

TCP/11/16(166)

Planning Application 08/00728/FLL – Alterations and change of use from cafe shop to one dwelling and one flat at 2-8 South Street, Milnathort

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	S	Forename	
Surname	Clarke	Surname	
Company Name		Company Name	RT Hutton Planning Consultant
Building No./Name	90	Building No./Name	The Malt Kiln
Address Line 1	Smith Street	Address Line 1	2 Factors Brae
Address Line 2	Kinross	Address Line 2	Limekilns
Town/City		Town/City	Fife
Postcode		Postcode	KY11 3HG
Telephone		Telephone	01383 872000
Mobile		Mobile	07845960382
Fax		Fax	N/A
Email		Email	hutton874@btinternet.com
3. Application Details			
Planning authority		Perth and Kinross Council	
Planning authority's application reference number		08/00728/FLL	
Site address			
2-8 South Street Milnathort			
Description of proposed development			
Alterations and change of use from cafe shop to one dwelling and one flat			

Date of application 16.04.08

Date of decision (if any) 9.11.11

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application) ☒

Application for planning permission in principle ☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐

Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

Refusal of application by appointed officer ☒

Failure by appointed officer to determine the application within the period allowed for determination of the application ☐

Conditions imposed on consent by appointed officer ☐

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions ☐

One or more hearing sessions ☐

Site inspection ☒

Assessment of review documents only, with no further procedure ☒

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land? ☒

Is it possible for the site to be accessed safely, and without barriers to entry? ☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see separate statement submitted with the review papers

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: _____ Name: R T Hutton Date: 7.02.12

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

STATEMENT IN SUPPORT OF THE APPEAL TO THE PERTH AND
KINROSS LOCAL REVIEW BODY AGAINST THE REFUSAL OF
PLANNING PERMISSION FOR THE ALTERATIONS AND CHANGE
OF USE FROM CAFÉ/SHOP TO FORM 1 DWELLINGHOUSE AND 1
FLAT AT 2-8 SOUTH STREET, MILNATHORT.

COUNCIL REFERENCE 08/00728/FLL

R T HUTTON PLANNING CONSULTANT
FEBRUARY 2012

1.0 Background to the Appeal.

1.1 In April 2008 Mr S Clarke submitted a planning application to Perth and Kinross Council seeking a change of use of the café/shop premises at 2-8 South Street, Milnathort. The application site is part of a 2 storey building which contains a 2 storey house (number 2), a first floor flat (number 4), a ground floor shop which has been altered to form a flat (number 6), and a tea room at ground floor with an office above which has been altered to form a 2 storey house (number 8). The planning application to which this appeal relates concerns the works that have been carried out at numbers 6 and 8.

1.2 The application was with the Council for more than two and a half years before a decision was issued. Most of this delay occurred because of a flooding issue which had been identified in this part of Milnathort. The applicant's engineers submitted information to address this matter once it had been identified, and this was considered by both SEPA and the Council's own staff involved with flooding. Whilst the matter of flooding was being assessed by both sides, the applicant's agent Planteq Building Design were seeking to resolve the other matters which had been identified as a concern by the planning case officer. They were given the clear impression that all other issues were considered acceptable, and it was only the potential flooding issue which was preventing an approval of the planning application.

1.3 It was therefore a surprise to the applicant and his agents when the decision notice issued on 8th November 2011 cited not only potential flooding as a reason for refusal, but also the loss of a retail unit, the unacceptable material with which the new windows and doors are constructed, and the precedent that would be set by approval of the application. The applicant's agents consider that earlier assurances about the acceptability of aspects of the proposals were withdrawn when SEPA and the Council did not accept the pragmatic solution to the potential flooding situation proposed by the applicant's engineers. It is for all of these reasons that the applicant now wishes to have the decision reviewed, and we ask that this statement be taken as the basis of the case.

2.0 Response to the Grounds of Appeal.

2.1 Before considering the individual reasons given for refusal of the application, we should like to explain something of the recent history of the appeal premises as it is particularly relevant to the case for approval. The ground floor commercial premises at 2-8 South Street formerly operated as a café and a newsagent/confectioner until they closed in 1999 when the business was no longer considered viable. For 18 months after closure the premises were actively marketed for commercial use by surveyors DM Hall. When the active marketing exercise finished the agents boards were retained on the premises for a further extensive period. Despite these efforts, no serious interest has been shown in the premises for commercial use over the period of more than 10 years during which they have lain empty.

2.2 As would be expected, especially in an older building, with the lack of any positive use its condition deteriorated and it had become a very unattractive feature in the centre of Milnathort. The owner therefore had to decide how a use could be found for the building in order to arrest the physical decline and justify the expenditure needed to bring it back to an acceptable standard. With no commercial interest in the premises for more than a decade, the only other possible option was to convert the building to totally residential use, and this is the course which was then undertaken by the applicant.

2.3 It was appreciated by the applicant and his agent that the Council remained concerned over the potential flooding issue, and they did eventually anticipate a refusal for that reason alone. However, 4 reasons are listed in the decision notice, and we should now like to address each of these in turn as they are listed.

2.4 The first reason for refusal states;

“The proposal would result in an increase of residential habitation at risk of flooding contrary to policy 4 of the adopted Local Plan as well as Scottish Planning Policy. In addition SEPA and the Local Flood Prevention Authority have objected to the application”.

Policy 4 of the Kinross Area Local Plan 2004 specifically addresses the matter of flooding. It states that,

“Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted.”

The detailed wording of this policy is important in 2 respects in relation to this appeal. Firstly, there is the reference to remedial measures, which will not be acceptable where they will increase flood risk elsewhere. Secondly, is the phrase “will not normally be permitted”, which implies that there may be circumstances when development will be accepted within an area liable to flooding. In this case remedial measures were proposed to protect the new houses which would not impact on other properties, and we will also show why the application proposals should be approved in an area with a flood history.

2.5 The applicant acknowledges that the property at South Street lies within an area which has a history of flooding, and in light of this his engineers have suggested a solution to protect the proposed new houses from water ingress. This involves the use of flood gate defences which are inserted into specially prepared holders at the doors to the properties when a flood is anticipated. They prevent water entering the premises and do not impact in any adverse way on neighbouring properties. However, the Council and SEPA have not accepted their use in this instance because they do not consider them suitable for use on individual properties as they rely on individuals putting them in place when needed. Given that individual property owners have the most to lose if their house floods, it would be safe to assume that they would be vigilant in ensuring the flood gates were in place when needed. Paragraph 198 of Scottish Planning Policy (SPP) makes clear that whilst planning authorities have a responsibility to have regard to flooding, this does not affect the liability position of applicants and occupiers who have a responsibility to safeguard their property. In this case we would suggest that the installation of flood gates represents a sensible action by the owner and is an acceptable remedial measure as mentioned in policy 4.

2.6 We should now like to explain why it is considered that this is a case where circumstances are such that an exception should be made, and the development allowed in this flood prone area. The thrust of Scottish Government advice on flooding contained within SPP relates to greenfield

sites where development can be avoided and flood plains retained to serve that valuable function which helps to minimise flooding elsewhere. However, this application site is in the centre of Milnathort and surrounded by development much of which is residential. It is entirely possible that existing residents may seek to install flood gates to protect their properties, and there would seem no reason why the Council would object to such a move. This would then create an anomaly where the use of flood gates to protect existing houses is regarded as an acceptable solution on adjacent houses, but is denied to the applicant. With no prospect of commercial use, the buildings are only likely to deteriorate further. By adopting a pragmatic approach which makes use of that part of policy 4 which refers to “will not **normally** be permitted”, the Local Review Body will avoid this situation and make a valuable contribution to the local housing stock.

