

Perth and Kinross Council
Development Management Committee – 16 November 2016
Report of Handling by Interim Head of Planning

**Alterations and extension to coffee shop at Mackenzies Coffee House
115 Atholl Road, Pitlochry, PH16 5AG**

Ref. No: 16/01357/FLL
Ward No: N4– Highland

Summary

This report recommends approval of the application for alterations and extension to coffee shop as the development is considered to comply with the relevant provisions of the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is located within the settlement boundary of Pitlochry in an area identified for town centre uses. The application site is also located within Pitlochry Conservation Area.
- 2 The buildings on site consist of Mackenzies Coffee House and Christmas Shop (with residential above in separate ownership) fronting Atholl Road. The building also has a basement level which provides access to the rear courtyard where there is a large garage/storage building. To the west of the site is a newer 4 storey block of flats, to the south are the public toilets and to the east a restaurant.
- 3 The proposal is to demolish the existing store and extend to the rear filling in the gap site/parking area. The extension has been designed to link to the existing building at a lower ground floor which forms a link between the existing traditional building and the proposed contemporary 2 and 3 storey flat roofed cube extension.
- 4 There is an associated application for conservation area consent for the demolition of the storage building on the site which is also under consideration at this Committee.
- 5 No car parking is proposed and pedestrian access is from Atholl Road or West Lane.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Scottish Planning Policy 2014

- 7 The Scottish Planning Policy (SPP) was published on June 23 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
 - The determination of planning applications and appeals.
- 8 Of relevance to this application are:
- Paragraphs 58 – 73 Promoting Town Centres
 - Paragraphs 92 – 108 Supporting Business and Employment
 - Paragraphs 135 – 144 Valuing the Historic Environment

DEVELOPMENT PLAN

- 9 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan 2012 and the Adopted Perth and Kinross Local Development Plan 2014.

TAYplan: Strategic Development Plan 2012-2032

- 10 The principal relevant policy is in summary: -

Policy 7: Town Centres

- 11 Support should be given to a mix of uses in city and town centres that will encourage their vitality and the diversity of economic and social activity in both the day and the evening.

Perth and Kinross Local Development Plan 2014

- 12 The Local Development Plan (LDP) 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
- 13 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 14 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 adaption.

Policy PM1B - Placemaking

- 15 All proposals should meet all eight of the placemaking criteria.

Policy RC1 Town and Neighbourhood Centres

- 16 Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out.

Policy PM2: Design Statements

- 17 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy HE3A 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 Pitlochry Conservation Area Appraisal.

SITE HISTORY

- 20 07/01449/FUL Extension to existing store to form a new retail unit Approved 22 August 2007.
- 21 08/01549/FUL Part change of use from class 1 to class 3 Approved 15 September 2008.

CONSULTATIONS

EXTERNAL

- 22 None

INTERNAL

Environmental Health

- 23 No objection, conditions recommended related to noise and odours

REPRESENTATIONS

- 24 A total of 48 letters of representation consisting of 28 objections and 20 letters of support were received and raised the following relevant issues: -

Objections

- Over provision of coffee shops/cafes/restaurants
- Loss of view
- Loss of light
- Overlooking
- Noise and odour
- Inappropriate design
- Excessive height
- Increase in traffic
- Detrimental impact on tourism
- Opening hours
- Size of soft play area

Support

- Support for contemporary design
- Increase in facilities
- Employment opportunities

- 25 These issues are all addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	None submitted

APPRAISAL

- 26 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. 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. The most relevant policies of the Council's Local Development Plan (LDP) 2014 and TAYplan are outlined in the policy section above.

Policy

- 27 The site is located within the settlement boundary of Pitlochry within an area zoned for town centre uses and also lies within Pitlochry Conservation Area.
- 28 Policy RC1: Town and Neighbourhood Centres is applicable and encourages uses within Class 1, 2 and 3 plus leisure, entertainment, recreation, cultural and community facilities on ground floors provided that they contribute to the character, vitality and viability of the retail area. Proposals should also satisfy criteria, which applicable in this case are, that there is a high and continuous degree of public contact involved in the normal day to day running of the use and that residential amenity is protected.
- 29 Concerns have been raised about the number of cafes and restaurants within Pitlochry town centre. It is widely recognised that the potential loss of trade or increased competition for a specific product or service are not valid planning considerations as these are typically personal circumstances which the planning system is not designed to protect. What however is a planning issue (for developments within town centres) is the potential impact that new proposals would have on the character, vitality and viability of the town centre area as a whole and whether or not from a land use perspective, the proposal is compatible with the surrounding uses.
- 30 The site constitutes a backland area of land which is underutilised and limited by its lack of a street frontage. The proposal is also linked to the expansion of an existing established business. The principle of extending the building to expand the existing Class 3 use with the ancillary soft play/events space is considered to be acceptable in a town centre location.

Use

- 31 The application is proposed as an extension to an existing coffee shop. It should be noted that the primary use is proposed under Class 3 and the soft play element is an ancillary use to this wider Class 3 use and not a stand-alone leisure facility. I therefore cannot consider the advantage/disadvantage in the provision of the facility, the area allocated for the use or age limit to be material to the consideration of this application.

