

Perth and Kinross Council
Development Control Committee –17 March 2010
Report of Handling by Development Quality Manager

**Erection of a visitor centre with exhibition space, cafe, gift shop, retail space
and associated car parking on Land 20 Metres East Of 36
Lower Mill Street, Blairgowrie**

Ref: No: 09/02239/FLL

Ward No: 3 Blairgowrie and the Glens.

Summary

Approval is recommended for this application to develop the site of an existing Council owned play area at Lower Mill Street in the centre of Blairgowrie within the Conservation Area and overlooking the River Ericht to accommodate a new community visitor centre as an appropriate town centre development which can be justified as the local community benefit outweighs the need to retain the existing use and recreational zoning as defined in the Eastern Area Local Plan 1998.

BACKGROUND AND DESCRIPTION

- 1 The site forms part of a riverside recreational area along the west bank of the River Ericht and adjacent to Lower Mill Street and presently comprises a play area with associated play equipment. Historically the site was occupied by a stone built mill building known as the 'Meikle Mill' which was demolished in the 1970's and the lower walled footprint was subsequently infilled to form the present play area. The site extends to about 0.22ha and also lies within the Blairgowrie Conservation Area and there are various Listed Buildings within the surrounding neighbourhood. The neighbouring uses include cafes, restaurants, shops and both existing and new housing developments which all share the one way access referred to as Lower and Upper Mill Street.
- 2 The proposal involves the development of the site for a visitor centre on one level comprising a café, shop and exhibition area in an open plan form with associated facilities including toilets, reception, kitchen and storages areas. Access would be available from the ground floor accommodation onto a veranda area along the building's riverside frontage allowing uninterrupted views over the Ericht. The contemporary design is based on a simple rectangular floor plan topped with a lightweight mono pitched roof gently sloping down to its Mill Street frontage where the main entrance will be located. The building is deliberately designed to draw the public's attention while the careful use of natural stone on the walls relates it well with surrounding traditional buildings. The proposal includes three disabled parking spaces within the site and being a town centre location depends on existing parking facilities within the town for general parking requirements.
- 3 The Blairgowrie and Rattray Regeneration Company Limited (BARRC) is a charitable organisation established in 2008 as a focus for the delivery of economic and environmental revival in Blairgowrie and Rattray. As members will be aware, BARRC made a successful bid for a share of the Government's

Town Centre Regeneration Fund and were awarded £1.5million towards two projects, the first being the proposed visitor centre and the second being a hydro electric scheme to be powered by the waters of the River Erich and the subject of a separate planning application ref 09/01297/FLL. The final choice of visitor centre site followed feasibility studies at two other sites involving a conversion of Oakbank Mill further upstream and a 'Living River' timber building next to the river on the floodplain below the present site, both these options were discontinued for various reasons. Central amongst BARRC's objectives is the establishment of this visitor centre is to act as a showcase for the town and its history, environment, wildlife etc. as well as a facility for events and exhibitions. BARRC would lease the site from the Council for a nominal rent and part of the lease agreement would be the relocation of the existing play equipment elsewhere within the park, a new link path to Riverside Park and an extension to the existing car park (if required) at their expense.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

7 This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are

- Paragraphs 118 - : Scheduled Monuments
- Paragraphs 142 - 145: Protected Species
- Paragraphs 196 - 211: Flooding and Drainage.
- Paragraphs 125 -148: Landscape and Natural Heritage
- Paragraphs 142 -145: Protected Species
- Paragraphs 165 -181: Transport
- Paragraphs 196 -211: Flooding and Drainage.

Open Space and Physical Activity

4 Access to good quality open spaces and opportunities for sport and recreation make important contributions to a healthier Scotland. The planning system has a role in helping to create an environment where physical wellbeing is improved and activity made easier. Providing play space and other opportunities for children and young people to play freely, explore, discover and initiate their own

activities can support their development. Access to good quality open spaces can encourage people to be physically active and aid health and wellbeing. In settlements, networks of linked, good quality open space are important for their contribution to amenity and their role in nature conservation, biodiversity, recreation and physical activity. Rural areas provide a wide range of outdoor recreation opportunities, many of which are closely linked to the quality of the environment. Planning authorities should support, protect and enhance open space and opportunities for sport and recreation.

