

Perth and Kinross Council
Development Management Committee – 14 May 2014
Report of Handling by Development Quality Manager

Alterations, extension and change of use from former public building (Class 10) to form hotel (Class 7) with related facilities and other ancillary accommodation, Perth City Hall, King Edward Street, Perth, PH1 5UG

Ref. No: 14/00297/FLL
Ward No: 12– Perth City Centre

Summary

This report recommends approval of the application for alterations, extension and change of use from former public building (Class 10) to form hotel (Class 7) with related facilities and other ancillary accommodation as the development is considered to comply with the Development Plan.

DESCRIPTION

- 1 Full planning consent is sought for a change of use of the Perth City Hall to form a Class 7 Hotel with related facilities and other ancillary accommodation. The current City Hall is located in the heart of Perth's City Centre in the St John's area and is listed as key building within the Conservation Area Appraisal. The building's main entrance is on the western boundary which fronts King Edward Street and St John's shopping centre. The buildings to the north and south of the City Hall on St John's Place and South St John's Place predominantly consist of restaurant and café uses on the ground floors with residential accommodation on the upper floors. This area forms Perth's café quarter. St John's Kirk, a townscape landmark and arguably the most important building in the city due to its importance in the founding of the medieval burgh, is located to the east of the site, it is Listed Category A. There is an associated listed building consent application (14/00298/LBC).
- 2 It should also be noted that there is a current application for the demolition of the City Hall under consideration (14/00292/LBC). An extant planning consent for the formation of a City Square on the site of the City Hall also exists (11/01082/FLL).

BACKGROUND

- 3 Perth City Centre has diverse townscape character, with areas of high quality Georgian and Victorian development. It is an important retail centre also serving residents from surrounding smaller towns, at the same time retaining important elements of its historical built environment. It is popular with tourists for its character, appearance and amenities.
- 4 The current adopted Tayplan 2012 and Local Development Plan 2014 provide a strategic vision for the region and a framework for the city centre. This sets

out the Council's aspiration for a vibrant and viable city centre with a high quality environment and diverse range of land uses which serves its hinterland.

- 5 The St John's area where the City Hall is located is one of the earliest areas of the city to have developed. Historical maps show that area around St John's Kirk has evolved over time and has had considerable phases of development. The area where the current City Hall was erected previously contained the Session building, an earlier City Hall, and an open market space. The Local Development Plan indicates that the City Hall is located in the Perth prime retail core, where retail use is encouraged, but also in an area where the Council will support and encourage the development of Class 2 and 3 uses (building societies, estate agents, restaurants and cafes).
- 6 There is an extensive background to the City Hall site and in order to provide context for this application this is outlined in detail below.
- 7 In January 1996, following a public consultation exercise for a proposal to demolish the City Hall and to construct a replacement at Horse Cross, the former District Council agreed to "make application for financial assistance to the Millennium Commission for the creation of a new city square and the erection of a new City Hall at Horse Cross". The new Perth Concert Hall at Horse Cross was subsequently opened in 2005, however the planned removal of the City Hall and the creation of a public space did not proceed at that time. The Council took the view that given the building's importance it would be prudent to attempt to market it before reverting to its Development Plan objective of creating a new city square.
- 8 Therefore, in February 2004 the Council agreed to advertise the City Hall as a development opportunity to establish the case for potential re-use. Marketing resulted in Wharfside Regeneration coming forward with a mixed use retail development focusing on speciality retailing and restaurant uses with a design that increased the permeability of the building. This proposal was approved in 2006. The design proposals were consistent with conservation objectives in that they minimised the intervention to the fabric of the building and met some of the Council's objectives in relation to an improved setting for St John's Kirk. The scheme provided for enhanced views of the church and better integrated the City Hall with surrounding exterior space. The uses were consistent with the Development Plan framework and analysis of retail capacity, performance and opportunities within the city centre at that time.
- 9 In 2008, following failure to secure key retail tenants, Wharfside amended its proposals to increase non-retail uses within the building and reduce the opening at the east end of the building adjacent to St John's Kirk. They were granted planning consent and an extension of time to do so. The Council subsequently received indicative proposals from Wharfside in respect of further alternative design and uses for and a proposed new sole sub-tenant in the form of Artspace Scotland. Unfortunately, neither Wharfside nor Artspace were able to progress the proposed alternative development. Following a report to Council on 2 September 2009, it was agreed to terminate the agreement with Wharfside and bring forward options for the building.