2.7 The applicant also wishes to point out that the drainage situation immediately adjacent to the premises was made worse by works carried out by the Council, prior to his acquisition of the property in 2008. Prior to that time the Council had carried out works which involved raising the level of the road to approximately 200mm above the level of the footpath. A channel was formed to direct surface water to a road gulley. However, this only seemed to exacerbate the drainage problems, and it was eventually discovered that the road gulley was not connected to the drainage system and was surcharging at most times of rainfall. The problem was rectified in 2010 and since that time there has been no flooding of the application premises, even when a recent flood event in Milnathort breached the flood defences.

2.8 A final point which the applicant would make in relation to flooding concerns an apparent inconsistency in the way policy appears to be being applied within Milnathort. Within South Street there have been a number of planning permissions granted to allow change of use from commercial to residential use within the time that this application has been under consideration. Mr Clarke finds it difficult to understand why his application has not been considered in the same way.

2.9 The second reason for refusal states:

“The proposal is contrary to policy 70 of the adopted Local Plan

which seeks to safeguard the principal retail area of Milnathort to ensure that its retail function is not undermined by non retail uses.”

Prior to the submission of the planning application the applicant had been made aware of the content of policy 70 and in order to address the issue a study of shopping in Milnathort was submitted with the planning application. Policy 70 seeks to retain what was seen as the main shopping area within Milnathort presumable in order to ensure an acceptable level of local retail provision within the town. However, the study undertaken highlighted the changing nature of shopping patterns, with a greater reliance on supermarkets for a weekly shopping trip, and local shops providing a top up service. Within Milnathort this has resulted in a change in the nature of the shops which now comprise one good sized convenience store and a range of more specialist shops such as skin care therapies, antiques, fireplace shop and wedding portraits.

2.10 The inability of the applicant to let the shops in South Street for a retail purpose is understandable when considered within the context of changing shopping habits and the access to supermarkets within a 15 minute drive of Milnathort. The premises were empty and available for more than a decade during which time the retail environment was much healthier than it is today. With no foreseeable improvement in the national economic situation, there seems no prospect of a retail use being found for the application premises. Given how long the property has not had a retail function, it is difficult to understand how its conversion to housing will now undermine the retail function in Kinross as suggested in this reason for refusal.

2.11 The third reason for refusal states;

“The proposed replacement windows and doors are considered an unacceptable material which detracts from the special architectural interest of the building. I consider the proposal is contrary to Policy 02 of the adopted Local Plan.”

The building is category C listed, and the views of the Council’s Conservation team were sought when an application was submitted for listed building consent for the works covered by the planning application now under review. In a reply dated 31st July 2009 the team advised that;

“The proposals in general retain the historic plan form and fabric or replace modern insertions. Externally, changes are concentrated to the rear and consist of new window or door openings which remain in character with the existing building. I therefore have no objection to the proposals subject to details and materials.”

2.12 Clearly the Conservation Officer considered that generally the application proposals were satisfactory, subject to the materials being right, and this is the issue raised in this third reason for refusal. However, in his consultation response of July 2009 the Conservation Officer goes on to note that when the building was listed in 2003 there were PVC windows in place, and in light of this he commented;

“In this case I would consider that where the building already had PVC at the time of listing, it would not be reasonable to insist on the removal of the new windows, as these are no worse in impact than those previously in place.”

Such a sensible and pragmatic approach is appreciated by the applicant, and a similar approach would remove the potential flooding issue. However, it is significant that the Council’s planning case officer chose not only to ignore the advice of his colleague with specialist knowledge, but to contradict his view directly in this third reason for refusal. With regard to the windows we ask that members of the Local Review Body accept the advice from the Council’s Conservation Team and allow them to remain in place. The Conservation Officer however did take exception to the PVC doors which have been installed, and required that these be replaced with timber. The applicant understands this point and would be happy to accept a condition requiring such a change.

2.13 Finally with regard to this third reason for refusal, the character of this building will only be preserved if a new use is found, and the first two reasons for refusal discussed above show little sympathy for the only viable option which will achieve this. This makes this concern for the character of the building arising from the new windows and doors that have been installed seem somewhat disingenuous.

2.134 The final reason for refusal states;

“If approved the proposal would be likely to create a precedent for future applications of a similar nature which would be unacceptable for the reasons stated above and would result in an erosion of buildings of special architectural and historic interest”.

From the last part of this reason for refusal we assume that the issue of precedent is seen only as relating to the third reason for refusal, namely that concerned with the use of PVC windows and doors. Whilst it is appreciated that the use of such a material could have a detrimental impact on a listed building, it is clear from the Conservation Team’s comments that PVC windows were evident in this building when it was listed. For precedent to be relevant requires that the circumstances of the cases are alike in all respects. If a building is listed with PVC windows than why should their retention create a difficulty?

3.0 Conclusions

3.1 The building which is the subject of this review last operated as a commercial premises in 1999, and since then it has lain empty. Despite extensive marketing in a much more buoyant economy than exists today, there was no interest from any potential retailer. This situation can only have become more difficult with the problems in the retail sector well documented and shops closing on a frequent basis. A use needs to be found if the deterioration of this listed building is to be arrested, and residential use is considered the only viable option.

3.2 The buildings are located in the centre of Milnathort where flooding problems have been experienced in the past. In order to protect the proposed new ground floor houses it is proposed to install flood gates on their doors to prevent the ingress of water. Such a pragmatic approach to protecting houses has been used elsewhere, and may be used by existing house owners in villages such as Milnathort where flooding has been experienced. The reasons given as to why such a solution is unacceptable in this case are tenuous and reject the pragmatism which is needed where existing urban areas may be prone to flooding.

3.3 Shopping trends have changed significantly since the Kinross Local Plan was adopted, and the aim to retain a level of shopping that existed in the village then may no longer be realistic in terms of current shopping patterns. If the Council insist on such a use for these premises they will be empty for another long period.

3.4 The PVC windows and doors are considered unacceptable by the planning case officer despite there being PVC windows in place when the building was listed. The applicant is willing to install timber doors as sought by the Conservation Officer.

3.5 Precedent is often cited as a reason for refusal, but rarely used to justify proposed development because it is too easy to explain differences and dismiss such an argument. In this case, finding a use for the building and arresting its physical decline should be given encouragement, and such a principle should inform views on other similar planning proposals.

3.6 In light of all of the above we ask that the Local Review Body reverse

the decision of the planning officer and grant planning permission for the alterations and change of use of the premises at 2-8 South Street, Milnathort.

TCP/11/16(166)

Planning Application 08/00728/FLL – Alterations and change of use from cafe shop to one dwelling and one flat at 2-8 South Street, Milnathort

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr S Clarke
c/o Planteq Building Design
22 Viewfield Terrace
Dunfermline
KY12 7HZ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 8th November 2011

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **08/00728/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 16th April 2008 for permission for **Alterations and change of use from cafe shop to one dwelling and one flat 2-8 South Street Milnathort** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal would result in an increase of residential habitation at risk of flooding contrary to policy 4 of the adopted Local Plan as well as Scottish Planning Policy. In addition SEPA and the Local Flood Prevention Authority have objected to the application.
2. The proposal is contrary to policy 70 of the adopted Local Plan which seeks to safeguard guard the principal retail area of Milnathort to ensure that its retail function is not undermined by non retail uses.
3. The proposed replacement windows and doors are an unacceptable material which detracts from the special architectural interest of the building. I consider the proposal is contrary to Policy 02 of the adopted Local Plan.

4. If approved the proposal would be likely to create a precedent for future applications of a similar nature which would be unacceptable for the reasons stated above and would result in the erosion of buildings of a special architectural and historic interest.

Justification

The application is unacceptable and contrary to the adopted Development Plan. 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 refusal.