DEVELOPMENT PLAN

- 5 The Development Plan for the area comprises the approved Perth and Kinross Structure Plan 2003 and the adopted Eastern Area Local Plan 1998.

Perth and Kinross Structure Plan 2003

- 6 The key relevant policies are:

Sustainable Economy Policy 9

- 7 Local Plans will encourage the sustainable development of the tourist industry in Perth and Kinross and support proposals which:
- extend the tourist season and develop new markets.
 - improve the quality of the facilities.
 - offer the potential for providing local employment and income.
 - are suitable for resident as well as visitor use.
 - promote 'green' tourism in terms of practice and facilities.
 - maximise the use of public transport.
 - do not significantly damage the natural or built heritage.

Sustainable Economy Policy 10

- 8 Support measures that seek to expand the business tourism and conference market in Perth and Kinross, including the improvement of facilities, in particular those that are well related to the public transport network.

Sustainable Communities Policy 13

- 9 The Council will actively support the development of educational and associated facilities throughout Perth and Kinross, including the University of the Highlands and Islands, particularly where they contribute to the social and economic development of communities

Eastern Area Local Plan 1998

- 10 The site is zoned for public and private open space in the Eastern Area Local Plan where Policy 64 applies, but all relevant policies are listed in summary below.

Policy 2 ‘Development Criteria’

- 11 All developments within the Plan area will be judged against a series of criteria including landscape framework capable of absorbing, and if necessary, screening the development, the scale, form, colour, and density of development, compatibility with its surroundings in land use terms, local road network, sufficient spare capacity in drainage, water and education services, the site should be large enough, buildings and layouts to be energy efficient, and where possible be located in those settlements which are the subject of inset maps.

Policy 25 Tourism and Recreation

- 12 There will be a presumption in favour of sustainable tourism related developments which improve the range and quality of tourist attractions and accommodation, providing these are consistent with other policies.

Policy 36 Open Space Provision

- 13 The Council will seek the provision of appropriate areas of informal and formal recreational space as an integral part of a new housing development.

Policy 64 Open Space and Recreation

- 14 Policy 64 identifies significant areas of public and private open space and recreation areas which are to be retained. Any development proposals which erode these areas will be resisted. Encouragement will be given to proposals which improve these areas.

Draft Strategy Eastern Area Local Plan 2005

- 15 The Council’s Enterprise and Infrastructure Committee, at their meeting on 30 January 2008, took the decision not to progress the draft plan to a Finalised Stage, so limited weight should be attached to the contents of this document although it did represent the Council’s thinking at that time.

SITE HISTORY

- 16 There is no known record of any previous planning history.

CONSULTATIONS

- 17 **Scottish Natural Heritage** do not object to the proposal in terms of any adverse impact on the River Tay SAC as the Construction Method Statement is accepted and the submitted Otter Survey found no evidence of otters. In addition, SNH confirm that an Appropriate Assessment is therefore not required.

- 18 **SEPA** have confirmed that they have no objections and are satisfied with the Flood Risk information submitted that there is no significant risk to the visitor centre.
- 19 **Scottish Water** has no objections.
- 20 **Perth and Kinross Area Archaeologist** raises no objections.
- 21 **Head of Public Space Management** raises no objections.
- 22 **The Environmental Health Manager** recommends conditional approval.
- 23 **Economic Development** support the principle of a visitor centre, but question the economic viability of the project.

REPRESENTATIONS

- 24 A total of 18 objections have been received which includes 10 individual letters and 8 in a proforma style which raise the following issues:
- Lower Mill Street is narrow and one way where there are lots of obstructions to regular traffic and lack of parking.
 - Difficulty with coach parking and elderly passengers having to walk long distances.
 - The area bordering the Ericht is rich in wildlife and any application would require an Environmental Statement.
 - Loss of a valuable play area for young children.
 - No provision for cycle parking.
 - The design and materials are inappropriate and out of character.
 - Loss of amenity as flats will overlook a large roof.
- 25 The Blairgowrie and Rattray Community Council have also submitted a letter supporting the development, but also support objections raised by residents of Ericht Court and Riverside Park on grounds of access and increased traffic. One other letter has also been received from a local resident more fully supporting the proposal as a major step forward for the town

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

26 ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Undertaken
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Flood Risk Assessment submitted

APPRAISAL

- 27 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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 policy in the Eastern Area Local Plan is Policy 64.

