

Perth and Kinross Council
Development Control Committee – 8 September 2010
Report of Handling by Development Quality Manager

**Erection of 3 holiday units and fence at Burnside Apartment Hotel, 19 West
Moulin Road, Pitlochry, PH16 5EA**

Ref. No: 10/00751/FLL
Ward No: N4 – Highland

Summary

This report recommends approval of the application for erection of 3 holiday units and fence at Burnside Apartment Hotel, 19 West Moulin Road, Pitlochry as the development is considered to comply with the Development Plan for the area and there are no material considerations apparent which would outweigh the Development Plan in this instance.

BACKGROUND AND DESCRIPTION

- 1 The application site is located within the settlement boundary of Pitlochry in an area which is a mix of residential and commercial in the form of hotels and bed and breakfast premises.
- 2 The site covers an area of approximately 1073 sq metres. It is bounded to the east and west by a mixture of residential and hotel properties fronting West Moulin Road, to the north by the residential properties of Windsor Gardens and to the south by West Moulin Road. The site levels are higher at the northeast of the site (Windsor Gardens) and the levels fall from east to west towards 17 West Moulin Road.
- 3 The site is located to the rear of the Burnside Apartment Hotel where at present there is a small bungalow to the eastern side of the site. The bungalow is in a poor state of repair and is of no architectural merit. The proposal is to demolish the bungalow and erect a building with two levels of accommodation with the 1st floor being wholly accommodated within the roofspace served by rooflights.
- 4 Vehicular access to the site will be as existing from West Moulin Road.
- 5 The plans have been amended to include the erection of a 2 metre fence along the north boundary to compensate for the lowering of a large hedge by the applicant. Neighbouring occupiers have been re-notified of the revisions and the application has been re-advertised.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 6 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 is:-

- Paragraphs 45 - 48 : Economic Development

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Strathearn Area Local Plan 2001.

Perth and Kinross Structure Plan 2003

The principal relevant policies are in summary:

Sustainable Economy Policy 9

- 8 This policy encourages the sustainable development of the tourist industry in Perth and Kinross and support proposals which amongst other things improve the quality of the facilities.

Highland Area Local Plan 2001

- 9 Under the Local Plan the site lies within the defined settlement boundary for Pitlochry within an area zoned for residential and compatible uses.

The principal relevant policies are in summary:

Policy 2: Development Criteria

- 10 Identifies the criteria which all development proposals will be judged against and includes landscape setting, built form, land use, local transport network, services and energy efficiency.

Policy 5: Design

- 11 Requires high standards of design throughout the plan area, ensuring that the proportions of any buildings are in keeping with the surroundings and that the development fits its location.

Policy 30: Tourism and Recreation

- 12 Supports new tourist development proposals where it can be demonstrated that it amongst other things makes good use of public transport, generates additional employment facilities and generates traffic appropriate to the location.

Policy 76: General Residential and Housing Policies

- 13 Identifies areas where residential amenity and character will be retained and if possible improved. Hotels, guest houses and bed and breakfast accommodation will generally be acceptable uses for these areas provided the existing residential amenity can be protected.

OTHER COUNCIL POLICIES

Education Contributions

- 14 The developer contributions policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development where there are capacity issues at the catchment primary school. This policy does not apply in this case as the accommodation is for holiday lets.

SITE HISTORY

- 15 09/00556/FLL Erection of 4 holiday apartments - **Withdrawn 21.10.09**
- 16 09/01855/FLL Erection of 4 holiday apartments - **Withdrawn 03.05.10**
- 17 The previous planning applications (above) for the erection of 4 holiday units were withdrawn due to concerns over the mass and height of the proposed building.

CONSULTATIONS

- 18 **Scottish Water:** Scottish Water has no objection to the application; however approval for connection from Scottish Water is required when the appropriate application and technical details have been received by them.
- 19 **Pitlochry Community Council:** The Community Council initially had no objection to the proposal but requested that the parking be laid out as proposed on the plan. They subsequently raised an objection to the proposal when the hedge on the north boundary was lowered by the applicant. The agent has supplied details of a new fence and the Community Council have requested that the erection of the fence be conditioned to be completed before the commencement of building works.

