

Perth and Kinross Council
Planning & Development Management Committee – 18 November 2020
Report of Handling by Head of Planning & Development (Report No. 20/218)

PROPOSAL: Erection of a garage with workshop and store

LOCATION: Westlands Hotel, Atholl Road, Pitlochry PH16 5AR

Ref. No: [20/00434/FLL](#)
Ward No: P4 - Highland

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 This application relates to Westlands Hotel (160 Atholl Road), an eighteen bedroom hotel located to the north of Atholl Road in Pitlochry. The hotel building when viewed from Atholl Road comprises a substantial one and a half storey building of traditional construction, sitting in an elevated position within the plot.
- 2 Westland Hotel is not listed, but it is located within Pitlochry Conservation Area.
- 3 Access to the application site is the same as to the Hotel, coming directly from Atholl Road. The access to the garage comes through an area of hardstanding, used for car parking. The main entrance into the hotel building, faces this parking.
- 4 In 2018 alterations and an extension to the hotel, as well as the erection of a staff and manager's accommodation unit and garage was granted planning permission, ref: 18/00595/FLL.
- 5 That 2018 development permitted the removal of previous extensions to the rear of the Hotel, accommodating a new extension which is to provide twenty-six en-suite bedrooms over two floors. Alterations within the remaining main hotel building would form ten en-suite bedrooms provided. As a result, the hotel's capacity would double from eighteen to thirty-six rooms. A further level in the extension's roof space is to be used for services and staff rooms.
- 6 The 2018 permission also included the demolition of a bungalow in the rear part of the site and the development of a new staff/manager's accommodation building. Also included was a single storey garage building with three metal up and over garage doors.

- 7 Work on the staff/manager's accommodation unit and garage has commenced and is nearing completion. However in terms of the garage, the built structure varies from the approved plans – confirmed through an enforcement investigation.
- 8 Initially a non-material variation to the 2018 permission was suggested by the agent, however this approach was not considered possible under section 64 of the Act and as such, the current application has been submitted to consider the amended garage building only.
- 9 The design of this building has changed from a single storey building with three garage doors in its main southern elevation; to a one and a half storey building incorporating: roof windows to the front and rear roof plains; windows to the front (south) and side (west) elevation; and a single garage door located in a projecting gable. The floor plan also indicates a workshop area, store and garage/garden store.
- 10 To accommodate the building the ground levels surrounding the building have also been reduced in height.
- 11 It is also noted that the existing bungalow/staff building remains in occupation however there is a requirement for this to be demolished once the new/staff managers accommodation is occupied, as per condition 8 of permission 18/00595/FLL:

8 *The proposed staff/manager's accommodation building at the rear of the site shall not be occupied until the existing staff bungalow on the site has been demolished. Thereafter the proposed staff accommodation at the rear of the site shall be used in conjunction with the Westlands Hotel and shall not be used as the sole or main residence of any occupant unless it is a person employed at Westlands Hotel.*

Reason - In order to control and restrict the use of the building.

NATIONAL POLICY AND GUIDANCE

- 12 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

- 13 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

- 14 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.
- 15 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management

Creating Places 2013

- 17 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

- 18 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

- 19 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.”

- 20 There are no specific policies or strategies directly relevant to this proposal however the overall vision of the TAYplan should be noted.

Perth and Kinross Local Development Plan 2019

- 21 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.
- 22 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 6: Settlement Boundaries
 - Policy 17: Residential Areas
 - Policy 28A: Conservation Areas: New Development
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

SITE HISTORY

- 23 [17/00106/FLL](#) Erection of a tree house (in retrospect), approved 24 April 2017
- 24 [17/02113/FLL](#) Extension to hotel and erection of staff and manager's accommodation unit with garage, withdrawn 8 March 2018.
- 25 [17/02265/CON](#) Demolition of buildings, withdrawn 5 March 2018.
- 26 [18/00595/FLL](#) Alterations and extension to hotel and erection of a staff and manager's accommodation unit with garage, approved 26 September 2018.
- 27 [18/00596/CON](#) Demolition of buildings, approved 1 October 2018.
- 28 [20/01041/FLL](#) Alterations to building and formation of outdoor seating area, approved 13 October 2020.

CONSULTATIONS

- 29 None required.

