

Perth and Kinross Council
Development Control Committee – 12 May 2010
Report of Handling by Development Quality Manager

Erection of 30 apartments and 24 hotel suites together with new hotel facilities, demolition of 2 existing suites and erection of 4 dwellinghouses all for holiday use Kenmore Hotel, Kenmore, Aberfeldy PH15 2NU

Ref. No: 09/01162/FLM

Ward No: N4– Highland

Summary

This report recommends refusal of the application for the erection of 30 apartments and 24 hotel suites together with new hotel facilities, demolition of 2 existing suites and erection of 4 dwellinghouses all for holiday use, as the development is considered contrary to policies 2, 7, 13, 14, 28, 87 and 95 of the Highland Area Local Plan 2000 and Environment and Resources Policy 8 and Sustainable Communities Policy 9 of the Perth and Kinross Structure Plan 2003. The material considerations apparent in this instance, including Scottish Planning Policy serve to add weight to this recommendation of refusal.

BACKGROUND AND DESCRIPTION

- 1 Full planning consent is sought for the erection of 30 apartments, 24 hotel suites together with new hotel facilities, including a spa, gymnasium and lounge bar, the demolition of 2 existing suites and the erection of 4 dwellinghouses all for holiday use at the Kenmore Hotel in Kenmore. The current hotel provides 40 bedrooms. There is an associated application for Listed Building consent which is also under consideration at this committee (09/01163/LBC). The existing Kenmore Hotel forms part of the northern side of The Square which is the central hub of the Outstanding Conservation Village of Kenmore. The application site is long and narrow and extends along the banks of the River Tay from the Kenmore Bridge at the far west end of the site, to beyond the existing housing on Taymouth Drive to the east. The south boundary of the site is the public road; The Square and the northern boundary is the River Tay. The proposal is to extend the hotel to both the east and west, with 24 x 1 bed apartments proposed in the eastern extension and 6 x 1 bed apartments and 24 hotel suites located within the western extension. The proposal also includes the erection of 4 detached dwellinghouses for holiday use further east from the main hotel Building which are to be located within a wooded area close to the River Tay. These houses are to be elevated from ground level and will effectively be on stilts. These holiday units are located in close proximity to existing private residential dwellings on Taymouth Drive.
- 2 The Kenmore Hotel Building is Category B Listed and acts as the most dominant building within The Square. The listing includes the courtyard steading building which sits to the east of the main hotel Building. The hotel sits on the north side of The Square and is bound to the west by West House (Category C Listed) and Masonic Hall (Category B Listed) of which the West House is part of the hotel. The Library House and Taymouth Castle Gate to the

east are also B Listed. All of the properties on the south side of The Square are Category C(S) Listed. The boathouse to the west of the main hotel building and closer to the river is Category C(S) Listed. The Kenmore Bridge beyond the boathouse is Category A Listed. The entire application site is located within the Taymouth Castle Designed Garden and Landscape.

- 3 This application is a major application as identified in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site area is over 2 hectares. The application was submitted prior to the 3 August 2009 and therefore did not require to follow the statutory requirements for pre application consultation of major applications.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 4 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 45 -51 : Economic Development
- Paragraphs 110 -124 : Historic Environment
- Paragraphs 113 -114: Listed Buildings
- Paragraphs 125 -148: Landscape and Natural Heritage
- Paragraphs 142 -145: Protected Species
- Paragraphs 196 -211: Flooding and Drainage.

DEVELOPMENT PLAN

- 5 The Development Plan for the area consist of the approved Perth and Kinross Structure Plan 2003 and the adopted Highland Area Local Plan

Perth and Kinross Structure Plan 2003

The principal relevant policies are in summary: -

Sustainable Economy Policy 3

- 6 Support will be given to measures which promote an integrated flexible and innovative approach to rural development which encompass economic, social and environmental considerations and which:
- maintain or enhance local employment opportunities.
 - promote diversification.
 - help sustain viable rural communities and services.
 - introduce new technologies to rural areas (including information and telecommunications technology and renewable energy schemes.)