Policy

- 28 National and Structure Plan guidance generally supports tourism developments which extend the tourist season and create local employment opportunities and also support the retention and enhancement of playground and recreational facilities. The Local Plan in Policy 64 seeks to retain significant areas of public and private open space and encourages development which improves these areas. Although strictly contrary to this zoning, it is well known that the present playground facility on the site is underused in its present location and that it has a reputation for anti social behaviour. Outdoor Services have also expressed a strong desire to relocate the facility elsewhere within the riverside park closer to the car park where it would be more heavily used. BARRC under the lease agreement would be required to fund any such playground relocation. The use of this Council owned land for the proposed visitor centre will still maintain the public amenity interest and would thereby still sit easily with the policy objectives of Policy 64 of enhancing recreational opportunities.
- 29 Policy 25 in the Local Plan operates a presumption in favour of sustainable tourism related developments which improve the range and quality of tourist attractions providing there is no conflict with other policies. Clearly, this policy would offer considerable support. The project is primarily intended to attract more tourists to the town and promote the historical and wildlife associations with the riverside location which will have spin off's for other existing tourist facilities in the town and increase demand for accommodation locally. The main thrust of national, structural and local policies all support the concept of a focal tourism point for local residents and as a draw for tourists from further afield and all welcome the employment opportunities offered. Economic Development have raised an issue with regard to the economic viability of the project, however, this is not a valid land use issue and is a matter strictly for the applicant.

Design

- 30 The River Ericht Visitor Centre is designed to be a distinctive contemporary building which will sit easily on the former red sandstone footprint of the earlier Meikle Mill combining modern with historic character. The building is intended to provide the central focus to BARRC's regeneration initiatives for the town and it is critical that the building is visible and attractive. The building will be prominently visible from the road bridge which is a deliberate design ploy to attract passing traffic. Although the building with its sharp mono pitched roof will have a strong presence, its siting does take careful account of key views to

local landmarks and enhances the remnant walls of the former mill. The mass, scale and form of the building is appropriate to the riverside setting and takes full advantage of the river views and the parkland setting.

Built Environment and Conservation

- 31 The site is located within the Blairgowrie Conservation Area where character and appearance must be preserved and enhanced. The Blairgowrie Conservation Area Appraisal sets out elements of the Conservation Area which should be considered by new development such as key views to the Hill Church, retaining the surviving walls of the Meikle Mill and the lack of visitor facilities following the closure of Keithbank Mill are all highlighted. The proposed visitor centre has been designed sensitively to address all these aspects very successfully. The Council's Conservation Officer has no objections to the proposals subject to agreement over finishing materials. The remaining key issue will be the final selection of external materials and finishes which I am comfortable covering with appropriate planning conditions. An objector has raised an issue with finishes; however, the intention would be that the finalised palette of finishes should be appropriate within a designated Conservation Area.

Residential amenity

- 32 The site is located opposite residential flats which front the river in Lower Mill Street, but is some 24 metres away and is not directly opposite. The recent housing development known as Ericht Court and Riverside Park are even further away from the site, but all share the same access road. The Lower Mill street frontage of the proposed building is only 3 metres high rising to 5 metres on the reverse side. The separation distances are adequate and the single story building which has a low profile should not be unduly obtrusive as viewed from neighbouring property. Our Pollution Control colleagues are also satisfied that any issues with fumes or noise can be adequately controlled through standard planning conditions and that residential amenity standards will be adequately protected.

