

Perth and Kinross Council  
Development Management Committee – 27 March 2013  
Report of Handling by Development Quality Manager

**Change of use, alterations and extension of offices (class 4) to hotel, restaurant and bar (class 7), formation of 1-3 mixed use units (classes 1, 2 and 3) at 1-21 Mill Street, Perth**

Ref. No: 13/00082/FLL  
 Ward No: 12– Perth City Centre

### **Summary**

This report recommends approval of the application for the change of use, alterations and extension of offices (class 4) to hotel, restaurant and bar (class 7) and the formation of 1-3 mixed use units (classes 1, 2 and 3) as the development is considered to comply with the Development Plan.

## **BACKGROUND AND DESCRIPTION**

- 1 Full planning consent is sought for the change of use of a former Department of Work and Pensions Building on Mill Street in the city centre of Perth to create an 83 bedroom hotel with a bar and restaurant. The proposal also involves the creation of mixed use (Class 1, 2 and 3) units which can be configured into either 1, 2 or 3 separate units on the ground floor to the south east of the building. The east elevation is to be altered to allow access to the mixed use units from the public space associated with the Concert Hall. The building was formerly part of the historic Pullar's dyeworks complex. It is an unlisted building located within the Perth Central Conservation Area. The building is identified as an unlisted building of merit in the Conservation Area Appraisal (2008). The building sits between Pullar House and the Perth Concert Hall with an attractive stone frontage facing onto Mill Street. The main entrance into the proposed hotel is to be from Mill Street.
- 2 Vehicular access is proposed to be taken from Blackfriars Wynd and there is a small parking area to the rear of the building where a total of 34 car parking spaces, external plant, cycle store and bin store are proposed. An entrance into the hotel from the car park is also proposed on this elevation. The east end of the north elevation is currently brick work covered by a Perth 800 banner. It is proposed to remove this banner and harl this area.

## **NATIONAL POLICY AND GUIDANCE**

### **Scottish Planning Policy 2010 (SPP)**

- 3 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.

4 Of relevance to this application are:-

- Paragraphs 45 – 51: Economic Development
- Paragraphs 52 – 65: Town Centres and Retailing
- Paragraphs 110 – 124: Historic Environment
- Paragraphs 115 – 117: Conservation Areas
- Paragraphs 142 – 145: Protected Species
- Paragraphs 165 – 181: Transport

5 **The following Scottish Government Planning Advice Notes (PAN) are also of interest:**

PAN 1/2011 Planning and Noise  
 PAN 40 Development Management  
 PAN 60 Planning for Natural Heritage  
 PAN 68 Design Statements  
 PAN 71 Conservation Area Management  
 PAN 75 Planning for Transport  
 PAN 82 Local Authority Interest Developments

### **Designing Places**

6 This is the first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

### **DEVELOPMENT PLAN**

7 The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan and the Adopted Perth Central Area Local Plan 1997. The Council's Proposed Local Development Plan 2012 is a relevant material consideration.

### **Tayplan: Strategic Development Plan 2012-2032**

8 The principal relevant policies are in summary:

#### Policy 1: Location Priorities

9 Focuses the majority of development in the region's principal settlements and (b) and prioritise land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

### Policy 2: Shaping Better Quality Places

- 10 Seeking to shape better quality places through requiring new development to be fit for place, supporting more sustainable ways of life for people and businesses.

### Policy 3: Managing Tayplan's Assets

- 11 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:
- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
  - and safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

### Policy 6: Energy and Waste/Resource Management Infrastructure

- 12 Local Development Plans should be based on a number of considerations, including:
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
  - Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
  - Impacts of associated new grid connections and distribution or access infrastructure;
  - Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure.

### **Perth Central Area Local Plan 1997**

- 13 The application site is located within an area designated for secondary business and commercial uses.

The principal relevant policies are in summary:

**Policy 31 - Parking**

- 14 Requires an appropriate level of off-street parking for all for new build development within the town centre.

**Policy 41- Secondary Business and Commercial Uses**

- 15 Within the area zoned for Secondary Business and Commercial Uses, the Council will support business, commercial, retail and other development providing that residential amenity is not adversely affected and existing residential use is retained and incorporated into the new development.

**Policy 42 – Secondary Business and Commercial Uses**

- 16 Proposals for major retail development will only be permitted within the area zoned for Secondary Business and Commercial Uses where they relate well in terms of location and scale to the prime shopping area, the area zoned for primary business and retail uses, and to the Central Area as a whole.