Sustainable Economy Policy 9

- 7 Local plans will encourage the sustainable development of the tourist industry in Perth and Kinross

Environment and Resources Policy 8

- 8 New development which would adversely affect Listed Buildings, Conservation Areas, or their setting will not be permitted unless there is a proven public interest.

Environment and Resources Policy 9

- 9 There is a presumption against development in areas where there is significant probability of flooding.

Sustainable Communities Policy 9

- 10 Local Plans will ensure new development makes positive contribution to character/quality of built environment, contributes to sustainable development and encourages re-use of vacant buildings

Highland Area Local Plan 2000

- 11 Under the Local Plan the site lies within the settlement boundary of Kenmore and within the Kenmore Conservation Area.

The principal relevant policies are in summary: -

Policy 2 Highland Development Criteria

- 12 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,

where possible be located in those settlements which are the subject of inset maps.

Policy 5 Design

- 13 The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to: -
- (a) The use of appropriate and high quality materials.
 - (b) Innovative modern design incorporating energy efficient technology and materials.
 - (c) Avoidance of the use of extensive underbuilding on steeply sloping sites.
 - (d) Ensuring that the proportions of any building are in keeping with its surroundings.
 - (e) Ensuring that the development fits its location.
- 14 The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for all development proposals.

Policy 7 Flooding

- 15 Development in areas liable to flood will not normally be permitted.

Policy 13 Nature Conservation

- 16 Development will only be permitted on a site designated or proposed under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or a Ramsar Site where the appropriate assessment indicates that the following criteria can be met:
- (a) The development will not adversely affect the integrity of the site.
 - (b) There are no alternative solutions.
 - (c) There are imperative reasons of overriding public interest.

Policy 14 Nature Conservation

- 17 The Council will not normally grant consent for any development which would have an adverse affect on protected species.

Policy 19 Designated Landscapes

- 18 The Council will seek to enhance Historic Gardens and Designed Landscapes.

Policy 28 Listed Buildings

- 19 There will be a presumption against the demolition of Listed Buildings and against works detrimental to their essential character. There will be a presumption in favour of consent for development involving the sympathetic restoration of a Listed Building.

Policy 30 Tourism

- 20 New tourist related development will be supported subject to criteria

Policy 87 Village Uses

- 21 Scope may exist for infill developments within these villages but only where this will not adversely affect the density, character or amenity of the village

Policy 95 Conservation Areas

- 22 There will be a presumption against development within Conservation Areas which would harm the character or appearance or which does not preserve or enhance the area.

OTHER POLICIES

- 23 None relevant

SITE HISTORY

- 24 **07/02486/FUL** Demolition of existing outbuildings and jetty; alterations of hotel to extend existing function room, extension to hotel to form: 38 bedrooms, function suite, spa suite, kitchen and plant rooms, erection of 8 no. crannogs units and erection of 4 no cottage units, new car parking and new access – **Withdrawn after serious concerns regarding design/overdevelopment raised by Planning Authority**
- 25 **07/0289/LBC** Demolition of existing outbuildings and jetty, alteration of hotel to extend existing function room, extension of hotel to form; 38 bedrooms, function suite, spa suite, kitchen and plant rooms and erection of 8 no crannogs units, erection of 4 no cottage units, new car parking and new access - **Withdrawn after serious concerns regarding design/overdevelopment raised by Planning Authority**
- 26 **08/00290/LBC** Alterations and Extension – Approved May 2008
- 27 **08/00296/FUL** Alterations and Extension – Approved April 2008
- 28 **08/02139/FUL** Erection of boiler house/store – Refused December 2008
- 29 **08/02208/FUL** Removal of conservatory, erection of cantilevered balcony and alterations- Approved January 2009
- 30 **08/02214/LBC** Removal of conservatory, erection of cantilevered balcony and alterations- Approved January 2009

