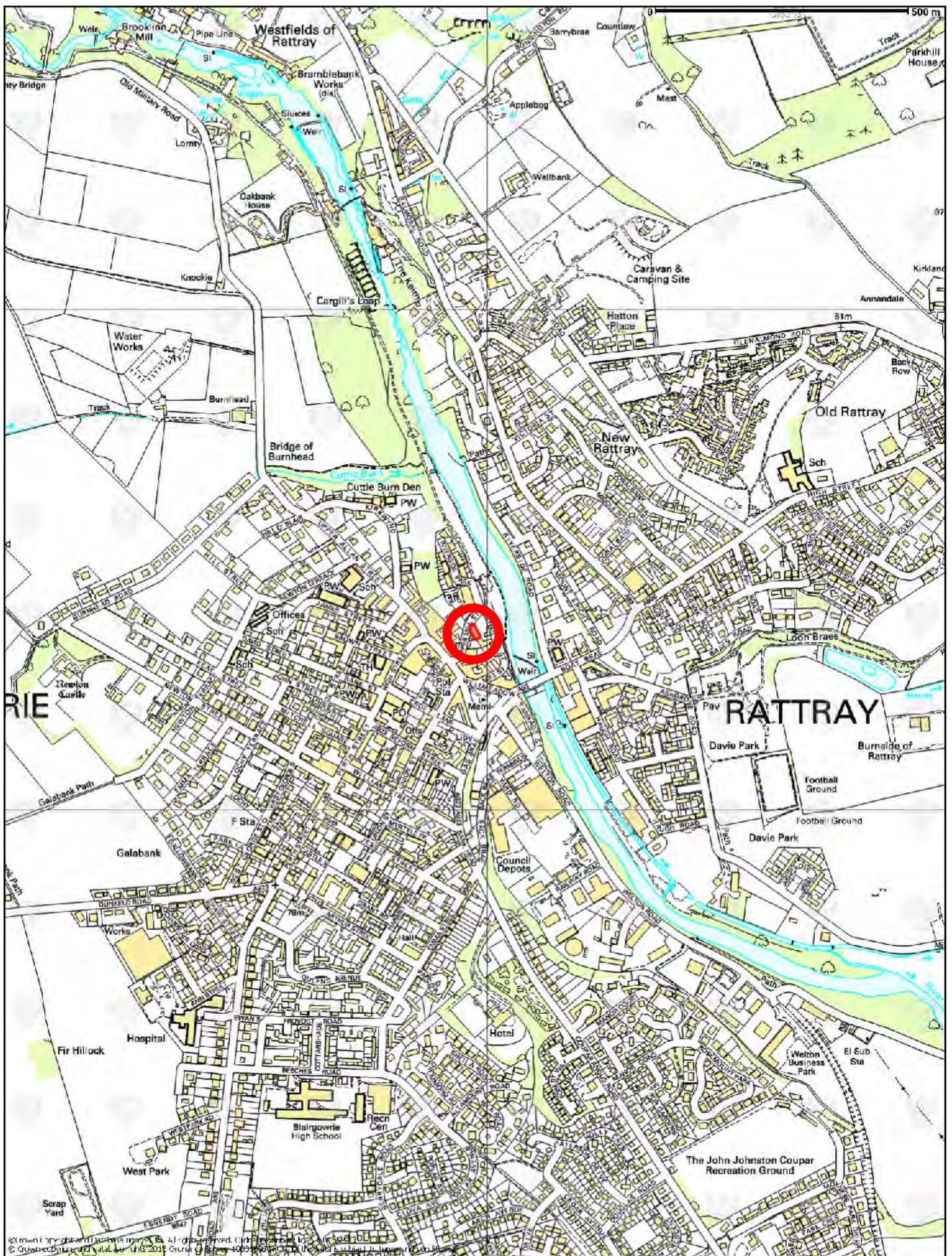
## **D INFORMATIVES**

- 1 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 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 23 letters of representations  
Contact Officer: Joanne Ferguson (75320)  
Date: 29 July 2015

