

Perth and Kinross Council
Planning & Development Management Committee – 24th August 2021

Report of Handling by Head of Planning & Development (Report No. 21/129)

PROPOSAL:	Change of use, alterations and extension from former telephone exchange to form coffee shop/snack bar (Class 3) and associated works.
LOCATION:	Former Telephone Exchange, Moncur Road, Inchtute, Perth, PH14 9RW.

Ref. No: [21/00435/FLL](#)

Ward No: P1 - Carse of Gowrie

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 The application site is the former Telephone Exchange, Moncur Road, Inchtute. The site is located within the Inchtute Conservation Area. The application seeks detailed planning permission for the change of use, alterations and extension to the former telephone exchange to form a coffee shop/snack bar (Class 3) and associated works.
- 2 The existing building is redundant and is in a state of disrepair. It is proposed to convert the existing building to become the prep and serving area, and extend the building to provide a storeroom. A separate building will also be constructed to accommodate toilet and baby changing facilities. An outdoor seating area will be provided, with the proposed site plan showing 36 covers. Part of the outdoor seating area will be under a new retractable canopy.
- 3 The submitted design statement indicates that the applicant operates a local business and already employ a number of local people. It is intended to diversify this business through this current proposal and it is proposed to operate the site as a year-round facility, 7 days a week with trading between the hours of 8am and 6pm. It is also stated within the design statement that the applicant has purchased this site in an effort to restore the building which they consider to be an eyesore within the village.

PRE APPLICATION CONSULTATION

- 4 No formal pre-application consultation undertaken.

NATIONAL POLICY & 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 2014

- 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. This is a statutory document and material consideration in any planning application. It 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.

The Scottish Planning Policy 2014 (SSP)

- 7 The Scottish Planning Policy (SPP) 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 77 Designing Safer Places

Creating Places 2013

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 11 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

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan 2016-2036

- 13 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.”

Perth and Kinross Local Development Plan 2

- 14 The Local Development Plan 2 (2019) (LDP2) 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 1A: Placemaking
- Policy 1B: Placemaking
- Policy 17: Residential Areas
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas: New Development
- Policy 31: Other Historic Environment Assets
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 41: Biodiversity
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

Other Policies

Placemaking Supplementary Guidance 2020

- 16 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

SITE HISTORY

- 17 None of relevance.

CONSULTATIONS

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

External

Perth & Kinross Heritage Trust (PKHT)

- 19 PKHT welcome the re-use of the existing building and have no objection, subject to conditional control regarding the requirement for archaeological survey work.

Scottish Water

- 20 No objection. There is currently sufficient capacity in both the Clatto Water Treatment Works and the Hatton Waste Water Treatment Works to service the development.

Inchtute Community Council

- 21 The local community council object as they consider that an alternative use for the building should be found. The responses also highlighted the lack of parking and road safety concerns.

Internal

Transport Planning

- 22 Transport Planning initially objected due to the proximity of the outdoor seating area and the proposed planter to the road. A revised scheme was submitted by the agent to address these concerns and Transport Planning now have no objection to the proposed development.

Conservation Team

- 23 The Conservation Team welcome the restoration of the existing building and have no objection.

Environmental Health (Noise Odour)

- 24 The Council's Environmental Health Team have no objection, subject to a number of planning conditions. The planning conditions recommended will ensure that neighbouring amenity is not compromised through the proposed development.

Biodiversity/Tree Officer

- 25 The Council's Biodiversity/ Tree Office initially objected due to a lack of ecology work. The relevant survey work was consequently prepared and submitted and the Biodiversity/ Tree Officer now has no objection to the proposed development, subject to conditional control in line with the recommendations of the survey work.

Commercial Waste Team

- 26 The Commercial Waste Team highlighted the required bin provision for the development.

REPRESENTATIONS

- 27 A total of 12 representations have been received in respect of the current application (5 x support, 7 x objection). The main issues raised within the representations are:

- 28 Letters of support (5):

- Enhances existing derelict building
- Employment provision
- Increase of facilities for village
- Local enterprises should be encouraged

- 29 Letters of objection (7):

- Inappropriate use
- Overprovision of facilities in village
- Lack of parking facilities
- Out of character with village
- Road safety implications / traffic congestion
- Noise pollution
- Impacts upon maintenance of private road
- Concerns with staffing / business model
- Alternative use for building should be found

- 30 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal: AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg. Flood Risk Assessment	Submitted (Ecology Survey and Drainage Plan)

APPRAISAL

- 32 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 2019. 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, namely the Council's Placemaking Supplementary Guidance 2020.
- 33 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

- 34 The site is located within the settlement boundary of Inchtute on identified white land. The conversion of a redundant building to a café in this location is considered to be acceptable providing it is compatible with the surrounding land uses and does not detract from the character and amenity of the area. In this instance, the use of the building as a café will not be of detriment to any neighbouring land use and is considered to be compatible with neighbouring land uses. The site is bound by open space to the north east and south east, and is opposite Inchtute Church, which lies to the west. The nearest residential

property is in excess of 50 metres from the development site, located to the south west. There are therefore no sensitive receptors immediately adjacent the development site and thus the principle of the development is considered to be acceptable.

