

TCP/11/16(438)
Planning Application – 16/00425/FLL – Installation of replacement windows at The Day Centre, 64 High Street, Kinross, KY13 8AJ

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TCP/11/16(438)
Planning Application – 16/00425/FLL – Installation of
replacement windows at The Day Centre, 64 High Street,
Kinross, KY13 8AJ

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	
Surname		Surname	
Company Name	Kinross Day Centre	Company Name	RT Hutton Planning Consultant
Building No./Name	64	Building No./Name	The Malt Kiln
Address Line 1	High Street	Address Line 1	2 Factors Brae
Address Line 2		Address Line 2	Limekilns
Town/City	Kinross	Town/City	Fife
Postcode	KY13 8AJ	Postcode	KY11 3HG
Telephone		Telephone	01383 872000
Mobile		Mobile	07881097659
Fax		Fax	N/A
Email		Email	hutton874@btinternet.com
3. Application Details			
Planning authority		Perth and Kinross Council	
Planning authority's application reference number		16/00425/FLL	
Site address			
64 High Street, Kinross. KY13 8AJ			
Description of proposed development			
Installation of replacement windows			

Date of application

3rd May 2016

Date of decision (if any)

13th June 2016

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

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 your 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.

The second reason for refusal relates to the lack of information on the proposed fans which was not requested, and this is now provided.

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

1. Tayplan policies 2 and 3.
2. Specification of proposed window fans.
3. Proposed north and south elevations.
4. Detailed window elevation.

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: 7.09.16

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 APPLICATION FOR
REVIEW OF THE DECISION TO REFUSE THE PLANNING
APPLICATION FOR THE INSTALLATION OF REPLACEMENT
WINDOWS IN THE DAY CENTRE, 64 HIGH STREET, KINROSS.**

COUNCIL REFERENCE: 16/00425/FLL.

**R T HUTTON PLANNING CONSULTANT
SEPTEMBER 2016.**

1.0 Background to the application for review.

1.1 The building at 64 High Street, Kinross was declared surplus to requirements as a church when 2 Church of Scotland churches in Kinross were amalgamated in 1979. Rather than selling off the building, the church chose instead to retain it for community use, and it was converted to use as a community centre. A second level was formed by the installation of a floor at balcony level, and the centre offers meeting rooms, a drop in café on the ground floor with an active hall above. The facility are a valuable community asset and are well used 7 days every week.

1.2 The use of the first floor hall for indoor sports and other active purposes, and vandalism to the exterior of the building resulted in windows being broken on a regular basis. To avoid further external damage, in the late 1980's the church decided to install protective Perspex sheeting on the outside of the windows to give them an element of protection from vandalism. However, this has not proved to be a totally satisfactory long term solution as the Perspex has tarnished, and it does not provide the protection needed inside the building.

1.3 In 2013 it was decided to seek a better and long term solution which would offer the necessary protection both inside and outside the building in a way which would not detract from its appearance. Having considered the options available, the church opted for a scheme which involved the replacement of the glass windows with 6mm polycarbonate. It was only when the church sought grant aid for the project that they were advised that planning permission would be required. An application was submitted to the Council, and the applicants were advised that only the original glass type windows would be acceptable. Upon receipt of this advice the church decided to withdraw their planning application.

1.4 Clearly the church were disappointed by the outcome of their planning application, but needed to find a solution to their window problem. Having given the issue further thought and taken professional advice, a new application was submitted to replace the windows on the north and south elevations of the building with polycarbonate sheeting with lead applied to the same pattern as that which exists on the windows in the main front and rear elevations presently. This is seen as a solution which provides the protection needed, is cost effective, and respects the character of the building. However, this view was not shared by Council

planning officers who refused the application on the 13th June. Two reasons were given for that decision, the first asserts that the proposal would have a detrimental impact on the Kinross Conservation Area, and the second states that the proposed vents could not be assessed because of a lack of information.