CONSULTATIONS

- 31 **Scottish Natural Heritage** objects on grounds of impact on River Tay SAC, reserves its position in regard to impact on bats subject to further information.
- 32 **SEPA** objects to the proposal on the grounds of lack of information with regard to flood risk.
- 33 **Historic Scotland** - no objection to application in regard to impact on Taymouth Castle Designed Garden and Landscape and upon A Listed and Scheduled Ancient Monument Kenmore Bridge. Objections have been raised to Listed Building consent application which is subject to separate report to this committee (09/01163/LBC).
- 34 **Perth and Kinross Heritage Trust** - Site has archaeological potential and therefore a condition requiring a scheme of archaeological works is recommended
- 35 **Scottish Water** - no objection, however a new Waste Water Treatment Works is proposed for Kenmore and it is likely that any new development would connect to this. Having discussed this with Scottish Water this would be available on a first come first served basis. Therefore if any consent was granted an informative note would be attached advising the development that the granting of planning consent gives no guarantee of connection to Scottish Water's assets.
- 36 **Perth and Kinross Council Economic Development** supports application as investing in existing business

REPRESENTATIONS

- 37 A total of seven letters of representation have been received, all of which object to the proposal. Of these six letters, one is from the Kenmore and District Community Council.

The representations have raised the following relevant issues: -

- Scale/overdevelopment
- Residential amenity
- Impact on recreation
- Flooding
- Traffic safety
- Detrimental impact on Listed Buildings/Conservation Area
- Contrary to Development Plan
- Impact on cyclists
- Light Pollution
- Visual impact/landscape impact
- Impact on Listed Buildings

These issues are all raised in the Appraisal section of this report.

38 ADDITIONAL STATEMENTS

Ecological Assessment	Submitted
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Required
Design Statement/ Design and Access Statement	None
Flood Risk Assessment	Submitted
Transport Statement	Submitted
Evaluation of Economic and Employment Impacts	Submitted
Landscape Appraisal	Submitted
Project Description	Submitted
Planning Policy Briefing Note	Submitted
Sustainability Report	Submitted

APPRAISAL

39 Policy

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. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are Perth and Kinross Structure Plan policies, Sustainable Economy Policy 3, Sustainable Economy Policy 9, Environment and Resources Policy 9 and Sustainable Communities Policy 9. The most relevant policies of the Highland Area Local Plan are 2, 5, 7, 13 and 30

Design/Scale/Impact on Conservation Area and Listed Buildings

- 40 The application site is located within the Kenmore Outstanding Conservation Area. The site is also within close proximity to a number of Listed Buildings. All of the Buildings to the north of The Square are Listed: these include from east to west, the Taymouth Castle Gate (Category B Listed); the Library/Library House, including the attached stable block (B Grade); the Kenmore Hotel (B Grade); the (former) Masonic hall (B Grade); the West House (C(S) Grade); the Boathouse and cottage (C(S) Grade); the gate and wall running from the boat house to Kenmore Bridge (B Grade); and the Kenmore Bridge itself which is Category A Listed.
- 41 The application has been submitted with various documentation including a project description, landscape assessment and perspective drawings and it is the applicant's intention to utilise high quality materials for the new build developments and alterations. However, I have significant concerns regarding the density, mass and scale of this development and the impact it will have on Listed Buildings within the site, on the setting of the grade A Listed Kenmore

Bridge and on the character and appearance of the Kenmore Outstanding Conservation Area.

