

Perth and Kinross Council  
Planning & Placemaking Committee – 6 July 2022  
Report of Handling by Head of Planning & Development  
(Report No. 22/168)

<b>PROPOSAL:</b>	Change of use and alterations to former bank (class 2) to form hot food takeaway and installation of replacement flue
<b>LOCATION:</b>	The Royal Bank of Scotland, Drummond Street, Comrie, Crieff, PH6 2DW

Ref. No: [22/00429/FLL](#)  
Ward No: P6- Strathearn

### Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is the Royal Bank of Scotland Building sited on the corner of the A85 (Drummond Street) and B827 (Bridge Street) in Comrie. The bank is now closed and planning permission was approved in 2020 (20/00958/FLL) to convert the whole building which is over three floors to residential flats: a separate flat on each floor. That permission has not yet been implemented.
- 2 This proposal as part of this current application is for the ground floor of the building only and proposes a change of use to hot food takeaway and the installation of a replacement flue. This is as an alternative to having a residential unit at ground floor as per the planning permission above.
- 3 The flue is to be sited externally in place of an existing flue that is located to the rear of the building. It will be finished in stainless steel and will terminate 2.9 m above the eaves of the building.
- 4 The building is listed Category C and is located within the Comrie Conservation Area. An associated Listed Building Consent application has been submitted (22/00716/LBC). This was made valid on 23<sup>rd</sup> May 2022 and is pending in light of alterations to accommodate the proposed use and fire separation measures.

### Pre-Application Consultation

- 5 No formal pre-application consultation was undertaken.

## **National Policy and Guidance**

- 6 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**

- 7 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.

## **The Scottish Planning Policy 2014 (SSP) (Revised December 2020)**

- 8 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.
- 9 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
  - Valuing the Historic Environment paragraphs 135 - 151

## **Planning Advice Notes**

- 10 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 68 Design Statements

## **Creating Places 2013**

- 11 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.

## **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 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 9: Managing TAYplan’s Assets

## **Perth and Kinross Local Development Plan 2**

- 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.

- 17 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1A: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas: New Development
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## Other Policies

### Placemaking Supplementary Guidance 2020

- 18 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

## Site History

- 19 There is extensive history on this site mostly related to changes to the building and signage when it operated as a bank. Of relevance to this application are the following more recent planning applications which came about when the premises ceased to be used as a bank:
- 20 [17/02164/LBC](#) Listed Building Consent was Approved On 13 February 2018 for Alterations to building
- 21 [17/02165/FLL](#) Full Planning Permission was Approved On 13 February 2018 for Alterations to building
- 22 [19/00450/FLL](#) Full Planning Permission was Refused On 30 April 2019 for Installation of ATM and secure door
- 23 **19/00451/ADV** Advertisement Consent submitted on 22 March 2019 for Display of signage (ATM) - Application returned.
- 24 [19/00453/LBC](#) Listed Building Consent was Refused On 30 April 2019 for Alterations to building
- 25 [19/00809/LBC](#) Listed Building Consent was Approved On 25 June 2019 for Alterations
- 26 [19/00810/FLL](#) Full Planning Permission was Approved On 25 June 2019 for Installation of an ATM
- 27 [19/00984/LBC](#) Listed Building Consent was Approved On 20 August 2019 for Alterations
- 28 [19/00985/FLL](#) Full Planning Permission was Approved On 20 August 2019 for Installation of a door
- 29 [20/00957/LBC](#) Listed Building Consent was Approved On 20 October 2020 for Alterations to form 3 flats
- 30 [20/00958/FLL](#) Full Planning Permission was Approved On 20 October 2020 for Change of use and alterations from bank (class 2) to form 3 flats
- 31 **21/01549/LBC** Listed Building Consent submitted on 18 November 2021 for Alterations to form 3 flats – Application returned.

32 **21/01550/FLL** Full Planning Permission submitted on 18 November 2021 for Change of use and alterations from bank (class 2) to form 3 flats (revised design) - Application returned.

33 [22/00716/LBC](#) Listed Building Consent is pending consideration for Alterations

## **CONSULTATIONS**

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

### **External**

#### **Transport Scotland**

35 No objection to the proposed development.

#### **Scottish Water**

36 No objection to the proposed development.

#### **Perth And Kinross Heritage Trust**

37 No objection. No archaeological mitigation required.

### **Internal**

#### **Transport Planning**

38 No objection to the proposed development.

#### **Environmental Health (Noise Odour)**

39 No objection to the proposed development, subject to conditional control regarding plant equipment noise, control of delivery times and the requirement for an effective ventilation system.

#### **Community Waste Advisor - Environment Service**

40 No objection. The existing bin store is sufficient for this site.

### **Conservation**

41 No objection. No concerns in relation to the proposed alterations.

## **Representations**

42 A total of 9 letters of representation were received, all of which objected to the proposal. The main issues raised within the representations are:

- Out of character
- Loss of amenity

- Impact on parking
- Road safety
- Impact on listed building
- Impact on conservation area
- Refuse disposal
- Noise
- Contrary to Development Plan

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

#### 44 ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Supporting statement submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Schedule of works submitted

### APPRAISAL

- 45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Supplementary Guidance 2021.
- 46 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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

- 47 The principle of development will be assessed against Policy 17 'Residential Areas' of the aforementioned Local Development Plan. This policy identifies areas of residential and compatible uses where existing residential amenity will be protected and where possible improved. Changes away from ancillary uses such as employment land, local shops and community facilities including pubs and

restaurants will be resisted unless it is proven that this use is no longer viable. Proposals should fit into one or more of 5 categories. In this case categories d) and e) are relevant. The proposal is for a business use (d). The principle of a hot food takeaway is considered to be acceptable and would comply with policy 17. In particular a commercial use would lead to additional footfall in the area than the previous flats approved and as such could have a positive impact on other local businesses through maintaining additional vitality and vibrancy.

