

Perth and Kinross Council  
Planning & Development Management Committee – 31 July 2019  
Report of Handling by Head of Planning & Development (Report No. 19/211)

**PROPOSAL:** Demolition of building

**LOCATION:** Former Lomond Hotel, Main Street, Kinnesswood

Ref. No: [19/00559/CON](#)

Ward No: P8 - Kinross-shire

### **Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Conservation Area Consent is sought for the demolition of the former Lomond Hotel, Main Street within the Conservation Area of Kinnesswood. Conservation Area Consent has previously been granted for the demolition of an annexe building and outbuildings of the former hotel.
- 2 The site has been occupied for approximately 125 years by the Lomond Inn and the building footprint area has been extended many times, together with the construction of a separate accommodation annexe and garage outbuildings.
- 3 Details of the marketing and an economic assessment of the Inn and the history of attempts to retain the Inn as a successful business were submitted with the previous application. It was accepted that residential use of the site as a replacement for the Inn was acceptable.
- 4 This application now also includes a Structural Appraisal of the remainder on the Lomond Inn together with a Residential Development appraisal to demonstrate the costs of conversion of the building in comparison with costs for new build.
- 5 This proposal relates to the demolition of the remainder of the Lomond Inn, which previously obtained permission in 2016 for its retention and conversion to residential use. The south western end of the Inn, together with the numerous additions and extensions to the rear, have been demolished under the 2016 permission.
- 6 There is an associated detailed planning application for the erection of a detached dwellinghouse and detached garage which is also under consideration at this Committee (19/00558/FLL).

## **NATIONAL POLICY AND GUIDANCE**

- 7 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN) and a series of Circulars.

### **National Planning Framework**

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 9 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. 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.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Valuing the Historic Environment (paragraphs 135-137).
  - Conservation Areas (paragraphs 143-144).

### **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 71 Conservation Area Management
- 12 The following policy documents and guidance from Historic Environment Scotland are also relevant to this proposal:
- 13 **Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019.**
- 14 **Managing Change in the Historic Environment - Guidance on Conservation Areas.**

## **DEVELOPMENT PLAN**

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYPlan Strategic Development Plan 2016-2036**

- 16 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. There are no specific TAYPlan policies which are relevant to this application. Nevertheless, the vision for the area as set out in the plans states that:

*“By 2036 the TAYplan area 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.”*

### **Perth and Kinross Local Development Plan 2014**

- 17 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. 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.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 18 The relevant policies are:

#### **Policy HE3B - Conservation Areas**

- 19 There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for demolition should be accompanied by a detailed application for the replacement development.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 20 The Proposed LDP2 2017 represents Perth & Kinross Council’s settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter’s consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and

proposals are referred to within this report where they are material to the recommendation or decision.

## **SITE HISTORY**

- 21 There have been a series of applications for works to the Lomond Inn which are not relevant to this application. The relevant history relating to this application is outlined below:
- 22 [14/00707/FLL](#) Erection of five dwellinghouses and associated engineering operations Decision Issued 17 July 2014 Application Withdrawn
- 23 [15/00505/FLL](#) Erection of 5 dwellinghouses and associated works Decision Issued 26 February 2016 Application Withdrawn
- 24 [15/00506/CON](#) Demolition of buildings Decision Issued 26 February 2016 Application Withdrawn
- 25 [16/00325/CON](#) Part demolition of hotel and demolition of annexe building and outbuildings Decision Issued 19 October 2016 Application Approved – Development Management Committee October 2016
- 26 [16/00326/FLL](#) Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works Decision Issued 5 July 2017 Application Approved – Development Management Committee October 2016
- 27 [18/00666/CON](#) Complete demolition of a building Decision Issued 26 June 2018 Application Withdrawn
- 28 [18/00667/FLL](#) Erection of a dwellinghouse Decision Issued 26 June 2018 Application Withdrawn
- 29 [19/00559/CON](#) Demolition of building – Pending consideration and also presented to this Planning & Development Management Committee

## **CONSULTATIONS**

- 30 As part of the planning application process the following bodies were consulted:

### **EXTERNAL**

#### **Portmoak Community Council**

- 31 Objects to the application and considers the building to contribute significantly to the character of the Kinnesswood Conservation Area. It notes the consultation response from Historic Environment Scotland (HES) and agrees that the remaining fabric of the Inn makes a significant contribution to the streetscape of Kinnesswood. It considers that the submitted figures should be independently validated. It also considers it unfortunate that alternatives to

demolition have not been explored or that separate funding has not been sought for the buildings retention.

### **Historic Environment Scotland (HES)**

- 32 No objection to the application, however, they have stated that this should not be taken as support for the proposal. They consider that the application should be determined in accordance with policy. They state that the figures in the appraisal show a deficit arising from retention of the existing building but this does not seem to be exceptionally large in the context of the sites overall development costs. HES consider the building makes a significant contribution to the streetscape of the Conservation Area and their preference is that it is retained. They also refer to the relevant guidance relating to conservation areas.