Notes

1. The applicant should be aware that due to the unauthorised change of use this case will be passed to the Enforcement Section of the Planning Authority to ensure the breach of control is rectified.

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

08/00728/1

08/00728/2

08/00728/3

08/00728/4

08/00728/5

08/00728/6

08/00728/7

REPORT OF HANDLING

DELEGATED REPORT

Ref No	08/00728/FLL
Ward No	N8

PROPOSAL: Alterations and change of use from cafe shop to one dwelling and one flat

LOCATION: 2-8 South Street Milnathort

APPLICANT: Mr S Clarke

RECOMMENDATION: Refuse the application

SITE INSPECTION: 3 April 2009

OFFICERS REPORT:

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Kinross Area Local Plan 2004.

This report deals with alterations and change of use to 2-8 South Street an early 19th century category C's listed building. A separate Listed Building application has been submitted and refused, application 08/00738/LBC refers.

The determining issues in this case are: - 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.

Flood Risk:

Policy 4 of the local plan specifies that development within areas which are liable to flood or where remedial measures would adversely affect flood risk elsewhere will not normally be permitted.

Having had the opportunity to review the indicative flooding map it is apparent the site is located within a low lying area which is susceptible to flooding. The Local Flood Prevention Authority and SEPA were consulted on the application. Initially there was a lack of information to fully assess this element of the application. Additional information was subsequently submitted by the applicants agent in 2011.

The response from SEPA notes the proposal put forward by the consultant to enable the conversion of the ground floor developments is through the use of flood gates. SEPA confirm that they are unable to support the proposed change of use (to a more sensitive use) which is reliant on flood gates as a flood mitigation measure. Although flood gates are incorporated within formal flood prevention schemes (grant aided

under the 1961 (as amended in 1997) Flood Prevention and Land Drainage Act and now superseded by the Flood Risk Management Act 2009 which are maintained and deployed by the flood prevention authority on the back of a flood warning scheme) SEPA are of the opinion that they are not suitable to enable development in flood risk areas at an individual property scale. SPP paragraph 206 states “the measures (flood protection) can reduce the probability of flooding but cannot eliminate it entirely” when referring to formal flood protection scheme and shows that there is still an element of flood risk. This risk is significantly increased as future home owners will be responsible for erecting the flood gate and therefore the erection of the gate will dependant on the occupant being present during flood events. SEPA therefore object to the application.

The consultation response from the Local Flood Prevention Authority notes that they have discussed the proposal with SEPA. They cannot recommend this application for approval. However, they have advised that they would be prepared to accept the ground floor remaining as commercial use (as a less sensitive land use) and only the upper floor as residential development. The Local Flood Prevention Authority therefore object to the application.

Overall this application fails to comply with adopted Development Plans policies which relate to flooding. It also fails to comply with national guidance in the SPP and PAN 69.

Land Use:

The site lies within an area of Milnathort which is covered by Policy 70 of the Local Plan. This identifies principal retail areas where the Council will not permit non-retail uses to dominate the ground floors to an extent that they may undermine the retail function or adversely affects residential amenity.

The applicant’s agent has provided justification on why there should be a departure from policy however the flooding issue discussed above means that a change of use from retail/commercial to residential accommodation cannot be supported. While I accept that Milnathort is in close proximity to Kinross I considered that the premises is located at the core of Milnathort and has an important frontage. Loss of the unit would affect the retail character and function of the centre which serves the need of local residents. Taking account of this the proposal is contrary to policy 70.

Design and materials:

The acceptability of the UPVC windows and doors were assessed under the listed building application and considered to be inappropriate. They are also unacceptable in planning terms and this is considered to be contrary to Policy 2.

Overall the application is unacceptable and contrary to the adopted Local Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

DEVELOPMENT PLAN

Policy 2 Development Criteria

All developments within the Plan area will be judged against the following criteria:

- A The site should have a landscape framework capable of absorbing, and if necessary, screening the development, and where appropriate opportunities for landscape enhancement will be sought.
- B In the case of building development, regard should be had to the scale, form, colour and density of development within the locality.
- C The development should be compatible with it's surroundings in land use terms and should not result in a significant loss of amenity to the local community.
- D The local road and public transport network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided.
- E Where applicable, there should be sufficient spare capacity in drainage, water and education services to cater for the new development.
- F The site should be large enough to accommodate the impact of the development satisfactorily in site planning terms.
- G Buildings and layouts for new development should be designed so as to be energy efficient.
- H Built development should, where possible, be located in those settlements which are the subject of inset maps.

Policy 04: Flood Risk

Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted. For the purposes of this policy flood risk sites will be those which are judged to lie within:-

- a) Areas of known flooding.
- b) Sites which lie within a flood plain.
- c) Low lying sites adjacent to rivers, or to watercourses which lead to categories a and b.

Policy 06: Design and Landscaping

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 high quality materials.
- b) Innovative modern design incorporating energy efficient technology and materials, subject to compliance with d) and e) below
- 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 rural housing applications and where appropriate for other forms of built development.

Policy 70: Shopping

Inset Map 2 identifies principal retail areas where the Council will not permit non-retail uses to dominate the ground floors to an extent that they may undermine the retail function or adversely affects residential amenity. Retail developments over 250m² gross outwith these areas will be restricted unless they meet local needs or are in line with Opportunity 2.

OTHER POLICIES

In addition the following documents are a material consideration in the determination of the application; Scottish Planning Policy, Planning Advice Note 69 'Planning and Building Standards Advice on Flooding'.

SITE HISTORY

06/02165/FUL Alterations and change of use from flat/cafe shop to 4 no dwellinghouses 10.04.2008

07/00348/LBC Alterations and change of use to form 4 dwellinghouses 10.04.2008

08/00738/LBC Alterations and change of use from cafe shop to one dwelling and one flat and replacement of windows 14.04.2009

CONSULTATIONS/COMMENTS

Scottish Water	No objection
Milnathort Community Council	Objection
Transport Planning	No objection.
Forward Planning	No response.
Scottish Environment Protection Agency	Objection.
Environmental Health	No objection.
Local Flood Prevention Authority	Objection
Education And Children's Services	Can give no guarantee that any school age children arising from this development application could be accommodated at Milnathort Primary School.

TARGET DATE: 16 June 2008

REPRESENTATIONS RECEIVED:

Number Received: Three letters of representation have been received (including the Community Council).

Summary of issues raised by objectors:

Concern with impact associated with loss of retail unit on core of village
Concern with inappropriate change of windows doors without consent.

Response to issues raised by objectors:

These issues are discussed in the Officers Report.

Additional Statements Received:

Environment Statement: Not required.

Screening Opinion: Not required.

Environmental Impact Assessment: Not required.

Appropriate Assessment: Not required.

Design Statement or Design and Access Statement: Not required.

Report on Impact or Potential Impact eg Flood Risk Assessment: Submitted.

Legal Agreement Required:

Summary of terms: Not required.