**Opportunity Site 10**

- 17 These buildings may become surplus to requirements and could be redeveloped in conjunction with O15, O17 and P12 for office, residential or major cultural uses.

**PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012**

- 18 On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application, reflecting a more up to date view of the Council.

The principal relevant policies are in summary:

**Policy PM1 Placemaking**

- 19 Development must contribute successfully to the quality of the surrounding built and natural environment

**Policy TA1B Transport Standards**

- 20 Development proposals should be well served by all modes of transport and provide safe access/car parking etc.

### **Policy RC2 – City Centre Secondary Uses**

- 21 Within the area identified for City Centre Secondary Uses, the Council will encourage a mix of appropriate uses including shops, residential, offices, restaurants, pubs and clubs. The use of pavement areas for restaurant/café/bar uses will also be acceptable provided they do not adversely affect pedestrian flows and subject to design.

### **Opportunity 3 – City Centre Improvement Sites**

- 22 Horsecross – Design to reflect the conservation area location and improve the setting and use of the concert hall

### **Policy NE3 – Bio Diversity**

- 23 The Council will seek to protect and enhance all wildlife including wildlife habitats.

### **OTHER POLICIES**

- 24 **Perth City Central Area Conservation Area Appraisal**

### **SITE HISTORY**

- 25 07/02516/FLM Demolition of existing buildings and redevelopment to form Class 1 retail development and associated ancillary uses, extension to multi-storey car park, incorporating the formation of new retail street/court/pend and associated hard landscaping/shared managed service areas – Application approved at full council but consent never issued due to failure to agree section 75 agreement.

### **CONSULTATIONS**

- 26 Scottish Water No objection
- 27 Environmental Health No objection subject to conditions

### **REPRESENTATIONS**

- 28 No letters of representation have been received.

### **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

### **Policy**

- 30 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 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 policies of the Perth Central Area Local Plan 1997 and Tayplan 2012 are outlined above. The Council's Proposed Local Development Plan 2012 is a relevant material consideration in this instance.

### **Principle**

- 31 The application site is located within an area identified for secondary business and commercial uses. Policies contained within both the Perth Central Area Local Plan 1997 and the Proposed Local Development Plan (PLDP) 2012 indicate support for the proposed hotel and mixed uses indicated within the submission. Furthermore the PLDP identifies the site as a city centre improvement site which seeks to ensure the re-use of the building and to help improve the setting and use of the neighbouring concert hall building. The introduction of a new mixed use unit at ground floor level on the east gable elevation facing onto the public area adjacent to the concert hall will allow this to happen and bring increased pedestrian footfall to this area. The building has been vacant for some time and the introduction of a hotel and mixed uses is welcomed to help to improve this area of the city centre and provide the building with a better relationship to the neighbouring concert hall. The proposal, in general terms, is considered to reflect development plan policy for this location.

### **Conservation Area/Design**

- 32 The retention, re-use and refurbishment of this building is welcomed and the proposed external works are sympathetic to its character and that of the surrounding conservation area. Proposals such as the removal of external roller shutters and the removal of cluttered rooftop services are considered enhancements to the building. The proposed installation of aluminium shopfront/curtain walling; rendering of the patched rear elevation of the 1930s extension; alterations to the rear outshot and alterations to the ground floor fenestration of the east elevation are considered to be in keeping with the character of the building. The creation of one or more commercial units within the eastern extension and the creation of a more open elevation addressing the Concert Hall public space is welcomed. It is noted that the elevations indicate the majority of existing windows will be retained and painted grey. This colour finish was discussed during pre-application discussions but for the avoidance of any doubt a condition will ensure the exact colour is agreed prior to the commencement.

- 33 The existing timber windows have been surveyed by the applicant and the plans indicate that the intention is to retain and refurbish the majority of the windows. After discussion with the Conservation Officer it has been agreed that a condition will be attached to ensure that any replacement sash and case windows match the originals in terms of design, astragal pattern and opening method. A further condition will also be applied which seeks details of the replacement aluminium windows for the 1930s extension.

### **Access/Parking/Traffic**

- 34 Vehicular access is proposed to the rear of the building from Blackfriars Wynd. A total of 34 car parking spaces are proposed within this area. Insofar as the Roads matters are concerned, Transport Planning requested that a Transport Assessment (TA) be prepared for this development in order that the impact of the proposal on the current transport network could be fully appraised. A TA and Travel Plan framework were duly prepared and have been fully examined by the Transport Planning Team. They have confirmed that they are satisfied that the proposal is a highly sustainable site, being in a City Centre location close to the major bus interchanges and retail and entertainment areas. The trip generation figures obtained through the TRICS database show that there will not be a detrimental impact on the transport network. The parking provision is also deemed to be adequate and should not put undue strain on the nearby car parks in Mill Street or the multi-storey facility in Kinnoull Street. They have confirmed that they have no objection to the application subject to a condition which restricts service vehicles to access the site from Blackfriars Wynd only and that a detailed travel plan, based upon the submitted framework, is submitted for approval.