Development to the West of Hotel

- 42 The potential impact of the new apartment block with underground car park adjacent to the West House is a key concern. This will necessitate a wider access than at present and significant alteration to it. The wide archway entrance is an alien design element in this rural village townscape and is at odds with the townscape in terms of its scale and proportions. As one approaches the main street (The Square) from Kenmore Bridge, these new apartment blocks will have a significant impact on the setting of the hotel and the overall approach into the key central element of the Conservation Area. The approach from Kenmore Bridge towards the hotel is currently undeveloped and a 2m high stone wall occupies the boundary of the site, beyond this wall is an area of rough landscaping. This approach into the main heart of the Conservation Area is a key aspect in terms of the character of the Conservation Area and this will be completely altered to a significantly detrimental degree if this proposal is consented.
- 43 When viewed from the Kenmore Bridge and the north bank the new apartment blocks immediately to the south of the Boathouse and associated cottage will tower above these Listed Buildings and have a significant impact on their setting. The setting of the Grade A Listed bridge will also be compromised to some degree. The easternmost block of this group, although replacing an extension which is not conducive to the traditional character of the hotel, will be of a larger mass and scale which will physically distort and visually mask the hotel's west gable end.

Development to the East of Hotel

- 44 A further key area of concern is the proposed part-demolition and alteration of the courtyard stable block which is attached to the Library/Librarian's House and is an important element of the Listed Building group. The stable block has historical and architectural character and although certain sections appear to be in relatively poor condition there are no derelict elements.
- 45 No Listed Building should be lost to the environment unless it can be demonstrated beyond reasonable doubt that every effort has been made to find practical ways of keeping it and incorporating it into the overall development scheme. No structural support of this Building has been submitted with the application and no feasibility study exploring how the Building could have been retained and converted and therefore incorporated into the development has been submitted. The demolition of this Building appears to be proposed due entirely for convenience to allow newer elements to be built.
- 46 The proposals involve the demolition of the majority of the stone built north range, demolition of part of the east range and significant alteration to the remaining courtyard elevation of the east range. The new build element proposed to replace the majority of the north range will encroach into the

traditional courtyard space thus distorting the original spatial arrangement of these stable buildings. The mass and height of this new build element will also dominate the remaining north and east range to an unacceptable degree.

- 47 When viewed from the north bank of the Tay, which is still within the Conservation Area, the setting of the north range Building of the stable block and views of the distinct roofscape of the Library will be adversely affected by the mass and height of the western section of the new apartment block development.

River Front Detached Dwellinghouses

- 48 Four detached houses, essentially two storeys in height, are proposed along the south bank of the River Tay to the east of the hotel and adjacent to existing private dwellinghouses which are within separate ownership. The woodland in this location is an uninterrupted frame to the river and makes a positive contribution to the setting of the Conservation Area. Any breaching of this wooded river bank could potentially have a significant and adverse impact on the setting of the Conservation Area. It is important that any structures here sit comfortably within the existing tree mature cover. Whilst the proposal is to retain most of the trees in this area, in my view the introduction of such a significant level of built form within this wooded area will significantly alter the visual aspect of the river bank and detrimentally affect views from the Conservation Area to the detriment of the character of the Conservation Area. The applicant's agent has again been made aware from an early date that I would not support any development within this location but has decided to proceed with the proposal. I also have significant concerns regarding built development in this location and the likely detrimental impact on the residential amenity of neighbouring dwellings and the potential flood risk associated with development here, both of which will be discussed elsewhere in this report.
- 49 The overall density, mass and scale of the proposed development will have a significant and adverse impact on several Listed Buildings and on the traditional rural village townscape of the Kenmore Outstanding Conservation Area. No justification has been provided for the demolition of the Listed stable block. The proposal is therefore considered contrary to policies 2, 5 and 28 of the Highland Area Local Plan 2000 and to Sustainable Communities Policy 9 and Environment and Resources Policy 8 of the Perth and Kinross Structure Plan. This is also backed by further material considerations including the Scottish Government's recently published Scottish Planning Policy and by Historic Scotland's "Appendix 1 Guidelines for the Detailed Consideration of Listed Building and Conservation Area Consent Cases" both of which seek to ensure development does not detrimentally affect Listed Buildings or Conservation Areas.