### **Perth and Kinross Heritage Trust**

- 33 The building contributes to distinctiveness of Kinnesswood and forms a central part of the vista when entering Kinnesswood. For these reasons they believe the building should be retained. They are in agreement with the comments from HES, however, if consent is granted, the remaining element of the Lomond Inn should be appropriately recorded to ensure a permanent record survives.

### **INTERNAL**

- 34 None.

### **REPRESENTATIONS**

- 35 A total of 29 letters of representation have been received, including one from the Portmoak Community Council. 28 of the letters object to the application and one supports the application. The following points were raised in the letters of objection:
- HES seek for it to be preserved
  - The building has been allowed to fall into disrepair and no attempt has been made to retain it
  - Contrary to national, regional and local policy
  - The building makes significant contribution to streetscape and character and appearance of the Conservation Area and demolition would be of detriment  
No justifiable case for demolition
  - Removal of slates has contributed to deterioration of building
  - Alternative sources of finances should be explored
  - Building should be marketed to potential purchasers if it is incapable for repair at value to reflect its condition
  - Grant aid should be sought to address shortfall in funding
  - The historical interest of the structure, its condition, the available funding and marketing to repairing purchasers should be considerations in the assessment

- There is community interest in the site and potential for a community buy out

36 The following points are made in the letter of support:

- Engineers report provides a strong case for demolition
- Current condition of the site is of detriment to Conservation Area

37 These issues are addressed in the Appraisal section of the 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	Not Required
Reports on Impact or Potential Impact	Structural Appraisal and Residential Development Appraisal

### **APPRAISAL**

38 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance which are referred to in the policy section above.

#### **Principle**

- 39 SPP 2014 confirms that the planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.
- 40 The site is within the Kinnesswood settlement boundary as identified in the LDP 2014. Policy HE3B and paragraphs 143-144 of Scottish Planning Policy (SPP) 2014 state that there is a presumption against the demolition of buildings within a Conservation Area and in favour of retention and restoration and that any proposals for demolition should be accompanied by a detailed application for the replacement development.

- 41 Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019 is also a material consideration. This is a much more compact document in comparison with the previous Scottish Historic Environment Policy (SHEP 2016). HEPS contains wide ranging policies and guidance on managing the historic environment, including understanding the benefits of the historic environment and its promotion. It also states that, should detrimental impact on the historic environment be unavoidable, steps should be taken to minimise the impact and demonstrate that alternatives have been explored.
- 42 There is a distinct difference between the assessment of the demolition of a listed building and the demolition of a building in a Conservation Area; a more stringent justification for demolition of a listed building is required. This is why there is separate guidance from HES on the demolition of listed buildings contained within Managing Change in the Historic Environment: Demolition of Listed Buildings. This guidance does not apply to this application.
- 43 HES have published separate guidance relating to Conservation Areas called "Managing Change - Guidance on Conservation Areas" dated 25 April 2019 where paragraphs 16-20 refer to demolition. Paragraph 17 requires Planning Authorities to take into account the importance of the building to the character and appearance of the Conservation Area and the proposals for future use of the cleared site. Paragraph 18 states that a "positive attempt should always be made by the Planning Authority to achieve its retention, restoration and sympathetic conversion to some other compatible use".
- 44 Paragraph 19 states that "in some cases, demolition may be thought appropriate.....if its structural condition rules out its retention at reasonable cost". It goes on to state that "where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building". It should be noted that there is no requirement within the guidance for the building to be marketed to a restoring purchaser, as is suggested in some of the letters of representation.

### **Impact on Character of Conservation Area**

- 45 The assessment below has been undertaken in conjunction with the Conservation Officer within the Development Management Team.
- 46 The former Lomond Inn is considered to play an important part in the historic character of the Conservation Area and acts as a gateway point into the Conservation Area for those travelling from the south east. The south east elevation of the Lomond Inn sits directly adjacent to the footpath and the attractive main south facing elevation is clearly visible when entering the village from the south. On the basis of the key contribution which the building had to the character of the Conservation Area, it is therefore considered important to assess the information submitted with the application, which seeks to justify its demolition as required by the above guidance.
- 47 The submission includes both a Structural Appraisal (SA) of the building together with a Residential Development Appraisal (RDA) which outlines the costs for

restoration of the building whilst comparing these against the cost of new build development on the site. This RDA considers the development in the context of the wider development of the site, including the erection of four new build dwellings which already have planning permission. HES have commented on the application and stated that they believe the figures submitted should be independently assessed to establish their accuracy. The SA has been undertaken by a recognised structural engineer and identifies a number of deficiencies with the building in its current condition. This includes bulges in the stonework, rotting timber and unstable masonry. Section 3 of the appraisal includes a series of recommendations of works required to enable the existing building to be converted into a dwelling.