### **Residential Amenity/Noise**

- 35 As outlined above the site is located with a mainly commercial and business use area, although there are some residential properties in the area. For the avoidance of any doubt, in terms of impact on residential amenity, I intend to attach conditions which control both noise, ventilation and hours of delivery. Environmental Health have offered no objection to the proposal subject to the conditions referred to above. Some further discussion took place with the applicant regarding morning deliveries to the hotel and it was agreed that the condition could be altered to allow deliveries from 0630, seven days a week, as the hotel is located within the city centre and not particularly close to residential properties.

### **Contamination**

- 36 The proposed development is on land historically identified as a being part of a dyeworks, and being in the vicinity of a gasworks. Although the site has previously been redeveloped for use as offices, the risk of historic land contamination still needs to be assessed for this application prior to development commencing. The Contaminated Land Officer has therefore recommended a condition to ensure a scheme to deal with contamination is submitted for approval.

## **Bio Diversity/Natural Heritage**

- 37 A colony of swifts nest in the louvre grill on the plant room at the west end of the north (rear) elevation. This plant area is proposed to be removed to improve the visual amenity of this elevation of the building. Having discussed this issue with the Bio Diversity Officer it has been agreed that this can be compensated by installing nest boxes on the building. The applicant's agent has indicated a willingness to do this and this issue will be covered by an appropriately worded planning condition.

## **Economic Benefit**

- 38 This proposal enables re-use of an important building within the City Centre of Perth, and is considered to represent a significant contribution in the context of national objectives relating to economic development which are outlined in SPP 2010. The proposed hotel, restaurant and commercial units will provide employment for a wide range of individuals with varying skill levels. The planning statement indicates that the development is expected to create the equivalent of 40 full time jobs once completed and fully occupied. There will be further employment opportunities created during the construction period. Furthermore the hotel is also likely to have a wider economic benefit with the additional expenditure that the hotel will bring to Perth and the surrounding area. The planning statement goes on to state that the developer's recruitment policy seeks to fill local jobs with local people which is of further benefit to the area.
- 39 The proposed hotels/commercial units location and relationship with neighbouring uses including The Concert Hall and Pullar House will result in a concentration of complimentary uses which will support each other and enhance Perth City Centre's offering, improve links between the High Street and Mill Street and help to improve the night time economy of the city centre. The value provided by the development will help to facilitate the economic regeneration of Mill Street and assist in increasing the competitiveness of the immediate and wider areas.

## **PLANNING AUTHORITY WITH AN INTEREST IN THE LAND**

- 40 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

## **LEGAL AGREEMENTS**

- 41 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 42 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**

- 43 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Perth Central Area Local Plan and Tayplan 2012. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:-**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 All service deliveries to the hotel should enter the site from Blackfriars Wynd to the rear of the site. No deliveries are permitted from Mill Street.
- 3 No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP 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. This Travel Plan shall be based upon the Draft Travel Plan submitted to the Council on 25 February 2013.
- 4 All plant or equipment, including any ventilation system, associated with the operation of the commercial areas 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 noise-sensitive premises, with all windows slightly open, when measured and/ or calculated and plotted on a Noise Rating curve chart.
- 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 neighbouring dwellings.

- 6 No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of such noise from inside the premises.
- 7 The hours for deliveries shall be restricted to 06.30 to 18.30 hours Monday to Sundays unless otherwise agreed in writing with the Planning Authority.
- 8 Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the contamination to include:
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the Planning Authority.

- 9 Prior to the application of paint to any windows, full details of the proposed paint colour shall be submitted for the written approval of the Planning Authority. The details, as agreed, shall be implemented as part of the site development.
- 10 All proposed replacement timber windows shall match the existing in terms of design, astragal pattern and opening method to the satisfaction of the Council as Planning Authority.
- 11 Prior to the replacement of any windows in the 1930s extension full details of the proposed replacement windows shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
- 12 Prior to the removal of the existing plant area within the roof space at the western end of the north elevation a detailed plan shall be submitted for the written approval of the Planning Authority to indicate the provision of swift nest boxes to provide a nesting area for the existing swift colony in the building. The nest boxes shall be put in place prior to the removal of the existing plant area and maintained in perpetuity.