Flooding

- 50 The application site is located directly adjacent to the River Tay. There is a historical record of flooding in Kenmore, with photographs of flood events in both 1990 and 2006 provided by SEPA. SEPA have been consulted on the

application and have objected due to the lack of information submitted in regard to flood risk. A flood risk assessment has been submitted with the application and SEPA have indicated that they are satisfied that the proposed finished floor levels of the main hotel extension, apartments and semi detached properties are above a significant risk of flooding. However, SEPA have requested that additional information is submitted before they can remove their objections. This includes confirmation that the proposal has been amended to remove the 4 detached properties at the east of the site which are all at risk of flooding. They have also sought confirmation that the northern area of the site containing the other proposed Buildings requires no landraising or encroachment outwards towards the River Tay.

- 51 The applicant's agent was sent a copy of SEPA's consultation response and asked to address the concerns. Having waited a number of months, with no reply, despite frequent reminders, the applicant's agent submitted a draft revised proposal for the four detached units to the east within the woodland on the river bank. This did not remove the 4 detached units as requested by SEPA but sought to alter their location. The applicant's agent was advised that the deletion of these units or alteration of their location was considered to be a significant material change to the application and as such, in line with recent Council policy, and in line with the new planning legislation, the application required to be withdrawn. A deadline was set asking the agent to confirm withdrawal of the application. However, no response was received and therefore I have chosen now to progress to a recommendation of refusal. Given that the applicant has failed to provide the required information to address SEPA's concerns in regard to flood risk I intend to also recommend to refuse the application due to the lack of information in regard to flood risk. The proposal is therefore considered contrary to Environment and Resources Policy 9 of the Perth and Kinross Structure Plan and Policy 7 of the Highland Area Local Plan 2000.

Natural Heritage/River Tay SAC

- 52 SNH has objected to the application in its current form.

Bats

- 53 Bats are designated as a European Protected Species (EPS). Bats were recorded within the Buildings during a 2005 survey. SNH have indicated that they consider the bat survey which was carried out in March 2009, which is included in appendix 2 of the Ecological Assessment submitted with the application, to be inadequate as it was carried out at a time of year when pipestrelle bats are unlikely to be present on site. The previous survey indicated that pipestrelle bats were present in some areas. SNH have therefore advised that a further survey should be carried out between May and Mid August. The applicant's agent was given a copy of SNH's response in August 2009 and was made aware of their concerns regarding bats and I have sent reminders on this matter since then, however no further survey work has been submitted to date and no indication has been given that this survey work was to take place at any point in the future. I therefore do not consider the information

submitted to date is sufficient to demonstrate that the proposed development will not have an adverse impact on bats and therefore the application in its current form is considered contrary to Policy 14 of the Highland Area Local Plan which seeks to protect European Protected Species.

Otter

- 54 SNH have indicated that they have otter survey records from 2004 in addition to the survey work carried out by the developer at this location. No holts or resting places were found, in any of the surveys but SNH have indicated that they would expect otters to utilise the riverbank, and in particular where it is proposed to construct the 4 riverside detached houses. They have therefore requested that a further survey is carried out immediately prior to any work commencing on site, and SNH consulted should any holts or resting places be found.

River Tay Special Area of Conservation (SAC)

- 55 SNH's consultation response of August 2009 indicates that the proposed development is likely to have a significant effect on salmon and lamprey interests of the SAC due to the release of sediment to the river during construction, which could smother salmon and lamprey habitat and impede salmon and lamprey migration. SNH have also advised that the proposed drainage system may impact on salmon and lamprey due to the potential for a reduction in water quality of the SAC. SNH have therefore requested additional information to allow them to make a further assessment of the potential impact the development may have and to allow the Council to carry out an appropriate assessment in view of the conservation objectives for salmon and lamprey. The additional information required is:

- A Construction Method Statement to demonstrate pollution prevention safeguards, the storage and disposal of materials, details of site facilities and the timing, duration and phasing of construction.
- A Drainage Strategy which demonstrates that the development will not lead to the deterioration in water quality, which would have an adverse impact on salmon and lamprey interests and therefore threaten the integrity of the SAC. The strategy should also demonstrate a comparison between the current use of the land and the proposed use.
- Details of any in river working should be provided as it is SNH's understanding that the 4 detached houses will be partially in the river, the applicant is therefore required to provide survey information to ascertain whether lamprey habitat is present in these areas. The CMS should demonstrate how the applicant will prevent the release of fine sediment into the river during construction.

