

Perth and Kinross Council
Planning & Development Management Committee – 31 July 2019
Report of Handling by Head of Planning & Development (Report No. 19/213)

PROPOSAL: Alterations and extension to hotel

LOCATION: McKays Hotel, 138 - 144 Atholl Road, Pitlochry, PH16 5AG

Ref. No: [19/00693/FLL](#)
Ward No: P4 - Highland

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 McKays Hotel is a large, stone built Victorian building located centrally within Pitlochry. The building is not listed but it is a relatively attractive traditional building that stands within Pitlochry Conservation Area. The main frontage of the building has largely retained its traditional character but there have been a number of alterations and extensions to the building over the years. The rear of the building also exhibits a number of extensions including a large flat roofed extension.
- 2 A previous application to extend the Hotel in a very similar form was granted planning permission in December 2016 (16/01803/FLL). Whilst this permission remains valid the current application seeks a modification to the design. The previous application with limited objection was determined under delegated powers.
- 3 The proposal is to extend the building on the rear elevation (north) with a stepped extension positioned on top of the existing ground floor function room. The extension will provide a further 12 bedrooms and be linked at first floor to the existing hotel then increased in height to accommodate a further level of accommodation. The extension in terms of window proportions and design details reflect the existing building. The finishes are white render and slate roof.
- 4 There is no change proposed to the existing vehicular access at Birnam Place which provides access to the car park.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice

Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 6 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. 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 in June 2014 and 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 the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

National Roads Development Guide 2014

- 10 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 12 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2014

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

- 16 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

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

Policy PM2 - Design Statements

- 18 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 RC1 - Town and Neighbourhood Centres

- 19 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. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

Policy TA1B - Transport Standards and Accessibility Requirements

- 20 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy HE2 - Listed Buildings

- 21 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. 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 building's character, appearance and setting.

Policy HE3A - Conservation Areas

- 22 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy EP8 - Noise Pollution

- 23 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 24 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended

modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

SITE HISTORY

- 25 [15/01563/FLL](#) Alterations and extension to hotel Application Approved under delegated powers - Decision Issued 17 November 2015
- 26 [16/00276/FLL](#) Installation of biomass boiler, flue and associated works Application Withdrawn 14 April 2016
- 27 [16/01803/FLL](#) Alterations and extension Application Approved under delegated powers - Decision Issued 21 December 2016
- 28 [16/01945/FLL](#) Alterations and extension Application Approved under delegated powers - Decision Issued 17 January 2017
- 29 [18/00635/FLL](#) Alterations Application Approved under delegated powers - Decision Issued 29 May 2018

CONSULTATIONS

- 30 As part of the planning application process the following bodies were consulted:

EXTERNAL

Scottish Water

- 31 No objection to proposal

INTERNAL

Transport Planning

- 32 No objections to the proposal on parking provision or use of access

Development Negotiations Officer

- 33 No developer contributions required

REPRESENTATIONS

- 34 The following points were raised in the 7 representations received:

- Lack of parking

- Impact on local road network
- Loss of light
- Impact on visual amenity
- Impact on conservation area
- Loss of a view

- 35 These issues are addressed in the Appraisal section of the report, with the exception of loss of a view which is not a material planning consideration and unauthorised parking on private land. Unauthorised parking is not a planning issue and is for others to enforce.

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
Reports on Impact or Potential Impact	Not Required

APPRAISAL

- 36 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 37 The application site is located within the centre of Pitlochry where Policy RC1 Town and Neighbourhood Centres and Policy HE3A Conservation Areas are directly applicable. Policy PM1 Placemaking is also relevant.
- 38 Policy RC1 encourages uses within Class 1, 2 and 3 uses and also leisure uses provided that they contribute to the character, vitality and viability of the retail area.
- 39 Policy HE3A outlines that development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area should be appropriate to its appearance, character and setting.
- 40 Policy PM1A & B are applicable to all new proposals within the plan area and seek to ensure that the quality of the surrounding built and natural environment

is maintained and that all new development respects the existing character and amenity of the existing areas.

- 41 The proposed extension to the hotel use is considered to be compatible with neighbouring land uses, the Conservation Area and residential amenity is not considered to be compromised. For reasons mentioned throughout this report, the proposed extension is considered to be compliant with the relevant provisions of the aforementioned Local Development Plan.

Design and Layout

- 42 The proposal is to extend the building on the north elevation. There is already a ground floor flat roof extension to the rear of the building which is set into the ground partially at a lower street level accommodating a courtyard and function room. The bedroom extension will be located on top of this area with the courtyard to be enclosed but retained as a single storey wing along the road/footpath edge.
- 43 The extension links to the first floor of the existing hotel building then steps up the site increasing in height resulting in a 1 ½ and 2 ½ storey extension with the upper floor partially accommodated within the roof space served by dormer windows. This reflects stepped terraced dwellings on the opposite side of Birnam Place. The stepping up also assists in mitigating the impact of the extension as the setback of the 2 ½ storey element screens the higher ridge from view on Atholl Road.
- 44 The design of the extension complements the existing hotel and picks up on the existing design features. The way the extension has been designed with differing ridge heights and varied footprint assists in reducing the overall mass.
- 45 The proposed finishes are slate roof and wet harl render painted white. Comments have been received regarding the colour of the render being inappropriate. The rear of the building does feature white render (although a little weathered) and within the area there are examples of render finishes. In this case an off white would be more appropriate and a condition will be added to cover external finishes including a sample of the slate. (Conditions 2 and 3)

Residential Amenity

- 46 The site is located within the town centre with residential properties located to the north and east at Birnam Place. Concerns have been raised regarding the height of the development in relation to loss of light and privacy to neighbouring properties.
- 47 To the rear of the hotel there is an existing flat roof extension and a courtyard contained by a wall which abuts the footpath. The extension is to be set back from the footpath with the courtyard retained along the boundary at single storey this increases the separation between the extension and the existing dwellings.

