

Perth and Kinross Council
Development Management Committee – 24 April 2013
Report of Handling by Development Quality Manager

**Change of use from Class 1 (retail) to Class 2 (financial) at 282 High Street,
Perth, PH1 5QS**

Ref. No: 13/00287/FLL

Ward No: N12 – Perth City Centre

Summary

This report recommends approval of the application for change of use from Class 1 (retail) to Class 2 (financial) as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

1. Full planning consent is sought for a change of use from Class 1 (retail) to Class 2 (financial) of the former Howies Bowling Supplies Shop at 282 High Street in Perth City Centre. The application site is located on the corner of High Street and Lickley Street. The site is directly adjacent to the Thimblerow Car Park at the western end of the High Street.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

2. 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.

The relevant paragraphs include:

- Paragraphs 45 – 51: Economic Development
- Paragraphs 52 – 65; Town Centres and Retailing
- Paragraphs 115 – 117: Conservation Areas

DEVELOPMENT PLAN

3. The Development Plan for the area consists of the Approved TAYplan: Strategic Development Plan 2012-2032 and the Adopted Perth Central Area Local Plan 1997.

Tayplan Strategic Development Plan 2012

4. The principal relevant policies are in summary:

Policy 2: Shaping Better Quality Places

5. Seeking to shape better quality places through requiring new development to be fit for place, supporting more sustainable ways of life for people and businesses.

Policy 7: Town Centres

6. Sets out a town centres hierarchy to protect and enhance their vitality and viability.

Perth Central Area Local Plan 1997

7. The application site is located in an area designated for residential purposes.

The principal relevant policies are in summary:-

Policy 43 Residential Uses

8. The Council will resist the loss of residential uses within areas designated for residential uses.

Policy 44 Residential Uses

9. The Council will support applications for residential uses within areas designated for residential uses provided residential amenity is not affected.

PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012

10. Members will be aware that on the 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.

11. Under the PLDP the application site is located within area designated for secondary city centre uses.

12. The principal relevant policy is in summary:

Policy RC2: Perth City Centre Secondary Uses

13. Within this area the Council will encourage a mix of uses including shops, residential, offices, restaurants, pubs and clubs.

OTHER POLICIES

Perth Central Conservation Area Appraisal

Site History

14. No relevant planning history

Consultations

15. None

Representations

16. No letters of representation have been received.

ADDITIONAL STATEMENTS

17.

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

18. 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 policies of the Development Plan are listed above.

Principle

19. Whilst the site is located within a residential area in the Perth Central Area Local Plan, I believe the financial use proposed is compatible with this type of area. The opening hours of this type of premises are likely to be day time only and it is likely to attract a similar number of visiting members of the public as the existing retail use. Furthermore, the Council's Proposed Local Development Plan, which is a material consideration in this instance, designates the area for secondary city centre uses which allows for use as an office. No representations have been received from any neighbours, therefore I am content that the Class 2 (financial use) complies with this policy and would be appropriate for this location.

Conservation Area

20. The application relates solely to a change of use and no physical changes are proposed to the building, therefore there will be no impact upon the character of the conservation area.

Parking

21. I do not believe the change use is likely to attract significantly more traffic to this area, nevertheless there is ample parking available at the adjacent Thimble Row Car park should it be required. Transport Planning have offered no objection.

LEGAL AGREEMENTS

22. None required.

DIRECTION BY SCOTTISH MINISTERS

23. 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.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

24. The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

CONCLUSION AND REASONS FOR RECOMMENDATION

25. 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 adopted Highland Area Local Plan and Tayplan 2012. I have taken account of material considerations, including the Proposed Local Development Plan 2012 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 the application subject to the following condition:-

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 consent.

Reason:-

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

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

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.
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.
3. 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)).

- 4 The applicant should be aware that the display of any signage on the building will require a separate application for Display of Advertisement Consent.