Direction by Scottish Ministers

None

Reasons:-

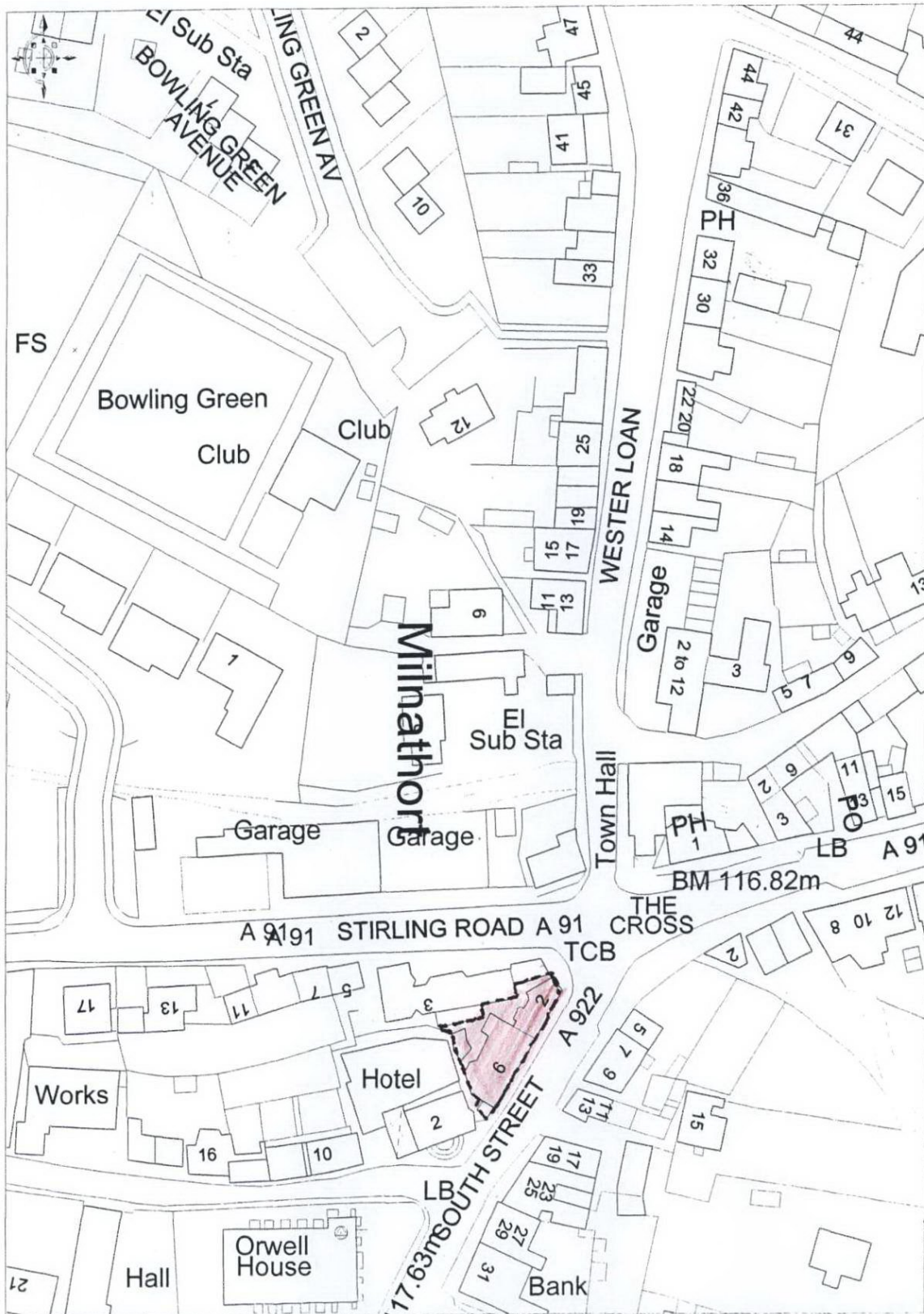
- 1 The proposal would result in an increase of residential habitation at risk of flooding contrary to policy 4 of the adopted Local Plan as well as Scottish Planning Policy. In addition SEPA and the Local Flood Prevention Authority have objected to the application.
- 2 The proposal is contrary to policy 70 of the adopted Local Plan which seeks to safeguard guard the principal retail area of Milnathort to ensure that its retail function is not undermined by non retail uses.
- 3 The proposed replacement windows and doors are an unacceptable material which detracts from the special architectural interest of the building. I consider the proposal is contrary to Policy 02 of the adopted Local Plan.
- 4 If approved the proposal would be likely to create a precedent for future applications of a similar nature which would be unacceptable for the reasons stated above and would result in the erosion of buildings of a special architectural and historic interest.

Justification:

- 1 The application is unacceptable and contrary to the adopted Development Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

Notes

- 1 The applicant should be aware that due to the unauthorised change of use this case will be passed to the Enforcement Section of the Planning Authority to ensure the breach of control is rectified.



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08/00728/FW

LOCATION PLAN

1:1250

STIRLING ROAD

3

OUTBUILDINGS TO BE
DEMOLISHED TO PROVIDE
PARKING FACILITIES

EXISTING FLOOR

452

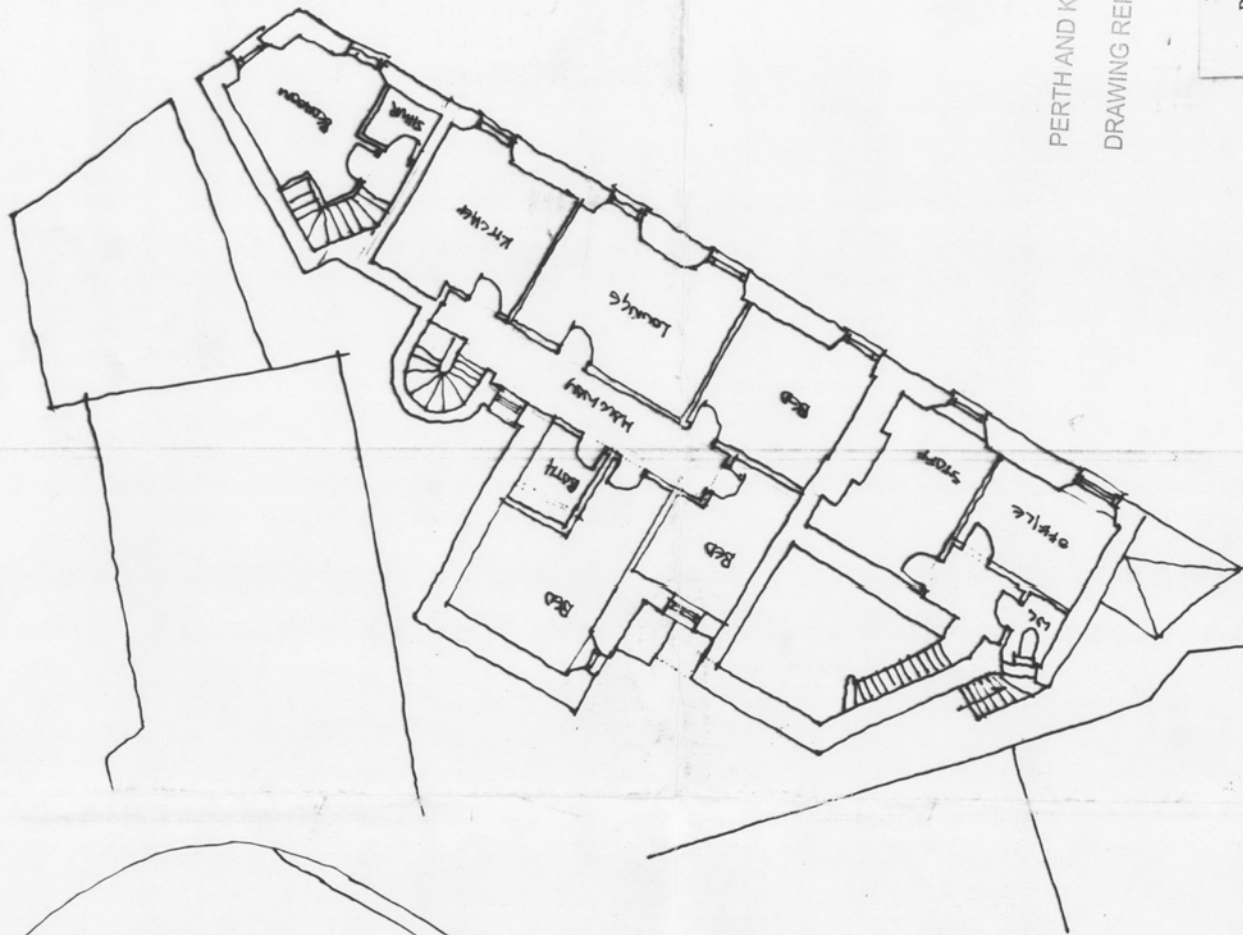
Shop.

