

Perth and Kinross Council
Planning & Development Management Committee – 7 April 2021
Report of Handling by Head of Planning & Development (Report No. 21/45)

PROPOSAL: Change of use and alterations to carpark to site 2 railway carriages to form restaurant/takeaway (class 3), formation of raised decking area and associated works

LOCATION: Land south of Walker Court, Rie-Achan Road, Pitlochry

Ref. No: [20/01967/FLL](#)

Ward No: P4- Highland

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the change of use and alterations to carpark to site 2 railway carriages to form a restaurant/takeaway (class 3), the formation of a raised decking area and associated works, all within the Rie-achan Road Carpark in Pitlochry.
- 2 The carpark is located within the town centre of Pitlochry in an area characterised by a mix of commercial, residential uses and transport uses. The site is bound by the railway line and a treed landscaping strip to the south. The Network Rail access and gate is located to the east. To the north and west are parking spaces and the car park access road. The application site currently comprises of 11 parking bays which includes two accessible parking bays and also a small landscaped area accommodating a lighting column.
- 3 The proposal is to site two railway carriages for use as a restaurant with an associated takeaway facility, however there are some more permanent changes required to facilitate the development. The proposal involves the removal of 6 trees, relocation of a lighting column and loss of 11 parking bays. The site is not level so a levelled track bed is to be formed, onto which recycled tracks and sleepers will be placed for the siting of the carriages. A lift access, stepped access with queuing area, raised deck, bin storage and cycle stand are also proposed.

PRE-APPLICATION CONSULTATION

- 4 The applicant sought pre-application advice on the proposal which highlighted concerns with the loss of parking and road safety issues.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework 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.

Scottish Planning Policy 2014

- 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: 24 – 35
- Placemaking: 36 – 57
- Promoting Town Centres 58 - 73
- Supporting Business and Employment 92 - 108
- Valuing the Historic Environment 135 - 151
- Promoting Sustainable Transport and Active Travel 269 - 291

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Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

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.

Designing Streets 2010

- 11 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 12 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

- 13 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYPlan Strategic Development Plan 2016-2036

- 14 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."

- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –
 - Policy 2: Shaping Better Quality Places
 - Policy 3: A First Choice for Investment
 - Policy 5: Town Centre First
 - Policy 9: Developer Contributions

Perth and Kinross Local Development Plan 2 (2019)

- 16 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.

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 10: City, Town and Neighbourhood Centres
- Policy 28A: Conservation Areas: New Development
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 17 This document sets out the Council’s policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

SITE HISTORY

- 18 No site history

CONSULTATIONS

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

External

- 20 **Pitlochry And Moulin Community Council:** Comments raised noting safety in the car park, impact on residential amenity, loss of parking, loss of trees/landscaping.
- 21 **Scottish Water:** No objection. Advise that there is currently water capacity and public wastewater infrastructure available within the vicinity of the development site.
- 22 **Network Rail:** No objection but condition/informative required to highlight proximity to rail line.

Internal

- 23 **Enterprise Team:** Comments received on economic benefits of the proposal.
- 24 **Structures and Flooding:** No objection to proposal.
- 25 **Biodiversity/Tree Officer:** No objection. Replacement planting requested and bird breeding informative recommended.
- 26 **Environmental Health (Noise Odour):** No objection. Conditions required to cover lighting, servicing, noise and odours.
- 27 **Commercial Waste Team:** Waste requirements advised.
- 28 **Transport Planning:** Objection to proposal due to loss of parking and road safety concerns.
- 29 **Development Contributions Officer:** No contributions required.

REPRESENTATIONS

- 30 A total of 47 letters of representation have been received in respect of the current application including comments from Pitlochry Community Council. 19 objecting to the proposal and 27 supporting the proposal. The main issues raised within the representations are:

Objections

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate land use
- Excessive Height
- Lack or loss Of Car parking
- Noise Pollution

- Out of Character with the Area
- Over Looking
- Road Safety Concerns/Pedestrian Safety
- Traffic Congestion
- Light pollution
- Loss of open space
- Over intensive development
- Loss of trees
- Negative impact on Conservation Area

Support

- Enhances character of the area
- Increase visitors
- Tourism benefits
- Job opportunities
- Supports economic development
- Result in environmental improvements

- 31 These issues are addressed in the Appraisal section of the report.
- 32 The following are not material planning considerations. A number will be out with the control of the Planning Authority or covered by other consents/legislation.
- Over provision of restaurants/competition
 - Inappropriate Housing Density
 - Littering
 - Anti-social behaviour
 - Land ownership/lease agreements
 - Human behaviour leading to accidents, etc

ADDITIONAL STATEMENTS

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| Screening Opinion | Not Required |
| Environmental Impact Assessment (EIA): Environmental Report | Not applicable |
| Appropriate Assessment | Habitats Regulations - AA Not Required |
| Design Statement or Design and Access Statement | Submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

APPRAISAL

- 33 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 2 (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.

