

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

Modification of existing consent (10/02127/FLL) - Removal of condition 6 which stated that all the lodges have been approved as holiday accommodation only at Altamount House Hotel, Coupar Angus Road, Blairgowrie

Ref. No: 13/00097/FLL
Ward No: N3 – Blairgowrie & Glens

Summary

This report recommends refusal of a planning application seeking the removal of an occupancy condition on the grounds that the proposal would effectively result in a residential environment which would not accord with the Council's normal standards associated with residential proposals.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks the removal of a restrictive occupancy condition on an existing consent for 10 holiday lodges at the Altamount House Hotel, Blairgowrie. The condition stated that *'All the lodges have been approved as holiday accommodation only and shall not be occupied as the sole or main residence of any occupant, to the satisfaction of the Council as Planning Authority'*. All 10 of the holiday lodges have been built and are in use.
- 2 The removal of the condition will effectively allow all of the lodges to become residential dwellings which could be the sole or main residence of their occupiers, either through outright ownership or letting.
- 3 The existing lodges are located to the south of the Altamount House Hotel in a crescent layout, which is served partly by a shared vehicular access - which also serves the hotel and also a private access between lodges 1-10. The lodges are bounded by an unused chalet site to the north and to the south and east by residential properties.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars. Due to the low key nature of this proposal, there are no specific national policies or guidance specifically relevant to this planning application.

DEVELOPMENT PLAN

- 4 The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Eastern Area Local Plan 1998. There are no specific policies of relevance contained in the Tay Plan.

Eastern Area Local Plan 1998

- 5 Within the Local Plan, the site lies within the settlement boundary of Blairgowrie, within an area identified as being residential with compatible uses where **Policy 56** is directly applicable. Policy 56 seeks (amongst other things) to ensure that the amenity, character and density of existing areas is not adversely affected by new developments.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012

- 6 Members will be aware that on the 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the various Local Plans.
- 7 Within the LDP, the site lies within the settlement boundary of Blairgowrie, where **RD1** is directly applicable. RD1 seeks to ensure that existing residential areas are protected from inappropriate developments.

OTHER COUNCIL POLICIES

Development Contributions 2012

- 8 This Guidance concentrates on the delivery of developer contributions to provide a means to enable the proposed development to proceed and to meet the needs of the local community associated with the new development by securing contributions towards the provision of infrastructure and services. In terms of Primary Education contributions, the Guidance will be applied to new housing in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

Affordable Housing Policy 2005

- 9 This policy states that the Council will seek an affordable housing quota of 25% on all housing sites of 5 units and above, except where individual Local Plans vary this quota. In the case of Perth city centre, the quota is 50%. This quota will be applied to all relevant new sites identified in Local Plan and planning applications. Unless prior agreement has been reached with landowners/developers, this policy will not apply retrospectively to sites with planning consent or the subject of an approved master plan or planning brief.

SITE HISTORY

- 10 A detailed planning application (10/02127/FLL) for the erection of 10 holiday lodges was approved by the Development Management Committee in 2010, subject to a restrictive condition which read *'All the lodges have been approved as holiday accommodation only and shall not be occupied as the sole or main residence of any occupant, to the satisfaction of the Council as Planning Authority'*. This consent has been implemented in full, and all 10 of the lodges are in active use.

CONSULTATIONS

- 11 **Education and Community Services** has indicated that the local primary school is operating at over its 80% capacity and that a financial contribution should be sought if the application is approved. .
- 12 **The Affordable Housing Enabler Officer** has requested the Council's Affordable Housing Policy is applied if the application is approved.

REPRESENTATIONS

- 13 No letters of representation have been received.

ADDITIONAL STATEMENTS

Environmental Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement or Design and Access Statement	Not required
Report on Impact or Potential Impact.	Not required

APPRAISAL

Policy

- 14 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. Accordingly, in terms of the Development Plan, the key test of the acceptability of this proposal is whether or not it complies with the aims of Policy 56 of the Local Plan, which seeks to ensure (amongst other things) that the character, density and amenity of existing areas are not adversely affected by inappropriate new developments. For reasons stated elsewhere, I consider the proposal to be contrary to the aims of this Policy.

Residential Amenity

- 15 In terms of direct impact on neighbouring, existing residential properties along Sheila Road, the proposed removal of the condition will in my view have limited

additional impact, adverse or otherwise on neighbouring properties. However, in terms of the impact on the potential future occupiers of the proposed 'dwellings', the general layout of the existing lodges is not one which would ordinarily be acceptable for a residential development. For the use as 'dwellings', the lodges are extremely close together with unacceptable window to window separation between lodges 1-5, and inadequate usable private amenity space for lodges 6-10. Although this planning application does not seek the physical build of new dwellings, I nevertheless consider it reasonable to assess this proposal (in terms of the acceptability of the layout) as if it is, and in that respect the residential development sought (by virtue of the removal of condition) is unacceptable.

Visual Impact

- 16 In terms of visual impact, the proposal will have no impact (adverse or otherwise) on the visual amenity of the area as there are no changes to the units proposed. However, if the units were to become dwellings, there would be potential pressure in the future for changes, including extensions, alterations, etc.