Tea Room

SOUTH STREET

ROYAL HOTEL

EXISTING GROUND FLOOR LAYOUT 1:100



EXISTING FIRST FLOOR LAYOUT 1:100

SCANNED

PERTH AND KINROSS COUNCIL

DRAWING REF: 08/00128/3

PLANTEQ BUILDING DESIGN
22 VIEWFIELD TERRACE
DUNFERMLINE FIFE KY12 7HZ
TEL: 07745305509

ALTERATIONS AND CHANGE OF USE TO FORM
GROUND FLOOR FLAT AND TOWN HOUSE
AT 2 & 4 SOUTH STREET MILNATHORT
FOR MR. S. CLARKE

JOB REF: ACU/SC DRG NO. ACU/SC03A

Building Standards (Scotland) Regulations 2003 and all relevant Codes of Practice.

All new electrical work to be carried out in accordance with current IEE Regulations 16th edition and amendments and BS 7671:1992.

All electrical installation to be designed, constructed, installed and tested in accordance with the recommendations of BS 7671:2001 as amended. Contractor/installer to be a member of S.E.L.E.C.T or N.I.C.E.L or similar electrical schemes recognised by The Scottish Building Standards Agency.

All new drainage to be to the right and satisfaction of the local authority.

All workmanship to be carried out in accordance with BS8000.

The installation of all new appliances will be certified and maintained in accordance with CSE Codes and BS7541 Codes.

LIMITING INFILTRATION

The infiltration of air into a building is to be limited as far as reasonably practicable – sealing dry-fitting junctions between walls, ceilings and floors, and at windows, door and roof space openings; sealing vapour control membranes in timber framed panels; construction; sealing of service penetrations of the fabric or around boring for services and fitting draught stripping in the frames of operable elements of windows, doors and rooflights.

All existing internal non load bearing partitions damaged by flood water signs to be removed.

All lath and plaster finish to external wall damaged by flood water ingress to be removed.

SMOKE DETECTION

To COMPLY WITH REG 211.2

The requirements of 211.2 will be met by a smoke alarm with a standby supply, complying with BS 5446 Part 1:1990 and installed in accordance with the provisions below.

The standby power supply for the smoke alarm should take the form of a primary battery, a secondary battery or a capacitor. The capacity of the standby supply should be sufficient to power the smoke alarm when the mains power supply is off for at least 72 hours while giving an audible warning of mains power supply using the following criteria:

- For a further 4 minutes. An audible warning should be given at least once every minute where the capacity of the standby power supply falls below that required to satisfy the recommended standby duration when the mains power supply is on, or persist for at least 15 days when the mains power supply is off.

A smoke alarm should be located – in a circulation area which will be used as a route along which to escape, not more than 7m from the door to a living room or kitchen and not more than 3m from the door to a room intended for sleeping – or where the circulation area is more than 15m long, not more than 15m from another smoke alarm on the same storey – or where designed for ceiling mounting, at least 300mm away from any wall or light fitting, or if designed for wall mounting, more than 150mm and not more than 300mm below the ceiling – or at least 300mm away from, and not directly above, a heater or air conditioning outlet – and on a surface which is normally at the ambient temperature of the rest of the room or circulation area in which the smoke alarm is situated.

Where more than one smoke alarm is installed, the wiring should be such that the alarm signal is given by any one of them.

A smoke alarm should be permanently wired to a circuit. The mains supply to the smoke alarm should take the form of either – an independent circuit at the dwelling's main distribution board, in which case no other electrical equipment should be connected to this circuit (other than a dedicated monitoring device installed to indicate failure of the mains supply to the smoke alarm) – or a separate electrically protected, regularly used local lighting circuit.

NOTE: Where smoke alarms are of a type that may be interconnected, all smoke alarms should be connected on a single final circuit.

PLANTRO BUILDING DESIGN
22 VIEWFIELD TERRACE
DUNFERMLINE FIFE KY12 7HZ
TEL: 07745305509

ALTERATIONS AND CHANGE OF USE TO FORM
GROUND FLOOR FLAT AND TOWN HOUSE
AT 2-4 SOUTH STREET MILNATHORT
FOR MR. S. CLARKE

JOB REF: ACUSC DRG NO. ACUSC03

An anti scalding device to be provided on the hot water system limiting the water temperature to 48° serving any bath or shower from that is not easily altered by building users and does not compromise the principal means of protecting the occupants from the risk of Legionella to comply with Safety 4.9.5.

The installation of the heating and hot water systems to be tested and commissioned in accordance with the manufacturers instructions. Details of the operating information to be provided for the occupier.