- 34 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

- 35 The site is located within the settlement boundary of Pitlochry within the town centre zoning and lies within Pitlochry Conservation Area.
- 36 Policy 10: City, Town and Neighbourhood Centres encourages uses within Class 1 and also Class 2 and 3 of the Town and Country Planning (Use Classes)(Scotland) Order provided that they contribute to the character, vitality and viability of the retail area and satisfy all of the noted criteria. The criteria include a high and continuous degree of public contact involved in the normal day to day running of the use, an attractive shopfront is provided, residential amenity is protected and that there are no adverse effects on the integrity of the River Tay Special Area of Conservation. The nature and detail of the proposed development meets these criteria therefore it is considered that the principle of providing a restaurant use within this town centre site complies with Policy 10.
- 37 Whilst the proposal in principle complies with Policy 10, the application site is within an existing carpark land use. Policy 60 Transport Standards and Accessibility Requirements outlines criteria for the assessment of proposals. Policy 60A relates to existing infrastructure and states that encouragement will be given to the retention of these existing facilities. Policy 60B also notes that proposals shall be designed for the safety and convenience of users. It also states that developers of town centre sites will be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision. In this case, the proposal does not provide any car parking and results in the loss of 11 parking bays. It is detailed more in the Roads and Access section why the proposal is considered to be contrary to this policy.

Design and Layout

- 38 The application site comprises a row of car parking bays with screen planting. The proposal is to clear the site, removing the planting buffer and locate the two railway carriages on laid track and interlink them providing a restaurant/kitchen with ancillary takeaway.
- 39 The proposed railway carriages are Mk.111 HST coaches built between 1976 and 1982. The railway carriage closest to the car park will provide the main restaurant welcome desk, restaurant seating for 44 covers (including 1 accessible cover). The railway carriage closest to the railway boundary will

provide a takeaway facility (food counter and seated waiting area), the kitchen and additional restaurant seating for 16 covers. The carriages colour finish will be blue and grey.

- 40 The application site is not level and therefore a track bed is to be formed, onto which recycled tracks and sleepers will be placed for the railway carriages to sit. The carriages have a tilt design so they will also be chained to the ground to avoid movement during bad weather.
- 41 The existing boundary treatment to the railway line will comprise the retention of the existing 1.8 m high post and chain link fence. At the access point of the carriage it is proposed to provide a vertical glazed protective barrier for pedestrian safety.
- 42 A platform entrance area is annotated on the plans, no outdoor seating is proposed as part of this planning application.
- 43 The development is to provide a themed restaurant in a carpark location alongside a railway line. The design and finishes of the carriages are considered appropriate for the location.

Residential Amenity

- 44 The nearest residential properties are 1 and 3 West Lane and more recent flatted developments to the north side of West Lane and Rie-Achan Road which are separated from the site by the operational carpark.
- 45 There are residential properties in the vicinity of the proposed site so there is the potential for noise and/or odours from the proposed development to affect residential amenity. Environmental Health have been consulted and note the closest neighbouring property is approximately 30m away from the site.
- 46 The proposal has the potential to affect residential amenity. Noise sources will be from plant equipment and operational noise such as patron noise, emptying of bins, music etc. If this is not controlled, it could have a detrimental impact on those residential properties. The plans show a raised decking area but there is nothing in the plans to indicate that this area will be utilised as an outdoor seating area.
- 47 Control of cooking odours and any proposed lighting must also be considered to ensure residential amenity is not adversely impacted.
- 48 The intended operational hours are 10:00 – 16:00 Monday – Saturday during the Winter period and 09:00 – 22:00 Monday – Sunday during the Summer months. Further operational time is noted to allow cleaning, cooking and opening/closing procedures the maximum operating time proposed is 08:00 – 22:30.
- 49 The agent has confirmed in their statement that a limited menu will be available for takeaway via a separate entrance to the rear of the railway carriage closest to the railway land boundary (this is where the small area of decking is shown).

The principal use will therefore be a restaurant falling within Class 3 with ancillary takeaway.

