

Planning
Head of Service **Roland Bean**

Pullar House 35 Kinnoull Street
Perth PH1 5GD

Richard J Salvin
Vice Chairman & Planning Representative
Bridgend, Gannochy & Kinnoull Community Council
c/o 27 Brompton Terrace
Perth
PH2 7AE

Contact Brian Stanford
Direct Dial (01738) 475356
E-mail: BTStanford@pkc.gov.uk

Our ref 08/01925/LBC

Your ref

Date 10 February 2009

Dear Mr Salvin

'RIO', 14 Dundee Road, Perth 08/01925/LBC
Bridgend, Gannochy & Kinnoull Community Council

I refer to your letter of 9 February 2009 in connection with the above.

In response to your queries about the planning situation concerning the proposed use of 'Rio' for housing accommodation with support, I would comment on behalf of the Head of Planning as follows:

Prior to the Council acquiring Rio, the use of the premises for the purposes of class 8 of the 1997 Use Classes (Scotland) Order (i.e. residential accommodation with care or support) was considered to be "lawful" under section 150 of the Town and Country Planning (Scotland) Act 1997. The reason for this was that a planning application for an extension to an existing home for the elderly at Rio was approved in 1990 (ref. PK902374), meaning that the premises had been used for a class 8 use for more than 10 years.

A listed building application (ref. 08/01925/LBC) for alterations to Rio was submitted by the Head of Property on 22 September 2008, with the proposed use of the premises being stated as "housing accommodation with support". In considering whether or not the proposed use also fell within class 8 (and therefore whether or not planning permission for a change of use was required) reference was made to Circular 1/1998. The circular advises that it is the provision of personal care or support which separates uses in Class 8 from uses in Class 7 (Hotels and Hostels). Article 2 of the Use Classes Order defines "care" as meaning personal care including the provision of appropriate help with physical and social needs or support. Given the level and type of support that it is understood will be provided for those residing at Rio, it was concluded that the use for housing accommodation with support falls within class 8 and that no change of use was therefore involved.

From a procedural point of view, listed building applications do not require to be the subject of neighbour notification, although it was advertised in the Perthshire Advertiser under the Listed Building Regulations. The application would have also appeared on the

weekly list of application received which is issued to all Community Councils, as well as appearing in the local press. There is no specific requirement, nor is it the Council's practice, to formally consult Community Councils about listed building applications or applications within conservation areas.

The use of the building was not included in the application's description as no change of use was sought as part of that application. The reference to "residential care home for elderly" as the existing use is acceptable, as the use status of premises is based on the previous use of the building when vacant, and as such is more helpful than merely being classed as "vacant". It would however have been more accurate to add the word "vacant" or "former" to the current use description.

The listed building application did require the approval of Scottish Ministers, through Historic, and this was duly granted by them on 2 December 2008.

For the reasons stated in the first two paragraphs of this letter, it is not accepted that a change of use, including an intensification of use, has taken place in respect of the new use of the building. The points which you have raised in relation to traffic and parking, together with the provision of safe and secure play facilities, do not have a bearing on the determination of whether or not a change of use is involved in terms of planning law. However, such points but would be something for Housing and Community Care to consider in assessing the suitability of the scheme.

I trust the above clarifies the planning position in regard to the 'Rio' proposal.

Yours sincerely

Brian Stanford
Projects Team Leader
Development Management