Land ownership

- 33 The site forms part of ground acquired by the former Town Council in 1973, and is in fact the remaining part of a former mill building that has been infilled and adapted for use as an equipped children's play area. The intention is that the site would be leased to BARRC on a nominal rent with clauses added which would require the relocation of the play area, any works necessary to stabilise the existing structures and for the future upkeep of the same, the provision of a pedestrian link to the park and the extension of the riverside parking, if required as a separate matter in respect of the park use only, all listed items at their expense and as yet to be agreed in detail. A report along these lines was considered by the Blairgowrie Common Good Fund Committee on the 24 February 2010 and approved which avoids any need for a separate and often lengthy legal agreement under Section 75 where the delivery of additional

facilities beyond the site boundaries is the usual option. However, as the Council own the site, I am satisfied that this is an equally robust alternative.

Nature Conservation

- 34 The site lies adjacent to the River Ericht which is part of the River Tay SAC designated for named fish, wildlife and plant species. Scottish Natural Heritage vets all planning applications to fully assess any likely harmful impacts on the SAC. In this case the applicant has submitted a Construction Method Statement which stipulates measures to prevent any pollution of the river environment and an otter survey which found no evidence of otter activity. SNH have conformed that they have no objections and also confirm that an Appropriate Assessment is not required. It has also been suggested by objectors that in view of the wildlife interests of the riverside location that an Environmental Impact Assessment is an essential requirement of this development. However, in the case of urban development projects as defined under Schedule 2 of the Environmental Impact Assessment Regulations (Scotland) 1999 subsection 10(b) the minimum site area necessary to trigger these regulations is 0.5ha. The proposed site extends to 0.2ha so the above regulations would not apply to this development.

Flooding

- 35 The application site lies adjacent to the 1 to 200 year (0.5% annual probability) flood envelope of the Indicative River and Coastal Flood Map (Scotland). A submitted flood risk statement demonstrates that the proposed building will be elevated above the floodplain and set on a base level at least 3 metres above the existing ground level at the toe of the retaining wall. Research demonstrates that during the 1993 flood, the water did not reach the toe of the retaining wall. The finished floor of the visitor centre will be a further 2 metres above the base level which gives a total clearance of 5 metres. SEPA accept BARRC's engineer's calculations and confirm that the visitor centre will not be at risk of flooding.

Traffic

- 36 The site is served by a one way access from the Wellmeadow via Lower and Upper Mill Street and exiting onto Allan Street in a town centre location. The anticipated difficulties of access, traffic obstructions and lack of parking have featured in most of the representations. SIAS Limited carried out a Transport Assessment which concludes that the majority of visitors will arrive by coach and that with the bus depot only 400 metres away coaches would park and wait there and people would walk via the established pedestrian links to the facility. It is also demonstrated that the visitor centre will attract less than 45 vehicles per day based on robust predictions giving a maximum impact of 1.5% over and above the present situation. It proposes to provide parking at less than the minimum PKC standards in order to discourage patrons from accessing the visitor centre by car and encourage travel by sustainable modes in accordance with current local and national transport planning policy (including SPP17). All future promotional material will highlight the limited parking and will provide

details of alternative car parking locations and information on sustainable travel within the area.

- 37 The Council's Road's engineers accept the findings of the TA and are also of the view that as this is a town centre location they also would not wish to encourage additional parking other than the three operational spaces provided within the site. Blairgowrie is a small country town where congestion and lack of available parking are largely unknown problems and therefore in terms of the objections raised, it is important to acknowledge that it is generally unreasonable to expect town centre developments to provide the standard level of parking provision. There are few locations within Blairgowrie which are but a short walk away from the proposed site, the town centre 200m and the bus station 400m. The key requirement will be the submission of a Travel Plan Framework (TPF) prior to the occupation of the building aimed at encouraging more sustainable means of means of travel. The TPF will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the Plan. Cycling provision as highlighted by one of the objectors may well be a consideration following the TPF. I am satisfied that the visitor centre will simply be a further attraction in the town and will not be seen as a sole reason for visiting Blairgowrie and as such our approach is appropriate of discouraging extra parking in favour of more sustainable modes of access.