1.5 The applicants strongly believe that what is proposed will enhance the appearance of the building, and replacement of the existing vents by new ones will again result in an improvement. For these reasons they wish to have the decision on their planning application considered by the Local Review Body. Their case for approval of the application is set out below.

2.0 Comment on the reasons for refusal.

2.1 The first reason for refusal states that the poor quality, inappropriate material and lack of attention to detail would be architecturally unconvincing and because of this would have a detrimental impact on the visual amenity of the building and the character of the Conservation Area. In looking at this reason the applicants would point out that the windows in the main elevation which faces onto the High Street will be retained in their present form, thus preserving the original character of the most prominent elevation. The proposed polycarbonate replacements will be limited to the windows on the north and south elevations. These will give the appearance of obscure glazing with lead applied to give the same look as that of the original windows.

2.2 The result of these proposed replacements would be a significant improvement on what currently exists, and that is a matter which seems to have been ignored by planning officers in their assessment of this application. Hopefully members of the Review Body will visit the site before deciding on this application, and this will allow them to come to their own conclusions about replacing what exists with a solution which will appear to all but the very architecturally aware as a substantial improvement for both the building and the conservation area.

2.3 In support of their position the Council planning officers have referred to a number of policies, and the applicants would wish to comment on these. Firstly, it is asserted that the proposal would be contrary to paragraph 143 of Scottish Planning Policy. This paragraph reiterates a long standing policy view that developments in conservation

areas should preserve or enhance the character of the area. However the paragraph makes clear that proposals which do not harm the conservation area should be treated as preserving its character. We would suggest that the proposed windows could not be seen as harming the conservation area.

2.4 Policies 2 and 3 of Tayplan is also quoted as not being met by the proposal. Policy 2 is a general policy headed “Shaping better quality places” which is concerned with larger scale developments than replacement windows which makes no specific reference to such small details. Attached is a copy of policies 2 and 3 (applicants’ Document 1) in order to demonstrate this point, and would ask that members of the Review Body draw their own conclusions as to the relevance of these policies to this proposal to install replacement windows.

2.5 The first reason for refusal also lists 3 policies from the Perth and Kinross Local Development Plan and the Placemaking Guide as a basis for the decision. As with the Tayplan policies quoted, the applicant again questions the relevance of these policies to this proposal. Policy PM1A states:

“Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation, and adaption. The design, density and siting of development should respect the character and amenity of the place and should create and improve links within, and where practical, beyond the site. Proposals should also incorporate new landscaping and planting works appropriate to the local context and the scale and nature of the development.”

The references to climate change; density; siting, and landscaping are all issues to be considered in larger developments, but have no relevance to this proposal.

Policy PM1B sets out a number of placemaking criteria that development must meet, and c states:

“The design and density should compliment its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.”

The wording of this criterion indicates that it is designed principally for

dealing with larger developments where issues such as height and density may be a concern. However, it is accepted that materials, finishes and colours may have relevance to this proposal, and it appears from the Report of Handling that materials is the main concern. The Council's Conservation Officer acknowledges that the building is not listed, and expresses the view that it plays a significant role in the local streetscape. This is accepted by the applicants in relation to the main elevation which fronts onto High Street, and that is why the 2 stained glass windows are being retained on this elevation. However, the applicants would dispute that the windows with which this application is concerned, on the side elevations, are particularly important. The photographs included with the Report of Handling illustrate this by virtue of the fact that neither are taken from a position where the full impact of the windows can be seen. Finally, in terms of policies quoted is HE3A which relates specifically to new development in conservation areas. The policy simply reiterates the advice provided in Scottish Planning Policy and referred to in paragraph 2.3 above. In seeking to apply this principle it is necessary to assess the proposed new windows against those which are currently in the building, not against those which were removed many years ago. A site visit will confirm that the existing windows are unsightly, and the proposed replacements would result in a significant improvement, providing the enhancement required by the policy.

2.6 It would appear that the first reason for refusal has not assessed the proposed windows against those they will replace, but against those originally installed in the former church. The existing windows have been in place for more than 20 years and in all that time the Council have not sought to seek improvement, they cannot now seek to enforce to have them removed. To suggest that the proposed replacement windows will not result in an enhancement is a subjective view which is difficult to appreciate, but is a judgement that members can make when they visit the site.