- 10 Subsequently the Council agreed to undertake consultation with the public and key stakeholders on all previously identified options for the Perth City Hall and how these might assist in delivering its vision for a vibrant and viable city centre with a high quality environment and diverse range of land uses. The options for consultation were agreed as:
- (i) Do nothing/do minimum
 - (ii) Re-use of the building
 - (iii) Partial demolition
 - (iv) Full demolition of the City Hall and creation of a civic square/public space
 - (v) Full demolition and redevelopment on part of the site.
- 11 To evaluate fully the tangible and intangible costs and benefits of the options to the economy and community, as well as the risks associated with the various options, Locum Consulting and Colliers International were instructed to carry out an HM Treasury 'Green Book' appraisal of all previously identified options which provides a framework to ensure consistency and transparency in the appraisal process of all policies, programmes and projects throughout government. The consultants remit was to 'utilise Perth and Kinross Council's property assets in such a way that delivers best value for Perth and the Local Authority area'. The process set out to establish and evaluate the costs and benefits of each of the options in financial, socio-economic, environmental, time, risk and quality terms through the review of comparators, best practice and development appraisal. This June 2010 appraisal concluded that demolition and creation of a square would deliver significant economic and community benefits.
- 12 The Council therefore agreed to the preparation of proposals for a square for full consideration through the planning process following consultation with the public, directly affected parties and key stakeholders. This has helped inform the decision making process by providing evidence in relation to public and business support and potential use of the space.
- 13 This subsequently led to the application for the civic square under application 11/01082/FLL referred to in paragraph 1 above which was approved in December 2011.
- 14 Although planning permission was granted for the proposed development of a city square, an application for LBC for the demolition of the building was refused (Ref. No: 11/01083/LBC) by Historic Scotland based on the following:
- "The proposal is contrary to Scottish Historic Environment Policy as there is a lack of evidence that:*
- *the anticipated benefits for Perth can only be delivered by the demolition of the building and that similar benefits cannot be achieved through its retention and conversion;*
 - *there are no alternative sites which might offer similar benefits; and*

- *there is no alternative to demolition via marketing to potential restoring purchasers at a price reflecting its location and condition for a reasonable period”.*

- 15 Following this decision, the Council determined that the most appropriate course of action was to carry out a re-marketing of the building, and appointed Jones Lang LaSalle (JLL) to carry this out. This was in order to demonstrate the viability and wider economic benefits of any proposals, and to seek comfort in terms of the availability of funding for any proposals. A report was then prepared outlining the outcomes of this marketing exercise.
- 16 After two stages of marketing, one bid was received from the Perth City Market Trust (PCMT) on 31 October 2013. PCMT proposed to convert the City Hall into a mixed use development comprising the retail sale of local food produce and space for additional community enterprises and cultural uses.
- 17 The bid received was analysed by Jones Lang LaSalle (JLL) on behalf of the Council and concluded that “the deliverability of their concept in terms of the proposed commercial terms, business case and funding arrangements are, in our opinion, lacking in detail and raise significant concerns regarding the ability of PCMT to deliver the project”.
- 18 Based on the above conclusion, the marketing report recommends that the Council:

“(i) Note the advice received by Jones Lang LaSalle in respect of offer submitted by Perth City Market Trust.

(ii) Reject the offer by Perth City Market Trust on the basis of insufficient supporting information in respect of the Heads of Term, commercial viability, funding and economic benefits as required in relation to the submission criteria.

(iii) Instruct the Executive Director (Environment) to resubmit an application for demolition of the building for determination by Scottish Ministers.”

- 19 Following this process an application for the demolition of the City Hall was registered on 17 February 2014 and is currently under consideration.
- 20 This application for the change of use of the City Hall to a hotel was received on 18 February 2014.

Proposal

- 21 The proposed hotel will comprise a 32 bedroom, five star rated hotel with amenities including a restaurant, bar, banqueting facilities and outdoor terrace area. The hotel is proposed over 3 floors with terraces proposed at roof level. The existing balcony seating area within the main hall is proposed for removal to divide the main hall into the proposed three storey bedroom accommodation with the accommodation positioned to take account of existing window positions.

