

**TCP/11/16(462)**

**Planning Application – 16/01630/FLL – Part change of use, alterations and extension to form flat and alterations and extension to restaurant at Fern Cottage Restaurant, Ferry Road, Pitlochry, PH16 5DD**

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**Planning Application – 16/01630/FLL – Part change of use, alterations and extension to form flat and alterations and extension to restaurant at Fern Cottage Restaurant, Ferry Road, Pitlochry, PH16 5DD**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





27 FEB 2017

RECEIVED

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be  
through this representative: ☒ Y

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No  
☒ Y ☐ No

Planning authority

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision  
notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

It is assumed the planning officer dealt with the application based on strict interpretation of planning policy rather than the wider commercial and community benefits that would result in having additional commercial and domestic accommodation for guests and staff. A wider interpretation might illustrate compliance with the spirit of the policy.

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Access to the rear of the building requires access to a retaining wall for a flat roof area to be inspected.  
Access to the current first floor is via a loft hatch and ladder.  
The building and gardens are open to the public during normal commercial premises opening hours.

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Fern Cottage was originally constructed as a house and was converted in circa 1980 to a guest house. At that time the first floor was used as bedroom / living accommodation. The guest house was subsequently converted to a restaurant in 2001 and this required the removal of the internal stair accessing the first floor accommodation. As a result no safe and separate access is available to the still intact 2 upper floor bedrooms, the upper hall and two shower rooms.

If granted this review will permit the owners to utilise the previously mothballed first floor as a 2 bedroom flat for the restaurant manager / or associated restaurant staff. At present there is a fundamental lack of affordable rental accommodation in Pitlochry - especially for staff given the majority of 'domestic' rentals are taken up by tourist accommodation which, in turn, brings much needed income to the community and the wider region.

Bringing the flat back into use in the manner desired is the most economical way to permit access to the flat. Alternative design solutions were explored previously but these make the project unviable as the rental income would not be affordable to the staff for whom this accommodation is required.

Whilst it is understood the officer has concerns about the design of the walkway to the rear - this must be considered in the context of the immediately adjacent railway and the fact this is already a 'back - land' area. The kitchen extension replaces an ugly 'shed' thus there is a significant amenity improvement.

The conservatory extension gives the owners an additional much needed 24 covers during busy times and gives the business and the wider town a chance to develop in a sustainable manner.

The design of the conservatory is primarily all glass and timber. It will be detailed in a sensitive manner and will read as a separate transparent extension to the property. The original building will remain essentially untouched and will be as visible to the eye as it presently is. A light touch approach is desired to the extension and it could, if desired, be removed in the future thus restoring the original cottage feel to the property.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No  
☒ ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

It was sincerely anticipated the application would be given support at officer level given the obvious benefits in bringing the upper floor back into positive use. The kitchen extension is not visible to any party to any extent. The other alterations and extension provide needed commercial indoor space in the only available space around the building given its landlocked nature on all other sides. There is a concern this has been overlooked and not wholly appreciated or understood by the officer.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

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**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☐ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

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**Declaration**

**I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed

Date

RECEIVED 28 NOV 2016

## PERTH AND KINROSS COUNCIL

Pitfern Ltd.  
c/o McKenzie Strickland Associates  
Callum Watson  
23 Bank Street  
Aberfeldy  
Scotland  
PH15 2BB

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 24.11.2016

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 16/01630/FLL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 29th September 2016 for permission for **Part change of use, alterations and extension to form flat and alterations and extension to restaurant Fern Cottage Restaurant Ferry Road Pitlochry PH16 5DD** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy PM1 Placemaking of the Perth and Kinross Local Development Plan 2014 as the design, mass and location of the extension on the front elevation engulfs the traditional host building and the addition of the walkway to the rear would not respect the character and amenity of the place.
2. The proposal is contrary to Policy HE3 Conservation Areas of the Perth and Kinross Local Development Plan 2014 as the extension engulfs the principal wall elevation of this traditional buildings thus havin a detrimental impact on the character and appearnace of the conservtaion area.

## **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

## **Notes**

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

## **Plan Reference**

16/01630/1

16/01630/2

16/01630/3

16/01630/4

16/01630/5

16/01630/8

16/01630/9

16/01630/10

16/01630/11

## NOTES

1. If the applicant is aggrieved by the decision to refuse planning permission or an application for approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to:

The Secretary  
Local Review Body  
Perth and Kinross Council  
Committee Services  
Council Building  
2 High Street  
Perth  
PH1 5PH

Email [planninglrb@pkc.gov.uk](mailto:planninglrb@pkc.gov.uk)

The 'Notice of Review' form together with guidance notes for completion can be obtained from Perth & Kinross Council website [www.pkc.gov.uk](http://www.pkc.gov.uk)

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

The foregoing notes are explanatory only and reference must be made to the Town and Country Planning (Scotland) Acts and the appropriate Regulations or Orders for their full context.





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**PLANNING DECISION NOTICE** *(included in applicants submission, see pages 13-16)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	16/01630/FLL	
Ward No	N4- Highland	
Due Determination Date	28.11.2016	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Part change of use, alterations and extension to form flat and alterations and extension to restaurant

**LOCATION:** Fern Cottage Restaurant Ferry Road Pitlochry PH16 5DD

### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 10 November 2016

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for part change of use, alterations and extension to form flat and alterations and extension to restaurant at Fern Cottage Restaurant, Ferry

Road, Pitlochry. The building is located within the town centre and the conservation area.

## **SITE HISTORY**

06/02317/FUL Change of use of upper floor to licensed restaurant, alterations and extension 12 February 2007 Application Permitted

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: No pre-application enquiry

## **NATIONAL POLICY AND GUIDANCE**

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**

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 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“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 and visit and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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**

All proposals should meet all eight of the placemaking criteria.

### Policy RC1 - Town and Neighbourhood Centres

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 HE3A - Conservation Areas

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.

## **OTHER POLICIES**

Pitlochry Conservation Area Appraisal

## **CONSULTATION RESPONSES**

Contributions Officer	No contributions required
Scottish Water	No response within time
Network Rail	No objections, informatives recommended due to proximity of railway
Transport Planning	No objection, no conditions required
Environmental Health	No objection, conditions related to noise and odour
Conservation Team	Concerns with impact of extension on host building and conservation area

## **REPRESENTATIONS**

The following points were raised in the 1 representation received:

- Loss of privacy

This is covered in the appraisal section of the report

## **ADDITIONAL STATEMENTS RECEIVED:**

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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.

### **Policy Appraisal**

The site is located within the town centre and the conservation area. The principle policies are RC1 Town and Neighbourhood Centres, PM1 Placemaking and HE3 Conservation Areas.

The proposal as it extends an existing restaurant and forms upper floor residential is acceptable in principle under town centre uses.

PM1 Placemaking requires that development contribute positively to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place. PM1B outlines placemaking criteria which require amongst other things that the design and density should complement its surroundings in terms of appearance, height, scale, massing, finishes and colours.

HE3A relates to new development within conservation areas which must preserve or enhance its character or appearance. The design, materials, scale and siting of new development should be appropriate to its appearance, character and setting.

It is considered that the principle of forming the flat and extending the restaurant is acceptable however the design, scale and mass of the extension

would be detrimental to the host building and the character of the conservation area. This is expanded further in the report.

## **Design and Layout**

The proposal is to extend the ground floor restaurant on the front (west) elevation. The extension is nearly the full width of the frontage, set back slightly from each side and down from the eaves. It occupies an existing outdoor seating area which is raised from street level and contained by low railings. The extension is a lean-to design with large full height window openings which incorporate sliding doors with glass Juliet balconies. The finishes are dark grey standing seam roof, random natural stone and large amounts of glazing.

The upper floor of the building is proposed to be converted into a one bedroom flat. A dormer extension is proposed to the rear to provide a first floor doorway and access is to be taken via a staircase from the rear of the building over the flat roof rear extension with the inclusion low railings providing an access path across the roof. In addition the flat roof kitchen to the rear is also to be extended.

I don't have any particular concerns about the change of use of the first floor to residential or the rear flat roof kitchen extension. However the extension on the front elevation and the rear walkway across the flat roof are not acceptable. The extension engulfs the front elevation of this modest cottage to the detriment of the character of the host building. Whilst I appreciate that the site is limited in terms of the available options to extend the location and mass of the extension is unacceptable. The rear walkway due to the length of railing required along the flat roof to access the flat also has an unacceptable visual impact.