2.7 The second reason for refusal is concerned with the extract vents which are proposed to be inserted into the new windows to replace those currently installed. With the windows themselves not being accepted, the full details of these were not asked for or provided. However, the applicants are now in a position to provide full details which will allow an assessment be made as to their acceptability.

2.8 The fans that are proposed to be installed to replace the existing in the windows are 12 inch Vent-Axia Lo-Carbon T-series. The applicants'

Document 2 provides the technical specification, and Document 3 provides full elevational details for every window, and Document 4 gives a more detailed elevational view. The proposed fans are smaller and neater than those currently installed and should therefore satisfy the need to achieve enhancement within the conservation area. It is also worth noting that fans are designed to operate using a low energy motor, and have an instantaneous louvre shutter behind the grill which closes when the fan is not extracting. As such these new fans are a more sustainable option than the current fans, and will operate with less noise.

3.0 Conclusions.

3.1 The premises at 64 High Street, Kinross are a valuable and well used community asset. The original glass windows in the north and south elevations were replaced with Prespex around 30 years ago, but it is appreciated that these are no longer attractive and are not an ideal solution. The proposal to replace these with polycarbonate windows with lead applied to replicate the pattern of that on the original glass windows is seen by the Church as an effective and attractive proposal.

3.2 The first reason for refusal is based upon the view that these new windows would have a detrimental impact on the conservation area. This is a subjective view with which the applicants disagree, and are happy that members of the Review Body should come to their own opinion on the matter.

3.3 The second reason for refusal concerns the lack of details supplied of the fans to be installed in the windows. Full details are included with this application, and from these it can be seen that the proposed fans are smaller, quieter and more energy efficient than the existing. On this basis they will result in an improvement, and should not therefore be seen as being a reason for refusing the application.

Policy 2: Shaping better quality places

A. ensure that climate change resilience is built into the natural and built environments through:

- i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning Policy, should be promoted;
- ii. reducing surface runoff including through use of sustainable drainage systems;
- iii. protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,
- iv. identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles.

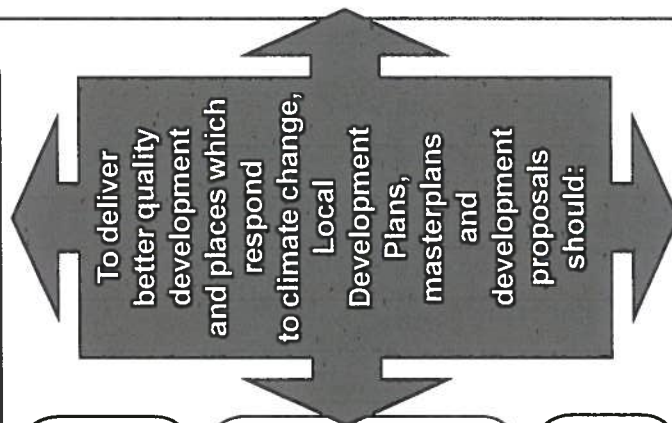
B. integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability.