Basement

- 22 The under build areas at basement level are proposed to be altered to accommodate plant space, storage and some office space.

Ground Floor

- 23 The existing main entrance from King Edward Street will be utilised as the entrance into the foyer area of the hotel. The ground floor entrance area is proposed to house the reception area, toilet facilities, luggage area and staff office accommodation. 10 bedrooms are proposed at ground floor level. The lesser hall is to be retained entirely to accommodate a dining hall/banqueting/function area with space for 100 covers. A service entrance is proposed on the north elevation from St John's Place.

First Floor

- 24 The first floor is to accommodate 13 bedrooms and the hotel's kitchen.

Second Floor

- 25 The work proposed to the second floor will allow the decorative vault ceiling to be exposed as much as possible with various historic features exposed within 9 bedrooms proposed at this level. The proposed restaurant at the eastern end of the building will also allow a full bay of the main hall ceiling to be exposed and will open out onto an outdoor terrace area which will face towards Kirkside and to the St John's Kirk to the east. This restaurant is proposed to be open to the public and will have space for 180 covers (with 30 covers on roof terrace – weather permitting).

Roof Level

- 26 At roof level the unused flat roof areas are proposed to be utilised as terraces for the bedrooms at second floor level. A larger outdoor terrace area is also proposed to serve the restaurant at second floor level as described above.
- 27 In total the overall hotel accommodation equates to 4,500m².
- 28 No car parking facilities are proposed, however a pull in area is proposed adjacent to the main entrance and off site parking through a valet service is proposed. The one way system around the building is proposed to be altered to allow traffic to enter from South Street on King Edward Street and then along the south side of the building in an anti-clockwise fashion.

NATIONAL POLICY AND GUIDANCE

- 29 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 1 and 2 the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

The Scottish Planning Policy 2010

- 30 The 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.
- 31 The following sections of the SPP are of particular importance in the assessment of this application:-
- Paragraphs 45-48, 52-61 Economic Growth.
 - Paragraphs 110-117, 123-124 Historic Environment.
 - Paragraphs 142-145 Protected Species.
 - Paragraphs 149-158 Open Space and Physical Activity.
- 32 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-
- PAN 2/2011 Planning and Archaeology
 - PAN 60 Planning for Natural Heritage
- 33 The following documents from Historic Scotland are also of crucial importance in the determination of the application:-
- Scottish Historic Environment Policy July 2009 (SHEP)
 - Managing Change in the Historic Environment guidance series

TAYPlan Strategic Development Plan 2012-2032

- 34 The TAYplan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 35 The principal relevant policies are in summary: -

Policy 2: Shaping Better Quality Places

- 36 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

- 37 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 7: Town Centres

- 38 Whilst there is no policy which is directly applicable, the text relating to town centres is relevant. It states ‘the region’s town centres are where many businesses, services and facilities are located and are some of the most accessible locations by a range of transport modes. Protecting and enhancing the vitality and viability of all centres, and particularly town centres, directly contribute to providing good quality places and to the region’s economic competitiveness. Therefore the mix and quality of town centres and their land uses have a critical role in delivering the vision and objectives of this Plan’.

Local Development Plan (LDP) 2014

- 39 The LDP sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

- 40 The Plan recognises that the majority of that growth focuses on Perth City and its Core area. The application site is identified as part of a Town and Neighbourhood Centre (Prime Retail Core).
- 41 The principal relevant policies are in summary: -

PM1: Placemaking

PM1A

- 42 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

PM1B

- 43 All proposals should meet the placemaking criteria set out.

RC1: Town and Neighbourhood Centres

- 44 Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out.

HE2 Listed Buildings

- 45 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

Policy HE3 Conservation Areas

HE3A

- 46 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

Policy TA1B Transport and Accessibility

- 47 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy HE1B Non Designated Archaeology

- 48 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ.