CENTRAL HEATING

Gas fired wall mounted central heating boiler, Worcester Bosch GROUP GREENSTAR CAMRAX 24/25/27/30/33/35/38/42/45/50/55/60/65/70/75/80/85/90/95/100/105/110/115/120/125/130/135/140/145/150/155/160/165/170/175/180/185/190/195/200/205/210/215/220/225/230/235/240/245/250/255/260/265/270/275/280/285/290/295/300/305/310/315/320/325/330/335/340/345/350/355/360/365/370/375/380/385/390/395/400/405/410/415/420/425/430/435/440/445/450/455/460/465/470/475/480/485/490/495/500/505/510/515/520/525/530/535/540/545/550/555/560/565/570/575/580/585/590/595/600/605/610/615/620/625/630/635/640/645/650/655/660/665/670/675/680/685/690/695/700/705/710/715/720/725/730/735/740/745/750/755/760/765/770/775/780/785/790/795/800/805/810/815/820/825/830/835/840/845/850/855/860/865/870/875/880/885/890/895/900/905/910/915/920/925/930/935/940/945/950/955/960/965/970/975/980/985/990/995/1000/1005/1010/1015/1020/1025/1030/1035/1040/1045/1050/1055/1060/1065/1070/1075/1080/1085/1090/1095/1100/1105/1110/1115/1120/1125/1130/1135/1140/1145/1150/1155/1160/1165/1170/1175/1180/1185/1190/1195/1200/1205/1210/1215/1220/1225/1230/1235/1240/1245/1250/1255/1260/1265/1270/1275/1280/1285/1290/1295/1300/1305/1310/1315/1320/1325/1330/1335/1340/1345/1350/1355/1360/1365/1370/1375/1380/1385/1390/1395/1400/1405/1410/1415/1420/1425/1430/1435/1440/1445/1450/1455/1460/1465/1470/1475/1480/1485/1490/1495/1500/1505/1510/1515/1520/1525/1530/1535/1540/1545/1550/1555/1560/1565/1570/1575/1580/1585/1590/1595/1600/1605/1610/1615/1620/1625/1630/1635/1640/1645/1650/1655/1660/1665/1670/1675/1680/1685/1690/1695/1700/1705/1710/1715/1720/1725/1730/1735/1740/1745/1750/1755/1760/1765/1770/1775/1780/1785/1790/1795/1800/1805/1810/1815/1820/1825/1830/1835/1840/1845/1850/1855/1860/1865/1870/1875/1880/1885/1890/1895/1900/1905/1910/1915/1920/1925/1930/1935/1940/1945/1950/1955/1960/1965/1970/1975/1980/1985/1990/1995/2000/2005/2010/2015/2020/2025/2030/2035/2040/2045/2050/2055/2060/2065/2070/2075/2080/2085/2090/2095/2100/2105/2110/2115/2120/2125/2130/2135/2140/2145/2150/2155/2160/2165/2170/2175/2180/2185/2190/2195/2200/2205/2210/2215/2220/2225/2230/2235/2240/2245/2250/2255/2260/2265/2270/2275/2280/2285/2290/2295/2300/2305/2310/2315/2320/2325/2330/2335/2340/2345/2350/2355/2360/2365/2370/2375/2380/2385/2390/2395/2400/2405/2410/2415/2420/2425/2430/2435/2440/2445/2450/2455/2460/2465/2470/2475/2480/2485/2490/2495/2500/2505/2510/2515/2520/2525/2530/2535/2540/2545/2550/2555/2560/2565/2570/2575/2580/2585/2590/2595/2600/2605/2610/2615/2620/2625/2630/2635/2640/2645/2650/2655/2660/2665/2670/2675/2680/2685/2690/2695/2700/2705/2710/2715/2720/2725/2730/2735/2740/2745/2750/2755/2760/2765/2770/2775/2780/2785/2790/2795/2800/2805/2810/2815/2820/2825/2830/2835/2840/2845/2850/2855/2860/2865/2870/2875/2880/2885/2890/2895/2900/2905/2910/2915/2920/2925/2930/2935/2940/2945/2950/2955/2960/2965/2970/2975/2980/2985/2990/2995/3000/3005/3010/3015/3020/3025/3030/3035/3040/3045/3050/3055/3060/3065/3070/3075/3080/3085/3090/3095/3100/3105/3110/3115/3120/3125/3130/3135/3140/3145/3150/3155/3160/3165/3170/3175/3180/3185/3190/3195/3200/3205/3210/3215/3220/3225/3230/3235/3240/3245/3250/3255/3260/3265/3270/3275/3280/3285/3290/3295/3300/3305/3310/3315/3320/3325/3330/3335/3340/3345/3350/3355/3360/3365/3370/3375/3380/3385/3390/3395/3400/3405/3410/3415/3420/3425/3430/3435/3440/3445/3450/3455/3460/3465/3470/3475/3480/3485/3490/3495/3500/3505/3510/3515/3520/3525/3530/3535/3540/3545/3550/3555/3560/3565/3570/3575/3580/3585/3590/3595/3600/3605/3610/3615/3620/3625/3630/3635/3640/3645/3650/3655/3660/3665/3670/3675/3680/3685/3690/3695/3700/3705/3710/3715/3720/3725/3730/3735/3740/3745/3750/3755/3760/3765/3770/3775/3780/3785/3790/3795/3800/3805/3810/3815/3820/3825/3830/3835/3840/3845/3850/3855/3860/3865/3870/3875/3880/3885/3890/3895/3900/3905/3910/3915/3920/3925/3930/3935/3940/3945/3950/3955/3960/3965/3970/3975/3980/3985/3990/3995/4000/4005/4010/4015/4020/4025/4030/4035/4040/4045/4050/4055/4060/4065/4070/4075/4080/4085/4090/4095/4100/4105/4110/4115/4120/4125/4130/4135/4140/4145/4150/4155/4160/4165/4170/4175/4180/4185/4190/4195/4200/4205/4210/4215/4220/4225/4230/4235/4240/4245/4250/4255/4260/4265/4270/4275/4280/4285/4290/4295/4300/4305/4310/4315/4320/4325/4330/4335/4340/4345/4350/4355/4360/4365/4370/4375/4380/4385/4390/4395/4400/4405/4410/4415/4420/4425/4430/4435/4440/4445/4450/4455/4460/4465/4470/4475/4480/4485/4490/4495/4500/4505/4510/4515/4520/4525/4530/4535/4540/4545/4550/4555/4560/4565/4570/4575/4580/4585/4590/4595/4600/4605/4610/4615/4620/4625/4630/4635/4640/4645/4650/4655/4660/4665/4670/4675/4680/4685/4690/4695/4700/4705/4710/4715/4720/4725/4730/4735/4740/4745/4750/4755/4760/4765/4770/4775/4780/4785/4790/4795/4800/4805/4810/4815/4820/4825/4830/4835/4840/4845/4850/4855/4860/4865/4870/4875/4880/4885/4890/4895/4900/4905/4910/4915/4920/4925/4930/4935/4940/4945/4950/4955/4960/4965/4970/4975/4980/4985/4990/4995/5000/5005/5010/5015/5020/5025/5030/5035/5040/5045/5050/5055/5060/5065/5070/5075/5080/5085/5090/5095/5100/5105/5110/5115/5120/5125/5130/5135/5140/5145/5150/5155/5160/5165/5170/5175/5180/5185/5190/5195/5200/5205/5210/5215/522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150

- All fan floor existing windows to be made fully operational. These must provide a clear opening area of 0.33m² which must be at least 0.45m high and at least 0.45m wide. Glazed area to equal 1/15th floor area and opening area to equal 1/20th floor area.
- Ground floor shower room to be fitted with passive trickle ventilation system ducted to the external air high level through bedroom area. System by Dwydewale or similar. Trickle ventilation provided at a rate of 4000m³/hour.
- Knapen TFS10 rigid insulation 100mm thick to be provided to the new wall lining to ensure a minimum 25mm clear air space is maintained (see specification alterations).
- All internal doors at accessible level to have a clear opening width of 775mm.
- All new sockets and switches to be located 350mm from any named corner, projecting wall or similar obstruction, sockets, switches and timer controls or programmable, not to be less than 12mm above floor level. Light switches should be located 1200mm from the wall and 116mm above floor level. Standard provided for all other services such as socket outlets and switches for other services such as telephones or television should be positioned at least 400mm above floor level. Above an obstruction, such as a worktop, fixtures should be at least 150mm above the projecting surface. Where nocket outlets are concealed, such as to the rear of white goods in a kitchen, separate switching should be provided in an accessible position, to allow appliances to be isolated.
- The existing separating wall carries up through roof space to the underside of rafters. Check condition and ensure any open joints or loose mortar is adequately sealed. No damage or extract ducts will pass through existing separating walls or floors.

DRAWING REF: 080078/5

PLANTEQ BUILDING DESIGN
22 VIEWFIELD TERRACE
DUNFERMLINE FIFE KY12 7HZ
TEL: 07745305509

ALTERATIONS AND CHANGE OF USE TO FORM
GROUND FLOOR FLAT AND TOWN HOUSE
AT 2-3 SOUTH STREET MILNATHORT
FOR MR. S. CLARKE

JOB REF: ACU/SC DRG NO. ACU/SC/04

**Study of the impact on retail provision within
Milnathort of the proposed change of use of the
premises at 2-8 South Street from shop and café to
residential.**

R T Hutton Planning Consultant
February 2007

1.0 Introduction

A planning application to convert the premises at 2-8 South Street, Milnathort from shop and café to housing was submitted to Perth and Kinross Council last year (Council reference 06/02165/FULL). To allow them to fully understand the likely impact of the proposal, the Council have requested that the applicants address the issue relating to the loss of these retail premises and the impact this would have on provision within Milnathort. This report seeks to address this matter.

2.0 The Policy Background

The Kinross Area Local Plan contains one policy which relates specifically to shopping. Policy 70 states:

‘Inset Map 2 identifies principal retail area where the Council will not permit non-retail uses to dominate the ground floors to an extent that they may undermine the retail function or adversely affect residential amenity. Retail developments over 250sq.m. gross out with these areas will be restricted unless they meet local needs or are in line with Opportunity 2.’

It is clearly the first part of this policy which is relevant to this planning application, and it is therefore, necessary to demonstrate that the proposed change of use will not undermine the retail function or affect residential amenity.