Background Papers: None

Contact Officer: John Williamson – Ext 75360

Date: 21 March 2013

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

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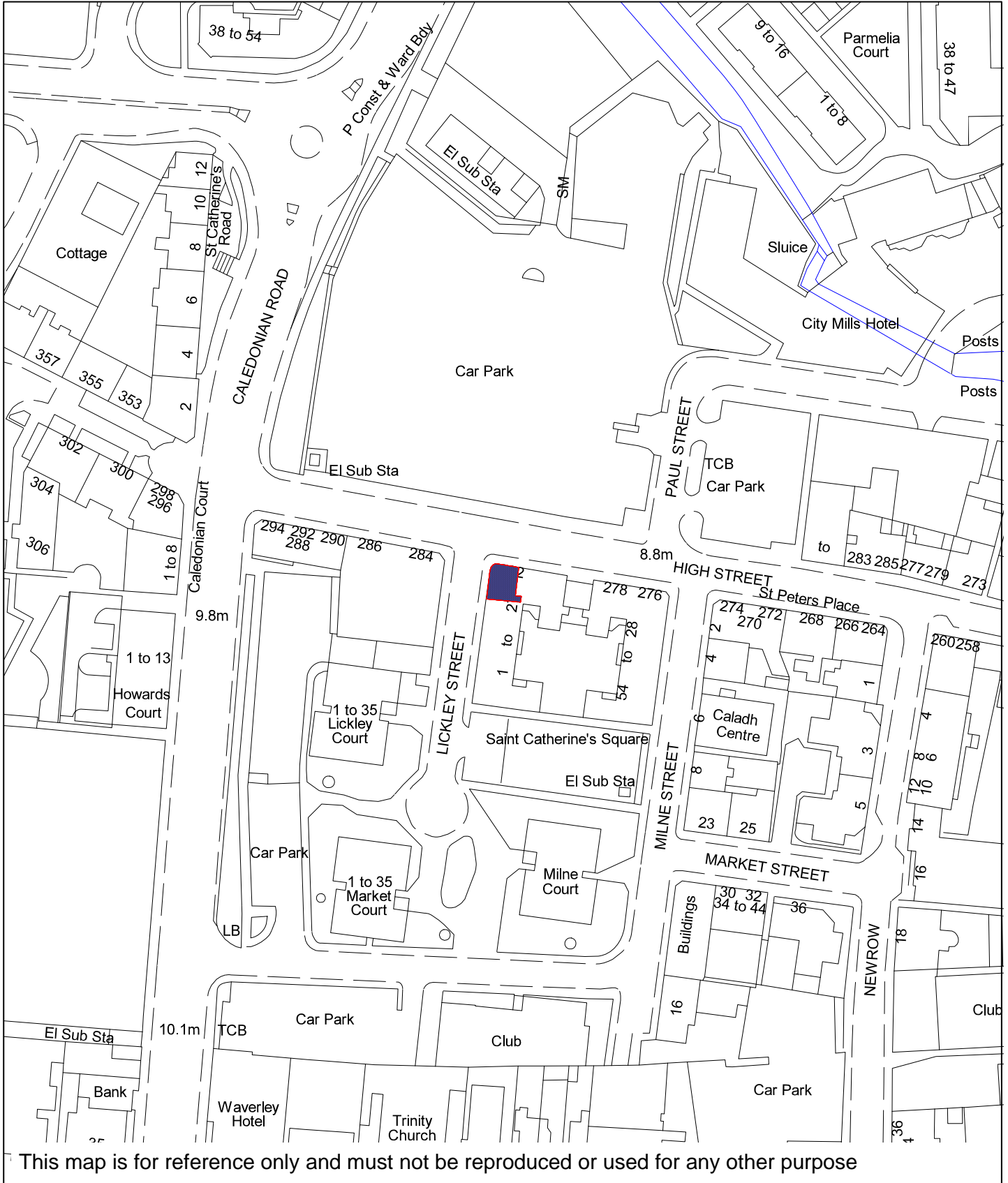
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Perth & Kinross Council

13/00287/FLL

282 High Street, Perth

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↑ Scale
1:1250