Other Policies and Documentation

49 In addition the following documents are relevant in the determination of the application:

- Putting A New Heart in Perth 1996
- Perth Economic Development Strategy and Action Plan 1997: A vision for 2010
- Perth Economic and Environmental Audit 1996
- Perth Farmers' Market Economic Impact Study 2005
- Perth Concert Hall and Perth Theatre Impact Assessment 2008
- Perth City Hall Precinct Study 1992
- Perth City Environmental Improvements 2000
- Perth Central Conservation Area Appraisal 2008

Planning Site History

98/01525/FUL - Change two basement windows to louvered grilles, 14.04.1998

00/00051/FUL - Siting of farmers market on first Saturday of every month, 17.05.2000

04/00506/NID - Addition of wall mounted street lighting, 05.07.2005

06/00537/LBC - Removal of organ for refurbishment and relocation, 12.06.2006

06/01169/FUL - Alterations to and change of use of city hall to form speciality shopping centre with restaurants and market stalls, 09.11.2006

06/01170/LBC - Alterations to and change of use of city hall to form speciality shopping centre, 09.11.2006

08/00478/FUL - Alterations to and change of use of city hall to form speciality shopping centre containing shops, restaurants, market stalls and event space (amendment of 06/01169/FUL), 04.06.2008

08/00479/LBC - Alterations to and change of use of city hall to form speciality shopping centre containing shops, restaurants, market stalls and event space (amendment to 06/01170/LBC), 27.06.2008

11/01082/FLL Demolition of City Hall and construction of a new City Square – Approved 02.12.2011

11/01083/LBC Demolition of City Hall and construction of a new City Square – Refused 9 May 2012

Consultations

50 **Perth and Kinross Heritage Trust** – No objection subject to condition regarding scheme of archaeological investigation.

51 **Scottish Water** – No objection

52 **Environmental Health** – No objection subject to conditions

53 **Waste Services** – No objection subject to condition

Representations

54 A total of two letters of representation have been received both offering support to the proposal.

55 The letters raise the following issues:

- § Sustainable re-use of listed building
- § Increase footfall and create employment

ADDITIONAL STATEMENTS

56

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	Conservation Statement, Supporting Planning Statement and Economic Feasibility Study submitted

Appraisal

Policy

57 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 Local Development Plan 2014 are outlined in the policy section above.

Policy Appraisal

58 The City Hall is located within an area allocated for City Centre where Policy RC1 applies. This encourages Class 1 retail uses. It also states that the Council will encourage leisure, entertainment, recreation, cultural and community facilities provided that they contribute to the character, vitality and

viability of the retail area and meet certain criteria. In general terms, the proposed use of the building as a hotel in this City Centre location is considered acceptable and meets the requirements of the LDP. These criteria will be assessed in more detail below.

Viability and Vitality of City Centre

- 59 As is outlined in the background section above the City Hall has been vacant for some time and therefore the introduction of a hotel, restaurant and bar facility will increase footfall in the area and introduce a mixture of uses to the area which in general terms will improve the vitality and viability of the city centre. The supporting statement submitted with the application indicates that the hotel will cater for both business and tourist/leisure use customers whilst also adding choice to the restaurants available in the City Centre. The restaurant and bar are also proposed to cater for both hotel guests and members of the public.
- 60 The statement also indicates that hotel will generate approximately 80 new jobs (full and part time) with additional employment generated indirectly with suppliers to the hotel. Furthermore the change of use of the building and introduction of a mixture of uses is also likely to be of benefit to the immediate area and could potentially encourage further investment in the area. It will also allow members of the general public the opportunity to use and enjoy the building for generations to come. Furthermore the construction phase of the development will also bring significant expenditure into the local area.
- 61 The applicant has also submitted a Feasibility Study with the application prepared by Hardies, a recognised property and construction consultant to demonstrate the economic basis for the application. This outlines the amount of investment which will be made in the building and considers the project to be feasible and deliverable in providing a long term use for the listed building.
- 62 The statement provides a comprehensive appraisal of the proposed development and indicates that there has been a substantial design and cost development. Clearly detailed information is yet to be made available but that level of information is likely to come forward should planning and listed building consent be granted at this Committee. Members should be aware that the detailed information required in order to determine the full feasibility of the project is not required as part of the assessment of the planning application and listed building consent application. It will however, be presented by the applicant to the Council as part of the overall consideration of an offer to lease the building should the Council reconsider its current position. Therefore in planning terms the proposal is considered to meet the terms of Policy RC1 as the use is considered to significantly improve the vitality and viability of City and Perth as a whole.