The national context for retailing and town centres is provided by NPPG 8 which is soon to be replaced by an updated version in the form of SPP8 ‘Town Centres’. A significant and relevant point emerging from this new guidance is that town centres have to be seen as part of a network. Therefore, when considering planning policies relevant to the centre of Milnathort, it is necessary to consider the retail provision within Kinross and Perth, both of which are within easy travelling distance of Milnathort. This is particularly significant in light of supermarket provision within both of these centres, and the pattern of modern convenience shopping.

The national policy also highlights that town centres should be the focus for a range of activities and regeneration efforts.

3.0. The Milnathort study.

In order to understand the current retail function of the shops within Milnathort, a drive by survey was carried out. The appendix attached to this report provides a summary of

the current provision of retail and related town centre uses and their location. There are a number of issues that the survey highlights, amongst these are :

- Retail provision is spread along 3 of the main arterial roads coming into the town.
- There is no strong retail focus within Milnathort.
- Retail provision is varied. There is no focus on convenience shopping, and in fact most of the shops have a specialist function selling goods such as antiques, craft goods, trailers and farm supplies.
- There are only 3 empty retail premises in the town.

It is clear from this survey that the main focus of convenience shopping is the Giacopazzi supermarket on New Road. It is in fact the only convenience store, and looks to have been extended in the recent past. This is symptomatic of retail trends throughout the country where small shops are unable to compete with larger stores, and close or change to some other use. The trend nationally is towards a weekly, or even monthly, trip to a larger supermarket. In the case of Milnathort, this could be a journey to the Somerfield store in Kinross, or Tesco on the south side of Perth. Shops within Milnathort would then serve the function of top-up shopping for those using these larger stores. There is also the prospect of basket shopping at the Giacopazzi supermarket for those less mobile and unable to access the larger stores.

Therefore, it can be seen that in terms of a network of town centres, Milnathort loses convenience trade to both Perth and Kinross simply because of proximity and the size of stores offered in these larger centres. Within the town, the success of the Giacopazzi store may have had an impact on smaller convenience stores in the town. Fortunately this has not resulted in many empty shops, as they have changed to a more specialist function. The writer has no detailed information on the nature of the individual shops that did exist in the past within Milnathort, but the conclusion being drawn appears logical in terms of consumer retail trends and the shopping provision which currently exists in the town.

It is a feature of the retail provision in Milnathort that the shops are spaced out and interspersed with other land uses, mainly housing. The conversion of the premises at 2-8 South Street to housing, as proposed by this application, would not therefore be out of keeping with the town, nor interrupt a continuous retail frontage.

4.0. The application premises.

The application subjects, 2-8 South Street, previously operated as a café and news agent/confectioner, but this use ceased in 1999 and the premises closed. They have remained closed since then. At the time of closure, and for the next 18 months, the premises were actively marketed by D M Hall. The information provided separately by that company illustrates the extent of marketing and lack of retail interest in the

premises. For some time after the active marketing exercise their sign board remained on the premises, but again this resulted in no successful inquiries.

During the 8 years that the premises have been empty, their physical condition has deteriorated to an extent that they now represent an unattractive feature within the centre of Milnathort. The investment now proposed now would remove this, and result in the fabric of the building being improved, whilst retaining the traditional character. Such an improvement would be to the benefit of the town, and the investment would be a sign of confidence in the town centre. This may help to attract further investment which, in the long run, can only serve to attract retail interest to the area.

The other aspect of the Local Plan policy which requires to be addressed, is to ensure that the application proposals have no adverse impact on residential amenity. Given that there are no houses attached to this block, and that the proposal is for the provision of housing, by definition any such impact is unlikely.

5.0. Conclusions.

It is clear that those living in Milnathort use the large supermarkets in towns within a 15 minute drive for their main convenience shopping. This has impacted on the retail provision within Milnathort which has adapted in a way which now sees the town with a good sized convenience store and a range of more specialist shops. These shops are located along 3 main roads, not in a concentrated area, but interspersed with other uses.

The application premises have been empty for 8 years, have been actively marketed, but there is clearly no demand for such retail space. The buildings are now starting to deteriorate, and the conversion as proposed by this planning application would result in a significant improvement within the street scene. This can only be helpful in encouraging further investment in Milnathort, something which is currently lacking. To refuse the application in the hope that at some point in the future a retail use may be found, ignores the views of the retail market and can only result in further physical deterioration on a prominent site on this through road.

Appendix 1

Summary of current shopping and related town centre uses within Milnathort.

South Street

2-8 empty
13 antiques
17-19 café and gifts
23 hairdresser
28 café
29 chemist
31 bank
41 empty
104 car sales
111 car sales

New Road

1 empty pub
2 empty
10 mower and saw shop
13 post office
15 chip shop
19 Giacopazzi supermarket
22 skin care therapies
13 farm supplies
35-37 mortgage broker

Wester Loan



27 fireplace shop

Stirling Road

car sales
25 trailer sales
Country store
Building supplies
98 Wedding portraits.



Milnathort Shopping Study

-  Shop/town centre use currently operating
-  Shop/town centre use currently vacant

R T Hutton Planning Consultant
February 2007

TCP/11/16(171)

Planning Application 11/01223/FLL – Review of Condition 2 on planning permission for alterations and extensions to house at Knox House, Coldwells Road, Crieff, PH7 4BA

REPRESENTATIONS

- Objection from the Business and Community Projects (Conservation) Section, dated 19 September 2011

Memorandum

To	Christine Brien	From	Vivienne Whyte
Your ref	11/01223/FLL	Our ref	*
Date	19/09/2011	Tel No	76596

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Conservation/Design comments

Knox House, Coldwells Road, Crieff – alterations and extensions to house

Knox House is a very large unlisted traditional stone built dwelling located in Crieff Conservation Area. The building once belonged to Morrison's Academy and was used as an extension to the schools facilities, during which time it was altered and extended. Approximately 9 years ago and prior to the designation of the conservation area, it changed ownership and was converted into a single dwelling, the later modern extensions were then remodelled and re-rendered.

The manner in which Knox House has been extended has resulted in a very deep and complex building arrangement with differing floor/window levels. However, the scale of this large building has been broken down by the varied use of material finishes. Having analysed old mapping, the original villa which faces Comrie Road, was likely to have been constructed during the early Victorian period built in blonde sandstone with detailed carving, particularly at the quoins. It was extended, in the mid Victorian period, on the south side of the east elevation using red sandstone with blonde dressings. It was extended again to the north of this extension using the same materials and is mapped on the 1932 OS map. The window levels in these extensions do not tie up with the original villa. It was extended again, this time to the north and again to the east (rear) during the 1950s and 60s using modern materials.

The proposal is to erect a new porch to the north, make further alterations to the later extensions, remove the attached 2-storey flat roofed garage and render large areas of stonework.

The Business and Community Projects (Conservation) Section have no objections to the scale and design of the extensions and alterations to the rear and welcomes the removal of the flat roofed garage extension. However, we do have strong concerns with the extent of proposed render.

The original plans submitted with the application showed a greater extent of render; the complete north elevation covering the blonde sandstone, the red sandstone and the new extension. The render was also to continue round the rear and returning along the south elevation covering the red sandstone on both of these elevations too. This would have left only the front elevation and the blonde sandstone element to the south not rendered. The reason for rendering the red sandstone was concerns by the applicant over the condition of the stone, a general dislike to a "poorer" quality stone, scarring in the stonework from previous alterations to various pipework and the removal and infilling of an oriel window.

The red sandstone is a local stone, a defining characteristic of Crieff, the face of which has been stugged (a pattern commonly employed in the mid 19th century). There is the occasional individual stone, particularly on the south, which has been edge bedded and has naturally, through time, delaminated. But, not to the detriment of its structural ability, in fact, overall the stonework appears in reasonable condition for its age and type (Note: the stonework to the south is the older part of the two red sandstone extensions). The small scarring is not insurmountable and the mock stonework infill (replacing the oriel window, to the north) is not enough of a visual distraction that it warrants rendering the red sandstone on this elevation. The infill could be replaced at some point in the future with real stone should anyone wish.