## **Reasons**

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of pedestrian and traffic safety.

- 3 To ensure an adequate travel plan is provided.
- 4-7 In the interests of residential amenity and to ensure a satisfactory standard of local environmental quality.
- 8 To ensure any contamination found on site is suitably dealt with.
- 9-11 In order to protect the character of the Conservation Area.
- 12 In order to ensure the protection of the colony of swifts.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **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.
- 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.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 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).

Background Papers: None

Contact Officer: John Williamson – Ext 75360

Date: 8 March 2013

**Nick Brian**  
**Development Quality Manager**

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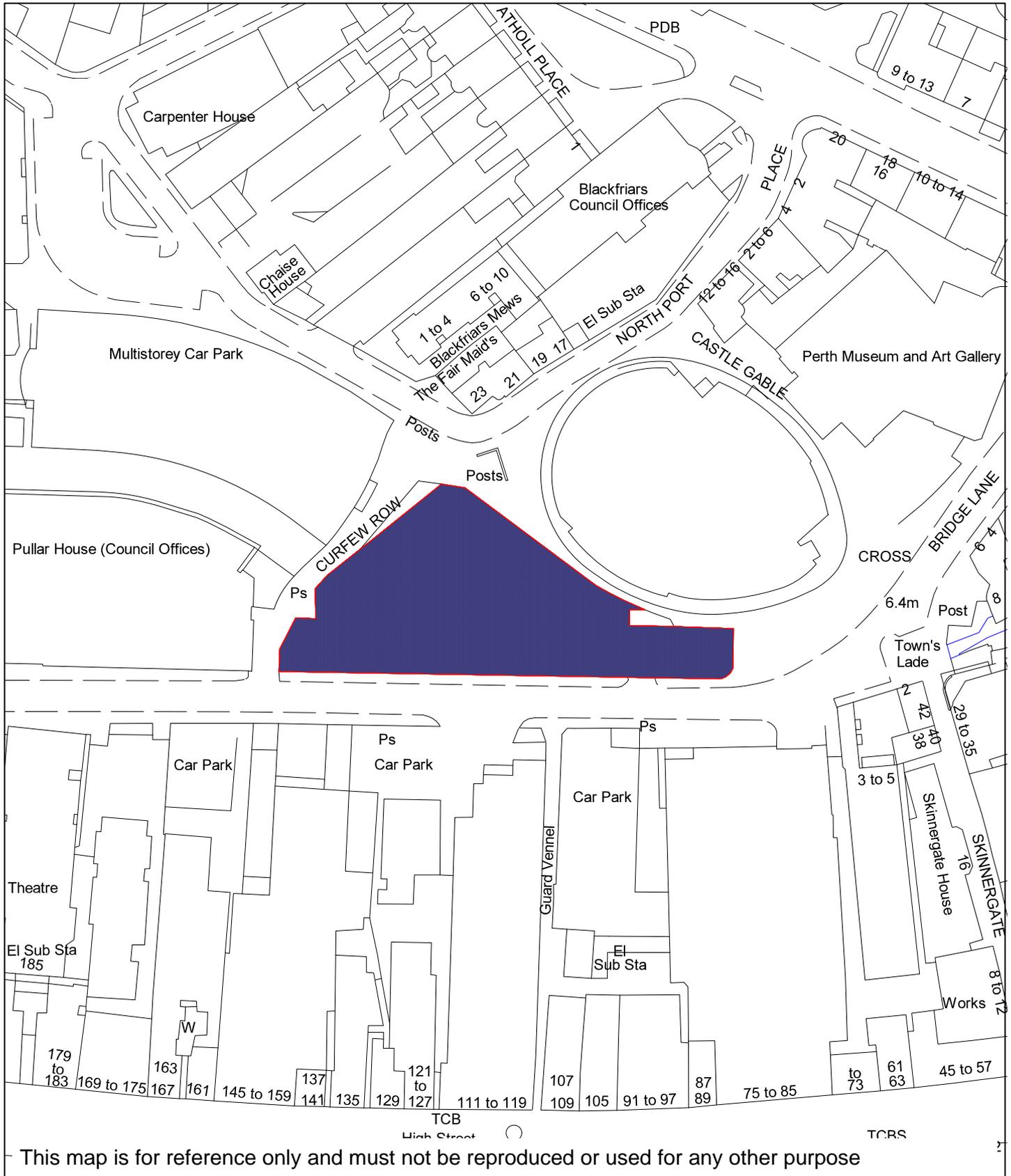
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↑ Scale  
1:1250