C. ensure the integration of transport and land use to:

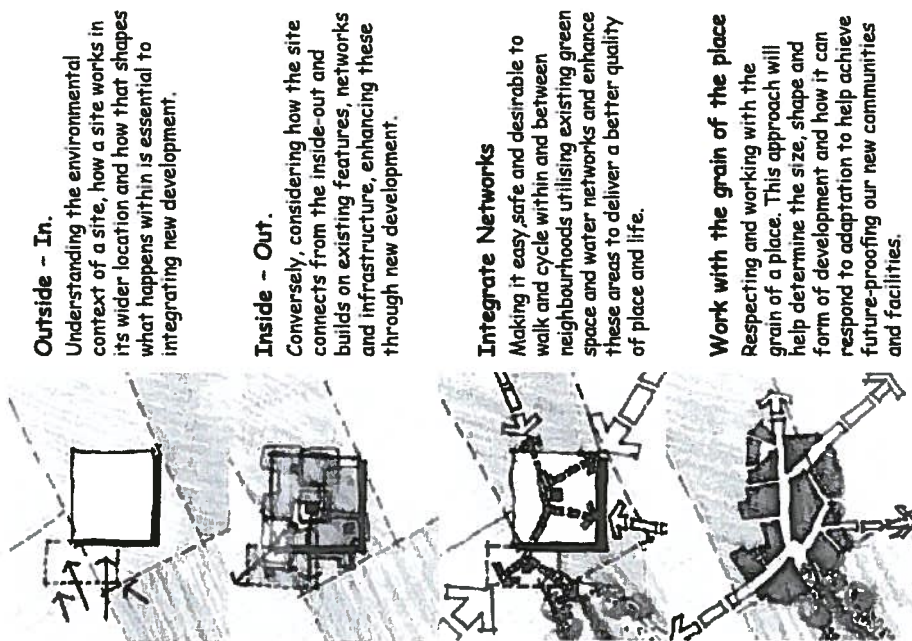
- reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and offsite infrastructure.

D. ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.

E. ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government's standards.



F. ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets*, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary.



Outside - In.

Understanding the environmental context of a site, how a site works in its wider location and how that shapes what happens within is essential to integrating new development.

Inside - Out.

Conversely, considering how the site connects from the inside-out and builds on existing features, networks and infrastructure, enhancing these through new development.

Integrate Networks

Making it easy, safe and desirable to walk and cycle within and between neighbourhoods utilising existing green space and water networks and enhance these areas to deliver a better quality of place and life.

Work with the grain of the place

Respecting and working with the grain of a place. This approach will help determine the size, shape and form of development and how it can respond to adaptation to help achieve future-proofing our new communities and facilities.

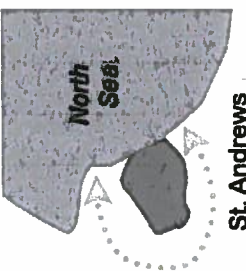
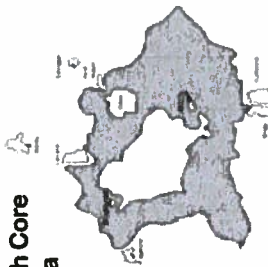
*Natural and historic assets: Landscapes, habitats, wildlife sites and corridors, vegetation, biodiversity, green spaces, geological features, water courses and ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and other designed landscapes, and other features (this includes but is not restricted to designated buildings or areas).

Policy 3: Managing TAYplan's Assets

- identifying and safeguarding at least 5 years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements;
- safeguarding areas identified for class 4 office type uses in principal settlements; and,
- further assisting in growing the year-round role of the tourism sector.

- continuing to designate green belt boundaries at both St. Andrews and Perth to preserve their settings, views and special character including their historic cores; assist in safeguarding the countryside from encroachment; to manage long term planned growth including infrastructure in this Plan's Proposals Map and Strategic Development Areas in Policy 4; and define appropriate forms of development within the green belt based on Scottish Planning Policy;

Perth Core Area



St. Andrews

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- using Perth green belt to sustain the identity of Scone, and provide sufficient land for planned development around key villages and settlements.

using the location priorities set out in Policy 1 of this Plan to:

- safeguard minerals deposits of economic importance and land for a minimum of 10 years supply of construction aggregates at all times in all market areas; and,
- protect prime agricultural land, new and existing forestry areas, and carbon rich soils (where identified) where the advantages of development do not outweigh the loss of productive land.

Employment Land

Greenbelts

Natural and Historic Assets*

Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets by:

Transport

Finite Resources

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,
- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.