- 50 Environmental Heath confirm they have no objection to the application, but to protect the residential amenity of nearby properties they recommend, if permission is to be granted, conditions to cover servicing, plant noise, operating noise, ventilation and lighting.

Roads and Access

- 51 The proposal will result in the loss of 11 car parking bays to facilitate the installation of the railway carriages.
- 52 The site is close to a number of transport modes, with the railway station a short walk from the site, the main coach park for Pitlochry is adjacent to the Rie-Achan Road Car Park used by a number of tour operators with local buses passing through to use the Bus Stop provision within the coach parking area. The site is a short distance, approximately 100 metres, from the National Cycle Network Route 7, which passes along Atholl Road.

Parking

- 53 The proposed installation of railway carriages within Rie-Achan Road Car Park will result in a reduction in the car parking provision within Pitlochry. The siting of the railway carriages will require the removal of nine standard car parking bays and two accessible parking bays. It is acknowledged that the applicant has been unable to undertake surveys during COVID-19 which is the same issue for Perth & Kinross Council. Without this information it is difficult for the applicant to justify the statement that there “is not a real parking issue in Pitlochry but a perceived one” Planning Supporting Statement (Plan ref 22, Page 11).
- 54 The applicant has advised that there are 323 car parking bays in Pitlochry. This figure includes a number of public car parks operated by Perth & Kinross Council and car parks provided by private operators. The figure also includes private car parks operated by the Co-operative shop and ScotRail at Pitlochry Railway Station.
- 55 Transport Planning have advised that Perth & Kinross Council are actively seeking to increase the parking provision within Pitlochry, with sites being investigated for this purpose and to lose car parking bays, is at odds with that project being investigated by the Traffic & Network Team. Notwithstanding these comments, it has not been determined in the application that the car parking bays to be lost are surplus to requirement. As a result, Transport Planning consider the loss of car parking bays cannot be supported at this time.
- 56 The proposal involves the loss of two accessible parking bays and the applicant has requested that the timing of providing replacement accessible parking spaces is not tied to any planning permission. If the proposal is supported, then this will require further discussion to reach an agreement. It should be noted that due to the required width for accessible bays, 3 standard parking

bays elsewhere within the carpark will require to be altered, thus resulting in the loss of an additional parking bay. Due to the adjacent land being out with the control of the applicant this could not be secured by planning condition and would need to be agreed with the landowner.

- 57 Loss of parking is considered an important issue in Pitlochry at this current time, particularly due to the Covid pandemic, increased demand for parking is anticipated as staycations increase. The multi-agency Perth & Kinross Visitor Management Group are currently preparing for a significant increase in visitor numbers to destinations such as Pitlochry. This is in line with a national approach being led by VisitScotland, where pressures on facilities such as car parking in popular visitor destinations is needing to be addressed. In many cases, additional parking is required to ensure some of the adverse impacts on communities experienced in the 2020 season are minimised and the economic benefits to the whole community are realised. At this time, the management group considers the loss of any existing car parking in tourist destinations such as Pitlochry should be avoided for these reasons.
- 58 In addition to the loss of spaces, there is also the trip attraction to the site which has not been fully considered within the applicants submission and it is anticipated that this could have a further impact on the use of the Rie-Achan Road Carpark. This has been further highlighted in the agent's most recent supporting statement which emphasises that the restaurant will also be a tourist attraction. Although the agent states many visitors would be local or arrive by train thus not relying on the use of the carpark however this cannot be quantified.
- 59 The agent's supporting statement notes that from a national level down, planning policy is all about sustainable development aimed at reducing the use of the private car. However, it is not stated that town centre parking shall be reduced to support this and there is an acceptance that rural tourism still relies heavily on private car use. In this case, the sustainable transport argument does not provide adequate justification to lose existing parking bays.
- 60 Policy 60: Transport Standards and Accessibility Requirements covers both existing infrastructure and new development proposals. The carpark is considered an existing infrastructure and the development will reduce parking as well as utilise further parking potentially for staff and patrons of the business. Policy 60A encourages the retention of existing transport infrastructure and it is considered that, at this time, the Council does not have adequate evidence to justify the loss of the parking bays.
- 61 Policy 60B highlights that in rural areas parking provision differs to an area which is well served by sustainable transport modes and different standards may be applied. The policy also states that in town centre sites, developers will be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision. The proposal provides no parking which, for a business located within a town centre is not usually a significant issue, however, this proposal has an additional consequence as it results in the loss of 11 parking bays from a well-used carpark as well as potentially increasing the demand for parking.