## **Conservation Area**

The Conservation Planner has noted that the front elevation of this extension will be predominantly glazing. However, the structure virtually engulfs the principal wall elevation of this historic building. The existing windows and double-leaf door are also to be removed.

Their view is that the restaurant extension will have a significant impact upon the character of the host building. It will also have an adverse effect on the setting of the adjacent War Memorial and Memorial Garden (category C listed) and on the character and appearance of Pitlochry Conservation Area.

I agree with this assessment although do not consider the impact on the setting of the War Memorial to be a justifiable reason for refusal.

## **Residential Amenity**

There is no indication on the intended use of the flat if it is to be a managers flat, holiday let or mainstream housing. I have concerns over the access

being to the rear of the restaurant past the kitchen and up over the roof of the extension. There is an adjacent private amenity space associated with the guest house next door that would be overlooked by the walkway. If the intended use was related to the building it would limit number of movements across the roof as opposed to use as holiday accommodation. I consider that an alternative solution should be investigated to access the upper floor.

Environmental Health has considered the proposal in relation to extending the existing restaurant kitchen area and to form the first floor apartment above the restaurant area.

There is potential for the new flatted property to experience noise and odour from the existing restaurant and Environmental Health has recommended conditions in relation to odour and noise.

### **Roads and Access**

The proposal would not have any impact on existing access arrangements or parking.

### **Drainage and Flooding**

No flooding or drainage implications.

### **Developer Contributions**

#### **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Pitlochry Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time.

### **Economic Impact**

The economic impact of the proposal would be in the construction process and the extended restaurant facilities.

### **Conclusion**

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 not to comply with 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.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Reasons for Recommendation**

1 The proposal is contrary to Policy PM1 Placemaking of the Perth and Kinross Local Development Plan 2014 as the design, mass and location of the extension on the front elevation engulfs the traditional host building and the addition of the walkway to the rear would not respect the character and amenity of the place.

2 The proposal is contrary to Policy HE3 Conservation Areas of the Perth and Kinross Local Development Plan 2014 as the extension, due to its design mass and location, engulfs the principal wall elevation of the traditional building thus having a detrimental impact on the character and appearance of the conservation area.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### **Informatives**

None

### **Procedural Notes**

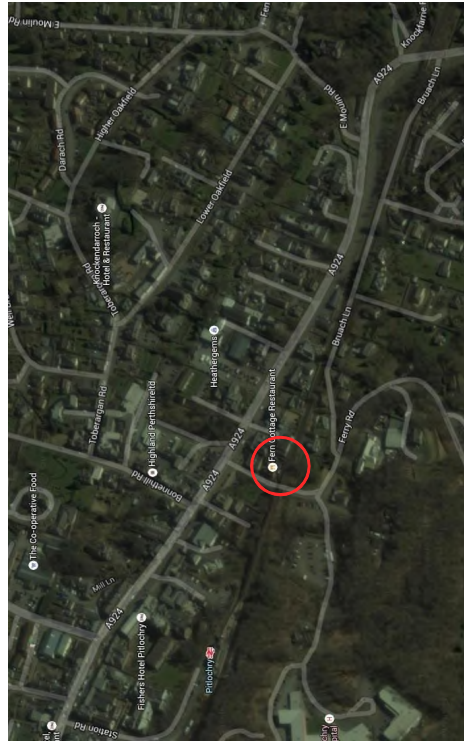
Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

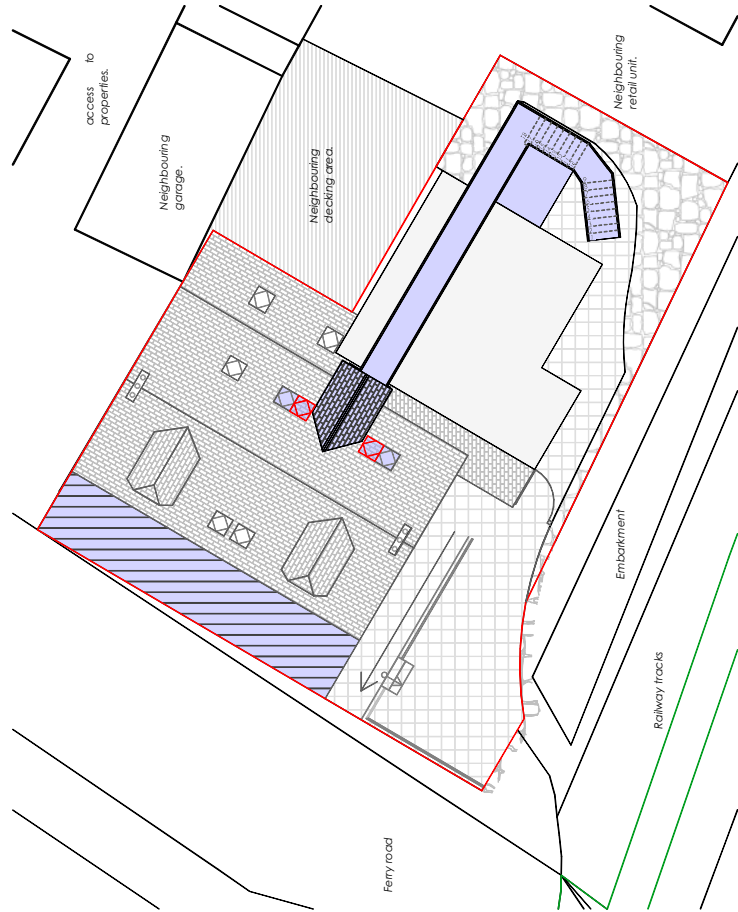
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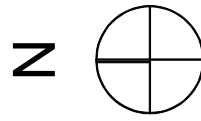
**Date of Report 24/11/2016**