REPRESENTATIONS

- 20 14 letters of representation have been received from eleven households, four letters are in support and ten letters are in objection.
- 21 The re-notification of neighbours has attracted one further representation from the original objectors, noting that the amended plans have not addressed fully their concerns.

Summary of Issues raised by Representations

- 22 The representations have raised the following relevant issues:
- Use of existing premises and proposed building
 - Overdevelopment
 - Loss of privacy and overlooking
 - Loss of amenity
 - Noise and disturbance
 - Height of building
 - Present untidy building and grounds
 - Pedestrian safety at risk
 - Maintenance of hedge and subsequent loss of hedge
 - Location of parking
 - Materials
 - Need for holiday accommodation
 - Creation of jobs
- 23 All these issues are responded to in the Appraisal section of this report with the exception of the untidy building and grounds.
- 24 The hotel building is located outwith the application site and therefore the present condition of the building cannot be considered, additionally the building and grounds are not in an exceptionally poor state where the Council could take action. These issues are therefore not material considerations for the Planning Authority to consider in this instance.

25 ADDITIONAL STATEMENTS

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

APPRAISAL

Policy

- 26 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 27 In terms of the Development Plan, the key policies are contained in the adopted Highland Area Local Plan. I therefore consider the key determining issue for this application to be whether the proposal complies with Policies 2, 5, 30 and 76 of this plan.
- 28 Policy 2 outlines criteria that development will be judged against; in the case of built development regard should be paid to the scale, form, colour, and density of existing development in the area. Policy 2 also states that the site should be large enough to accommodate the impact of the development satisfactorily in site planning terms. Policy 5 which addresses design, requires a high standard for development and particularly for this proposal the use of high quality materials, ensuring that the proportions of any building are in keeping with its surroundings and ensuring that the development fits its location. Policy 30 states that encouragement will be given to proposals which improve the quality of existing tourist facilities. Policy 76 seeks to ensure (amongst other things) that new developments do not adversely affect the amenity of existing residential properties or the character of the area concerned.
- 29 For reasons stated elsewhere in the report, I consider the proposal (subject to conditions) acceptable in terms of its impact on the amenity of existing residential properties, compatible with the character of the surrounding area and is of an appropriate design. I therefore consider the proposal to be in accordance with the Development Plan.

Residential Amenity

- 30 The building is to be located to the west of the existing bungalow on the site which is to be demolished; the new building has been designed to take into consideration window to boundary distances and to limit any possible overlooking. The windows are all located at least 9 metres from the boundaries and the windows at 1st floor level are rooflights.
- 31 During the consideration of the proposal the high boundary hedge, on the northern boundary (with 12 & 13 Windsor Gardens) was significantly lowered in height by the applicant and it is proposed that a 2 metre hit and miss timber fence will be erected. A condition will be added to ensure that the hedge is fully removed before the new fence is erected. The fence will remove concerns regarding the lack of maintenance of the hedge and provide privacy for the neighbour to the north.

- 32 The potential for more noise and disturbance has been raised by neighbours, particularly regarding the use of the outside space. An area of open space exists at present which could be used by residents of the hotel apartment and the potential for noise from residents of the hotel apartment cannot be considered by planning at this stage.
- 33 The development is flatted holiday accommodation and therefore it would not be normal practice for each unit to have allocated garden ground. It is important however to seek an outside area that will meet the needs of those choosing to holiday in these units. An area is available to the north and east of the proposed development.

Design and Materials

- 34 The design of the building is of two levels of accommodation with the 1st floor being wholly accommodated within the roofspace served by rooflights. The height of the building is acceptable and is comparable to the dwellings to the north in Windsor Gardens. The design and layout of the building is not conventional as the design is to accommodate the necessary 9 metre distances to boundaries.
- 35 The materials proposed are slate colour interlocking tiles, smooth render and timber windows. The materials are acceptable in principle but a condition will be added requesting samples.