Road and Pedestrian Safety

- 17 In terms of road and pedestrian safety related matters, I have no concerns regarding the proposal. I understand from the applicant that the intention is to keep the 10 proposed 'dwellings' as a private gated estate, with access limited to the public from the entrance gates to the hotel. To this end, the Council does not require the access to be ungraded or improved; however the lack of an adoptable standard access may affect the Council's willingness to service the development in terms of refuse collections etc.

Loss of Holiday Accommodation

- 18 The planning merits of the original planning application were subject to extensive debate amongst the then Development Control Committee, with suggestions at the time that the holiday lodges should be specifically tied to the main hotel. Although one of the applicant's key justifications for the holiday lodges was the need for additional accommodation for guests of functions at the hotel, it was considered by the Committee that although it was highly likely that a high percentage of the occupancy of the lodges would be an overflow from the hotel, it would nevertheless be extremely restrictive to tie the lodges specifically to the hotel business. To this end, the Committee resolved to restrict the use of the lodges to a more general 'holiday' use only, which would allow for private holiday lets to occur - if the market so desired, which was deemed beneficial not only to the wider tourist market but also to the applicant.
- 19 Whilst I fully appreciate that it is difficult times for many private businesses due to the ongoing 'credit crunch', and in particular the tourist industry, I see little evidence that the market for holiday accommodation in this area has collapsed to such an extent in a matter of two years to justify the loss of 10 holiday lodges. Although the applicant has not submitted any information regarding

past (or predicted) occupancy levels, I note that during a site visit to the site on the morning of March 6 (outwith the school holidays) the majority of the lodges were occupied. I therefore do not consider there to be a genuine justification for the loss of this tourist accommodation.

- 20 Members will be aware of other decisions by this Council involving the removal of restrictive occupations conditions to allow for a 'wider' scope of occupancy - which is principally aimed at securing lending / funding for other projects. However, members should be firmly aware that the terms and conditions of the extant planning consent does not specifically link these lodges in anyway to the existing hotel business, and therefore it would be inappropriate to approve this planning application based on an argument which is centred on the need for potential cross funding for the hotel business. In addition, the applicant is not proposing the imposition of a maintenance condition to ensure the units are still linked to the operation of the overall development.

Use as 'Long' Term Holiday Let

- 21 Within the applicants submission he has indicated that one of the reasons for seeking the removal of the restrictive condition was to allow the potential for long term lets of the lodges to occur. Providing that the occupiers are not using the lodges as their sole or main residence, the long term lets of the lodges would be acceptable under the terms of the existing consent.

Required Developer Contributions

- 22 In the event that members resolved to approve this planning application, the removal of the condition would in effect result in a residential development of 10 dwellings being approved. To this end, the applicant would, as a result, be required to accord with the both the Councils approved Affordable Housing Policy 2005 and the approved Development Contributions 2012. I note that the applicant has suggested within this submission that any lodges to be sold off would be limited to persons(s) over 55 years of age, however this restriction (which would be difficult to enforce) does not in my opinion necessarily render the proposal immune from adhering to either aforementioned policies.

Affordable Housing

- 23 The affordable housing policy requires that 25% of the development is affordable (as per the definition cited in PAN 74), which in this case equated to a 2.5 affordable house unit requirement. As it is unlikely that this requirement will be provided onsite, in the event that this application is approved, my recommendation would be that the Council should be seeking a financial contribution of £28,750 in lieu of the applicant providing onsite affordable units.

Primary Education Contributions

- 24 The Developer Contributions 2012 document, seeks a financial contribution for primary education in respect of all new dwellings (with the exception of

affordable housing or single bedroomed units) within the catchment of primary schools that are operating at over 80% capacity. I can confirm that the local primary school (New Hill) is operating at over its 80% capacity. To this end, in the event that this application is approved, again, my recommendation would be that the Council should be seeking a primary education contribution of £47,962 (10 - 2.5 = 7.5 @ £6,395)

Impact on Listed Building

- 25 As no physical works are currently proposed, the proposal will have no impact on the setting of the adjacent listed building.

Impact of Trees

- 26 As no physical works are currently proposed, the proposal will have no impact on existing trees.

Additional Landscaping / Boundary Treatments

- 27 In the event that members resolve to approve this planning application (subject to developer contributions being paid / secured) it is highly recommended that additional landscaping and boundary treatments are implemented throughout the development to try and reduce overlooking between neighbours and to improve the residential amenity of future occupiers.

LEGAL AGREEMENTS REQUIRED

- 28 In the event that the recommendation of refusal is agreed by members, no legal agreement is required for this proposal. In the event that the application is approved and the applicant wishes to delay the payment of the required contributions, a legal agreement to secure these payments must be signed in advance of the decision notice being issued.

DIRECTION BY SCOTTISH MINISTERS

- 29 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

- 30 The layout which has been implemented is not appropriate for a residential development, largely because of its inadequate separation between the buildings and insufficient amenity space. By removing the restrictive condition, the Council will be effectively be supporting a proposal which does not accord with normal standards and will ultimately result in the residential amenity of future occupiers being below acceptable standards.