SATELLITE IMAGE OF SITE - not to scale

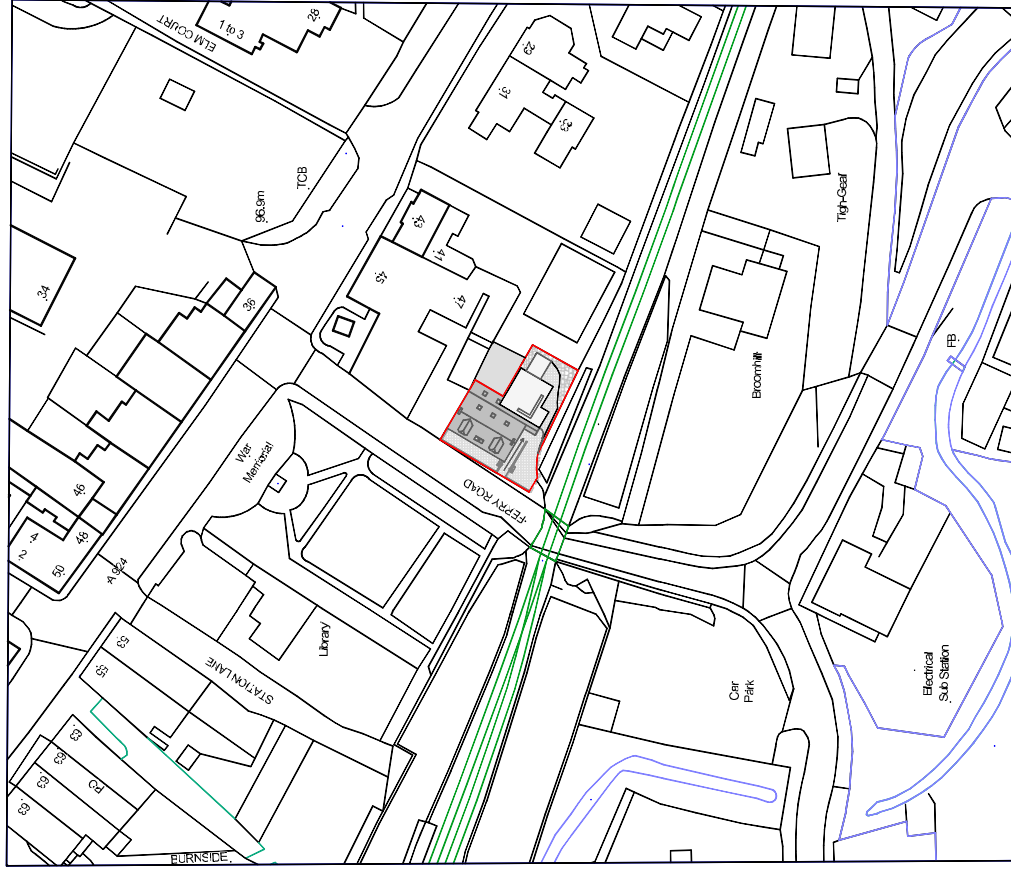


SITE PLAN scale 1:500



Scale bar 1:200

Scale bar 1:1000



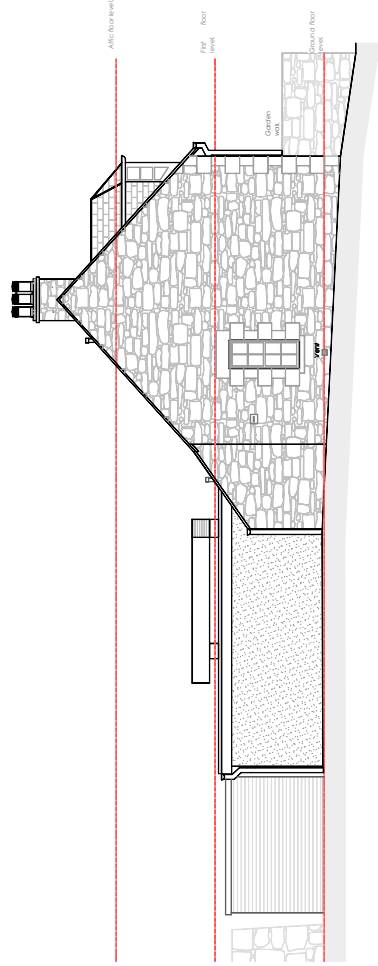
LOCATION PLAN scale 1:1000



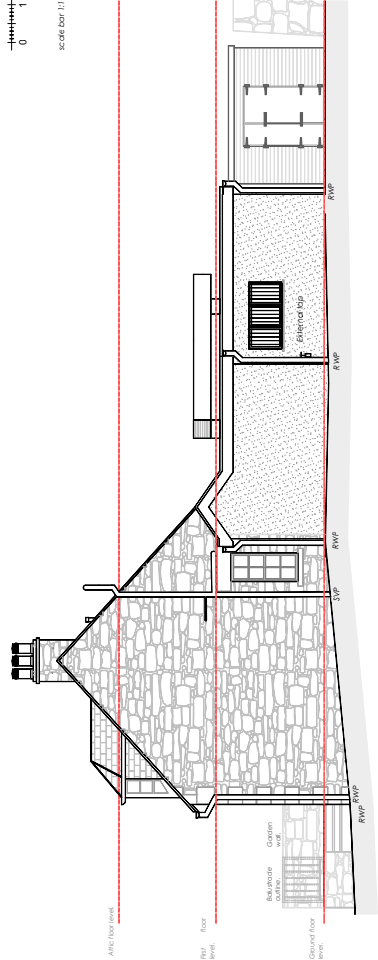
Land under applicant ownership and planning application boundary

Proposed external alterations.

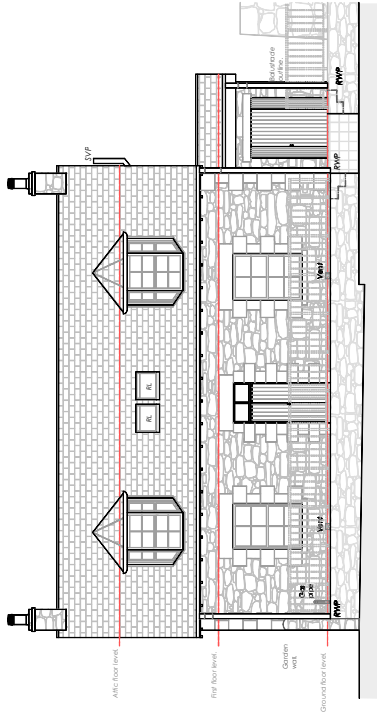
<b>McKenzie Strickland Associates</b> 23 Bank Street, Aberfeldy PH15 2BB. T: 01887 829 228				<b>e: info@msa-architects.com</b> 159 Dunkeld Road, Perth, PH1 5AS. T: 01738 445 983				All Contents Copyright All Rights Reserved 21 Cornhill Street, Crief PH7 4AX. T: 01764 910 410			
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DRAWING NUMBER: <b>1036/03/01</b>				SCALE: <b>1:200, 1:1000, Planning</b>				CHECKED BY: <b>RJ</b>			
REVISION: <b>1:500 @A3</b>				DATE: <b>September 2016</b>							



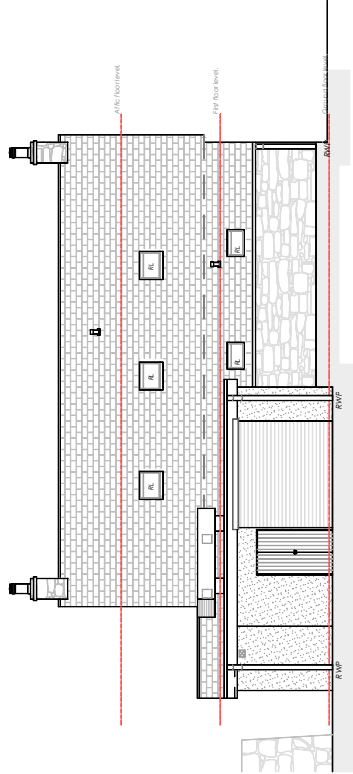
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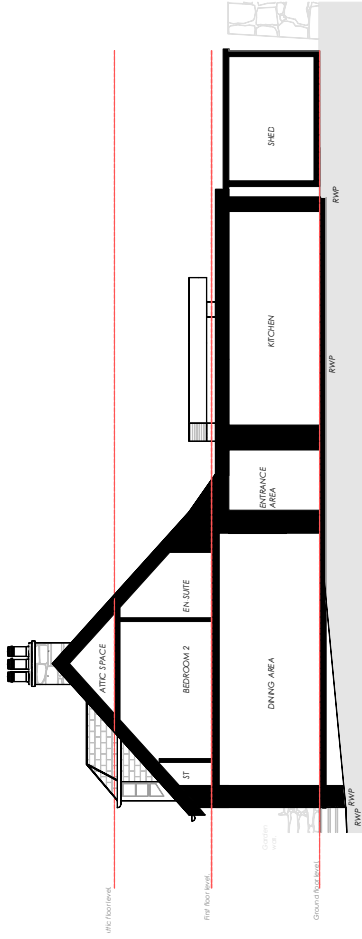
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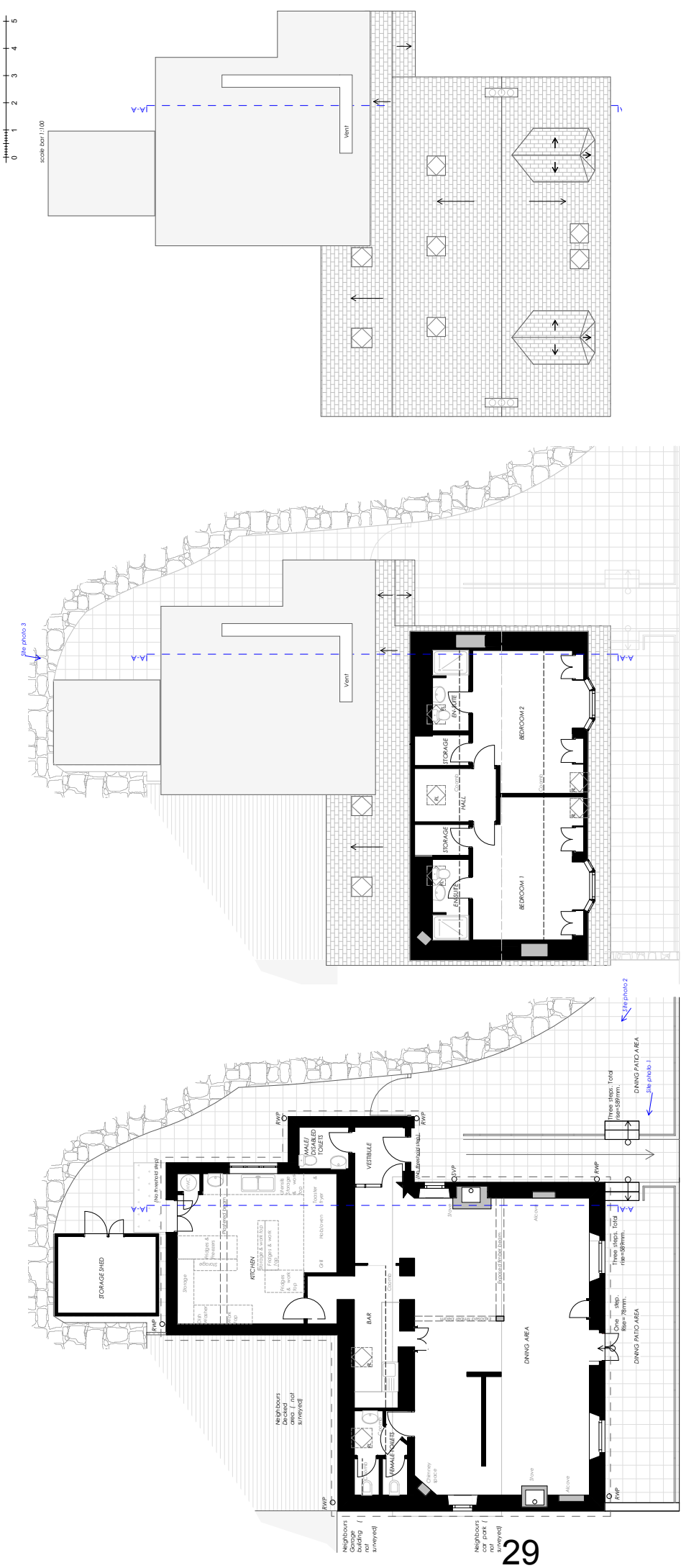
WEST ELEVATION