- 48 The figures provided in the RDA in relation to the conversion of the building are based upon the submitted SA and the works it identifies as being required to bring the existing building back into use.
- 49 The RDA demonstrates that the building could be converted at an estimated cost of £415,000, which is identified as being well in excess of the value of the building once renovated. A cost plan for the conversion is provided in Appendix 2 of the RDA. The RDA concludes that “this is one of the most obvious non-viable appraisals which we have carried out in some time and we are firm in our view that there is no reasonable way that the project costs and revenues can be adjusted to make the scheme viable”.
- 50 The Council's Quantity Surveying Team has considered both the cost of the proposed new build development and the conversion of the Lomond Inn. It has been concluded that the costs outlined in the RDA are reasonable.
- 51 The RDA has been considered by the Council's Estates and Commercial investment Team and they have concluded that this is a robust development appraisal undertaken by a Royal Institute of Chartered Surveyors (RICS) profession in accordance with RICS guidelines. On the basis of this independent assessment I am satisfied that the structural condition of the building rules out its retention at a reasonable cost.
- 52 The Council previously granted consent for the re-use of the building and its conversion into a dwelling, demonstrating that a positive attempt has been made to retain and re-use the building. However, it has now been demonstrated in this submission that the conversion and re-use of the building is not financially viable.
- 53 As outlined in the associated report for full planning permission for the development of the site, the new build dwelling and garage are considered to be acceptable and to accord with the relevant national and local planning policy.
- 54 Whilst the demolition of the former Lomond Inn is unfortunate, it has been justified in accordance with the requirements of HES guidance. As such the demolition of building together with the new development and the associated hard and soft landscaping will deliver an element of benefit to the wider community by bringing the site back into use and removing dereliction from the site.



- 55 A condition is recommended to ensure that no demolition takes place on site until a contract has been agreed to implement the associated planning permission (should it be granted) (Condition 2). This is to ensure the site does not become vacant and lead to further dereliction to the detrimental of the Conservation Area.
- 56 It is therefore concluded that the poor condition of the existing building is evident from on-site inspection and identified within the SA. Therefore the demolition is justified. The demolition will allow for a new development to come forward, bringing the site back into active use to the overall benefit of the Conservation Area. The level of justification provided, in conjunction with the proposals currently under consideration for redevelopment of the site, is therefore considered to justify demolition of the building in this case. As such the proposal is considered to comply with the requirements of Policy HE3B of the LDP and the guidance provided by Historic Environment Scotland.
- 57 It is recommended that a standing building survey of the existing buildings is undertaken prior to demolition and a condition is recommended to ensure this (Condition 4).

#### **Alternative Uses/Community Buy Out**

- 58 The letters of representation have raised the possibility of a potential community buy out of the former Inn and to re-use it for an alternative purpose and to form car parking for the local community and open space within part of the site. Whilst this is noted, an alternative proposal and community buy out is not part of this proposal and at this stage is speculative. The Council is required to consider the proposal put forward in this application and, on the basis of the assessment above, the proposal demolition has been justified and accords with the policies contained within the LDP and national guidance.

#### **Availability of External Funding for Redevelopment**

- 59 The Council has considered whether there is any scope for additional funding to make up the deficit identified in the costs provided. One of my Conservation colleagues has indicated that there is extremely limited funding available for works to unlisted buildings in Conservation Areas at present. As far as she is aware, there are no current plans for a Conservation Area Regeneration Scheme (CARS) in this area, funding through Townscape Initiatives (HLF) is not available and there are no other grant schemes for which this building would be eligible. Whilst the HLF do fund individual projects there is no scheme currently in development for what is usually a lengthy and complex process.

#### **LEGAL AGREEMENTS**

- 60 Not required.

#### **DIRECTION BY SCOTTISH MINISTERS**

- 61 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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**

- 62 Whilst the loss of the building is regrettable and will have a negative impact on the character of the Conservation Area, the proposal satisfies the criteria set out within the relevant legislation, policy and guidance. Provided conditions are attached to secure the salvage of the roofing materials, recording of the building and redevelopment of the site, the demolition is considered to be acceptable.
- 63 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014. 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.

## **A RECOMMENDATION**

### **Approve the application**

#### **Conditions and Reasons for Recommendation**

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to commencement of the demolition works, evidence of the letting of a contract(s) for the carrying out of the works for redevelopment of the site shall be submitted to, and agreed in writing by, the Council as Planning Authority.

Reason: To avoid the site being left vacant and to protect the character of the Conservation Area.

- 3 Prior to commencement of the demolition works a scheme which allows for the verification of the existing slates on the building to establish those which can be re-used in the new development shall be submitted to and approved in writing by the Planning Authority. The slates shall be removed and re-used in accordance with the approved verification scheme to the satisfaction of the Council as Planning Authority.

Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.

- 4 Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason: To ensure a survey of the demolished historic building is undertaken in accordance with best practise.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 29 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 18 July 2019

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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