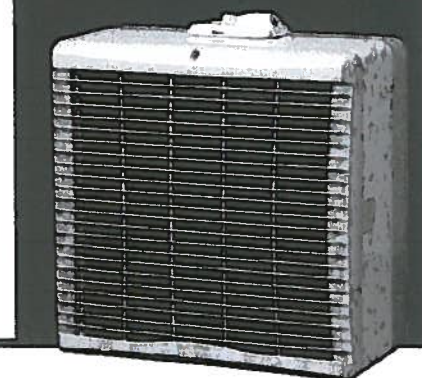
- safeguarding land at Dundee and Montrose Ports, and other harbours, as appropriate, for port related uses to support freight, economic growth and tourism; and,
- safeguarding land for future infrastructure provision (including routes), identified in the Proposal Map of this Plan or other locations or routes, as appropriate, or which is integral to a Strategic Development Area in Policy 4 of this Plan, or which is essential to support a shift from reliance on the car and road-based freight and support resource management objectives.

*Natural and historic assets: Landscapes, habitats, wildlife sites and corridors, vegetation, biodiversity, green spaces, geological features, water courses and ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and other designed landscapes, and other features (this includes but is not restricted to designated buildings or areas).

Vent-Axia

Commercial Range

Lo-Carbon T-Series® Window Fan



Features & Benefits

- Reduces your carbon footprint
- Extract/intake model in 2 sizes: 9" and 12"
- Long life Lo-Carbon motor lasts twice as long as conventional motors
- Up to 70% energy saving
- Wired or Wireless fan models available
- Easy fit connector Top Socket, standard on all models

UK's No. 1 Commercial Fan

The Lo-Carbon T-Series Fan range utilises a low energy DC motor, developed to improve performance, lower running costs and maintain T-Series' rugged reliability.

Window Fan

The fitting kit is designed for installation through single or double glazing and material up to 32mm thick. Greater thicknesses can be accommodated using extended fixing rod sets. Alternatively, the Lo-Carbon T-Series range can be used in conjunction with Vent-Axia ventilation accessories in flexible and rigid ducting systems to suit individual requirements. It can also be mounted in a fixing plate on walls or above ceilings.

Instantaneous Shutter

With energy saving in mind, units are supplied complete with an integral instantaneous automatic louvre shutter concealed behind the interior grille. It operates on both extract and intake and at any angle of mounting.

The shutter is electronically controlled by an actuator with a damped action giving quiet operation during instant opening and closing. The interlocking edges of the shutter blades provide maximum back draught protection. When the fan is used with the Lo-Carbon T-Series controller, the shutter can be set open with the fan motor switched Off to provide natural ventilation without the security risk of an open window.

Models

Complete Fan

Model	Stock Ref
9" Wired	456165
12" Wired	456173
9" Wireless	456169
12" Wireless	456177

Fan Core (excludes Window Kit)

Model	Stock Ref
9" Wired	472039
12" Wired	472040
9" Wireless	472041
12" Wireless	472042

Window Kit (excludes Fan Core)

Model	Stock Ref
9" Wired	472047
12" Wired	472048
9" Wireless	472049
12" Wireless	472050

Accessory

Extended Fixing Rod set

Size	Stock Ref
9"	568104
12"	568106

Top Socket

A connector Top Socket is standard on all T-Series fans. Allowing fast and trouble-free mains connection.

Controllers

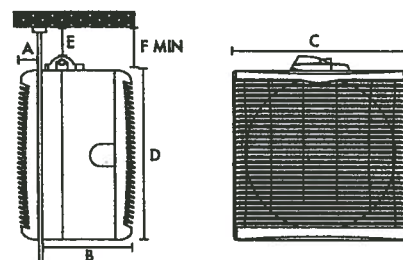


Models	Stock Ref
Wireless	455874
Wired	455873

Performance

Model	Curve	Extract performance m³/h (l/s)			Watts (high)	Sound dB(A) (med) @ 3m	Amps @ 240V
		low	medium	high			
Lo-Carbon 9" Window - Wireless/Wired	①	332 (90)	571 (160)	761 (210)	30.8	40	0.35
Lo-Carbon 12" Window - Wireless/Wired	②	660 (185)	1295 (360)	1550 (430)	68.6	46	0.73