- 56 Again details of the above requirements were passed to the applicant's agent in August 2009 and to date no response has been received despite the repeated reminders from the Case Officer.

- 57 Therefore, in my view, the lack of information provided in regard to the above fails to demonstrate that the development will not have an adverse impact on the River Tay SAC and therefore the proposal is considered contrary to Policy 13 of the Highland Area Local Plan 2000. Members should be aware that if they chose to support this application, contrary to the officer's recommendation, that the application will require to be notified to the Scottish Ministers due to the effects on the River Tay SAC and decision against the advice of SNH & SEPA.

Drainage

- 58 It is proposed to connect the development to a septic tank with discharge to a soakaway despite my understanding that the Kenmore Public Waste Water Treatment Works is being developed in the near future (08/01496/FUL). Having discussed this with Scottish Water I understand that the new WWTW will have capacity to serve the proposed extension to the hotel and has been specifically designed with this in mind. The application form does state that the drainage will be a private system. SNH have requested further details in this regard to ensure this system will not detrimentally affect the water quality of the SAC. This is discussed in more detail above in the "River Tay SAC" section.

Archaeology

- 59 Perth and Kinross Heritage Trust (PKHT) have been formally consulted on the application in regard to the potential archaeological interests which may be apparent on the site. PKHT have identified various parts of the site which could have archaeological potential. Therefore in line with PAN 42 and Highland Area Local Plan 2000 Policy 26 PKHT have recommended that a condition be attached to any consent given to ensure that a programme of archaeological works is implemented and that a standing Building survey of any Buildings to be demolished is carried out.

Education

- 60 Education and Children's services have indicated that this development would breach the 80% capacity trigger for the local Kenmore Primary School and therefore the Primary Education and New Housing Contributions Policy should be applied. This development is for entirely holiday accommodation and no permanent residential accommodation is being applied for. Therefore I do not consider the Education Contributions Policy to be relevant in this instance.

Contaminated Land

- 61 After consultation with the Council's Pollution Control Officer there are not considered to be any contaminated land issues associated with this application.

Traffic/Parking

- 62 The application includes the submission of a Transport Statement. The application site is currently accessed from four points, to the east via Taymouth

Castle gate, to the west there is a private access onto the A827 south of Kenmore Bridge and in the centre of the site are two accesses onto the A827 which lead to the courtyard area and small central car park. There are existing car parking spaces to the front of the hotel on The Square.

- 63 It is proposed to form a total of 53 new car parking spaces on the application site to serve the development, these will be located in an eastern underground car park (14 spaces), a central underground car park (18 spaces), a ground level car park next to the Taymouth Castle gate and 12 spaces fronting the A827. The Council's Roads Engineers have been formally consulted on the application and have offered no objections to the proposal and consider the Transport Statement and detailed plans submitted to be acceptable in terms of impact on road safety and parking arrangements.

Noise/Odour/Environmental Health

- 64 Environmental Health have been consulted on the proposal in regard to the potential noise implications of the development. They have stated that the development would include several sources of noise which could, if not adequately controlled, give rise to nuisance conditions at nearby dwellings. They have also indicated that the escape of odour from food preparation could give rise to nuisance at nearby dwellings. They have therefore recommended that conditions be attached to any consent given to control ventilation systems and noise escape. These will ensure Environmental Health have sufficient means to enforce their requirements in terms of nuisance complaints. The general impact of the entire development on residential amenity will be addressed below.