**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**

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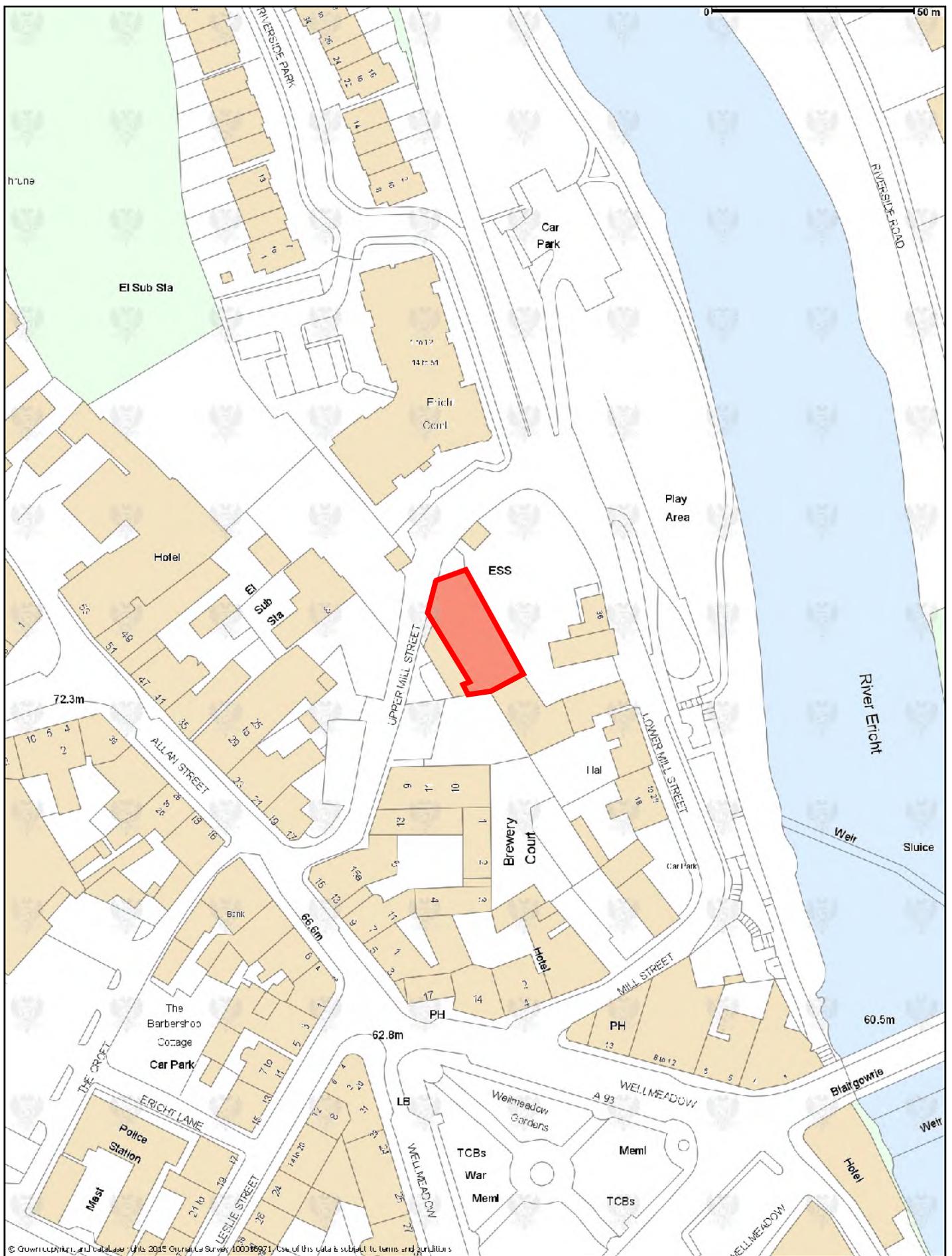
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