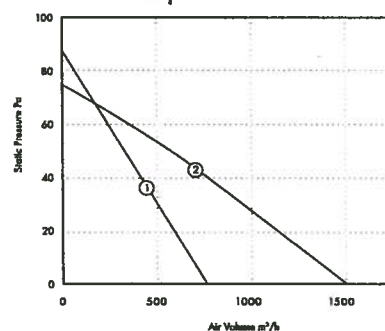
Dimensions (mm)



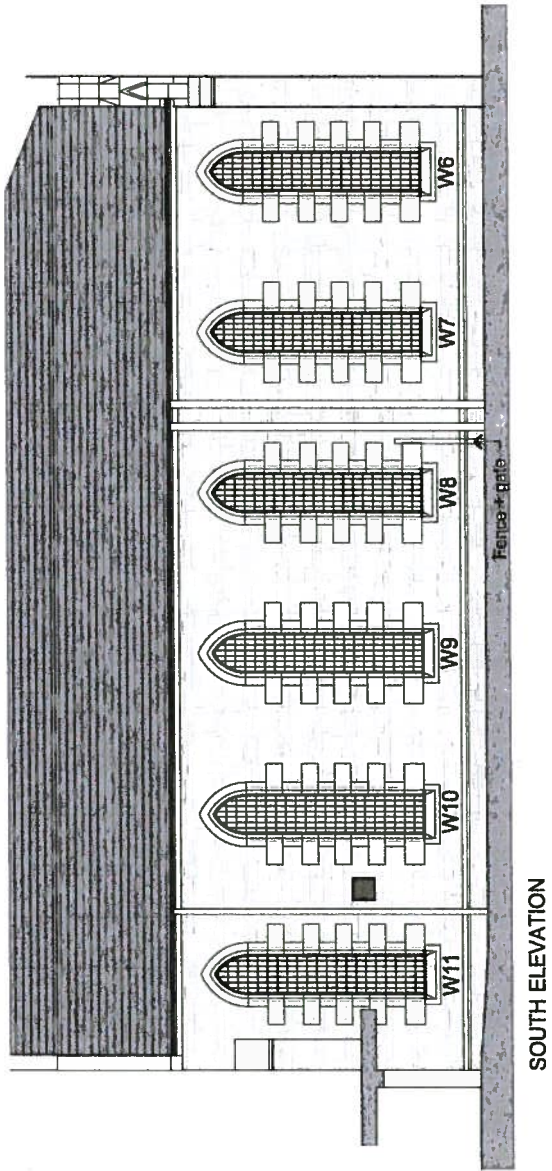
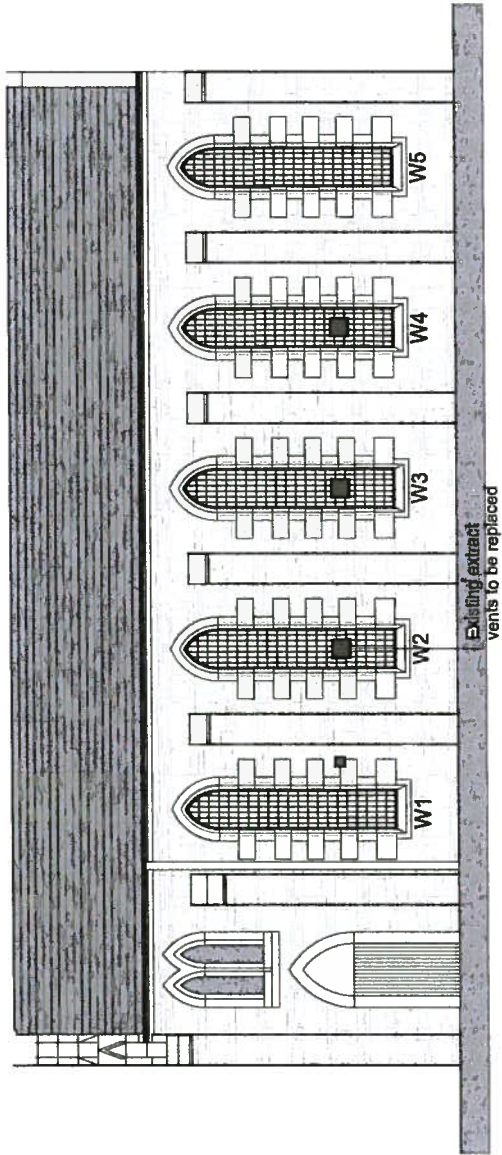
Size Dim.	9 in	12 in
A	39	41
B	150	177
C	304	381
D	302	378
E	19	19
F	54	54
Fixing hole Ø	260	337
Weight kg*	5.35	7.7