Residential Amenity

- 65 The majority of the application site and hotel Buildings are solely used for holiday purposes and as far as I am aware the Council has received no recent nuisance complaints in regard to noise or odour escape from the hotel premises. However, the introduction of four large detached holiday units to the east of the site, remote from the hotel Building, on the banks of the River Tay, in my opinion will result in a significant impact on the residential amenity of the private dwellinghouses located on Taymouth Drive to the south, in particular numbers 21-31. Currently the properties on Taymouth Drive sit remote from the hotel Building, sufficient to provide them with a reasonable level of residential amenity. The proposal here introduces new tourism/commercial development within very close proximity to these dwellings. The potential noise implications associated with this type of use in such close proximity to private dwellinghouses is not considered to comply with Policy 2(c) of the Highland Area Local Plan 2000 which seeks to ensure any development is compatible with its surroundings in land use terms and does not result in a significant loss of amenity to the local community. No information has been provided by the applicant to demonstrate that the positioning of these units will not have a detrimental impact on the residential amenity of these neighbouring properties. The occupiers of these units have also formally objected to this particular element of the proposal. Whilst in general terms I am satisfied with a small

scale tourist development/extension to the hotel, I am not prepared to accept the introduction of new development within such close proximity to existing dwellinghouses where no guarantee can be given that these units will be protected from noise escape.

Economic Impact

- 66 The submission includes a report which evaluates the economic and employment impacts of the proposal. This states that the reasoning for the scale and size of the proposal is to attract a major hotel company, which is trading at a UK level, to invest in the property. A minimum of 100-120 bedrooms or equivalent accommodation is required for this. The report goes on to state the size of the proposed development, in terms of the number of bedrooms, to appeal to chain operators is vital. The applicant clearly has a vision for the future of the hotel and this development is supported by the Council's Economic Development Department and in general terms is supported by the Development Plan. However this type of development and the introduction of economic development to an area requires to be in the correct location. As described elsewhere in this report the scale of the proposal is not considered to be appropriate for this location within Kenmore Conservation Area and in close proximity to a number of Listed Buildings. The economic benefit of this proposal is not considered to outweigh the detrimental impact on the character of the Conservation area or the setting and character of a number of Listed Buildings.

Public Access/Paths/Recreation

- 67 The Council's Access Officer's have been consulted on the application and they have advised that there is a proposed core path which passes through the application site along the riverside. The proposed development would require the route of the core path to be altered. The Access Officer has suggested that if the route is altered to accommodate the development then the route should be re-instated to a multi use standard and have a minimum width of two metres. SNH have also commented on the proposal in regard to public access and recreation and have requested that if any approval is granted that this be subject to a condition which requests a detailed plan for public access throughout the site both during construction and upon completion.

Planning Authority with an Interest in the Land

- 68 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. The planning authority has no interests in this particular site and therefore a notification to the Ministers is not required.

LEGAL AGREEMENTS

69 None required

DIRECTION BY SCOTTISH MINISTERS

70 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

71 Whilst the introduction of a larger and improved tourist facility to this Highland Perthshire location are welcomed and in general supported by the Development Plan this should not be to the detriment of the character and visual amenity of the Conservation Area, to the detriment of the setting of the Listed Buildings in the area and therefore to the detriment of the very character and appearance which leads to this being a popular tourist destination. I am not convinced that the detrimental visual impact which the scale and massing of this development will have on Kenmore is outweighed by the economic benefit of this proposal. The applicant's agent was made aware from an early stage, by the Planning Authority, prior to this application being submitted that the scale of the proposal was considered to be excessive and constitute overdevelopment and would not be supported. Whilst the agent made some changes to various design elements of the proposals in an attempt to address my concerns, the overall scale of the development was not altered. The applicant has been given every opportunity to address the Council's concerns regarding overdevelopment and reduce his aspirations for the site to a more reasonable level but has chosen not do so. The application is considered contrary to policies within both the Perth and Kinross Structure Plan and the Highland Area Local Plan and this is backed up by Scottish Government guidance and advice. I therefore have no alternative but to recommend the application for approval.