- 62 It is considered that there is insufficient evidence to support the loss of car parking in Pitlochry, which is an extremely important tourist destination and particularly in a car park which provides parking bays adjacent to a railway station. In the long term, it is considered that if a parking study is done to establish that the provision of parking in Pitlochry could be reduced, then this issue could be reconsidered, but at this stage, due to the lack of information, the loss of bays cannot be supported.

Road Safety

- 63 The applicant advises that the much of the guidance within *the National Roads Development Guide (SCOTS: 2014)*, is not directly relevant. Whilst that may be the case, it does provide standards pertaining to the Horizontal Clearance, between the end of the carriageway and any vertical object, such as the proposed railway carriages. A minimum distance of 500mm must be provided or where the cross fall exceeds 4%, this clearance should be increased to 600mm. The plans do not show a minimum distance of 500mm between the road and the railway carriage as it abuts the road.
- 64 The agent has highlighted that this is guidance only and that there are a number of structures already existing in the carpark which are within 500mm of the carriageway. These obstacles, noted by the agent, include signs, parking meters, junction boxes etc however these cannot be considered to be comparable to a 23m long railway carriage. In the photos submitted, these obstacles are also set on raised kerbs which provide additional separation from the road which the carriages will not have.
- 65 The current car parking layout has been designed primarily for the manoeuvring of cars, this application is likely to introduce other vehicle types for the servicing and maintenance of the railway carriages, such as refuse collection vehicles and food delivery vehicles. It has not been demonstrated that the use can be serviced as there is a risk of collision between service vehicles and car park traffic, as there is no service area or turning facility for these vehicle types. The servicing of the railway carriage may restrict the movement of vehicles into the car park.
- 66 The Road Safety Team note that there is a lack of pedestrian facilities within the car park for non-car park users. Whilst the car park's primary function is for the manoeuvrability, the parking of cars and pedestrians returning to vehicles, this proposal will attract additional pedestrians into the car park. The likely levels are currently unknown but the agent has indicated that it is anticipated that it will have 30,000 visitors per year and it is likely that 70% will be visitors and residents already in the town. It is also noted that many will visit by train. Nevertheless, the car park currently has limited pedestrian facilities and the facilities that are provided, would not be suitable for anyone with limited or assisted mobility. This development introduces a risk to vulnerable members of society who may be going to the railway carriage for a meal or a takeaway. This concern has not been fully addressed. It should be noted that there are no dedicated walkways within the car park. In addition, when pedestrians are egressing from the proposed railway carriage restaurant into the car park access, there will be limited inter visibility between pedestrians and motorists

driving through the car park. Whilst much of the car park is a one way system, with access from Rie Achan Road and egress to Station Road, the area in front of the proposed railway carriages is part of the two way flow of the car park thereby increasing the concerns of road safety.

- 67 Any maintenance of the railway carriages will require to be carried out on the car park access and is likely to result in a reduced space for manoeuvring vehicles. Had there been a footway along the front of the carriages, similar to a shop front on a street, this would be less of a concern.
- 68 There is a concern that no separation has been provided between the carriage and the road, that servicing has not been adequately addressed and that there are concerns regarding the safety of pedestrians. The proposal is therefore contrary to Policy 60B a) as it is considered that the proposal has not been designed for the safety and convenience of all users.

Street Lighting

- 69 The proposal requires the relocation of an existing lighting column. If the application was to be approved, contact will be required with Perth & Kinross Council's Street Lighting Partnership for the relocation of this column.

Temporary Permission

- 70 The agent has noted the applicant's willingness to accept a temporary permission.
- 71 The proposal however involves some more permanent works including the removal of 6 trees, the relocation of a lighting column, new foul drainage connection and works to the existing site levels to form a levelled track bed onto which recycled tracks and sleepers will be placed for the siting of the proposed railway carriages. The proposal also requires the relocation of two accessible parking spaces. It is therefore considered, as these are permanent works, a temporary permission would be unsuitable.
- 72 The proposal cannot be considered in the same way for example as a mobile food truck which can be sited (parked) and removed. The granting of a temporary permission also does not address the reasons for refusal as there would still be a loss of parking bays and the road safety concerns outlined above.

Economic Impact

- 73 The economic benefits of this proposal have been noted within the submission and in letters of representation. The Council's Economic Development Team have provided comments on the proposal. They note that, although the proposal will create additional employment opportunities, it is unlikely these will be high value positions in terms of salaries. They also note that Pitlochry has an abundance of eateries and an additional one will likely displace custom from other venues as opposed to bringing additional people to the area.