LEGAL AGREEMENTS REQUIRED

- 38 A Section 75 is not required, but the Council's Head of Property is separately concluding a lease agreement with the applicant which will also deal with issues to include the relocation of the play facilities, the stabilisation and future upkeep of the retaining structures, the provision of a link footpath and, if necessary, an extension to the Council's riverside parking area as a separate issue in association with the park only, all of which would be accepted as the full responsibility of the applicant to deliver.

DIRECTION BY SCOTTISH MINISTERS

- 39 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 REASON FOR RECOMMENDATION

- 40 Although contrary to the Local Plan where it seeks to retain existing play areas under Policy 64 this same policy also seeks enhancements of facilities. The applicant is willing to fund the relocation of the play area, provide pedestrian links and if necessary, enlarge the existing public car park. As the existing play area is underused due to its secluded position and has a reputation for unsociable behaviour, the listed improvements would qualify as enhancements under the policy. I am of the view that the new visitor centre as a public facility

with significant community benefits enables Policy 64 to be set aside and support this tourism opportunity. Nature conservation and flooding issues have been satisfactorily addressed and the contemporary design is considered to be acceptable as combining innovation with sensitivity to historic heritage. Finally, the Roads Engineers recognise this as a town centre site where additional onsite parking is not being sought or required and where the existing access arrangements are considered adequate and favour the promotion of sustainable modes of access which are to be encouraged with the requirement for a TPF. I recognise this proposal as an opportunity for the town with considerable community benefits and where there are no sound reasons to oppose the further progression of this innovative project.

RECOMMENDATION

A Approve subject to the following conditions:

Conditions

- 1 The development shall be begun within a period of 3 years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the commencement of development, a detailed hard and soft landscaping and planting scheme for the application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted, and the scheme as approved shall be carried out and completed within 6 months of the occupation of the first house. Any tree, plant or shrub which, within a period of 5 years from planting dies becomes damaged or diseased shall be replaced with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.
- 4 A sample of the roof covering shall be provided and a sample panel of the new stonework showing the proposed masonry type, colour texture, face bond and pointing should be provided prior to application on site and agreed in writing all to the satisfaction of the Council as Planning Authority.
- 5 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours are not exhausted into or escape into any adjoining dwellings.
- 6 All plant or equipment (including any ventilation system) associated with the operations of the units shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily,

within neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on an NR curve chart.

- 7 The soundproofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any nearby residential property.
- 8 The delivery of goods to the premises shall take place between 7am to 9pm Mondays to Saturdays and at no other time. The idling of delivery vehicle engines is prohibited.
- 9 No part of the development shall be occupied until a Travel Plan Framework (TPF), aimed at encouraging more sustainable means of travel, has been submitted and approved in writing by the Council. The TPF will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the Plan.
- 10 Prior to any work commencing on site, a Construction Method Statement giving details of measures to prevent pollution of the River Tay, shall be submitted to the Planning Authority for its approval, in consultation with Scottish Natural Heritage. The Statement shall provide the following information:
 - **pollution prevention safeguards**, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds;
 - **storage and disposal of materials**, including the siting of stock piles, use of buffer strips and disposal methods;
 - **construction site facilities**, including extent and location of construction site huts, vehicle equipment, and materials compound;
 - **the timing, duration and phasing of construction**, particularly in relation to salmon and lamprey migration/spawning.

The Construction Method Statement, as approved and including any conditions attached thereto shall be fully adhered to during construction.

Reasons

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 To ensure details are acceptable to the Local Planning Authority and to enhance the development in the interests of the amenity of the area.
- 4 In order to ensure a high environmental standard of design within a Conservation Area.
- 5-8 In the interests of protecting residential amenity.

- 9 In the interests of road and public safety.
- 10 In order to ensure that the water quality of the River Tay SAC is maintained.

B JUSTIFICATION

- 1 The proposed development is considered to be contrary to the Development Plan, but may be approved as a departure as it involves a development which has a considerable community benefit which will create an important community/tourism asset to Blairgowrie.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 The applicant should be advised that in terms of section 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 Environmental Protection Agency.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.
- 3 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.
- 4 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.