*Complete product
Controller (W x H x D) 97 x 99 x 32

Performance Graph

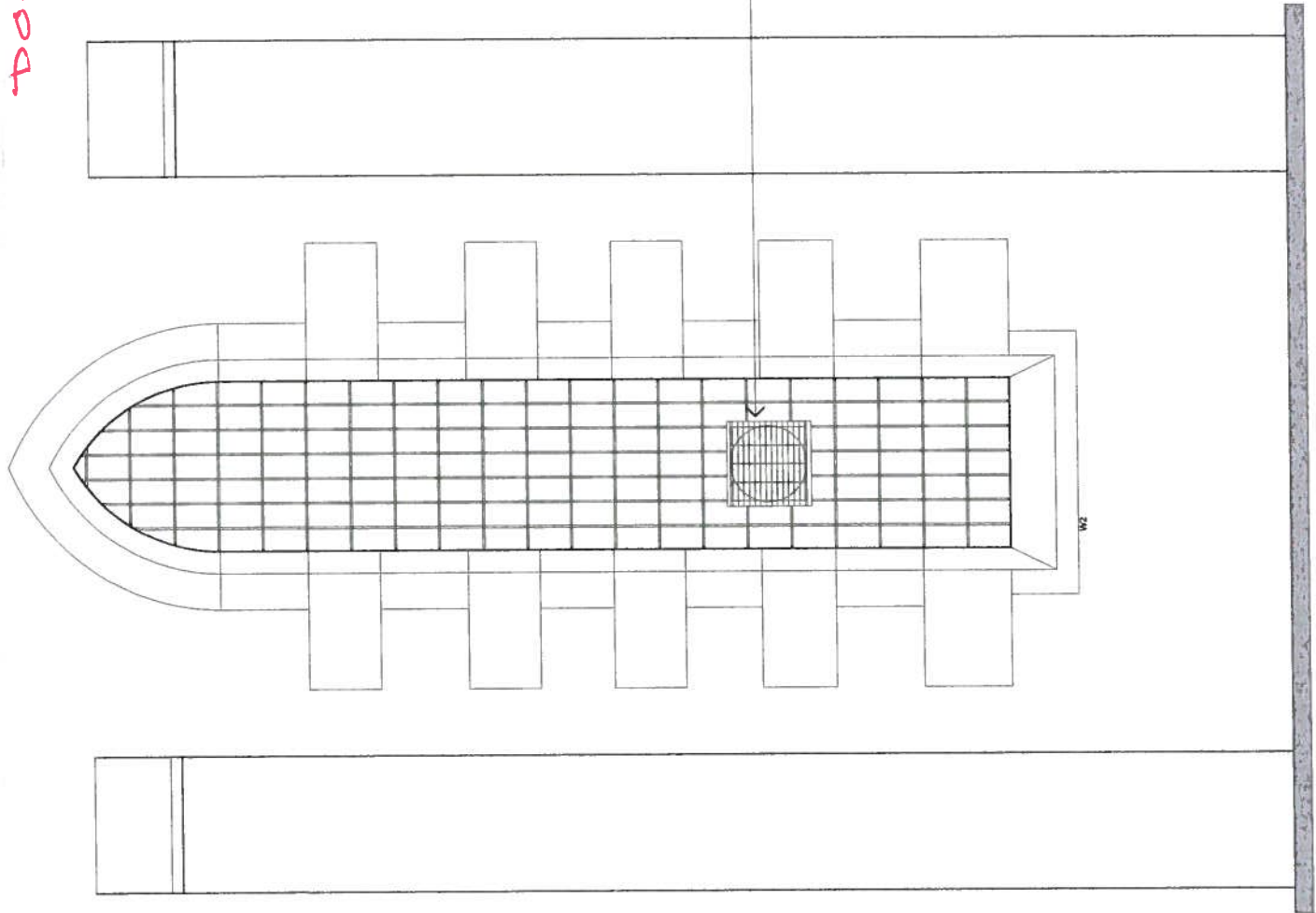


Shand Architecture	Shand One, Crook of Devon, Kinross KT13 0UL shand@shandarchitecture.co.uk shandarchitecture.co.uk		Alterations to Windows	Church Centre, Kinross	PROPOSED ELEVATIONS	Date	15/04/2016	Scale	1:100	Dwg. No.	14-18-04
	Chartered Architect	Project									



document 3

document 4



Lo-Carbon window fans by Vent-Aux to replace existing window fans.
Fans to be used in conjunction with Lo-Carbon window frames. The window frames are to be replaced with Lo-Carbon frames. See Vent-Aux details and specification for further information.
Fan dimensions: 381mm wide x 278mm high.

Revisions

Revision	Description
K	
J	
H	
G	
F	
E	
D	
C	
B	
A	

Shand Architecture
Studio One, Crook of Devon, Kinross KY13 0UL
Tel: 01574 601 200
Email: info@shandarchitecture.co.uk
www.shandarchitecture.co.uk

Project

Proposed Windows Upgrade
Kinross-shire Day Centre
High Street, Kinross

Title

WINDOW ELEVATION
- Showing fan installation

Scale	1:10
Date	August 2016
Dwg. No.	14-18-06
Stage	Planning

TCP/11/16(438)
Planning Application – 16/00425/FLL – Installation of replacement windows at The Day Centre, 64 High Street, Kinross, KY13 8AJ

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(part included in applicant's submission, see page 331)*

PERTH AND KINROSS COUNCIL

Kinross Day Centre
c/o Shand Architecture
Stuart Shand
Studio One
Crook Of Devon
Kinross
UK
KY13 0UL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 13.06.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00425/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 3rd May 2016 for permission for **Installation of replacement windows The Day Centre 64 High Street Kinross KY13 8AJ** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal, by virtue of its poor quality, inappropriate material and lack of attention to detail, would be architecturally unconvincing and would have a detrimental impact on the visual amenity of the building and the character and appearance of the Conservation Area.