Overdevelopment

- 36 The application site shows an area of amenity space to the north and east for the holiday lets. Additionally, there is a large amount of garden ground to the south of the hotel building. The overall area of the ground in the applicant's ownership (including the hotel) is 2449sq metres, the new building is approximately 130sq metres and the hotel is 460sq metres therefore the overall development is under 25% of the site.

Boundary Treatments

- 37 As stated above, an existing hedge to the north of the site has been lowered by the applicant during the consideration of the proposal. The agent has agreed to erect a fence on the north boundary to provide privacy and contain the development. The hit and miss timber fence will be 2 metres in height and it will be conditioned that the fence will be erected prior to the commencement of building works on site and this will provide sufficient site containment for the development.

Conservation Area

- 38 The site is within the setting of but not within the Conservation Area and is located behind the existing hotel building and only a proportion of the new building will be visible from the Conservation Area. The Conservation Officer notes that the building will be partly visible from within the Conservation Area

but that it is not considered to be significant. In terms of the visual impact, the Conservation Officer has no objections to the development but requests conditions regarding the roof tiles, render and parking surface material.

Use

- 39 The use of the Burnside Apartment Hotel has been raised; this is outwith the application site and will be passed to the Enforcement Officer to follow up. The building as applied for within the application site is proposed as holiday lets and will be conditioned as such.

Access

- 40 The Councils Roads Engineer does not object to the proposal. The access to the site is as existing; off West Moulin Road and eleven spaces are shown on the plan and a condition will be added to ensure the layout is as proposed.
- 41 The traffic generation from this development has been highlighted as a concern. The cars generated by 3 holiday lets would not be a significant amount and vehicle movement from holiday lets is likely to be spread throughout the day and not confined to morning or evening rush hours.

Drainage

- 42 The proposal is to use the existing connection to the public waste water treatment plant. However the applicant must make a separate application to Scottish Water for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to. For clarification, Scottish Water has offered no objection to this proposal in terms of drainage.

LEGAL AGREEMENTS

- 43 None required

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 45 The development is considered to be an appropriate tourist related development within the settlement boundary of Pitlochry. In addition, the proposal by reason of its scale, layout and design is considered to reflect the character of the settlement and not adversely affect the character of the Conservation Area. The proposal is considered to comply with the terms of the

Development Plan, subject to conditions, and no material considerations exist which would outweigh the contents of the Development Plan.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall be begun within a period of three 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 The holiday apartments hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.
- 4 A sample of the slate finish interlocking tiles, external wall render and new surface material for car parking area; shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The samples as approved shall be implemented prior to the occupation and or use of the development.
- 5 Prior to the commencement of works on site the existing bungalow which occupies the site shall be demolished with the ground reinstated to the satisfaction of the Council as Planning Authority.
- 6 No external lighting shall be installed without prior approval from the Council as Planning Authority.
- 7 Prior to the commencement of works on the holiday units and the demolition of the bungalow, the remainder of the existing hedge on the northern boundary shall be removed and the proposed fence to be erected on this boundary shall be completed and shall be permanently maintained to the satisfaction of the Council as Planning Authority.
- 8 Prior to the occupation or use of the approved development a minimum of 11 car parking spaces shall be laid out as on the approved plans to the satisfaction of the Council as Planning Authority and permanently maintained as such.