Servicing/Waste Collection

- 63 All receptacles are proposed to be stored at basement level in the north east corner of the proposed hotel. Movement between the basement and ground

floor will utilise a proposed lift. Level access to the public street is proposed as a result of alterations to the doorway on the north elevation. From this doorway bins can be wheeled in and out and moved to and from the lift to basement level. In order to satisfy the requirements of the Council's Waste Services Department a condition is recommended to ensure details of a Waste Strategy are submitted for written approval.

- 64 Deliveries and general servicing are also proposed from this access where the site plan indicates that a dropped kerb will be provide to accommodate delivery vehicles. The existing restaurants and café's on St John's Place are also served by deliveries from this street and therefore the proposals are considered to relate successful to the existing situation.

Archaeology

- 65 Policy HE1B of the Local Development Plan requires that provision is made for the survey and recording of archaeological features in development. The development area is archaeologically sensitive. Perth City Hall was built in 1909 on the site of the market square, the previous City Hall and the public weigh house. It is situated in the core of the medieval burgh of Perth, to the west of St John's Kirk that dates from the early 12th century. Given the site's central location, it is anticipated that archaeological deposits surrounding the City Hall may shed light on early land use and the development of Perth, one of Scotland's premier urban centres in the medieval period. There is a possibility that archaeological remains associated with the wealth of known archaeological sites in the vicinity survive within the development site. It is recommended that archaeological monitoring be carried during any ground breaking works, such as during the installation of the lift shaft, to ensure the recording of any remains encountered.

Residential Amenity

- 66 Policy RC1 of the Local Development Plan requires any new development within the City Centre to ensure that residential amenity is not detrimentally impacted upon. Whilst the application site is located within the City Centre there are a large number of flatted dwellings within close proximity to the application site. The proposal includes the provision of a number of outdoor terrace areas to serve both the bedrooms at second floor level, together with public areas associated with the proposed restaurant, again at second floor level. As such there is a possibility that noise from these outdoor terrace areas may disturb the residential amenity of these flatted dwellings. This area is designated as a city centre and as such it is clear that there will be a mixture of uses in the area with the majority of ground floor premises occupied by commercial uses and therefore it is reasonable to expect that there may be some disturbance caused by these uses.
- 67 I am aware that the hotel, restaurant, bar and outdoor terrace areas are likely to generate a degree of noise and disturbance, however I consider this type of disturbance to be acceptable and common-place within a city centre area. Environmental Health has been consulted and have raised no objections

subject to conditions which will control the potential noise from within the premises and from any associated plant.

- 68 Environmental Health have recommended a condition restricting the use of the outdoor terrace areas with no use permitted after 2200 hours. The majority of the outdoor terrace areas are small in scale and serve individual bedrooms and therefore the likelihood of disturbance from these small scale terraces is considered to be limited. A larger public terrace area is proposed as part of the restaurant at second floor level, however this will face east towards St John's Kirk rather than directly towards the residential properties and as such I consider the impact of this area to be relatively limited. There are two larger terraces on the south and north sides of the building which will be accessed from the restaurant at second floor level which are accessible to members of the public. No objections have been received regarding the impact on residential amenity and as such I am comfortable granting consent without a restriction on the use of these outdoor terraces.

Parking/Transportation

- 69 Policy TA1B requires all new development which will generate significant traffic generation to be well served and easily accessible by all modes of transport, particularly sustainable modes, including walking, cycling and public transport. A Design and Access Statement accompanies the application. This states that no on site parking is proposed, given the nature of the building. A pull in area at King Edward Street at the front of the proposed hotel is proposed for cars with a valet parking service proposed. Given the City Centre location and the nature of the site I am satisfied that the lack of a dedicated parking area at the site is not a hindrance to the proposal. The site is highly sustainable being close to the major bus and rail interchanges and retail and entertainment areas. There are numerous on street cycle parking facilities also located within the immediate vicinity of the site.
- 70 The proposals do involve alterations to the road network around the building including allowing vehicular access from King Edward Street onto South St John's Place with vehicles able to travel around the building in an anti-clockwise direction. There may some requirements for traffic orders to be put in place to allow for this change. Overall Transport Planning have offered no objection to the proposed access and parking arrangements subject to a condition requesting details of a Travel Plan for employees to ensure they are made aware of the various transport options available to them.

