

Perth and Kinross Council  
Planning and Placemaking Committee – 6 September 2023  
Report of Handling by Head of Planning & Development  
(Report No. 23/240)

<b>PROPOSAL:</b>	Extension to warehouse/offices to form additional office space (class 2), product development/food preparation areas with associated storage and distribution (class 6)
<b>LOCATION:</b>	House of Bruar, Pitagowan, Blair Atholl, Pitlochry, PH18 5TW

Ref. No: [23/00071/FLL](#)  
Ward No: P4 – Highland

### **Summary**

This report recommends approval of a detailed planning application for warehouse/office extension at the House of Bruar, Blair Atholl, 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 planning application seeks to obtain a detailed planning permission for an extension to one of the principal buildings at the House of Bruar facility at Blair Atholl, a popular tourist destination in Highland Perthshire in the Cairngorms National Park.
- 2 The proposed extension will expand an existing building at the northwestern part of the wider site in a westerly direction, and will measure approx. 24m x 21m, with two levels of new floor space. On the ground floor, a new preparation room, office, welfare facilities and storage area are proposed. At first floor level, further office space will be provided, staff break out room, toilets and a product development space.
- 3 The extension follows the design principles of the existing principal buildings, with green profile sheeting, and a pitched roof. Windows are proposed at both ground and first floor levels across the building, and rooflights are included on the north and south elevations.
- 4 To accommodate the extension, 12 trees will be removed. Compensatory planting is proposed with 16 new trees within the application site boundary, and a further 30 in an area to the Northwest of the extension – 46 in total. It is expected that

the proposed expansion will generate approximately 16 new jobs, 4 associated with the food production and 12 associated with office-based administration work.

### **Pre-Application Consultation / Environmental Impact Assessment**

- 5 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.
- 6 The proposal is not an EIA development under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

### **DEVELOPMENT PLAN**

- 7 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP).

#### **National Planning Framework 4**

- 8 The National Planning Framework 4 (NPF4) is the Scottish Government's long term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

- Policy 14: Design, Quality and Place
- Policy 30: Tourism
- Policy 29: Rural Development
- Policy 26: Business and Industry
- Policy 28: Retail

#### **Cairngorms National Park Local Development Plan 2021**

- 10 The LDP is the most recent statement of policy for the Cairngorms area and is augmented by non-statutory planning guidance. Within the LDP, the site is identified within the Bruar and Pitagowan small community. The LDP lists the following objectives for this community:
  - Support the strategically important development at the House of Bruar and ensure it benefits the local community
  - Support small-scale organic growth through the Local Development Plan's housing policy

- Support proposals for safe active travel around the village and to surrounding settlements

11 In addition to this, the following generic policies contained within the LDP are also of relevance to this planning application:

- Policy 2: Supporting Economic Growth
- Policy 3 Design and Placemaking
- Policy 4: Natural Heritage
- Policy 11: Developer Contributions

### **Statutory Supplementary Planning Guidance**

12 The CNPA has no statutory SPGs relevant to this proposal.

### **OTHER NON-STATUTORY GUIDANCE / POLICIES**

#### **Non-Statutory Supplementary Planning Guidance**

13 The following non-statutory SPG are applicable to this proposal,

- Supporting Economic Growth Non-Statutory Guidance
- Natural Heritage Non-Statutory Guidance
- Design and Placemaking Non-Statutory Guidance
- Developer Obligations Supplementary Guidance

### **NATIONAL PLANNING GUIDANCE**

14 The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **Planning Advice Notes**

15 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

#### **National Roads Development Guide 2014**

16 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.

## **SITE HISTORY**

- 17 House of Bruar has had a number of planning applications over the years, however there are none which are specifically related to this proposal.

## **CONSULTATIONS**

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

### **External**

#### **Cairngorm National Park**

- 19 No requirement for call in, and no specific comments.

#### **Transport Scotland**

- 20 No objection in terms of the impact on the A9(T).

#### **Scottish Water**

- 21 No objection in relation of waste infrastructure.

### **Internal**

#### **Structures And Flooding**

- 22 No objection to the proposal but clarification on the technical details of the soakaway should be clarified.

#### **Transportation And Development**

- 23 No objection in terms of vehicular access or parking provision.

#### **Development Contributions Officer**

- 24 No requirement for any Developer Contributions.