RECOMMENDATION

A Refuse the application on the following grounds,

- 1 As the 'as built' layout will result in an unacceptable level of residential amenity for future occupiers (in terms of lack of private amenity space and the potential for direct overlooking and loss of privacy to occur), the proposed use of the lodges as main stream 'dwellings' would be contrary to the aims of Policy 56 of the Eastern Area Local Plan 1998 which seeks to protect residential amenity.

B JUSTIFICATION

The proposal is considered to be contrary to the Development Plan and there are no material reasons which justify approving the planning application.

C PROCEDURAL NOTES

None.

D INFORMATIVES

None

Background Papers: No representations
Contact Officer: Andy Baxter– Ext 75339
Date: 28 Feb 2013

Nick Brian
Development Quality Manager

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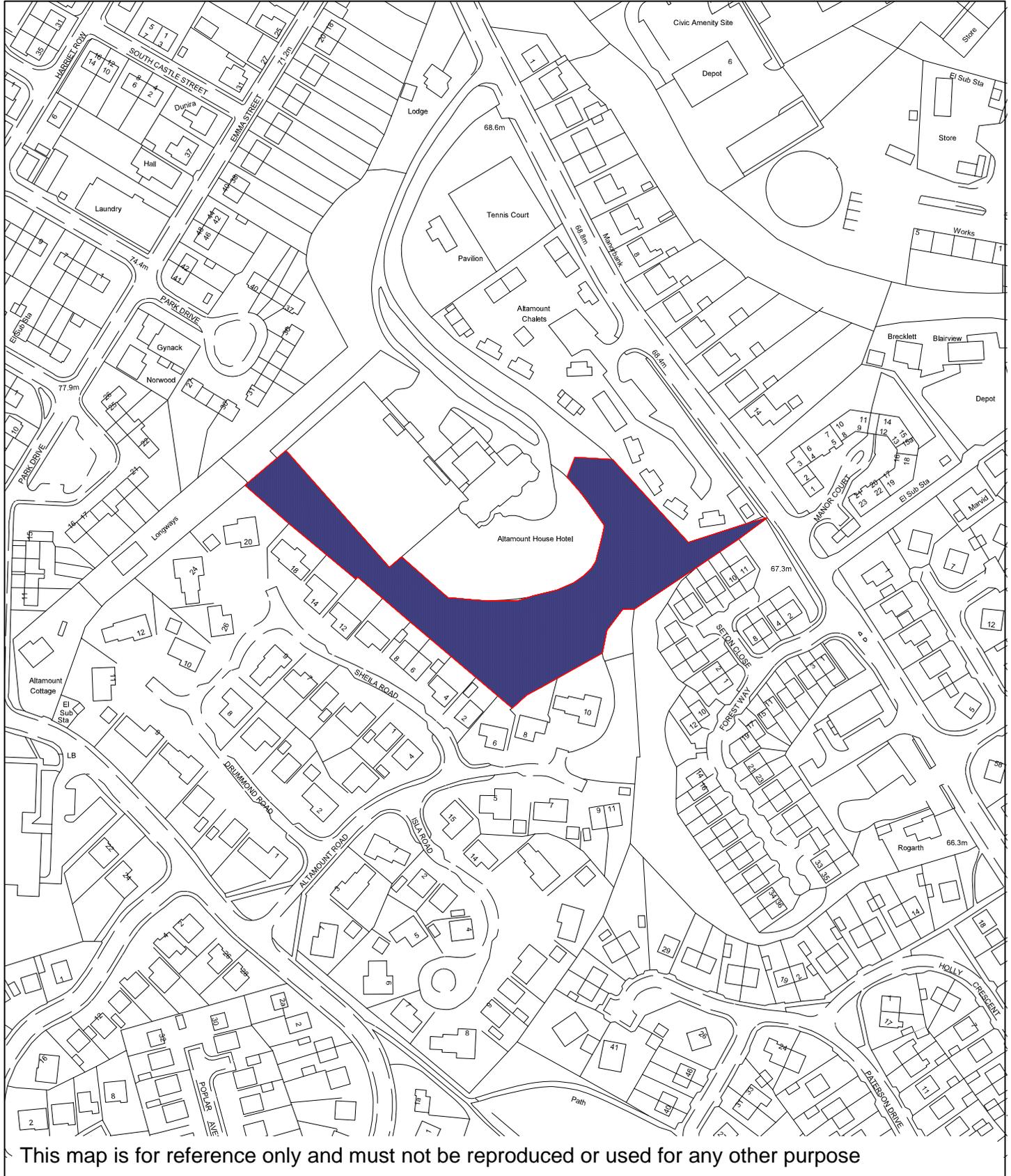
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Perth & Kinross Council

13/00097/FLL

Altermount House Hotel, Coupar Angus Road, Blairgowrie

Mod of existing consent 10/02124/FLL for removal of condition 6



↑ Scale
1:2500