REPRESENTATIONS

- 30 The following points were raised in 6 objections:
- Contrary to development plan;
 - Inadequate housing density, overintense development, overdevelopment. Proportions of the garage building are excessive;

- Number and position of windows are excessive;
- The proposal is for additional living accommodation with further noise;
- Out of character with the area and impact on the Conservation Area.

31 These issues are addressed in the Appraisal section of the report. Otherwise the following matters raised are not material to the consideration of the application and are responded to as follows:

- Enforcement action should be undertaken, and the approved garage built.

The frustrations within the representations are understood, in that planning permission should have been obtained before any unapproved works were undertaken.

An enforcement investigation took place and will remain open until the breach of planning control is resolved, such as through the grant of planning permission. The approach taken thus far aligns with the Council's Enforcement Charter. Importantly Section 33 of the Town and Country Planning (Scotland) Act 1997 permits that an application for planning permission may be made retrospectively.

- Noise from construction:

The concern regarding construction activity in the representations received are noted however this will likely be a short-term change to the status quo. It is not considered necessary to apply conditional control in this case. If construction noise issues did arise from inappropriate construction practices, such that there was a statutory nuisance, this could be addressed using powers under the Environmental Protection Act 1990.

- Staff accommodation should not be occupied until the existing bungalow on the site has been demolished:

As highlighted above condition 8 of the 2018 permission requires that the approved staff accommodation is not occupied until the bungalow has been demolished.

ADDITIONAL STATEMENTS

32	Screening Opinion	Not EIA development
	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

- 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 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 Guide 2020.
- 34 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

- 35 The principle of erecting a garage structure in the same location was accepted by permission ref: 18/00595/FLL. As such, the primary determining factor in the assessment of this application is whether the revised building design accords with the relevant provisions of LDP2.

Design, Layout and Conservation Considerations

- 36 It has been established that what has been built does not accord with the approved plans of 18/00595/FLL and now a building of differing design and a larger scale is proposed. Particularly the increased massing, including a projecting gable to the front, and the introduction of both roof lights and windows in the west and south elevations now sees the building appear more as a small dwelling, rather than an ancillary garage. This is noted in some of the representations.
- 37 The application does not indicate that the building is to be used as accommodation. It was noted during the site inspection that a gas supply and what appeared to be a soil pipe were located on the rear elevation of the building, although not connected. Any residential or guest use of the building has not been included in this application and would require to be considered through a further application for planning permission. However, there are concerns that such uses may be problematic and could be considered to intensify the use of the site, such that the impact on adjacent amenity is excessive.
- 38 The previous garage was smaller and considered subservient to the staff accommodation building adjacent. Whilst the revised design will have a greater visual impact, as the building is set back from Atholl Road the impact on the streetscene and wider Conservation Area is minimal and would not warrant refusal of planning permission on either conservation or placemaking grounds.

Residential Amenity

- 39 Development such as that proposed has potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. Particularly appropriate levels of privacy should be achieved for neighbours. Planning control has a duty to not to create situations of potential conflict between neighbours.
- 40 While the height and mass of the building has been increased and the fenestration altered to incorporate windows this would not impact on neighbouring residential amenity (privacy, overlooking, overshadowing). To provide control over the use of the building (given the design and positioning of windows) it is recommended that a condition limits its use to that of a garage/workshop/store incidental to the planning unit.

Roads and Access

- 41 The access arrangements to the site remain unaltered. There is no conflict with Policy 60B if the building is utilised as a garage/workshop/store.

Drainage and Flooding

- 42 No consultations have been undertaken as the development proposal and site is not subject to flooding. There are no drainage concerns with the proposal.

Developer Contributions

- 43 The developer contributions policy is not applicable to the proposal.

Economic Impact

- 44 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

LEGAL AGREEMENTS

- 45 Not required

DIRECTION BY SCOTTISH MINISTERS

- 46 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

- 47 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and

material considerations, and, in this case, it is considered that the development proposed does not conflict with the Development Plan and there are no material considerations which indicate otherwise.

- 48 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 For the avoidance of any doubt the approved building shall be used as a garage/workshop/store. At no time shall the building be used as residential accommodation.

Reason - To ensure that the building is only used as a garage/workshop/store incidental to the planning unit.

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 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.
- 2 An application for Building Warrant will be required.
- 3 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

Background Papers: 6 letters of representation
Contact Officer: John Russell 01738 475346
Date: 5 November 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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