#### **Commercial Waste Team**

- 25 No objection in terms of the waste provision suggested.

#### **Environmental Health**

- 26 No objection in terms of noise or odours.

## REPRESENTATIONS

27 Eight representations from seven households were received, all of which are objecting to the proposal. The main issues raised within the representations are:

- Contrary to Development Plan
- Impact on visual amenity
- Impact on residential amenity
- Odours and vermin
- Road safety issues
- Noise nuisance
- Loss of trees
- Impact on public access

28 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

29

Screening Opinion	EIA Required
Environmental Impact Assessment (EIA): Environmental Report	applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Tree and ecology reports submitted.

## APPRAISAL

30 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 Development Plan comprises NPF4 and Cairngorms National Park LDP.

31 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 CNPA other non- approved policies and supplementary guidance, namely those relating to Placemaking and Economic Growth

### Policy

32 The key policies within both the NPF4 and the LDP that are relevant to this proposal relate to economic growth, tourism, placemaking and biodiversity. All these policies look to offer support for existing economic and tourism businesses,

but at the same time look to ensure that expansion takes places in sustainable sites, which do not have an adverse impact on the environment - both natural and human.

### **Land Use Acceptability**

- 33 House of Bruar is an extremely important regional tourist and economic asset for Perthshire and Scotland, which brings significant financial benefits to both the local and wider area in terms of tourism, employment opportunities and bringing significant retail footfall to the area as a specific designation point. The LDP acknowledges this, and the principal objective listed within the LDP in relation to the community at Bruar and Pitagowan is that support for House of Bruar should be provided, in light of its significant benefit to the local economy.
- 34 In addition to this clear statement, both the NPF4 and the LDP2 are supportive for the expansion of existing tourism and economic developments, and that such proposals should be supported when they are in sustainable and suitable locations, providing that appropriate mitigation can be delivered to avoid any significant environmental harm.
- 35 The key considerations for this proposal are therefore whether the detailed matters of the extension are acceptable, and if not, whether the significant economic benefits that the extension would bring outweigh any adverse impact. As the assessment below outlines, there are no significant adverse impacts on the environment as a result of the development which cannot be mitigated against, and in light of that, the proposal is entirely acceptable and in accordance with the Development Plan.

### **Visual Amenity, Design and Layout**

- 36 The proposed extension will follow the design principles of the existing buildings, in terms of its scale and appearance. Whilst the building will create a change in the appearance of the area by virtue of its physical build and initial tree removals, the resultant building will not look incongruous in its surroundings - which essentially is the existing and established House of Bruar complex. 12 trees are proposed for removal and some of these trees do contribute positively to the visual amenity of the area. Their removal would have a negative impact in the short term, however in the long term the proposed compensating replanting of 46 trees of native, bio-diversity friendly species will over time provide a lasting betterment for the visual appearance of the site and its biodiversity interests.
- 37 All other design and layout matters are acceptable, subject to some conditional controls relating to specific matters such as surface water disposal, external lighting, tree protection and waste and recycling provision, the proposal is considered to align positively with the Design and Placemaking Policies contained within the Development Plan, and the CNPA non-statutory SPG on Placemaking.

## **Landscape**

- 38 The extension will be set with the context of the House of Bruar complex. The removal of the 5 category B trees would have an impact on the local landscape, however that impact can be mitigated against with suitable new and improved tree planting. Subject to this, the landscape quality of the area – both locally and wider, would not in the medium / long term be compromised by the proposal. The CNPA have been consulted and have not raised any concerns over the impact on the landscape.