- 48 This application, compared to the extant permission, has reduced the overall mass of the extension by the reduction in height of the middle section. This reduction is at a point where it faces a residential property which has a lower ridge height on Birnam Place. It is therefore considered that this current proposal will have a reduced impact on the existing residential amenity due to the reduction in scale from the previously approved proposal.
- 49 The proposed development faces the public road with residential properties beyond. In this case when considering windows across a public road the distances expected would not be as far as, for example, in rear gardens. In this case the distance combined with the set back of the extension is considered acceptable to protect existing residential amenity.
- 50 Overall I consider the proposal to be acceptable in terms of the impact on the existing residential amenity of residents of the surrounding area therefore the proposal is in accordance with the relevant placemaking policies of the LDP and the criteria outlined in Policy RD1.

Conservation Considerations

- 51 The design of the proposed alterations and extensions are generally in keeping with the character of the Conservation Area and will in many ways improve the appearance of the hotel and is therefore in accordance with Policy HE3A.
- 52 The extension is set back behind Atholl Road In terms of impact upon the setting of the nearby listed buildings (128-134 Atholl Road) the scale, massing and proportions of the proposed extension will not have a detrimental impact on the setting of these buildings and is therefore in accordance with Policy HE2.

Roads and Access

- 53 Concerns have been raised over an increase in traffic and lack of parking. The agent has confirmed that the purpose of the extension is to attract the coach trip and group tour market, which he considers could potentially reduce the number of private vehicles using the hotel car park. The hotel has 16 parking spaces available with 6 further spaces available on land within the hotel ownership. Guidance on maximum parking provision for hotels is given in the National Roads Development Guide as 1 space per 2.5 bed spaces. The total number of bed spaces for the existing and proposed additional rooms to the hotel is 54. This indicates that the maximum parking provision for the proposals is 22 ($54/2.5 = 21.6$). Therefore the hotel can provide the maximum car spaces. It would however be advantageous for the current car park to be upgraded and the car parking spaces delineated as part of this development. (Condition 5) In addition in line with the National Roads Development Guide secure and covered cycle parking provision is required to accommodate 5 bicycles. (Condition 4)
- 54 It is noted that the hotel has a good location in terms of public transport, with access to both bus stops and train station within desirable walking distances. There are also a number of public car parks within walking distance.

- 55 My colleagues in Transport Planning do not object to the parking provision offered. The proposal is considered to be in accordance with Policy TA1B of the LDP.

Biodiversity

- 56 The proposed development creates opportunities to provide nest sites for swifts. Pitlochry is known to have a sustainable population of swifts and everything possible should be done to encourage the increase in numbers.
- 57 The north east and south east elevations offer the opportunity to incorporate swift nest bricks at eaves height. Consequently, eight swift bricks have been included within the proposal.

Drainage and Flooding

- 58 There are no changes proposed to the drainage arrangements and there is no flood risk associated with the site.

Waste Collection

- 59 The hotel has existing waste storage provision which will be unaltered by this proposal.

Developer Contributions

- 60 No developer contributions are required in relation to the proposal.

Economic Impact

- 61 The existing hotel is within a town centre location and the agent has confirmed that the extension is to provide more bedrooms to attract the coach market and group tours. The extension will therefore contribute to the amount of tourist accommodation on offer in Pitlochry.

LEGAL AGREEMENTS

- 62 No legal agreement required

DIRECTION BY SCOTTISH MINISTERS

- 63 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 64 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and

material considerations and in this case I am content that the development proposed in terms of the principle to extend the hotel and the proposed design and finishes does not conflict with the Development Plan.

- 65 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to the commencement of the development hereby approved, a sample of the roof slate shall be submitted to and agreed in writing by the Council as Planning Authority. The roof slate 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.

- 3 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme 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.

- 4 Prior to the development hereby approved being completed or brought into use, secure and covered cycle parking provision shall be provided to accommodate 5 number bicycles in accordance with the National Roads Development Guide to the satisfaction of Perth & Kinross Council as Planning Authority.

Reason - In the interests of road safety; to ensure the provision of adequate cycle parking facilities.

- 5 Prior to the commencement of the development hereby approved a plan of the car park layout with spaces delineated shall be submitted to and agreed in writing by the Council as Planning Authority. The car park shall be resurfaced and laid out as per the approved plan prior to the development being completed or brought into use.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

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 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.
- 5 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>

Background Papers: 7 letters of representation
Contact Officer: Joanne Ferguson 01738 475320
Date: 18 July.2019

DAVID LITTLEJOHN
HEAD OF PLANNING AND DEVELOPMENT

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