- 48 An objection has been received that suggests that the proposal is contrary to Policy 18 'Pubs and Clubs in Residential Areas' which includes a presumption against the siting of such uses that support the night time economy beneath residential properties. However this policy is not intended to include hot food takeaway outlets as the impacts, such as on residential amenity, can be controlled. This aspect will be considered further in the residential amenity section of the report.

### **Design and Layout**

- 49 The Royal Bank of Scotland Building is Category C listed and within the Comrie Conservation Area. The re-use of the ground floor will bring some commercial activity to an area where there are other commercial premises. The main external alteration is the addition of the flue to the rear. This is sited to minimise the impact and to respect the character of the building and the area and as such is in accordance with placemaking policies.

### **Residential Amenity**

- 50 A number of concerns have been raised with regard to the impact on residential amenity from this proposal due to the proximity to residential properties. The floors immediately above the premises are currently vacant although planning permission is in place to convert to residential flats. There are other residential uses in the vicinity along with a range of commercial uses. Environmental Health has been consulted and it is acknowledged that there may be the potential for noise/odour from the business to affect neighbouring properties. However it is considered that this can be controlled. In particular it is noted that odour particles dispersed and diluted at height is generally the most effective method of minimising odours, and in this case the plans indicate that the termination point for the flue is at roof level approximately 2 metres above the gutter line of the roof.
- 51 Conditions are recommended with regard to timing of servicing and deliveries, plant noise and to ensure an appropriate ventilation system is in place (Conditions 2, 3 and 4).

### **Visual Amenity**

- 52 The changes to the building are considered to be modest and the replacement flue is positioned appropriately and as such avoids an adverse visual impact on the listed building and the conservation area setting.

## **Roads and Access**

- 53 It is noted that concerns have been expressed regarding the potential impact on traffic and road safety from increased traffic and a lack of parking in the area. Concern has also been expressed about inconsiderate parking. However, the latter point about the behaviour of road users is not a matter than can be addressed by this application. It is noted that there is on street parking available within the vicinity of the building and there are good public transport links nearby. It is also worth noting that the former bank use generated traffic and that the site could potentially change to Class 1 or Class 2 in the future as permitted development should any Hot Food Takeaway approved via this application cease. Transport Scotland has been consulted due to Drummond Street being part of the A85 Trunk Road. They do not object. PKC Transport Planning has also been consulted and raise no objection.

## **Drainage and Flooding**

- 54 There are no concerns with drainage or flooding matters as the change of use does not alter the footprint of the building or any drainage arrangements. The proposed business will utilise the existing public drainage and water supply infrastructure that serves the building. The site is also not identified as being at risk of flooding during a 1 in 200-year event based on SEPA's indicative flood maps.

## **Waste Collection**

- 55 The proposals will incorporate bin storage within a secure storage area to the rear which provides adequate space for off street waste storage. The Commercial Waste Team has been consulted and notes that bin storage arrangements are acceptable.

## **Conservation Considerations**

- 56 The Royal Bank of Scotland is a category C listed building on a prominent corner site within the Comrie Conservation Area. It is highlighted by the Conservation Officer that as the existing flue is being replaced, existing fixing points should be reused to avoid further damage to the masonry on the building. This requirement will be included as a condition (Condition 5). In addition, it is noted that new signage for the ground floor business would be subject to subject to a separate applications for listed building and advertisement consents. An informative note will be added to highlight this requirement (informative 6). Overall the development is considered to maintain the character of the conservation area and preserves the listed building and its setting and as such is in accordance with policies 27A Listed Buildings and 28A Conservation Areas: New Development.

## **Natural Heritage and Biodiversity**

- 57 The proposal is not considered to have any impact on natural heritage or biodiversity assets.

## **Developer Contributions**



- 58 The proposal does not trigger the requirement for any developer contributions.

### **Economic Impact**

- 59 The proposal is likely to have a positive economic impact by introducing a new business to the area, bringing a vacant unit back in to a practical use. This will also bring the potential for employment opportunities.

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

- 60 This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 61 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 62 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**

- 63 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 comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 64 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A 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. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason - In order to safeguard the neighbouring residential amenity in the area.

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

Reason - In order to safeguard the neighbouring residential amenity in the area.

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 safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

5. Existing fixing points shall be re-used when installing the replacement flue.

Reason - To avoid further damage to the masonry and to preserve the listed building.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. This is approval of your application Ref no 22/00429/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 22/00716/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
6. The applicant is advised that any proposed signage will require a further application to be submitted for Listed Building Consent and Advertisement Consent.

Background Papers: 9 letters of representation

Contact Officer: Persephone Beer

Date: 23 June 2022

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

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