## **Residential Amenity**

- 39 The proposed extension would be approx. 70m from the curtilages of the closest residential properties located to the west. This distance would negate any direct impact in terms of overlooking and loss of privacy. It is noted that within some of the representations concerns have been raised about the affect the development would have on light levels entering existing properties. At this distance, the proposal would not reduce light levels below BRE acceptable levels, and the good practice 25-degree test would not be breached. In terms of external lighting, there will be a conditional requirement for all external lighting to be aligned so that it does not spill beyond the boundary of the site, and that light spillage is minimised.
- 40 In terms of noise nuisance, Environmental Health have been consulted on the proposal and are satisfied that subject to conditions, noise nuisance from plant / machinery, and internal movements can be mitigated and controlled to acceptable levels. Conditions 3 (noise) and 4 (ventilation) relates to these matters.
- 41 The plans indicate that the principal delivery bay for daily food deliveries will remain unaltered. After the extension is completed, the delivery bay area will be located within an enclosed courtyard area which would, if anything reduces any existing noise disturbance to properties to the west arising from early morning deliveries. There are also no specific restrictions on current deliveries in terms of time restrictions through earlier planning permissions so it would be unreasonable to restrict deliver times through this permission.
- 42 A number of the representations have raised concerns over the presentation and storage of food waste, and the potential for vermin to congregate. This would typically be a matter for Environmental Health to intervene and take necessary action however, providing standard good practice measures are implemented there is no reason to expect future problems to arise which may affect existing residential amenity. It would also not be in the business interests of the House of Bruar to allow such an issue to arise and a degree of self-regulation by the applicant will take place.

- 43 In terms of external lighting, a standard compliance condition will be attached to this permission to ensure that all external lighting is directed appropriately to avoid light nuisance occurring. Condition 5 (lighting) relates to this.
- 44 An issue concerning the over sensitivity, or faults with existing fire and security alarms across the existing site have been raised with the representations. This appears to be an existing issue and is not one to be addressed through this planning application.

### **Roads and Access**

- 45 The proposal raises no issues in terms of vehicular access or parking provision.
- 46 The local road network is capable to accommodating the extra movements which will be generated doth during construction, and upon operation – taking into account both potential extra staff and additional users. Both the Council's Transport Planning Team, and Transport Scotland were consulted on the proposal, and both have no objections, or concerns. Whilst it is anticipated that the additional commercial space will generate the opportunities for around 16 new jobs, at this level there would not would typically be a requirement for the submission (and approval) of Green or Sustainable Travel Plans. The proposal therefore raises no conflict with the sustainability objectives of the LDP in relation to this local community.

### **Drainage and Flooding**

- 47 The site is located outwith the functional floodplain associated with the Bruar Water. In terms of drainage matters, foul drainage will be connected to the existing private treatment plant which specifically serves the House of Bruar. The additional connection to the existing treatment plant, and confirmation of available capacity will be subject to separate authorisation by both SEPA and Building Standards.
- 48 In terms of surface water drainage, it is proposed to dispose of this via land soakaway and an indicative area has been shown to the south of the new extension. The proposal does not include more than 1000sqm of new permeable surface which negates the need for a full drainage impact assessment. Nevertheless, it is reasonable to request final technical details of the soakaway to ensure that it will function as intended and ensure that no surface water is shed onto neighbour land. Condition 6 (surface water) relates to this.

### **Waste Collection**

- 49 The collection of waste and recycling will be via the same route as existing. It is noted that concerns have been raised within the letters of representation concerning area of waste collection, and the potential for vermin to congregate and to become established. The Council is not aware of any ongoing issues concerning waste, and in particularly food waste. A standard condition is



nevertheless recommended to clarify areas for storage of general waste, food waste and recycling. Condition 12 (waste/recycling) relates to this.

### **Conservation Considerations**

- 50 The proposal does not affect any listed building, conservation area or Local Archaeology.

### **Biodiversity**

- 51 The introduction of the NPF4 places biodiversity front and centre of all planting decisions through its Policy 3.
- 52 An initial preliminarily ecological survey of the site was undertaken, and that survey identified the potential presence of reptiles, pine martins and bats either on the site or close by. As a consequence, additional surveys were undertaken during the assessment of the planning application and updated reports produced and submitted. These reports have been reviewed, and are considered to be comprehensive and in line with best practice.
- 53 The further surveys confirmed that there are no bat roosts, pine marten dens or reptiles using the site and no further surveys are required. The ecology report made a number of recommendations to enhance the area for bats and pine martens, and these will be secured by condition. Condition 11 (ecology) relate to this. Additional biodiversity mitigation will also be delivered by the delivery of new compensatory tree planting to mitigate for the tree loss.
- 54 Subject to these requirements, the proposal raises no issues with compatibility with Policy 3 of the NPF4, or Policy 4 of the LDP.

