

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: 09/01163/LBC
Ward No: N4– Highland

Summary

This report recommends refusal of the application for Listed Building consent 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 policy 28 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. The material considerations apparent in this instance, including Scottish Planning Policy serve to add weight to this recommendation of refusal.

BACKGROUND AND DESCRIPTION

- 1 Listed Building consent is sought for the erection of 30 apartments, 24 hotel suites together with new hotel facilities, the demolition of 2 existing suites and the erection of 4 dwellinghouses all for holiday use at the Kenmore Hotel in Kenmore. There is an associated full planning application which is also under consideration at this committee (09/01162/FLM). 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.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 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.

Of relevance to this application are

- Paragraphs 110 -124 : Historic Environment
- Paragraphs 113 -114: Listed Buildings

Scottish Historic Environment Policy 2008 (SHEP)

- 4 The Scottish Historic Environment Policy sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.

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 principle relevant policies are in summary: -

Environment and Resources Policy 8

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

Sustainable Communities Policy 9

- 7 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
- 8 Highland Area Local Plan 2000 Under the Local Plan the site lies within the defined settlement boundary for Kenmore and the Kenmore Conservation Area.

The principle relevant policies are in summary: -

Policy 5 Design

- 9 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.

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 28 Listed Buildings

- 10 There will be 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.

OTHER POLICIES

- 11 None

SITE HISTORY

- 12 **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**
- 13 **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

- 14 **08/00290/LBC** Alterations and Extension – Approved May 2008
- 15 **08/00296/FUL** Alterations and Extension – Approved April 2008
- 16 **08/02139/FUL** Erection of boiler house/store – Refused December 2008
- 17 **08/02208/FUL** Removal of conservatory, erection of cantilevered balcony and alterations- Approved January 2009
- 18 **08/02214/LBC** Removal of conservatory, erection of cantilevered balcony and alterations- Approved January 2009

CONSULTATIONS

- 19 **Historic Scotland** object to application due to proposed demolition of part of steading building and the extension and introduction of a number of new elements which will obscure the original character of the building.

REPRESENTATIONS

- 20 A total of four letters of representation have been received, all of which object to the proposal. Of these four 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

- 21 The impact on the character of Listed Buildings will be assessed in this report. Any other aspects above will be fully considered within the report for full planning permission (09/01162/FLM) which is also under consideration at this committee.

22 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

- 23 In accordance with Regulation 5 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 the Listed building application has been advertised in the Local Press, Edinburgh Gazette and a site notice was posted on the 7 July 2009.
- 24 The determining issues in this case are:- the statutory requirement under Section 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses; whether the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

Design/Scale/Impact on Listed Buildings

- 25 The site is 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.
- 26 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 and on the setting of the Category A Listed Kenmore Bridge.

Development to the West of Hotel

- 27 The potential impact of the new apartment block with underground car park adjacent to the West House (B Listed) 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 listed 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, part of which is Category B Listed, occupies the boundary of the site, beyond this wall is an area of rough landscaping. The west elevation of the listed hotel will be partially obscured by the large new development proposed.

- 28 When viewed from the Kenmore Bridge and the north bank the new apartment blocks immediately to the south of the Boathouse (Category C(s) Listed, and associated cottage will tower above these Listed Buildings and have a significant impact on their setting. The setting of the Category A Listed Kenmore 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

- 29 A further key area of concern is the proposed part-demolition and alteration of the courtyard stable block (B Listed) which is attached to the Library/Librarian's House (B Listed) 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.
- 30 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.
- 31 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.
- 32 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, all of which are Listed Buildings, will be adversely affected by the mass and height of the western section of the new apartment block development.

- 33 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 Environment and Resources Policy 8 and Sustainable Communities Policy 9 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 which seeks to ensure development does not detrimentally affect Listed Buildings or Conservation Areas.

Planning Authority with an Interest in the Land

- 34 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

- 35 None required

DIRECTION BY SCOTTISH MINISTERS

- 36 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

- 37 The overall scale of the development is considered to have a detrimental impact on the character of a number of Listed Buildings located within the application site. The proposal also involves the partial demolition of part of a Listed Building with no structural justification for doing so. The proposal is contrary to Environment and Resources Policy 8 and Sustainable Communities Policy 9 of the Perth and Kinross Structure Plan 2003 and to Policy 28 of the Highland Area Local Plan 2000. The Scottish Government and Historic Scotland advice and guidance in relation to Listed Buildings and Scottish Historic Environment Policy 2008, which are material considerations in this instance, both serve to add weight to a recommendation of refusal in this instance.

RECOMMENDATION

A Refuse the application for the following reasons:

- 1 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'.
- 2 The proposal is contrary to Scottish Historic Environment Policy 2008 as the scale of the proposal, and resulting overdevelopment of the site is not conducive to the traditional scale and proportions of the B Listed Kenmore Hotel and neighbouring Listed Buildings.
- 3 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.
- 4 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.

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

None

D INFORMATIVES

Nil

Background Papers: Four letters of representation
Contact Officer: John Williamson – Ext 75360
Date: 12 April 2010

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

09/01163/LBC

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



Scale : 1:5000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
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