EAST ELEVATION



EXISTING SECTION



GROUND FLOOR PLAN

FIRST FLOOR PLAN

ROOF PLAN



SITE PHOTO 1

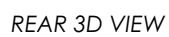
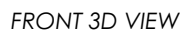


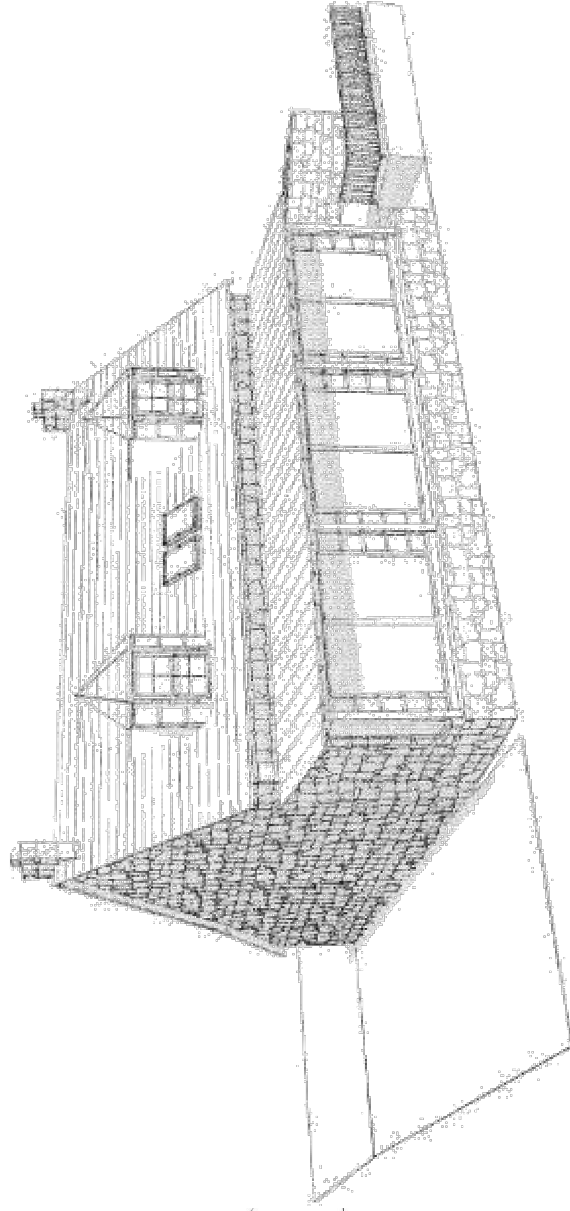
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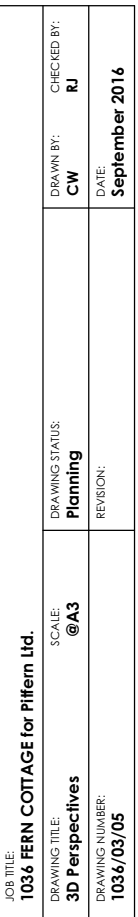
SITE PHOTO 3

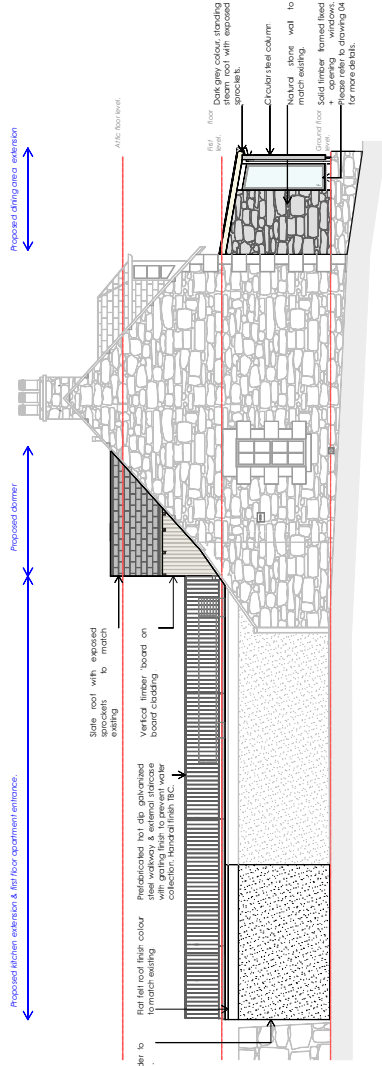
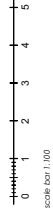




