

Perth and Kinross Council
Planning & Development Management Committee – 18 November 2020
Report of Handling by Head of Planning & Development (Report No. 20/219)

PROPOSAL: Alterations and extension to form roof terrace and stairs

LOCATION: The Errol Pub, The Cross, Errol, Perth, PH2 7QW

Ref. No: [20/01040/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 Errol Pub, The Cross, Errol. The site is located within the Errol Conservation Area and is immediately adjacent to The Cross, a Category B Listed Structure (LB 11592). The application seeks detailed planning permission for alterations and an extension to form a roof terrace and stairs. The proposed roof terrace area is currently a flat roofed extension to the south west of the adjoining main building. The proposed roof terrace will accommodate approximately 20 covers and will be enclosed by a 2m high close boarded grey composite boundary fence. Access to the roof terrace will be obtained from a new lift which will lead internally from the main pub area. A metal escape stair on the east elevation will also be provided.

PRE-APPLICATION CONSULTATION

- 2 20/00249/PREAPP - A formal pre-application consultation was undertaken where it was highlighted that the principle of the development was generally acceptable.

NATIONAL POLICY AND GUIDANCE

- 3 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

- 4 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in

infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 5 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 6 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 7 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 77 Designing Safer Places

Creating Places 2013

- 8 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.

DEVELOPMENT PLAN

- 9 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

- 10 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.”

- 11 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 2 – Shaping Better Quality Places
 - Policy 9 – Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2019

- 12 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The 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.
- 13 The principal relevant policies are, in summary;
- 1A – Placemaking
 - 1B – Placemaking
 - 5 – Infrastructure Contributions
 - 17 – Residential Areas
 - 18 – Pubs and Clubs in Residential Areas
 - 27A – Listed Buildings
 - 28A – Conservation Areas: New Development
 - 56 – Noise Pollution
 - 60B – Transport Standards and Accessibility Requirements: New Development Proposals

SITE HISTORY OF RELEVANCE

- 14 [12/00892/ADV](#) - Display of advertisement Decision Issued 22 June 2012: Application Approved

CONSULTATIONS

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

External

- 16 **Dundee Airport Ltd** – No objection to the proposed development.
- 17 **Errol Community Council** – Submitted a general comment and highlighted the benefits of the proposed development to the pub and local community. However, concerns were also raised in relation to noise disturbance, overlooking, and the potential impact upon Errol Conservation Area.

Internal

- 18 **Transport Planning** – No objection.
- 19 **Development Negotiations Officer** – No contributions required.
- 20 **Environmental Health (Noise Odour)** – No objection to the proposed development subject to conditional control regarding plant equipment, hours of operation, external lighting, outdoor music, and the requirement for a Noise Management Plan.
- 21 **Conservation Officer** – No objection.

REPRESENTATIONS

- 22 30 letters of representation were received regarding the proposed development from 28 different households. Of these, 19 letters were in support of the application, 7 were objecting to the application and 2 letters were general comments. In summary, the letters highlighted the following points:

Letters of support (19):

- Economic impact
- Employment provision
- Asset to village
- Community benefits
- Enhances character of area
- Lift will ensure that it is accessible for all
- Complements other village businesses
- Lack of alternative facilities in village

Letters of objection (7):

- Noise disturbance
- Overlooking/ loss of privacy
- Anti-social behaviour
- Health and safety implications
- Lack of community consultation
- Waste provision
- Impact upon conservation area
- Hours of operation

General comments (2):

- Economic and community benefits
- Potential noise disturbance
- Potential loss of amenity
- Potential impact upon conservation area
- Potential traffic generation

- 23 These points are addressed in the Appraisal section of the report with the exception of anti-social behaviour, as this is not a planning consideration.

ADDITIONAL STATEMENTS

24	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	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

- 25 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. In addition, section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Principle

- 26 The site is located within an identified residential area within the settlement of Errol. As such, the principal policies of relevance are Policies 1A and 1B 'Placemaking' and Policy 17 'Residential Areas'. These policies seek to ensure that new developments contribute positively to the quality of place and do not detract from the character and amenity of the area. Due to the nature of the development being outdoor seating for the existing pub, Policy 18 'Pubs and Clubs in Residential Areas' will also be directly applicable. Policy 18 aims to ensure that the siting of pubs and clubs is not of detriment to neighbouring amenity.
- 27 In this instance, the principle of an outdoor seating area associated with an existing establishment in this village setting is considered to be acceptable. Attention now turns towards the detailing of the proposed scheme and whether it would have an adverse impact upon the character and amenity of the area.