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 In order to comply with the terms of the development plan.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 5 To ensure the removal of the existing building on the site.
- 6 In order to safeguard the residential amenity of the area.
- 7 In order to safeguard the residential amenity of the area.
- 8 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

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

Background Papers: 14 valid letters of representation from 11 households
Contact Officer: Joanne Ferguson Ext 75320
Date: 17 August 2010

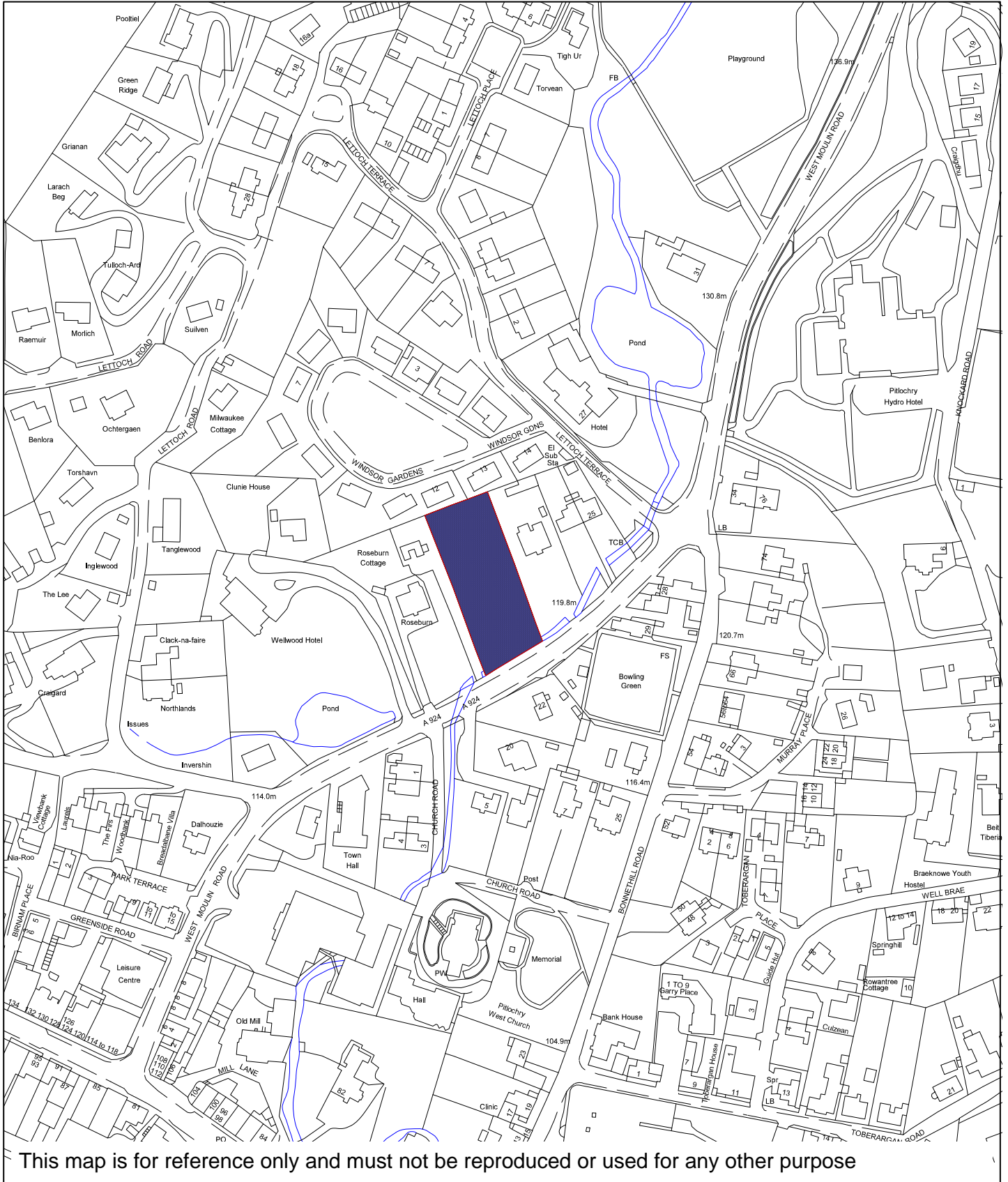
**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Perth & Kinross Council

10/00751/FLL

Burnside Apartment Hotel, 19 West Moulin Road, Pitlochry

Erection of 3 holiday apartments including erection of fence



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↑ Scale
1:2500