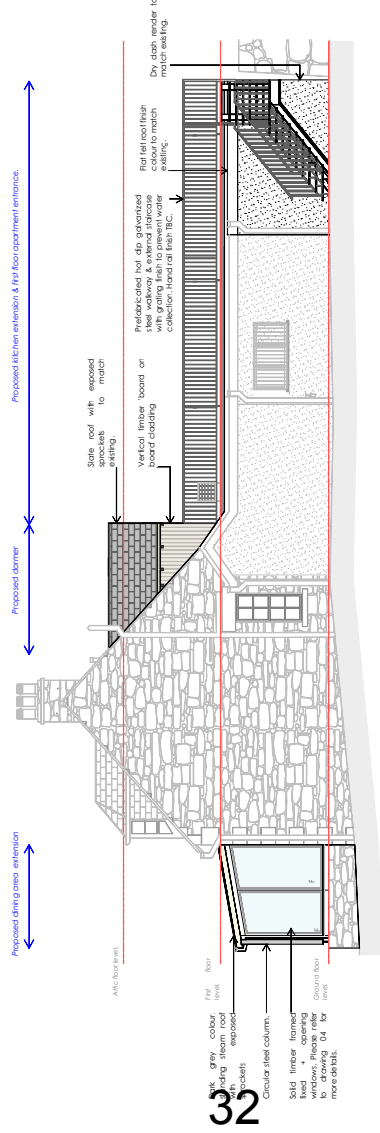


3D PERSPECTIVE - FRONT OF PROPERTY not to scale

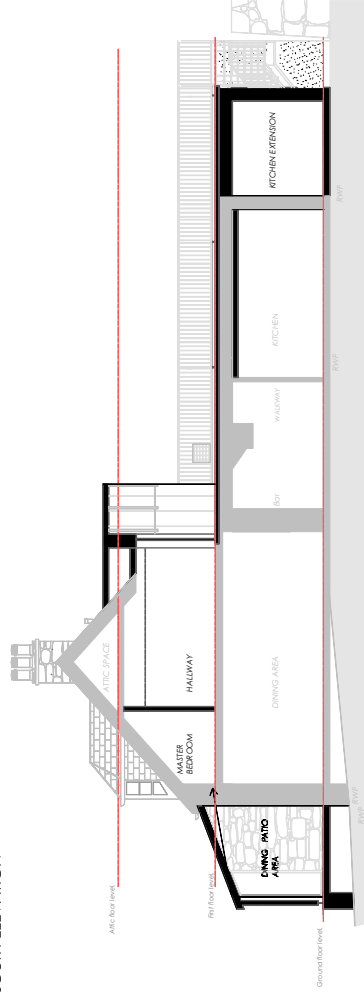




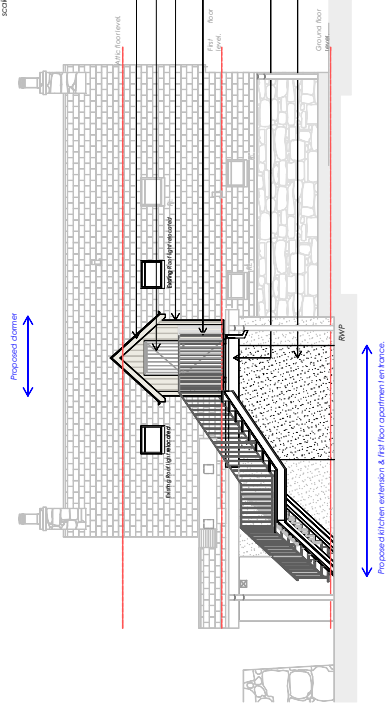
NORTH ELEVATION



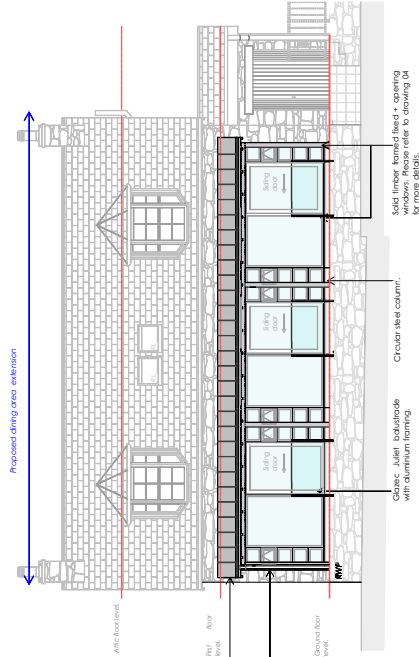
SOUTH ELEVATION



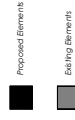
SECTION A-A



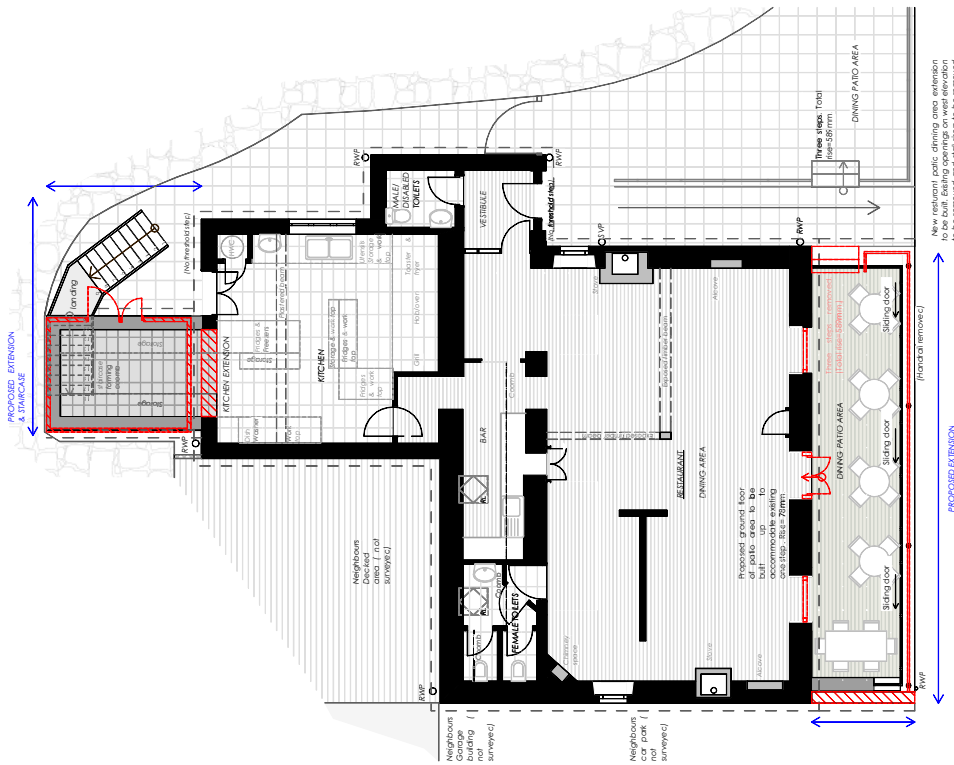
EAST ELEVATION



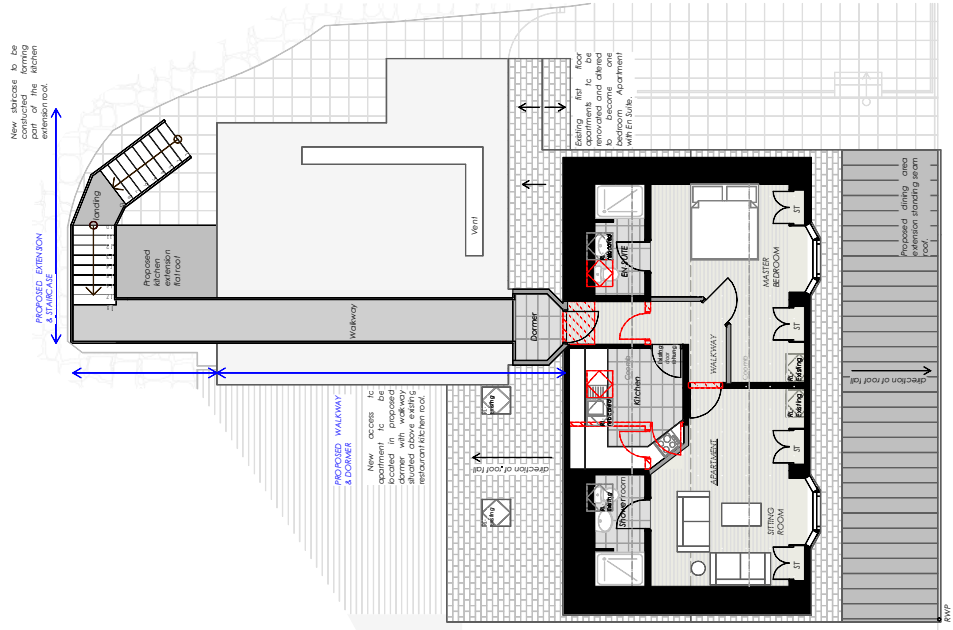
WEST ELEVATION



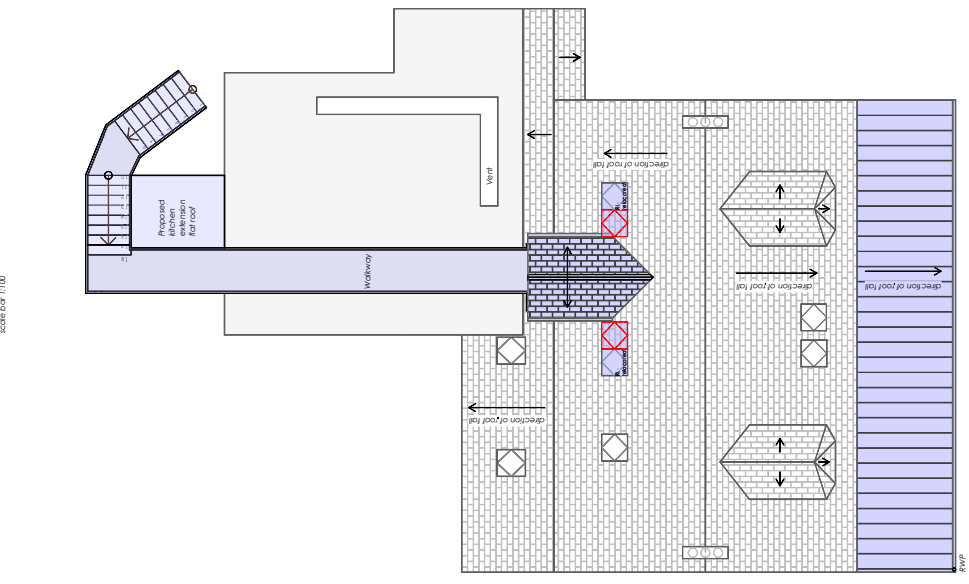




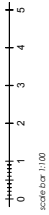
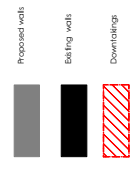
GROUND FLOOR PLAN scale 1:100

