

Perth and Kinross Council  
Development Control Committee – 14 September 2016  
Report of Handling by Development Quality Manager

Erection of 12no. flats at Land 40 Metres West Of Elm Court  
Atholl Road, Pitlochry

Ref. No: 16/01100/FLL  
Ward No: N4– Highland

**Summary**

This report recommends approval of the application for erection of 12 flats as the development is considered to comply with the relevant provisions of the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is located within the settlement boundary of Pitlochry in an area identified for town centre uses. The application site is also located within Pitlochry Conservation Area.
- 2 The site covers an area of approximately 0.4ha. It is bounded to the north by Scotland's Hotel, to the west by commercial/light industrial units and to the east by a funeral home office and flatted dwellings. To the south the site is screened from Atholl Road by a small knoll with mixed tree cover.
- 3 The proposal is to erect two, three storey blocks of flats with six, two bedroom flats contained within each. There is also associated parking for each flat.
- 4 The previous approval on this site ref 11/00248/FLL was for two, two storey blocks of holiday flats with access taken from the west of the site shared with the existing commercial/light industrial units. This proposal involved extensive works to the access to improve visibility by realigning kerbs, increasing the width of the footway and access width at the junction with Atholl Road.
- 5 The access for this proposal has been altered and moved to the east of the site from Elm Court. This new access utilises the existing access to the flatted dwellings and funeral home office and at this junction there is vastly improved visibility.

**NATIONAL POLICY AND GUIDANCE**

- 6 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.

## **Scottish Planning Policy 2014**

- 7 The Scottish Planning Policy (SPP) was published on June 23 2014. It 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
  - The determination of planning applications and appeals.
- 8 Of relevance to this application are:
- Paragraphs 109 – 134: Enabling Delivery of New Homes

## **DEVELOPMENT PLAN**

- 9 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan 2012 and the Adopted Perth and Kinross Local Development Plan 2014.

### **TAYplan: Strategic Development Plan 2012-2032**

- 10 The principal relevant policy is in summary: -

#### **Policy 5: Housing**

- 11 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

### **Perth and Kinross Local Development Plan 2014**

- 12 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance
- 13 The principal relevant policies are, in summary:

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

- 14 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 adaptation.

### **Policy PM1B - Placemaking**

- 15 All proposals should meet all eight of the placemaking criteria.

### **Policy RC1 Town and Neighbourhood Centres**

- 16 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.

### **Policy PM2: Design Statements**

- 17 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

### **Policy RD4 Affordable Housing**

- 18 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units

### **Policy HE3A Conservation Areas**

- 19 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development out with an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

## **OTHER POLICIES**

- 20 Pitlochry Conservation Area Appraisal
- 21 Developer Contributions and Affordable Housing Supplementary Guidance

## **SITE HISTORY**

- 22 11/00248/FLL Erection of two blocks of 4 flatted dwellings for holiday letting purposes with associated car parking – approved at Development Management Committee 30<sup>th</sup> May 2011.

## CONSULTATIONS

### EXTERNAL

23 No external consultations required

### INTERNAL

#### Flood Team

23 No objection, conditions required for SUDS

#### Environmental Health

24 No objection, no condition required

#### Transport Planning

25 No objection to access proposal, conditions required

#### Community Waste

26 No objection, requirements for bin collection outlined

## REPRESENTATIONS

27 A total of 2 letters of representation including one from the Pitlochry Civic Trust were received and raised the following relevant issues: -

- Scale, materials and colour
- Land ownership

28 These issues are all raised in the Appraisal section of this report. The issue of land ownership is not considered to be a material planning consideration and is a matter to be resolved through the Legal process.

## ADDITIONAL STATEMENTS

|  |                |
|--|----------------|
| Environment Statement                          | Not required   |
| Screening Opinion                              | Not required   |
| Environmental Impact Assessment                | Not required   |
| Appropriate Assessment                         | Not required   |
| Design Statement / Design and Access Statement | Submitted      |
| Report on Impact or Potential Impact           | None submitted |

## **APPRAISAL**

- 29 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. 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. The most relevant policies of the Council's Local Development Plan (LDP) 2014 are outlined in the policy section above.

### **Policy**

- 30 The site is located within the town centre of Pitlochry within an area zoned for town centre uses and within the conservation area.
- 31 A previous application for holiday lettings on the site was approved in 2011. This pre-dated the adopted LDP. In the previous Highland Area Local Plan the site was identified as TC1 where a variety of town centre uses, including residential, were supported subject to design. The policy position has now changed and in the adopted plan the site lies within Pitlochry Town Centre where policy RC1: Town and Neighbourhood Centres applies. Policy RC1 encourages uses within Class 1, 2 and 3 plus leisure, entertainment, recreation, cultural and community facilities on ground floors. Residential uses are encouraged on upper floors, particularly where property is under-utilised. The proposal for flats on the whole site is not therefore strictly fully in line with policy RC1 of the adopted Plan.
- 32 It would, however, be of benefit for this site to be brought back into use. Although it is within the town centre the site does not extend right down to Atholl Road the main commercial street through Pitlochry and as such, housing development on this site will have limited impact on the retail frontage along Atholl Road. As the site falls within the Conservation Area policy HE3A also applies and it is noted that the applicant has amended the design to take into account concerns over the height of the buildings previously proposed. It is also noted that these are proposed as affordable homes. Therefore, whilst the proposal for housing on this site is not strictly in line with policy RC1 there are a number of other factors to be taken into account and, on balance, the proposal is unlikely to have a significant adverse impact on the main aims of policy RC1 being behind the main commercial street frontage of Atholl Road.