### **Trees**

- 55 As a result of the proposal 12 trees will be removed, which are a mix of Rowan and Silver Birch. The tree report suggests that the majority of these trees were probably planted in the mid-1990s when original House of Bruar buildings were built. No Category A trees would be directly lost as a result of the proposed Project. Of the 12 trees to be removed, 5 are Category B and 7 Category C trees and these will be replaced by 46 new specimen trees. The Council's normal ratio for replacement trees is 1:3, so the proposed compensatory planting is acceptable. Condition 10 will require the full extent of the re-planting to be implemented in full.

### **River Tay Special Area of Conservation (SAC)**

- 56 A section of the River Tay SAC is approx. 100m away from the site to the east, however due nature of the development and the existing drainage arrangements which are in place, there will not be any direct impact on the environmental interests of the designation.

## **Public Access**

- 57 There is an existing footpath from Pitagowan, crossing the railway line, then into the Falls of Bruar area of recreational forestry. This path is not a formal right of way or core path, but it is understood to be a well-used route by the residents of Pitagowan. The path is not directly affected by the proposal, and there should be no physical impact on it either during construction or upon completion. However, for completeness a condition is attached to ensure that the path remains unaffected, and that measures are in place to protect it during the construction phase.

## **Anti-social behaviour**

- 58 Regular anti-social behaviour by employees and customers is not a matter for the planning authority to control but is an issue for the Police to monitor and act upon. Areas for outside smoking have already been designated across the wider site, and it would be reasonable to assume that the existing areas would continue to be used by employees who may be based within the extension.

## **Design Statement**

- 59 A basic Design Statement has been submitted in support of the planning application. A number of the representations have made reference to an orientation reference error within this statement insofar as the description of the development is referenced as being an extension to the 'east' of the existing building, as opposed to the 'west'. Whilst this error is unfortunate, as all the submitted plans correctly orientate and identify the location of the proposed development, and a number of representations have been received, it does not appear that the error has prejudiced the assessment or influenced representations to a significant degree.

## **Developer Contributions**

- 60 There is no requirements for any Developer Contributions under the terms of the CNPA SPG on Developer Contributions.

## **Economic Impact**

- 61 The development would have a positive impact on the local economy, and would support an established local business with their expansion plans.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 62 The application has not been varied. Additional information in relation to both trees and ecology was submitted during the consideration of the application.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

63 None applicable.

## **DIRECTION BY SCOTTISH MINISTERS**

64 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**

65 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 and the adopted Cairngorms National Park Development Plan 2021. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

#### **Approve the planning application, subject to the following conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

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 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason – In order to protect existing residential amenity.

4. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason – In order to protect existing residential amenity.

5. 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 protect existing residential amenity.

6. Prior to the commencement of the development hereby approved, precise details of the means of surface water disposal shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In order to ensure the site is adequately drained.

7. The footpath path leading from Pitagowan to the Falls of Bruar must not be obstructed during the construction phase, or on completion of the development.

Reason – In the interest of proper site management and to ensure existing public access continues.

8. The Construction Exclusion Zone (CEZ) as shown on approved Plan 11 shall be adhered to in full, and all fencing shall be BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ shall be strictly adhered to during the entire duration of the construction phase of the development.

Reason – In order to ensure that existing trees are suitably protected during the construction phase.

9. Prior to the commencement of the development hereby approved, 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 entire duration of the construction phase of the development.

Reason – In order to ensure that existing trees are suitably protected during the construction phase.

10. Within 6 months of the completion of the development hereby approved, the replanting and landscaping scheme approved as Plan No 12, shall be implemented in full. Any planting failing within 5 years shall be replaced within the next available planting season.
11. The conclusions and recommended action points within the supporting ecology survey submitted and hereby approved as Plan 10 shall be fully adhered to, respected and undertaken during the entire duration of the construction phase of the development, and that all mitigations measures thereafter implemented.

Reason – In order to ensure that biodiversity interested are fully accommodated.

12. Prior to the commencement of the development hereby approved precise details of the area for, the means of enclosures and the capacity for the provision of general waste, recycling and food waste shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented and be able for use prior to the extension being used.

Reason – In order to ensure that suitable facilities for waste and recycling are provided in a suitable location.

## **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 applicable.

## **D INFORMATIVES**

1. 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. Please use the form attached herewith.
2. 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. Please use the form attached herewith.
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](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

Background Papers: Eight letters of representation

Date: 25 August 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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