Impact on Conservation Area

- 71 Policy HE3A requires that new development must preserve or enhance the character and appearance of the Conservation Area. The proposal involves limited physical alterations to the external fabric of the building. Additional windows for bedrooms at first floor level are to be inserted on the north and south elevations. These are centred above the existing ground floor windows and will not adversely affect the original architecture of the building. A doorway on each of these elevations will be lowered and steps removed to form level

access. An existing non-original ramp on the north elevation will be removed and the original doorway here re-instated.

- 72 The only alteration on the west (principal) elevation will be the removal of the stone steps to the north and south entrance doors and new glazed platform lifts inserted within these recesses. The steps to the central doorway will remain.
- 73 On the east elevation a new glazed inset dormer will be formed in the existing pitched roof. This will access a roof terrace area for the restaurant. No other alterations to this elevation are proposed. There will be no impact upon the setting of the adjacent category A listed building (St John's Kirk).

Flooding

- 74 The application site lies within the 1 in 200 year (0.5% annual probability) flood envelope of the SEPA Indicative River & Coastal Flood Map (Scotland) for the River Tay, however the SEPA flood maps do not take account of Flood Protection measures which in this case will mitigate any flood risk from this source, and is therefore assessed as not being at risk of flooding.

Planning Authority with an Interest in the Land

- 75 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

- 76 None required

Conclusion and Reasons for Recommendation

- 77 The proposal involves limited intervention to the external fabric of the building and as such the overall character of the Conservation Area is being retained. The proposed use complies with overarching aims of the Local Development Plan by introducing a viable commercial use into the building. The overall use will help to improve the vitality and viability of the City Centre and potential lead to further economic investment in the locality. 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 Local Development Plan 2014 and Tayplan 2012. I have taken account of material considerations 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.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the installation of any of the replacement windows full design details including large scale elevations and section drawings of the proposed replacement windows on the north and south elevations shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.

Reason – To protect the character of the Conservation Area

- 3 Prior to the installation of the glazed platform lifts on the west elevation full design details including large scale elevations and section drawings of the glazed platform lifts shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.

Reason - To protect the character of the Conservation Area

- 4 No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason - To protect the character of the Conservation Area

- 5 No new grilles, security alarms, lighting, cameras or other equipment shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason – To protect the character of the Conservation Area

- 6 Roads and associated works (including any variations to Traffic Regulation Orders) shall be undertaken in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to the occupation and use of the approved development.

Reason – In the interests of pedestrian and traffic safety

- 7 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. The plans, as approved, shall be adhered to as part of the operation of the hotel.

Reason - To ensure an adequate travel plan is provided.

- 8 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason – In the interests of residential amenity

- 9 All plant or equipment including any ventilation system associated with the premises shall be so enclosed, attenuated and / or maintained such that any noise there from 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 residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a noise rating curve chart.

Reason – In the interests of residential amenity

- 10 Prior to the installation of any plant or machinery, full details including elevations and section drawings of all plant and machinery shall be submitted for the written approval of the Planning Authority. These details shall ensure minimal impact on the character of the Conservation Area and shall meet the requirements of condition 8 and 9 of this consent. The details, as approved, shall be implemented as part of the site development.

Reason – To protect the character of the Conservation Area and in the interests of residential amenity

- 11 No music amplified or otherwise shall be permitted outside the premises, unless otherwise agreed in writing with the Planning Authority and efforts must be made to minimise the impact of such noise from inside the premises.

Reason – In the interests of residential amenity

- 12 The delivery of goods to the premises shall take place between 07.00hrs to 17.00hrs Mondays to Saturdays and no deliveries on a Sunday unless otherwise agreed in writing with the Planning Authority.

Reason – In the interests of residential amenity.

- 13 Prior to the development being brought into use a strategy to deal with the commercial waste from the premises shall be submitted to the Planning Authority for approval in writing. This shall detail how and where waste will be stored as well as the envisaged collection from the site. Once approved the strategy shall be implemented in accordance with the approved details all to the satisfaction of the Local Planning Authority.

Reason – In the interests of residential and visual amenity and to ensure a suitable waste collection strategy is agreed.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None required

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 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 This is approval of application Ref no (14/00297/FLL) for planning permission only. It does not include any approval for the related Listed Building Consent Ref no (14/00298/LBC). Therefore work should not commence until Listed Building Consen has been received. Carrying out alterations without Listed Building Consent is an offence.
- 6 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)).