- 74 It is further highlighted that they understand that there are vacant properties in Pitlochry that could be utilised for a new restaurant without the need to take valuable space within the car park.
- 75 It is therefore considered that whilst the proposal will create a number of jobs, it is unlikely to offer any significant economic benefits that outweigh the loss of the parking bays.

Conservation Area

- 76 The site lies within the Conservation Area. It is noted within the Conservation Area Appraisal for Pitlochry that the Victorian town is a superb example of a Highland holiday resort developed mainly during the last half of the nineteenth century. The Highland railway line came through in 1863.
- 77 Pitlochry has a strong Victorian influence, but this does not mean that all development shall be limited to this architectural style. The application site is not located adjacent to the listed Victorian railway station and the carriages to be sited have been in operation during the 1980s. It is therefore considered that the design and siting of the carriages in the carpark on the edge of the Conservation Area would not have a detrimental impact on its character or appearance.

Drainage and Flooding

- 78 The Flood Team have confirmed that the site is not within a Flood Risk Area.
- 79 The applicant has not provided any details for the rainwater run-off from the railway carriages. The Flood Team confirm that the site is within an existing carpark which would have surface water drainage in place and the development is not considered to significantly increase surface water run-off.

Trees

- 80 Six trees are to be removed to allow this development to be accommodated. The trees currently provide screening between the existing parking spaces and the railway line. It could be argued that the installation of the carriages would also provide some visual separation between the remaining carpark and the railway line. Soft Landscaping is proposed in the installation of four wooden planters, three on the platformed entrance and one on the eastern platform area. Whilst the planters do not provide replacement tree planting, they will contribute to the visual amenity of the area.
- 81 It is accepted that the loss of the 6 trees would be a consequence of the development and would not in itself justify refusal of the application. The Biodiversity Officer and the Community Council have requested compensatory tree planting however the applicant has no control over any further areas of land so this would not be a reasonable condition.

Biodiversity

- 82 The Biodiversity Officer has confirmed that the submitted Ecology Survey Report (plan ref 18) is in accordance with published best practice and confirms that the trees proposed to be removed do not contain bat roost potential.
- 83 For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest.
- 84 Clearance of vegetation should not take place during the bird breeding season between 1st March and 31st August inclusive.

Waste collections/littering

- 85 The waste and recycle storage bins are proposed to be stored at ground level at the rear of the carriages. The Commercial Waste team considered that the provision provided originally was not adequate. The agent has revised the plans to provide the required bin storage and this is now considered acceptable to the Waste Team.
- 86 Littering does not fall under the remit or control of the Planning Authority.

Construction Process

- 87 The construction process is a temporary short-term impact. The agent has outlined how the works would be undertaken and what consents would be required.

DEVELOPER CONTRIBUTIONS

- 88 The Developer Contributions Supplementary Guidance is not applicable to this application and therefore no contributions are required in this instance.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 89 None required.

DIRECTION BY SCOTTISH MINISTERS

- 90 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

- 91 It is considered that in the absence of evidence either held by the Council or submitted by the agent, the Council cannot support the loss of parking at this location at this time. The proposal also raises road safety concerns which have

not been addressed within the submission.

- 92 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 be contrary to the Development Plan. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 93 Accordingly the proposal is recommended for refusal on the grounds identified below.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal is contrary to Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure of the Perth and Kinross Local Development Plan 2 (2019). This policy encourages the retention of existing transport infrastructure and the proposal will reduce parking within this well used carpark which will be compounded with the potential use of further parking for staff and patrons.
- 2 The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals of the Perth and Kinross Local Development Plan 2 (2019). Policy 60B a) states that all development proposals shall be designed for the safety and convenience of all potential users. It has not been demonstrated that the servicing of the railway carriage and pedestrian safety can be accommodated.
- 3 The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals of the Perth and Kinross Local Development Plan 2 (2019). This policy states in relation to Car Parking that developers of town centre sites will be required to contribute to overall parking requirement. It is considered that there is insufficient evidence to support the loss of car parking in Pitlochry, an extremely important tourist destination within the Perth & Kinross Council area.
- 4 The proposal is contrary to the National Roads Development Guide (SCOTS: 2014) in relation to standards pertaining to the Horizontal Clearance on Page 83. The development by virtue of the siting of the railway carriages adjacent to the carriageway does not provide the minimum clearance distance stated.

B JUSTIFICATION

The proposal is not 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

None

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| Background Papers: | 47 letters of representation |
| Contact Officer: | Joanne Ferguson |
| Date: | 25 March 2021 |

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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