

Perth and Kinross Council
Development Management Committee – 19 November 2014
Report of Handling by Development Quality Manager

**Extension to form dining room and roof terrace at Tower Hotel, 81 High Street,
Crieff**

Ref: No: 14/01413/FLL

Ward No: 6: Strathearn

Summary

This report recommends conditional approval of the application as the proposal is considered to not adversely affect the visual and residential amenity of the area or the setting of Crieff Conservation Area and is considered to comply with the Scottish Planning Policy (2014) and the development plan for the area.

BACKGROUND AND DESCRIPTION

- 1 The application relates to the proposed dining room extension to the rear elevation of the category B listed Tower Hotel.
- 2 The application proposes an extension to accommodate a dining room accessed through the existing ground floor bar area. Due to the fall in ground level to the rear of the hotel, the dining room extension would be elevated, with an external covered area and store at basement level. A small roof terrace is proposed on the flat roof of the dining room to serve a hotel bedroom on the first floor, and a covered balcony on the east side of the dining room.
- 3 A previous application for a larger extension with an external terrace on two elevations of the dining room and a larger roof terrace was withdrawn in July of this year.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

Scottish Planning Policy 2014

- 5 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.
- 6 The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

7 **Scottish Historic Environment Policy, 2011**

8 **Managing Change in the Historic Environment: Extensions, 2010**

DEVELOPMENT PLAN

- 9 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012

- 10 Whilst there are no specific strategies or policies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“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 and visit and where businesses choose to invest and create jobs.”*

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

- 11 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 Within the Local Development Plan, the site is outside the designated Town and Neighbourhood Centre, but within the designated conservation area of Crieff, where the following policies are directly applicable.

Policy RD1 - Residential Areas

- 13 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space to be retained, changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy HE2 – Listed Buildings

- 14 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 building's character, appearance and setting.

Policy HE3A - Conservation Areas

- 15 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a 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. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy PM1A - Placemaking

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

Policy PM1B – Placemaking

- 17 All proposals should meet all eight of the placemaking criteria.

Policy EP5 – Nuisance from Artificial Light and Light Pollution

- 18 The Council's priority will be to prevent a statutory nuisance from occurring from proposals involving lighting.

Policy EP8 – Noise Pollution

- 19 There is a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing and proposed noise sensitive land uses

OTHER POLICIES

- 20 **Crieff Conservation Area Appraisal, 2009**

SITE HISTORY

- 21 13/00712/FLL and 13/00790/LBC – Repaint external front elevation and installation of spotlights.
- 22 14/00967/LBC and 14/00966/FLL – Extension to hotel (withdrawn).
- 23 14/01412/LBC – Extension to form dining room and roof terrace.

EXTERNAL CONSULTATIONS

- 24 None

INTERNAL CONSULTATIONS

- 25 **Environmental Health** – No objections subject to adherence to conditions to ensure no adverse impact on neighbouring residential amenity.

REPRESENTATIONS

- 26 Six letters of representation have been lodged in respect of the application, which have raised the following issues:

- Overlooking.
- Increase in noise pollution.
- Increase in light pollution.
- Impact on the historical integrity of the listed building.

The aforementioned points are addressed in the Appraisal section of this report.

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 Submitted
Report on Impact or Potential Impact	None submitted

APPRAISAL

Policy

- 27 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require 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.
- 28 The proposal to extend the hotel at this site is considered to accord with the Development Plan, provided that the proposals do not cause harm to local residential amenity.

Design and Appearance

- 29 The external appearance will remain unaltered from the public elevation, and the rear elevation is only partially visible from the nearest public road to the south (Dollerie Crescent). The impact on the character and appearance of Crieff Conservation Area is therefore minimal.

- 30 The design, appearance and scale of the extension is considered appropriate in terms of its impact on the listed building, given the use of contemporary design and high quality finishes. Overall, in respect of the setting and character of the conservation area, the listed building, and in relation to neighbouring amenity, the design, appearance and scale of the extension is considered appropriate in the context and is not considered to result in any adverse visual impact.

Residential Amenity

- 31 A number of points have been identified in the letters of representation received, in relation to the impact on existing residential amenity. These points have been fully considered as part of the assessment. Environmental Health have also considered the site history and associated relationship with neighbours. In this situation, the impact is considered to be limited in scale and controllable by conditions and associated environmental health legislation.
- 32 The dining room extension is to have a small covered balcony, and there is to be a roof terrace above. The location of the balcony on the east elevation will reduce the potential for noise and overlooking as there is a considerable distance from this elevation to the nearest property boundary to the east. The proposed roof terrace serves a hotel bedroom and is therefore only likely to be used by one or two people, with the potential for noise limited as a result. Overall, the two proposed external areas are not considered to result in an adverse impact if appropriately controlled. The dining room is not consented to operate beyond 2200 hours in the interests of respecting and protecting neighbouring amenity, and no music is permitted outside the premises. In addition, all external lighting is controlled by condition, in line with the terms of Policy EP5. There should not therefore be any impact on neighbours as a result of external lighting, but this element would be investigated if a formal complaint was received.
- 33 The fall in ground level at the rear of the hotel means that the dining room is at a raised height in comparison to the residential properties to the south. The dining room is glazed on all three elevations, but there are no windows on the elevations of private properties closest to the boundary and therefore no direct overlooking into neighbouring windows. Given the height of the existing boundary hedge and the distance of the extension from the boundary, the only gardens affected by both the dining room extension and proposed roof terrace are those which are already overlooked from the hotel bedrooms at first floor level. There is therefore not considered to be any additional adverse impact as a result of the extension.
- 34 In summary, the proposal is not deemed to result in any increase to the existing potential for noise, light pollution and overlooking from the hotel and beer garden.