RECOMMENDATION

A Refuse the application for the following reasons:

- 1 The proposed development due its scale and the overdevelopment of the site does not have regard to the scale, form and density of development within the locality and as such is considered contrary to Policy 2(b) of the Highland Area Local Plan 2000.
- 2 The proposal is contrary to Policy 2(c) and 87 of the Highland Area Local Plan 2000 as the erection of four large detached holiday units on the eastern area of the site directly adjacent to residential properties on Taymouth Drive is considered to be detrimental to those properties residential amenity.

- 3 Insufficient information has been provided to demonstrate that the proposal will not place Buildings and persons at flood risk, the proposal is therefore contrary to Policy 7 of the Highland Area Local Plan 2000 and Perth and Kinross Structure Plan 2003 Environment and Resources Policy 9 which specifically do not permit development in areas liable to flooding.
- 4 Insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on the conservation interests of the River Tay SAC. The proposal is therefore contrary to Policy 13 of the Highland Area Local Plan 2000.
- 5 The proposal is contrary to Policy 14 of the Highland Area Local Plan 2000 which seeks to protect species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 as amended; Annex II or IV of the European Community Habitat Directive as the bat survey submitted is not considered sufficient, due to the date when it was compiled, to demonstrate that the development will have no detrimental impact on bat species.
- 6 The proposed development, due to its scale and resulting overdevelopment of the site would detract from the character and setting of the Category A, B and C(s) Listed Buildings and structures both within and in close proximity to the application site. The proposal is therefore contrary to Policy 28 of the Highland Area Local Plan 2000.
- 7 The proposal is constitutes overdevelopment of a physically restricted site contrary to policy 87 of the Highland Area Local Plan 2000 which identifies areas where residential amenity and village character will be retained and if possible, improved. Infill development within those areas will only be permitted where this will not have a significant adverse affect on the density, character or amenity of the area concerned. The proposal represents an overdevelopment of the site which would detrimentally alter the village character of Kenmore.
- 8 The proposal is contrary to Policy 87 of the Highland Area Local Plan 2000 which gives general encouragement to proposals for small scale tourism and leisure facilities in villages. The proposal is an overdevelopment of the site and is not considered to be of a small scale nature which is characterised within this central area of Kenmore.
- 9 The proposed development, due to its scale and resulting overdevelopment of the site would harm the essential character and fail to preserve the character of the Kenmore Outstanding Conservation Area and is therefore contrary to Policy 95 of the Highland Area Local Plan 2000.
- 10 Approval would be contrary to the Perth and Kinross Structure Plan, Environment and Resources Policy 8 that 'new development which would adversely affect Listed Buildings, Conservation Areas, ... or their setting will not be permitted unless there is a proven public interest ...' and Sustainable Communities Policy 9 as the proposal fails to make a positive contribution to character/quality of built environment.

- 11 Approval would be contrary to the Planning Authority's statutory duties in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the setting of Listed Buildings (Section 14(2)) and to pay special attention to the desirability of preserving the character of a Conservation Area (Section 64(1)) and to Historic Scotland's 'Appendix 1 Guidelines for the Detailed Consideration of Listed Building and Conservation Area Consent Cases'.
- 12 The proposal is contrary to Scottish Historic Environment Policy 2008 as the scale, and resulting overdevelopment of the site is not conducive to the traditional vernacular architecture of the Kenmore Outstanding Conservation Area and will detrimentally dominate this important central element of the Conservation Area and therefore fails to enhance or preserve the Kenmore Conservation Area. It also will also detrimentally affect the setting of a number of Listed Buildings.

B JUSTIFICATION

- 1 The proposal is contrary to the Development Plan and there are no material considerations to justify a departure there from.

C PROCEDURAL NOTES

If the decision of the Development Control Committee is to approve the application then it will require to be referred to the Scottish Government as there are objections from statutory consultees, namely, SEPa and SNH.

D INFORMATIVES

Nil

Background Papers: Seven letters of representation
Contact Officer: John Williamson – Ext 75360
Date: 15 April 2010

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

09/01162/FLM

Erection 30 apartments, 24 hotel suites & 4 houses, Kenmore Hotel,



Scale : 1:5000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	25 March 2010
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