Design and Layout

- 32 The site lies within an area of dense development with 2 and 2 ½ storey buildings facing Atholl Road and 3 ½ storey rear elevations. West Lane, due to the topography, features a relatively new 3 ½ storey flatted development and a number of single storey buildings. Within this area there is a mix of traditional materials render, stone and slate with hipped and pitched roofs, the use of dormers and traditional proportions.
- 33 A contemporary design approach has been deliberately taken to develop this site. The proposal is for a new building which is linked by a single storey passageway to the existing Atholl Road café/shop. The new building has a flat roof design incorporating two floors increasing to three floors towards West Lane. The increase in height has allowed the mass of the building to be broken up and to maintain a buffer between the residential flat on the 1st floor of the Atholl Road building and the higher 3 storey element.
- 34 The materials proposed are render and slate wall cladding with a timber corner to break up the mass of the slate and provide visual interest. The window openings are varied with some large openings spanning two floors allowing the internal space to connect with the external design. Samples of render, slate and timber cladding will be requested by condition for assessment and further approval.
- 35 Concerns have been raised in the representations regarding the design of the building. The site has no street frontage, being located behind the single storey public toilet building on West Lane. The architect has tackled this by introducing an interesting design addressing the site constraints. The approach has been a direct result of the need to find a bespoke solution to providing the proposed facilities on this constrained site, but in such a way as to create a development which will contribute to the townscape quality of the area.
- 36 The design, by using a contemporary approach, has allowed the extension to feature strongly in the streetscape and, deliberately, not be lost back land development. The flat roof lets the extension sit below the ridge of the higher buildings on Atholl Road not dominating or breaking the skyline. The use of materials reflecting the surrounding building colour and finishes has reinforced this and integrated the contemporary design.

Conservation Area

- 37 The site is located within Pitlochry Conservation Area. There is an associated application for Conservation Area Consent to demolish the existing storage/garage building to the rear. This application considers the impact of the new extension on the character and appearance of the Conservation Area.
- 38 It should be noted that the designation of an area as a Conservation Area does not prohibit new development, only that new development should positively enhance the area through good design rather than just create a neutral effect.

- 39 The Conservation Planner concurs with me that this is an exciting, contemporary design scheme with a considered approach to a selective palette of external materials which reflects traditional finishes and creates visual interest. In their view the massing and scale of the development at this particular location will not adversely affect the character and appearance of the conservation area.
- 40 They also advised that their only concern at pre-application stage has been addressed. The new building is now set back slightly further from the boundary of the toilet block than what was previously proposed. There is also a light touch employed in the design between the new building and the rear elevation of 115 Atholl Road.

Residential Amenity

- 41 The application greatly extends the existing coffee shop on Atholl Road, relocating the kitchen and bringing the building closer to residential receptors to the south in Watson Court.
- 42 Environmental Heath have been consulted and note that no details have been submitted for the ventilation system to be used in this development and this could be an issue as the roof of this proposed building is of a lower elevation than Watson Court. Typically a ventilation system will control odours by expelling kitchen air above the height of surrounding windows, but there will be windows above this, potentially with around 10 metres. Whether this is acceptable or not will depend on the nature of the cooking and the specifics of the ventilation system, therefore the applicant is advised to seek professional advice to ensure compliance with the condition recommended by Environmental Health. It is considered however that within a town centre location with similar adjacent uses a solution can be found.
- 43 The other issue which could lead to complaints is noise, which can arise from plant equipment or deliveries, each of which can be conditioned. Of more concern with regard to noise is the inclusion of a function area on the lower ground floor and a private function area on the first floor. There are few details with regard the intended use of these areas, and whilst they are both relatively small, they could lead to noise complaints depending on how they are used. Due to this a condition requiring the production of a noise management plan to control the potential for loss of amenity due to noise shall be added.
- 44 As the site is located within the town centre where there is a large number of class 3 uses which coincide with residential uses it is considered that the use of conditions could adequately mitigate any impact of the proposed development.
- 45 Overlooking has been raised as a concern. The building is located 15m from the facing elevation of the flatted building and there are no directly facing windows as the staircase is located in the south west corner of the building. The design also incorporates a 2 storey flat roof section which reduces any impact on the 1st floor flat above the existing café in terms of overshadowing and loss of light.

Roads and Access

- 46 The site has existing vehicular/pedestrian access from West Lane and pedestrian access from Atholl Road. There is an informal private parking area currently available to the rear but this would be lost as part of the proposal.
- 47 The site is located within the town centre in close proximity of the bus and train stations. In addition there is a public carpark at Rie-achan Road and further public carparks within walking distance. It is acceptable in a town centre location for no parking to be provided and I consider the development of the site would not have a detrimental impact on traffic within the area.

Flooding and Drainage

- 48 The site is connected to the public drainage and water supply network and there is no flood risk associated with the site.

Economic Development

- 49 The proposal has the potential to have a positive economic benefit on the local economy through the creation of jobs and provision of services.

LEGAL AGREEMENTS

- 50 None required.

DIRECTION BY SCOTTISH MINISTERS

- 51 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

- 52 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations 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 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 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 3 All plant or equipment 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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 4 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 5 The hours of operation of the function areas shall be limited to 0700 to 2300 daily.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 6 Prior to the opening this facility, the applicant shall submit a noise management plan to minimise the potential for disturbance at nearby residential receptors.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 7 Prior to the commencement of the development hereby approved, a sample of all external finishes shall be submitted to and agreed in writing by the Council as Planning Authority. The external finishes as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In order to protect the traditional character of the building and the appearance of the Conservation 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

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

Background Papers: 48 letters of representation
Contact Officer: Joanne Ferguson
Date: 2 November 2016

Nick Brian
Interim Head of Planning

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