Design, Layout and Conservation Considerations

- 28 The proposed development will be located on an existing flat roofed extension to the south west of the original building. This section of the building is not highly visible from The Cross or from the nearest public road, Gas Brae. This is due to the height of the surrounding development exceeding that of the proposed. The development is therefore only highly visible from the grounds of Schiehallion, which is the residential property to the immediate south, and from the residential flat which is located to the west of the application site, above the village store.
- 29 The proposed development has been designed to ensure that the seating area is well enclosed and not visually intrusive to these residential properties. The proposed seating area is enclosed by a 2m high close boarded grey clad composite fence. This fence is considered to screen the development well without detracting from the visual amenity of the area.
- 30 The Council's Conservation Officer has assessed the proposal and does not consider that the proposed development will detract from the qualities of Errol Conservation Area or the setting of the adjacent listed Cross.

Landscape

- 31 As the maximum height of the proposed development will be well contained by the surrounding built development, it is therefore considered that there are no landscape implications with the proposed development.

Residential Amenity

- 32 The proposal has the potential to result in noise disturbance and loss of amenity to neighbouring properties. This concern was raised by objectors.
- 33 Initially, the proposed scheme that was submitted incorporated the entirety of the flat roofed extension. However, after assessing the proposal, including undertaking a site visit, it was considered that the entirety of the roof being developed would be unacceptable particularly to the amenity of the residential flat located to the west, above the village store. The main concern was with regard to daylight as this would potentially be obstructed by the proposed fencing as well as a concern over the potential of overlooking. As such, an amended scheme was sought and received which reduced the area of the roof to be developed. It is considered that this results in an acceptable level of daylight being retained for the neighbour to the west as well as taking the proposed development further away from the residential property to the immediate south, Schiehallion. As a result of this revised scheme, the capacity of the proposed seating area is reduced from 28 to 20 covers. The revised scheme was re-advertised to the public and all neighbours were re-notified.
- 34 With regards to overlooking, as the proposed development is to be enclosed by a 2m high close boarded fence, it is considered this will prevent any overlooking from the outside seating area to neighbouring properties and also will prevent overlooking into the proposed new outdoor space from neighbouring properties.

- 35 The Council's Environmental Health team have assessed the proposed development and have no objection to make, subject to conditional control regarding plant equipment, hours of operation, external lighting, outdoor music, and the requirement for a Noise Management Plan. These conditions will protect neighbouring amenity, particularly from noise disturbance. The recommended conditions are therefore considered sufficient to protect the amenity of the area and ensure compliance with Policy 17 'Residential Areas' (Conditions 2- 6).

Roads and Access

- 36 The existing pub is well served by public transport and is in a sustainable location where the majority of the village residents are within walking distance. There is also sufficient on-street parking immediately adjacent to the pub which can be utilised. It is therefore considered that there are no roads or access implications.

Drainage and Flooding

- 37 The site is not located in an area of known flood risk and the proposed development is not considered to increase the risk of flooding or create any drainage implications.

Waste Collection

- 38 It is indicated that the existing waste arrangements for the pub will be utilised. This raises no adverse concerns. An informative is recommended in relation to waste collection to ensure compliance with the Council's requirements (Informative 7).

Natural Heritage and Biodiversity

- 39 The proposed development is to be located on an existing flat roof where there are limited habitat opportunities present. It is therefore unlikely that the proposal will be of detriment to the natural heritage and biodiversity of the area. An informative is however recommended to be added to the consent regarding nesting birds as a precaution (Informative 6).

Developer Contributions

- 40 The Development Negotiations Officer was consulted as part of this application and confirm that no contributions are required.

Economic Impact

- 41 The proposal will provide additional seating for the existing pub and thus is likely to contribute positively to the business. The enhanced facilities may also result in additional footfall which will be of benefit to the wider village economy. Within the 19 letters of support received to the application, the majority highlighted the positive economic impact that the proposal would have upon Errol and the wider area.

LEGAL AGREEMENTS

- 42 None required.

DIRECTION BY SCOTTISH MINISTERS

- 43 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

- 44 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 45 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 hereby approved, a Noise Management Plan shall be submitted for the written agreement of the Council as the Planning Authority. The plan shall include all procedures and controls to mitigate noise from the operations of the area, it should also include a procedure for complaints. Thereafter, the approved plan shall be implemented for the life of the development and the use roof terrace, to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

- 3 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the residential amenity of the area.

- 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 order to safeguard the residential amenity of the area.

- 5 The hours of operation of the outdoor seating area shall be restricted to between 1100 to 2000 hours daily.

Reason - In order to safeguard the residential amenity of the area.

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

Reason - In order to safeguard the residential amenity of the area.

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 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.
- 6 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.
- 7 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.

Background Papers: 30 letters of representation
Contact Officer: Sean Panton
Date: 5 November 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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