Design, Layout and Conservation Considerations

- 35 The design of the proposal is considered to be of a high quality and suitable for the context of the site. The proposed conversion will restore the building and the extension and new build elements will complement the existing building, whilst ensuring that the character and integrity of the original building is retained. The selected materials will also help to ensure that the building blends in suitably to the surrounding environment. The selected materials are a combination of brickwork and vertical timber larch cladding for the walls with a natural slate roof. Design features such as the raised planter and retractable canopy will help to ensure that the building contributes positively to the street scene.
- 36 The site is located within the Inchtute Conservation Area and is immediately adjacent the Inchtute Church, which is a Category C listed building. The Council's Conservation Team and Perth & Kinross Heritage Trust (PKHT) both welcome the retention and conversion of the existing building. It is considered that the proposed development will not have an adverse impact upon the character or setting of the Inchtute Conservation Area or neighbouring listed buildings. PKHT did however request conditional control regarding the implementation of a programme of archaeological work (Condition 8). This condition has been recommended to ensure compliance with LDP2 Policy 26B 'Scheduled Monuments and Archaeology'.

Proposed Advertisements

- 37 No advertisements have been proposed as part of this application. Any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. An informative has been recommended to highlight this to the applicant (Informative 6).

Landscaping and Visual Amenity

- 38 The existing building is in a derelict state and is covered in graffiti. The conversion and restoration of this building will improve the visual amenity and landscape character of the area. This view was also voiced within the majority of letters of support received.

Residential Amenity

- 39 The nearest residential receptor is approximately 50 metres to the south west. The Council's Environmental Health Team have no objection to the proposed development, subject to a number of planning conditions. The planning

conditions recommended will ensure that neighbouring amenity is not compromised through the proposed development.

- 40 The recommended conditions will require a Noise Management Plan, an effective ventilation system, will limit plant equipment noise, will limit servicing and deliveries, hours of operation, and will control external lighting. A condition has also been recommended to ensure that no music is played in the external seating area (Conditions 2-7).
- 41 Overall, it is considered that the recommended conditions will ensure that the neighbouring amenity is not compromised by the proposed development. The recommended conditions will ensure compliance with LDP2 Policies 17 'Residential Areas' and 56 'Noise Pollution'.

Roads and Access

- 42 Transport Planning initially objected to the proposed development due to the proximity of the outdoor seating area and the proposed planter to the road. A revised scheme was submitted by the agent to address these concerns and Transport Planning now have no objection. The revised scheme brings the edge of the development back 500mm from the road edge.
- 43 Concerns were raised within some representations received regarding the lack of parking facilities and the impact of the proposed development upon the local road network. The proposal incorporates bicycle parking and Transport Planning consider this sufficient for a village centre location such as this. The site is well served by public transport and there is on-street parking available within a short walking distance from the site. Any inconsiderate or unsafe parking from individuals is not a planning consideration. The site is also in a relatively central location where the majority of residents within Inchtute can walk to within 5-10 minutes, thus eliminating the requirement for a vehicle.
- 44 Whilst it is appreciated that the proposed development will result in additional traffic generation, the level of traffic likely to be generated by a unit of this scale is considered to be minimal and can be accommodated within the current capacity and road arrangements.

Drainage and Flooding

- 45 A drainage plan has been submitted with the application which demonstrated compliance with LDP2 Policy 53C 'Water Environment and Drainage'. It is considered that there are no drainage or flooding implications with the proposed development.

Waste Collection

- 46 The Commercial Waste Team highlighted the required bin provision for the development. An informative has been recommended to highlight this requirement to the applicant (Informative 8).

Natural Heritage and Biodiversity

- 47 The Council's Biodiversity/Tree Office initially objected to the proposed development due to a lack of ecological assessment. The relevant survey work, in the form of a full Bat Survey, was consequently prepared and submitted, and the Biodiversity/Tree Officer now has no objection, subject to conditional control in line with the recommendations of the survey work and a further condition requiring the installation of swallow nesting boxes. Conditions 9 – 11 have therefore been recommended accordingly to ensure compliance with LDP2 Policy 41 'Biodiversity'.

Developer Contributions

- 48 No developer contributions in respect of LDP2 Policy 5 are required.

Economic Impact

- 49 The majority of letters of objection highlighted that the proposed development may result in the over provision of such services in the village and an alternative use for the building should be explored. Within the letters of support received, many welcomed the use as a café and highlighted potential employment opportunities. The local opinion is therefore mixed with a combination of both support and objection towards the proposed use.
- 50 In this instance, the proposed use is considered to be in line with the relevant provisions of the LDP2 and there are no material considerations which prevent this use from being acceptable. Local competition between businesses and the overprovision of use classes are not material planning considerations.

VARIATION OF APPLICATION UNDER SECTION 32A

- 51 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout of the outdoor seating area.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 52 None required.

DIRECTION BY SCOTTISH MINISTERS

- 53 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

- 54 To conclude, 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 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 55 Accordingly the proposal is recommended for approval subject to the following conditions.

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, a Noise Management Plan (NMP) shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 3 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 order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

- 4 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage

beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

- 5 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 order to safeguard the neighbouring residential amenity in the area.

- 6 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 25 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 order to safeguard the neighbouring residential amenity in the area.

- 7 No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 8 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

- 9 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 12) shall be fully adhered to, respected and undertaken as part of the construction phase of

development. Particular attention is drawn to the submitted Bat Survey and Assessment - Final Report, Heritage Environmental Ltd, July 2021.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 10 An updated bat survey will be required prior to works to the roof, if roof works have not commenced within 18 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works to the roof shall not commence until after such written agreement has been issued by the Council.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 11 Prior to the completion or bringing into use of the building, whichever is the earlier, at least four swallow nest boxes shall be provided on the building, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

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 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 6 The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
- 7 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 8 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.

- 11 The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
- 12 An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.
- 13 The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
- 14 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout of the external seating area.

Background Papers: 12 letters of representation
Contact Officer: Sean Panton
Date: 12 August 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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