### **Design and Layout**

- 33 The proposal incorporates two identical L shaped three storey buildings. Each building containing six, two bedroom flats. The entrances and stairwells are located at the internal corner of each building with a tower feature enclosing the stairs. Following on from a previous application which was withdrawn due to concerns regarding the height, the buildings have been scaled down. This has been achieved by reducing the roof pitch, floor to floor heights and by introducing a coomb into the second floor. In addition the ground levels have been reduced.

- 34 The buildings are gable ended with smaller gabled bay projections. The proposed materials are a fine textured render in white/off white, with smaller bays in contrasting grey render. The stairwells are proposed to be finished in a strong contrasting yellow ochre and brick red render to add interest and to break up the mass of the building. The entrance doors are emphasised by vertical timber cladding. To add further visual interest small elements of zinc cladding are also proposed. The windows are timber pre-finished in grey, doors deep red and rainwater goods black uPVC.
- 35 The site is arranged to create a courtyard incorporating soft landscaping with a shared surface car park.

### **Conservation Area**

- 36 The site is located within Pitlochry Conservation Area. The principle of developing the site has been previously established although the height of the development on the site has increased. Photomontages have been submitted to support the application in terms of the impact developing the site would have on the character and appearance of the Conservation Area.
- 37 The site is set back from Atholl Road with the rising knoll screening the development from the main viewpoints within the Conservation Area. It is considered therefore that the distance from Atholl Road and the intervening landscape features/buildings would reduce any impact on the character or appearance of the Conservation Area.
- 38 The design has been kept simple reflecting the character of development in the area with the use of gabled bays and traditional materials such as render and slate. Contemporary design elements have been added to provide visual variety and break up the elevations with coloured render on the tower feature entrance and elements of zinc and timber cladding. It is therefore considered that the proposed development in terms of the design is appropriate within the Conservation Area.

### **Trees**

- 39 No tree survey report has been submitted with this application. The application has the same footprint as the previous approval on the site, although the access point has changed. Therefore one additional tree is to be removed from the site to accommodate the new access. I consider this to be acceptable as the access is more achievable than the upgrades previously approved and will enable the site to be developed. Two medium sized trees (Callery Pear) are shown on the landscaping plan as mitigation for the loss of the existing trees. The Conservation Officer has concerns regarding the tree loss but I consider the loss of one additional tree to accommodate an improved vehicular access to be acceptable.
- 40 The east end of Building B is close to one of a group of three trees shown as being retained at the north-east corner of the site. The excavation for a retaining wall may also have an impact on this tree group. A condition will be added to ensure that existing trees are protected during construction.

## **Residential Amenity**

- 41 The site is located within the zoned town centre although the site would be considered edge of centre and is in a mixed use area. To the east of the site are residential dwellings in the form of flatted developments. The site has been designed with the location of the access and the orientation of the buildings to relate to these dwellings. Environmental Health has no objection and note that there are existing dwellings closer to the industrial estate and hotel than those proposed and they are not aware of any complaints being received.
- 42 The proposal incorporates a drying green, cycle and bin store for communal use.

## **Bin Collection**

- 43 The Environment Service Operations will collect communal waste and recycling bins from the bin store as show on the plans by reversing along Elm Court.

## **Roads and Access**

- 44 The site, in a previous application, was to be accessed via the commercial/industrial estate to the west. This access is poor in terms of the existing visibility at the junction with Atholl Road. As part of this approval the existing access was to be realigned and widened.
- 45 The access for this proposal is to be taken from Elm Court to the east of the site. Elm Court is currently used to access a flatted development and funeral parlour office. This access is acceptable and Transport Planning has no objection, recommending standard conditions.

## **Flooding and Drainage**

- 46 This application will increase the amount of impermeable surface in the vicinity of the proposed flats. The application for planning permission states that SUDS form part of the design however there is no information on this or any drainage arrangements in the design statement. The Flood Team have no objection to this application but request conditions related to the drainage arrangements for the site.

## **Affordable Housing**

- 47 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 48 The proposed flats are all affordable. Further discussions will be required between the applicant and the Council's Affordable Housing Enabler to secure the satisfactory delivery of these affordable units.

## **Primary Education**

- 49 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.
- 50 This proposal is within the catchment of Pitlochry Primary School. Education & Children's Services have no capacity concerns in this catchment area at the present time and in any event, as affordable houses, there is no requirement for an education contribution.

## **Economic Development**

- 51 With the exception of works associated with the construction phase of the development, which may or may not be carried out by local tradesmen, the proposal will have little economic impact on the local area other than generating more local spend by the residents of the flats.

## **LEGAL AGREEMENTS**

- 52 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 53 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 54 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, despite the previous refusal of the Council, I remain of the view that the proposal complies with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2012. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**



**A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 The dwellinghouses hereby approved shall be used for the purposes of affordable housing as defined in Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016.

Reason - In order to clarify the terms of the permission granted.

- 3 Prior to the commencement of the development hereby approved, a sample of render shall be submitted to and agreed in writing by the Council as Planning Authority. The render as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 4 Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 12 cycles shall be provided within the site to the satisfaction of the Planning Authority.

Reason – In order to provide cycle storage

- 5 A full Drainage Impact Assessment is submitted to PKC as Planning Authority in consultation with PKC Flood Team for review and approval.

Reason - In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

- 6 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason - In the interests of best practise surface water management; to avoid undue risk to public safety and flood risk.

- 7 Storm water drainage from all paved surfaces shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.

Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan

- 8 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

## **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 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 5 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 2 letters of representation  
Contact Officer: Joanne Ferguson  
Date: 26 August 2016

**Nick Brian**  
**Development Quality Manager**

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