Light Pollution

- 35 Previous consents have appropriately included conditions strictly controlling external lighting, consistent with the terms of policy EP5. A condition is recommended to be attached to this consent to ensure all matters relating to external lighting continue to be controlled in this context.

Economic Development

- 36 There is potential for additional footfall in relation to the proposed extension of the dining room. This however has limited weighting on the overall recommendation.

LEGAL AGREEMENTS

- 37 None required.

DIRECTION BY SCOTTISH MINISTERS

- 38 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

- 39 In conclusion, the application must be determined in accordance with the Development Plan 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 plans, 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 No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.

Reason - To ensure the amenity of nearby premises are adequately safeguarded.

- 3 The hours of use shall be restricted to 0900 to 2200 hours Monday – Saturday and 1200 to 2200 hours on Sunday.

Reason - To ensure the amenity of nearby residential premises are adequately safeguarded.

- 4 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries is minimised, to the satisfaction of this Council as planning authority.

Reason - To ensure the amenity of nearby residential premises are adequately safeguarded.

- 5 Details of the specification and colour of the proposed external render, timber cladding and balustrade shall be submitted for the approval of the Planning Authority prior to the commencement of this phase of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality within the designated Conservation Area.

B JUSTIFICATION

The proposal is considered to be in accordance with the Development Plan and there are no overriding material reasons which justify departing from the Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 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).
- 2 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.

- 3 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.

Background Papers: Six letters of representation.
Contact Officer: Diane Barbary Ext 75357
Date: 31 October 2014

Nick Brian
Development Quality Manager

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.

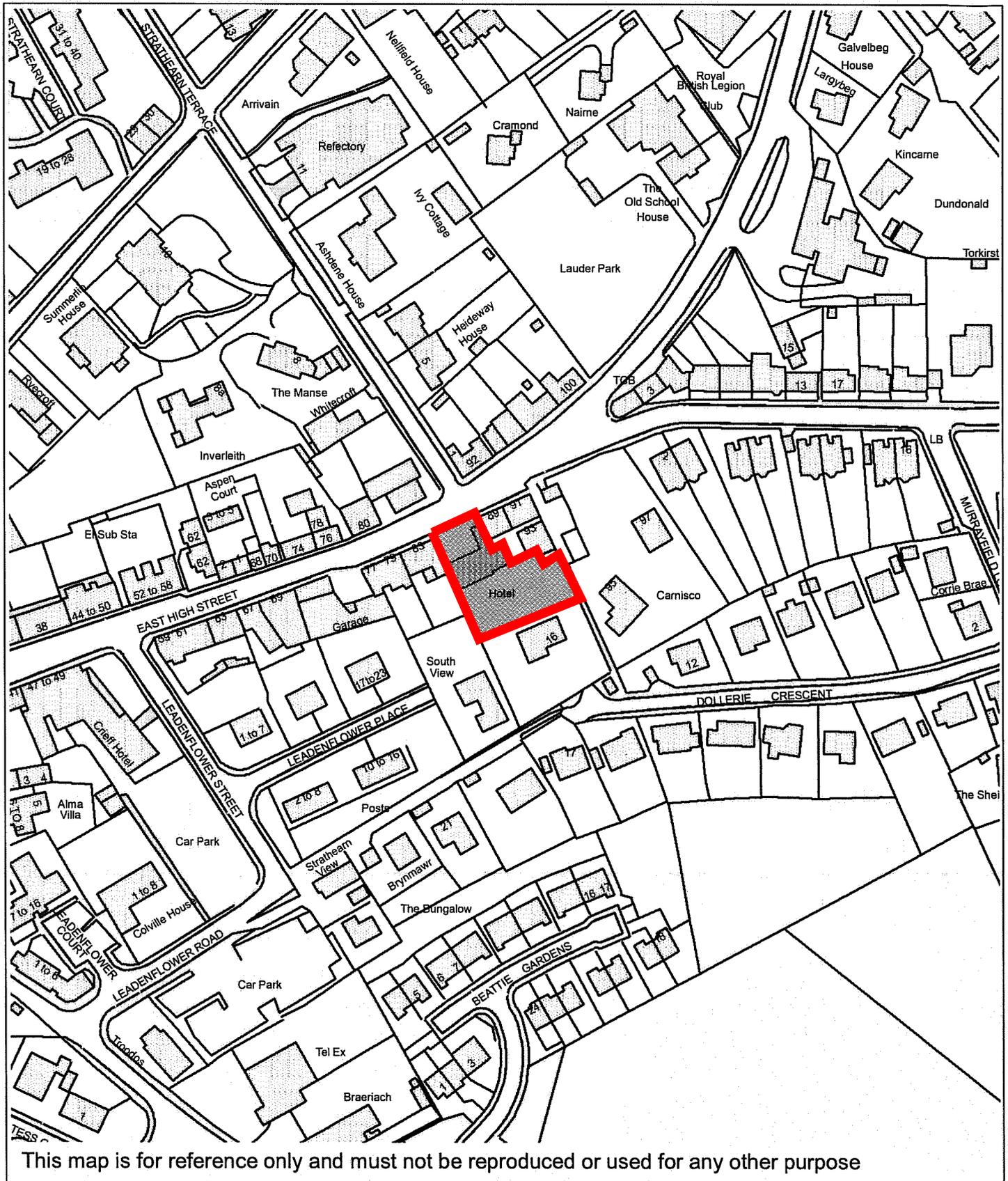
You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--



This map is for reference only and must not be reproduced or used for any other purpose





This map is for reference only and must not be reproduced or used for any other purpose