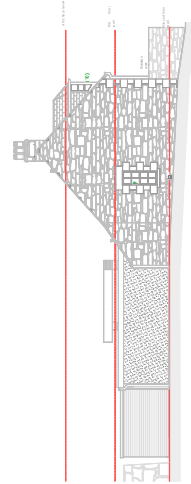


FIRST FLOOR PLAN scale 1:100



ROOF PLAN scale 1:100





NORTH ELEVATION

EXISTING OPENINGS										scale: 1:20	
opening 1	opening 2	opening 3	opening 4	opening 5	opening 6	opening 7	opening 8	opening 9	opening 10	opening 11	
											<p>opening 1: To be replaced</p> <p>opening 2: To be replaced</p> <p>opening 3: To be replaced</p> <p>opening 4: To be replaced</p> <p>opening 5: To be replaced</p> <p>opening 6: To be replaced</p> <p>opening 7: To be replaced</p> <p>opening 8: To be replaced</p> <p>opening 9: To be replaced</p> <p>opening 10: To be replaced</p> <p>opening 11: To be replaced</p>
											<p>opening 1: To be replaced</p> <p>opening 2: To be replaced</p> <p>opening 3: To be replaced</p> <p>opening 4: To be replaced</p> <p>opening 5: To be replaced</p> <p>opening 6: To be replaced</p> <p>opening 7: To be replaced</p> <p>opening 8: To be replaced</p> <p>opening 9: To be replaced</p> <p>opening 10: To be replaced</p> <p>opening 11: To be replaced</p>