Background Papers: 18 representations

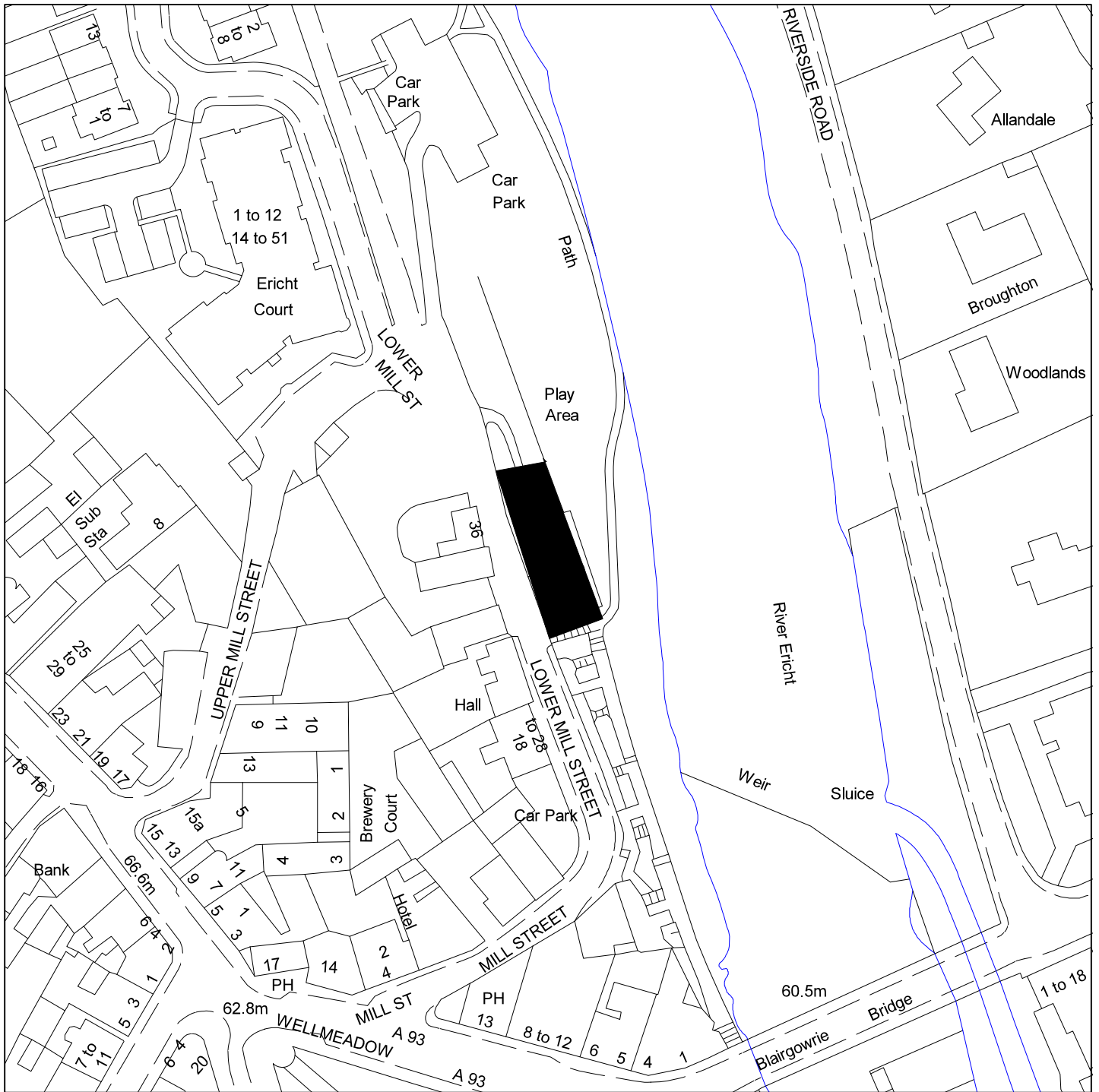
Contact Officer: John Culbert

Date: 2 March 2010

Nick Brian
Development Quality Manager

09 02239 FLL

Visitor Centre, cafe & retail, Lower Mill Street, Blairgowrie



Scale : 1:1250

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
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