

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

Demolition of building at the Store to the rear of Mackenzies Coffee Shop, 115 Atholl Road at West Lane, Pitlochry

Ref. No: 16/01596/CON

Ward No: N4– 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

- 1 Conservation Area Consent is sought for the demolition of a storage building at West Lane (to the rear of Mackenzie's Coffee Shop on Atholl Road) within the Conservation Area of Pitlochry. There is an associated full planning application for the redevelopment of the site which is also under consideration at this Committee.
- 2 The building currently sitting on the site, a garage and store, is of no architectural merit and is not of traditional construction. It has been purpose built in order to create short term additional storage at the rear of the existing shop and café.
- 3 The application site is located to the rear of Mackenzie's Coffee shop. There is a flatted development to the west separated from the site by a 2m timber fence, to the east is a restaurant Caffè Soczia which has outdoor seating and to the south is the public toilets building.

NATIONAL POLICY AND GUIDANCE

- 4 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.

DEVELOPMENT PLAN

- 5 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan (June 2012)

- 6 TAYPlan sets out a vision for how the region will be in 2032 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:

- 7 *“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, study and visit, and where businesses choose to invest and create jobs”*
- 8 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 2 – Shaping better quality places

- 9 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan’s Assets

- 10 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Perth and Kinross Local Development Plan 2014

- 11 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.
- 12 Under the LDP, the site lies within the settlement boundary of Pitlochry and within the conservation area where the principal relevant policy is:

Policy HE3B - Conservation Areas

- 13 There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for demolition should be accompanied by a detailed application for the replacement development.

OTHER POLICIES

- 14 Historic Environment Scotland Policy Statement 2016

SITE HISTORY

- 15 07/01449/FUL Extension to existing store to form a new retail unit Approved under delegated powers 22 August 2007

CONSULTATIONS

EXTERNAL

- 16 **Historic Environment Scotland (HES)** – No objection and no comments to make on proposal.

INTERNAL

- 17 None required

REPRESENTATIONS

- 18 No letters of representation received.

ADDITIONAL STATEMENTS

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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

Policy Appraisal

- 20 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 policy to be considered is policy HE3B of the Local Development Plan and this is assessed in more detail below.

Principle

- 21 The site is within the Pitlochry settlement boundary, within the town centre zoning and conservation area. Policy HE3B states that there is a presumption against demolition of buildings within a Conservation Area in favour of retention and restoration and that proposals for demolition should be accompanied by a detailed application for the replacement development.

- 22 The Historic Environment Scotland Policy Statement 2016 is also a consideration. In particular applications for Conservation Area Consent must demonstrate the following:
- a. the building is not of special interest; or
 - b. the building is incapable of repair; or
 - c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
 - d. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

Impact on Character of Conservation Area

- 23 The garage and storage building is of relatively recent construction and has no particular architectural or historic merit. It has been purpose built in order to create short term additional storage at the rear of the existing shop and café. It neither relates to its surrounding buildings through the use of materials or through any architectural detail, nor does it offer anything visually to the street scene from glimpsed vantage points on Rie-Achan Road and West Lane.
- 24 The building's function is for use as a garage and store. The structure and foundations of the building are not robust enough to allow the level of adaptation required to meet the needs of the growing business. Equally, attempting to fit the necessary services and spaces within the existing building would only allow for a substandard, under performing building which would not meet the demands of modern construction and spatial requirements. It is therefore accepted that the current building could not be repaired to serve the required use.
- 25 Demolition of the existing structure will enable a comprehensive redevelopment of the site. The proposal is designed to draw on its surrounding context whilst introducing contemporary design to the conservation area. The views on to and through the site will be significantly improved by creating an exciting focal point. The visual aesthetic of the proposal aims to create interest in the area, increasing footfall and assisting in the immediate area's economy.
- 26 The building has not been marketed in its current state for reuse as the owner wishes to develop the site.
- 27 It is also considered that as the building is of no merit and not in a prominent location within the conservation area, as it is screened by the public toilets, it would not be necessary to link the erection of the new extension by condition to this permission.
- 28 I would therefore conclude that the poor condition of the existing building is evident from on-site inspection and that the demolition will allow for a new development to come forward to bring the site back into active use to the overall benefit of the conservation area. The information provided, in conjunction with the proposals currently under consideration for redevelopment of the site, are therefore considered sufficient to justify demolition of the building in this case. As such the proposal, in its current form is considered to comply with the requirements of Policy HE3B of the LDP and with the Scottish Historic Environment Policy.

LEGAL AGREEMENTS

- 29 None required.

DIRECTION BY SCOTTISH MINISTERS

- 30 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

- 31 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 Perth and Kinross 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.

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 Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

Background Papers: None

Contact Officer: Joanne Ferguson – Ext 75360

Date: 2 November 2016

NICK BRIAN
INTERIM HEAD OF PLANNING

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