This use of differing materials clearly denotes the buildings development history, an important characteristic of any historic building and something that should not be lost, distorted or disguised. The use of varied material finishes, which harmonise and marry well, does reduce the buildings visual mass and scale by breaking it up into defined phases of build. To mask these differing elements with the same render will not only increase the visual mass but confuse its reading and development history. During an early site visit it was made clear that this approach was not something we could support. From that initial visit further plans were drawn up which sought to retain more elements of the red sandstone, to the rear and to the south. It also included the retention of the blonde sandstone element to the north with the new intention of removing the paint and making good the scarring upon the removal of the garage. However, this may form part of a separate application in the future should the stonework be found in an unrecoverable condition and require rendering. The potential impact this could have on the buildings appearance, should the remaining north elevation be rendered, can not be ignored.

However, these revised proposals still include the rendering of the red sandstone to the north, and elevation which can be partially viewed from Comrie Road (when standing in front of Gordon Motors Garage), even more so upon the demolition of the 2-storey garage. It is, therefore, important that the red sandstone remains exposed and not rendered for reasons explained above.

When entering the site down the drive from Coldwells Road, it will be possible to see and compare both the north and east (rear) elevations at the same time. This is when the differing material finishes on the same late Victorian extension will be read and will look awkward next to each other. From this view point the combination of blonde sandstone and proposed render, both a similar colour, would visually lengthen an already long elevation. Should this blonde sandstone element require rendering as well, following the removal of the garage, this elevation will be completely unreadable and the building history will be lost.

An example of this can be found in the neighbouring property, Coldwells. It is a very old structure which featured on John Wood's map of Crieff, dated 1822. Yet today, due to a modern application of render, pre conservation area, its history and age is totally unidentifiable. Its appearance has been so heavily altered by a simple application of render that any architectural detail, external historic fabric and individual character have been sadly lost.

We are also concerned that the proposed use of a modern non-breathable render applied to a wire lath which will be fixed at regular points to the face of the stone, is instantly damaging and could deteriorate the stonework further. This was explained and highlighted in some length to the architect prior to the submission of the application. This method of application

is also non-reversible, therefore, permanently altering the appearance of the building well into its future.

Given these very strong concerns and relevant issues raised the Business and Community Projects (Conservation) Section wishes to object to the proposed rendering of the stonework due to the impact it will have on the buildings character and the conservation area, therefore, can not support the application as a whole.

(Note, the existing use of uPVC on site was prior to the designation of the conservation area and Article 4 Direction).

TCP/11/16(166)

Planning Application 08/00728/FLL – Alterations and change of use from cafe shop to one dwelling and one flat at 2-8 South Street, Milnathort

WRITTEN SUBMISSION

- Written Submission by the Agent, dated 9 May 2012

R T HUTTON

PLANNING CONSULTANT

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01383 872000
07845 960382

hutton874@btinternet.com

Our ref: 12/02/RTH

Your ref:TCP/11/16(166)

Gillian A Taylor,
Clerk to the Local Review Body,
Perth and Kinross Council,
2 High Street,
Perth.

9th May 2012.

Dear Ms Taylor,

Application for review of the decision to refuse the planning application for alterations and change of use at 2-8 South Street, Milnathort.

I thank you for your letter of 25th April advising of the decision of the LRB when they considered the above at their meeting of 27th March. The second specific point raised in your letter sought further information on the efforts that have been made to market the property as a viable commercial unit. I advised my clients of this, and they have now provided information which allows me to provide you with a response, this is based upon information received from the previous owner and an assessment of the current situation from a local estate agent.

Mrs Dawn Ramage was the previous owner and last commercial occupiers of the premises. She has advised of the difficulties she had in the period between 1999 when the shop/café closed, and 2007 when it was acquired by the current owners. During this time the property was marketed by DM Hall Edinburgh for a considerable period, but the only commercial interest was for the use of the premises as a hot food takeaway, and this was considered unacceptable to the Council as planning authority. As a consequence the property lay empty for 8 years and was in a bad state of repair both internally and externally when bought by the applicants. Mrs Ramage also points out that since the closure of her shop/café, Milnathort has also lost its fish shop, fruit shop and bakers. A copy of Mrs Ramage's letter is attached for your information.

Having identified the lack of success that was experienced during the 8 years up until 2007 in seeking a commercial user for the premises, my clients thought it may be helpful to provide the members of the LRB with an assessment of the current position. The attached letter from Andersons gives the views of a locally based estate agent on the prospects of finding a commercial user. They conclude that the demand for small commercial premises is in decline, and that there would be no demand from the premises in South Street.

Having been marketed unsuccessfully by professional agents for a long period in the early 2000's, and with the demand for this type of property in decline, there seems little, if any prospect, of an acceptable commercial user being found for the premises now. Works carried out to the inside and outside of the property by my clients since acquiring the

property in 2007 have arrested the decline and brought these listed premises back up to a good standard. However, if they are once again left empty for a long period it is inevitable that this condition will deteriorate, and the physical problems that were manifest in 2007 will re-appear. Unless a viable use is found for the premises their future remains uncertain. Approval of this application for review would remove that uncertainty and ensure the long term maintenance of a prominent listed building.

Yours sincerely,

R T Hutton BSc(Hons) MRTPI

28 Marshall Place,
MILNATHORT

8th May 2012

TO WHOM IT MAY CONCERN

Ref: 6 – 8 South Street, Milnathort

With regards to the above property, I am writing to confirm that we closed the shop/café down in 1999.

This was then marketed by DM Hall Edinburgh for quite some time. We had three separate notes of interest on the property, but when put to the council for fast food shops, the council refused all three permission. This was due to there already being a fish and chip shop within the village.

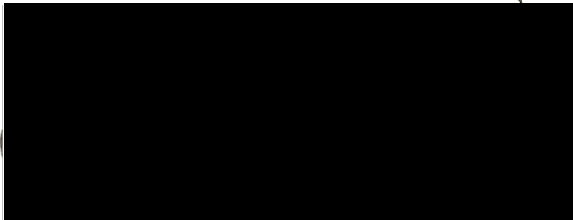
We had no other notes of interest in the premises until it was sold to Restoration & Renovation (Scotland) Ltd, who purchased the property in 2007.

This meant that it sat empty for a total of eight years and was in a bad state of repair both internally and externally when purchased.

Since 1999 the local fish shop, fruit shop, and the baker has closed down due to lack of business within the Milnathort area, as most people travel to the local supermarket in Kinross or further afield to Perth or Dunfermline.

I trust this is of some interest with regards to the selling aspect of the property.

Yours Sincerely



Dawn Ramage (Mrs)

Your Ref:

Our Ref: W/LH/C.Misc

Date: 8 May 2012

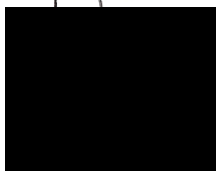
TO WHOM IT MAY CONCERN

Dear Sirs

Stephen Clark
Restoration & Renovation (Scotland) Limited
6-8 South Street, Milnathort, Kinross

We have been asked to write in support of the Planning Application for Change of Use of the above Premises from retail to residential. We understand that the property is now converted into flats and occupied as flats but Planning was refused some years ago for the change of use to residential. We also understand that some confirmation is needed that there will be no demand for retail property in that part of Milnathort. It is our view as Estate Agents in Kinross-shire, that the demand for small commercial units is in decline and there would be no demand from the market for a shop at numbers 6 – 8 South Street, Milnathort.

Yours sincerely



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