opening 1: To be replaced

opening 2: To be replaced

opening 3: To be replaced

opening 4: To be replaced

opening 5: To be replaced

opening 6: To be replaced

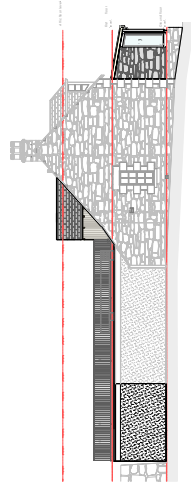
opening 7: To be replaced

opening 8: To be replaced

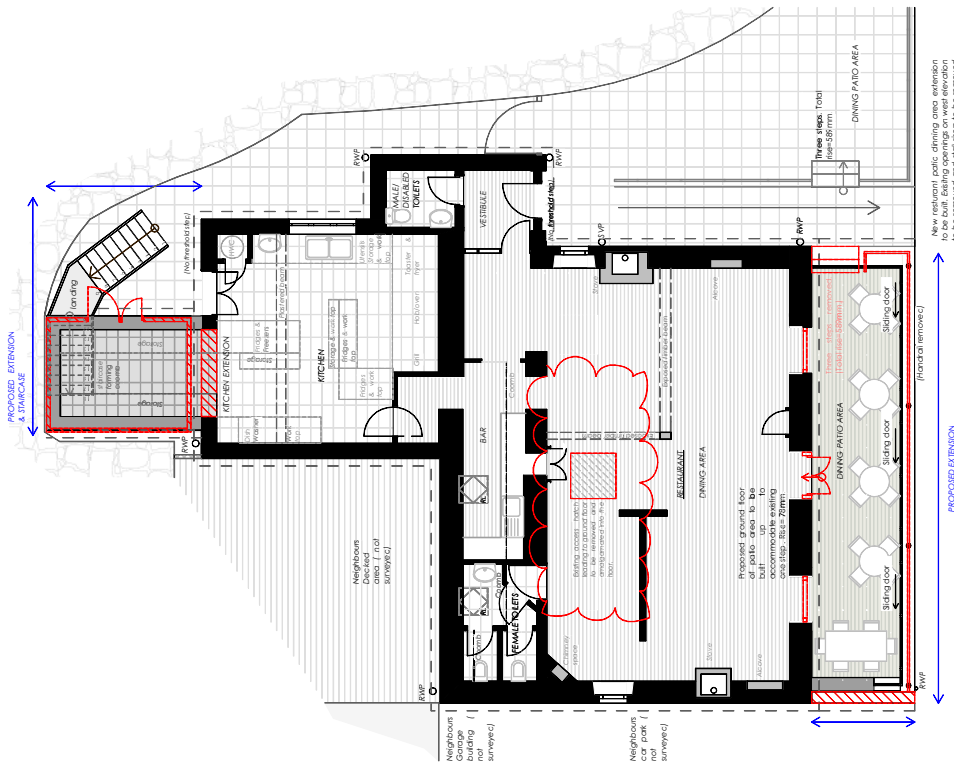
opening 9: To be replaced

opening 10: To be replaced

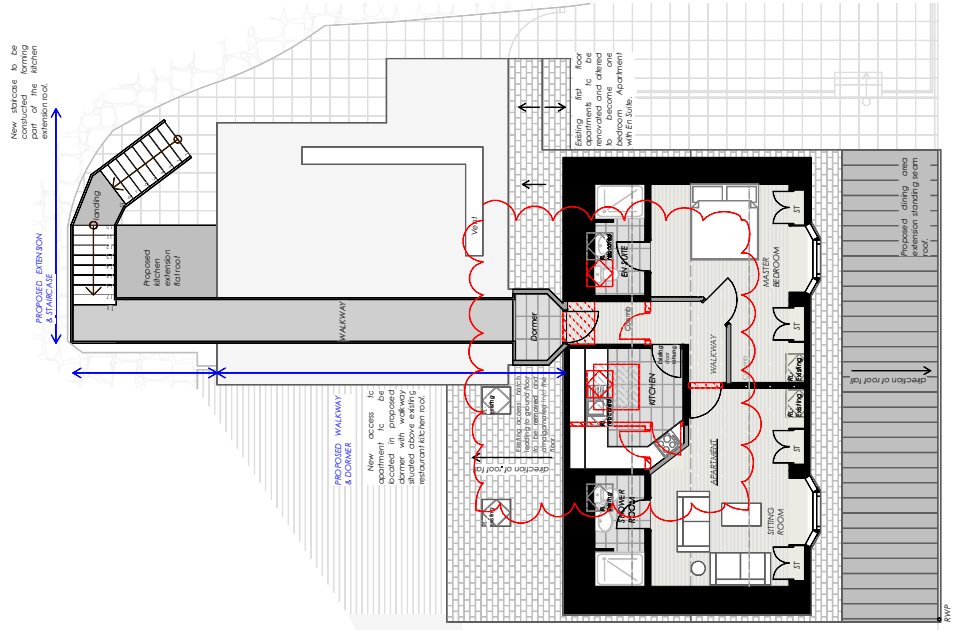
opening 11: To be replaced



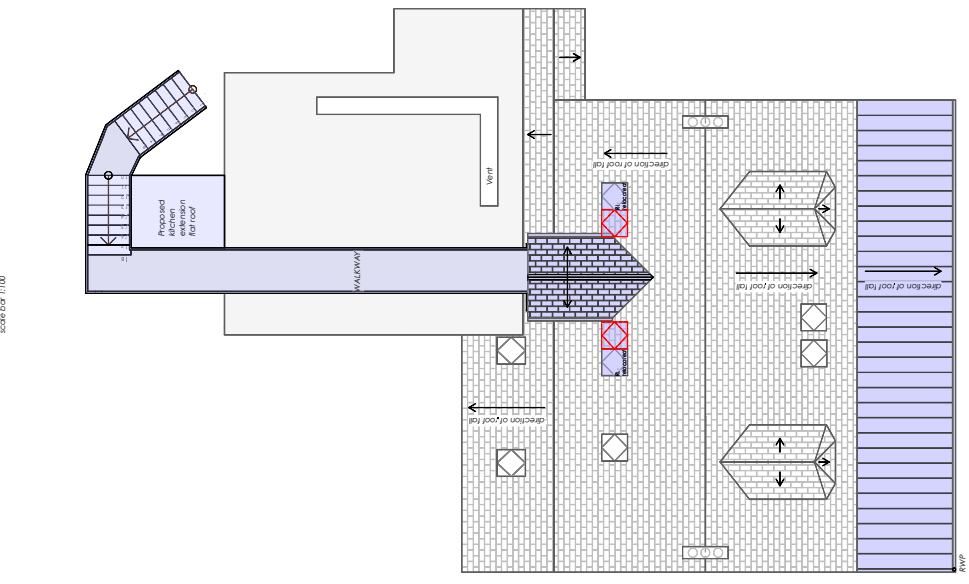
NORTH ELEVATION



GROUND FLOOR PLAN scale 1:100

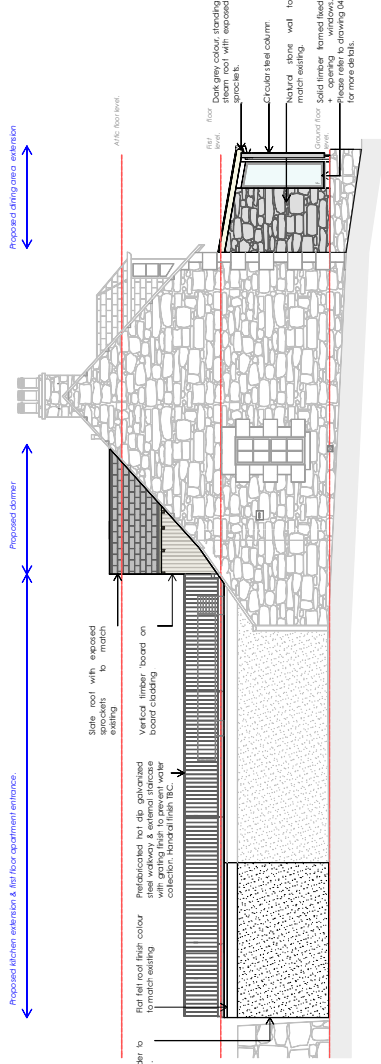
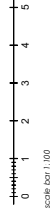


FIRST FLOOR PLAN scale 1:100

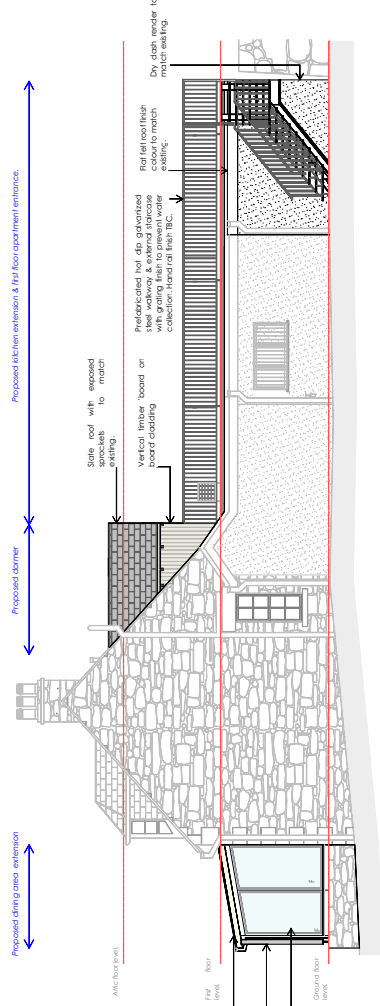


ROOF PLAN scale 1:100

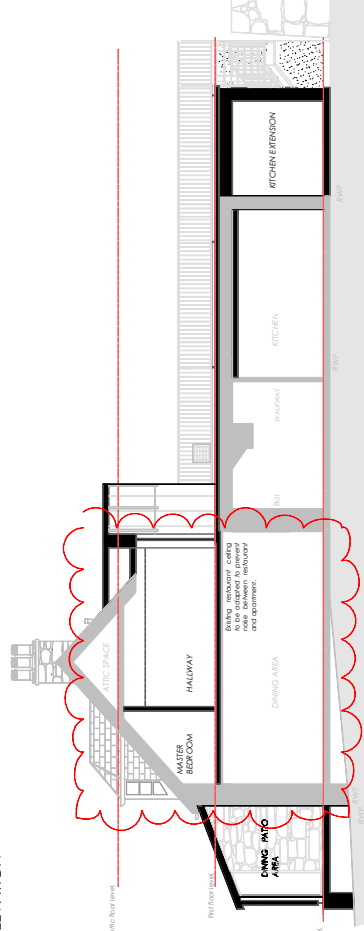
- Revised A
- Proposed walls
- Existing walls
- Downings



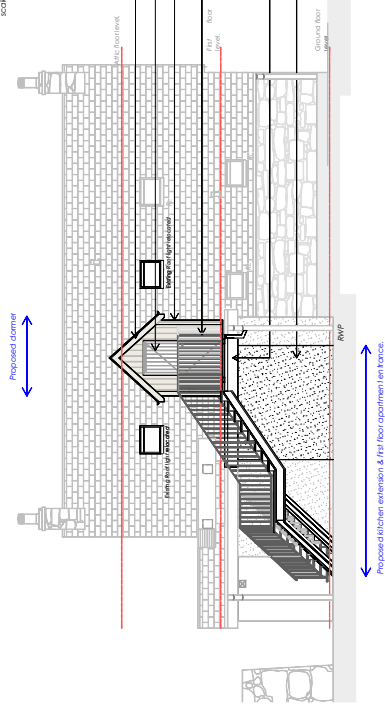
NORTH ELEVATION



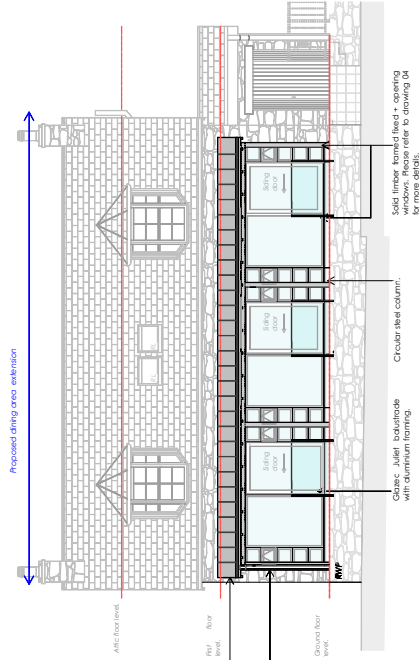
SOUTH ELEVATION



SECTION A-A



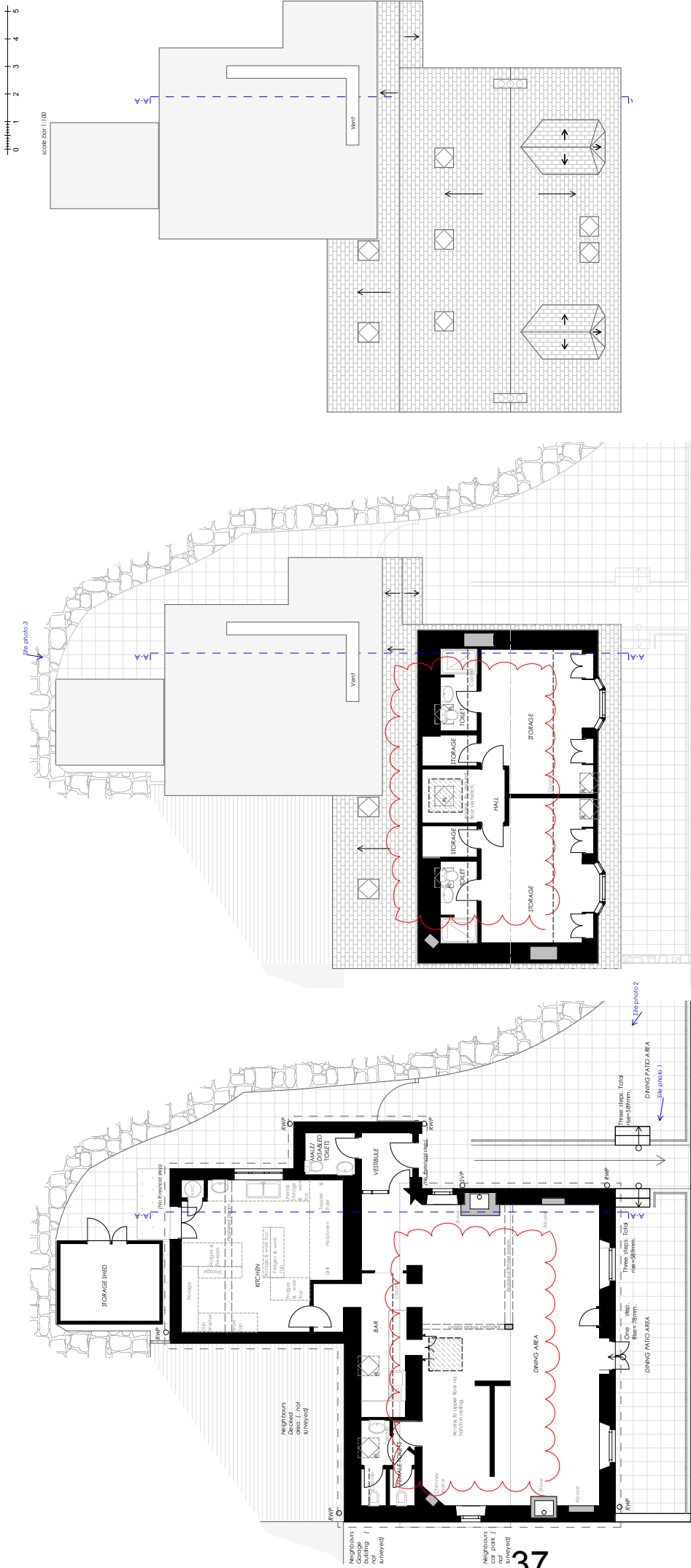
EAST ELEVATION



WEST ELEVATION



Revision A



GROUND FLOOR PLAN

FIRST FLOOR PLAN

ROOF PLAN



SITE PHOTO 1



SITE PHOTO 2



SITE PHOTO 3



Revision A



**TCP/11/16(462)**

**Planning Application – 16/01630/FLL – Part change of use, alterations and extension to form flat and alterations and extension to restaurant at Fern Cottage Restaurant, Ferry Road, Pitlochry, PH16 5DD**