Nick Brian
Development Quality Manager

Background Papers: Two letters of representation

Contact Officer: John Williamson – Ext 75360

Date: 14 April 2014

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000



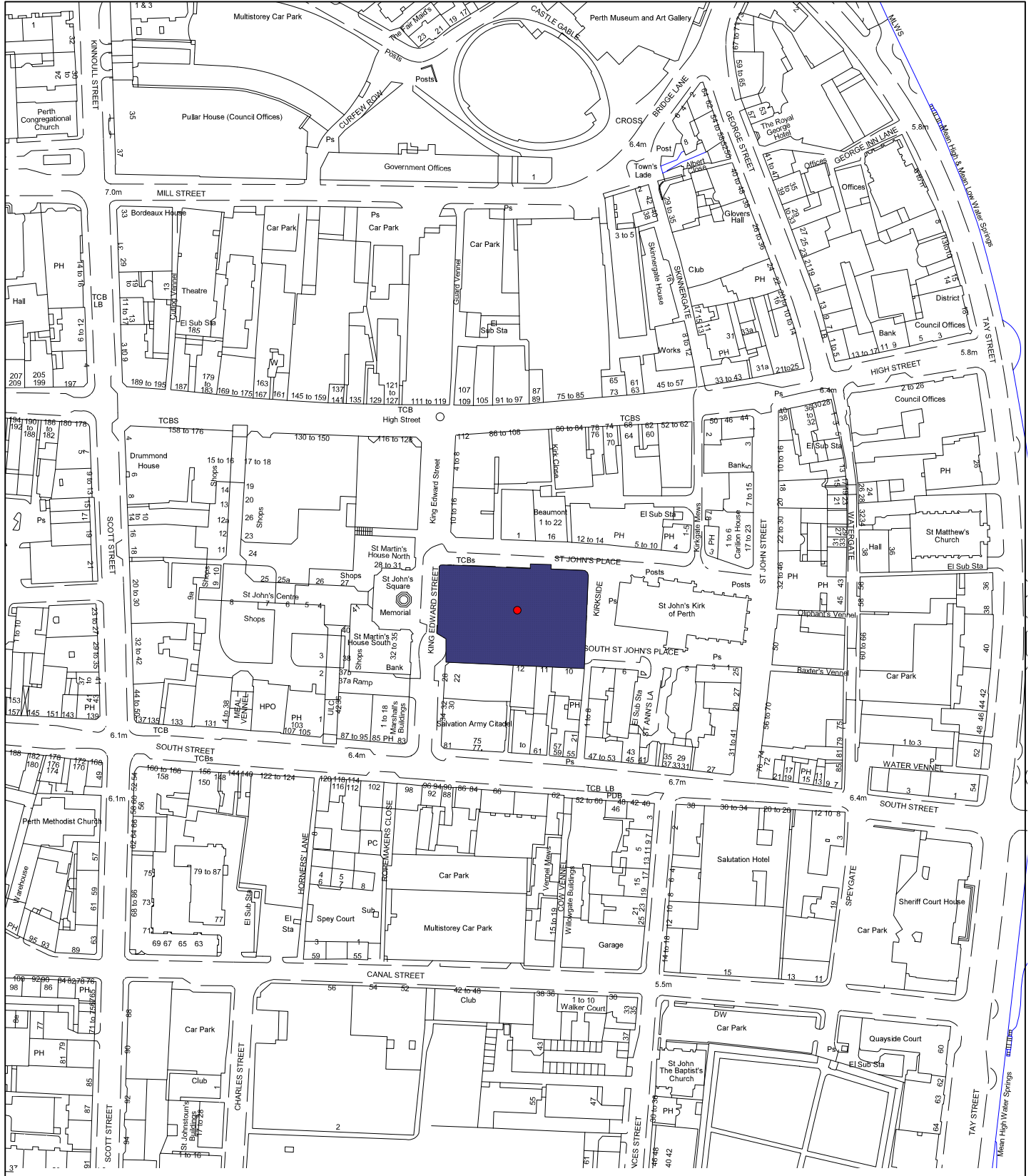
Council Text Phone Number 01738 442573

Perth & Kinross Council

14/00297/FLL

Perth City Halls King Edward Street

Alterations, extension & c/u to hotel



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