## **REPRESENTATIONS**







## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	16/01630/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin <div style="background-color: black; width: 150px; height: 20px;"></div>
<b>Description of Proposal</b>	Part change of use, alterations and extension to form flat and alterations and extension to restaurant Part change of use, alterations and extension to form flat and alterations and extension to restaurant		
<b>Address of site</b>	Fern Cottage Restaurant, Ferry Road, Pitlochry, PH16 5DD		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Pitlochry Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total:</u> £0</b></p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	13 October 2016		



# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 16/01630/FLL

Our ref LRE

Date 14 October 2016

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**PK16/01630/FLL RE: partial change of use, alterations and extension to form residential property and alterations and extension to restaurant Fern Cottage Restaurant Ferry Road Pitlochry PH16 5DD for Pitfern Ltd.**

I refer to your letter dated 3 October 2016 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –14/10/16)

### Recommendation

**I have no objection in principle to the application but recommend the under noted conditions be included on any given consent.**

### Comments

Previous approved application 06/02317/FUL for change of use of upper floor to licenced restaurant, alterations and extension, this service was not consulted at the time of this application.

This application is to extend the existing restaurant kitchen area and to change the use to introduces a first floor apartment above the restaurant area

There is potential for the new flatted property to experience noise and odour from the existing restaurant, therefore I recommend the undernoted conditions.

### Conditions

- The residential property shall be so designed, constructed and soundproofed to ensure that noise from the normal operations within the businesses does not constitute a noise nuisance within the residential properties as determined by the Local Planning Authority.
- **EH20** 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.

- **EH10** 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.
- **EH02** 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.

Claire Fletcher

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**From:** [REDACTED]  
**Sent:** 20 October 2016 14:02  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 16/01630/FLL - Fern Cottage Restaurant

Hello,

With reference to our telephone conversation last week, to the rejection to part of the above planning application here are a couple of points which we discussed down in writing as requested.

I live next door to Fern Cottage Restaurant, it is my business (Guest House) and our home. As you can imagine myself and my children get little private space as it is and the back patio area is where we do a lot of socializing and use a lot in the summer sunbathing etc. We also have a hot tub which is used day and night sometimes by guests. We have two dogs which use this patio area too and to have people back and forward looking into our garden will disrupt and upset us all but mostly this must breach privacy laws. I don't want my 20 year old daughter out there sunbathing for all to look at or myself come to think of it. The original planning application was a staircase to the side of the property where the entrance is, is this not feasible?

Please call if you have any further questions to my rejection.

Best regards,

Jackie MacLellan

Jackie Maclellan  
Rosehill Guest House  
47, Atholl Road  
Pitlochry  
PH16 5BX

[REDACTED]





### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	16/01630/FLL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	<span style="background-color: black; color: black;">[REDACTED]</span>
<b>Description of Proposal</b>	Part change of use, alterations and extension to form flat and alterations and extension to restaurant		
<b>Address of site</b>	Fern Cottage Restaurant Ferry Road Pitlochry PH16 5DD		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I do not object to the proposed development.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	20 October 2016		





### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	16/01630/FLL	<b>Comments provided by</b>	Richard Welch
<b>Service/Section</b>	Conservation	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Partial change of use, alterations and extension to form residential property and alterations and extension to restaurant		
<b>Address of site</b>	Fern Cottage Restaurant, Ferry Road, Pitlochry		
<b>Comments on the proposal</b>	<p>I have concerns regarding the proposed extension to the restaurant. I note that the front elevation of this extension will be predominantly glazing. However, the structure virtually engulfs the principal wall elevation of this historic building. The existing windows and double-leaf door are also to be removed.</p> <p>My view is that the restaurant extension will have a significant impact upon the character of the host building. It will also have an adverse effect on the setting of the adjacent War Memorial and Memorial Garden (category C listed) and on the character and appearance of Pitlochry Conservation Area.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	24.10.2016		



## **CHX Planning Local Review Body - Generic Email Account**

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**From:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** FW: Planning Application 16/01630/FLL - Fern Cottage Restaurant

**From:** [REDACTED]  
**Sent:** 23 March 2017 13:03  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 16/01630/FLL - Fern Cottage Restaurant

Hello Joanne,

With reference to the email sent re the local review board for this application. I still stand firm on this rejection, I believe the staircase is staying the same for access for one of the owners accommodation. It was suggested to myself they put a fence upon a fence to block the walk way out as this would be a cheaper option then to put a staircase at the side of the building as original planning was granted for.

To put another fence up would block out all my light and sunlight it's a crazy suggestion and obviously not taken into account the affect this has on our only private living space which is very limited as it is. This is our home as well as my business. Please take into consideration how much this will impact my family. I have no problem with any of the other plans, just this.

Many thanks,

Jackie MacLellan  
Rosehill Guest House

Hello,

With reference to our telephone conversation last week, to the rejection to part of the above planning application here are a couple of points which we discussed down in writing as requested.

I live next door to Fern Cottage Restaurant, it is my business (Guest House) and our home. As you can imagine myself and my children get little private space as it is and the back patio area is where we do a lot of socializing and use a lot in the summer sunbathing etc. We also have a hot tub which is used day and night sometimes by guests. We have two dogs which use this patio area too and to have people back and forward looking into our garden will disrupt and upset us all but mostly this must breach privacy laws. I don't want my 20 year old daughter out there sunbathing for all to look at or myself come to think of it. The original planning application was a staircase to the side of the property where the entrance is, is this not feasible?

Please call if you have any further questions to my rejection.

Best regards,

Jackie MacLellan

Jackie Maclellan  
Rosehill Guest House  
47, Atholl Road  
Pitlochry  
PH16 5BX



## CHX Planning Local Review Body - Generic Email Account

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**From:** Robert [REDACTED]  
**Sent:** 12 April 2017 14:09  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** 'Sandy Macarthur'  
**Subject:** 2017 04 12 - RE: TCP/11/16(462)

Dear Ms. Taylor,

Many thanks for your communications in relation to the above referenced Notice of Review for planning application reference 16/01630/FLL.

I have discussed the comments from the interested party (MacLellan) with the applicants.

For clarity – it would not be feasible for the fence in question to be raised without planning consent. There are no alterations proposed to the fence within the (refused) planning application so this could not occur without another planning application. We doubt support would be gained in any event from PKC in any event. That said the applicants are keen to avoid confrontation with their neighbour and I understand there has been a very brief discussion with the interested party to try and accommodate their concerns – alterations to the fence was raised as a possible solution. Clearly this has not met with a positive response despite my clients efforts.

The reality of the situation is this location is within the town centre of Pitlochry and as such a degree of loss of privacy might be expected within such an environment. The reason for placing the access over the roof have been set out previously and needs no repetition here. The reality is the access is simply that – an access – there is no decking or patio over the roof, within this application, and the access has purposefully been kept utilitarian in its design to discourage anything other than direct access to the entrance to the empty flat, which it would be good to bring back into positive use and to encourage mixed use within the town centre as per the neighbouring property. The potential for loss of privacy in terms of the interested party is minimal especially when taken in the context of the site and the regular passing of the trains which overlook both properties from a much higher vantage point.

We trust the foregoing assists to clarify our clients position. Hopefully we can secure support for this worthy application from the elected members.

regards

RKDJ

Robert K. D. Johnston

Architect + Director