Approval would therefore be contrary to paragraph 143 of Scottish Planning Policy 2014, Policies 2 and 3 of TAYplan 2012, Policies HE3A, PM1A and PM1B(c) of the Perth & Kinross Local Development Plan 2014, and Perth & Kinross Council's Placemaking Guide, which seek to preserve and enhance the character and appearance of the Conservation Area by ensuring that development contributes positively to the quality of the built environment by complementing its surroundings in terms of appearance, materials and finishes.

2. An assessment of the suitability of the replacement extract vents cannot be carried out as no detailed specification has been submitted with the application. Therefore, given the potential for the extract vents having an impact on surrounding residential amenity in terms of noise and odour emissions, the application contains insufficient information.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

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

16/00425/4

16/00425/1

16/00425/2

16/00425/3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/00425/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	02.07.2016	
Case Officer	Keith Stirton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Installation of replacement windows

LOCATION: The Day Centre 64 High Street Kinross KY13 8AJ

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 11 May 2016

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is the Kinross Day Centre, 64 High Street, Kinross. The former church building is unlisted and it occupies a prominent corner streetscape position within the Kinross Conservation Area. This application seeks detailed planning permission for the replacement of the windows on the North and South elevations.

SITE HISTORY

PK/91/0191	Extension to church centre Application Permitted – 18 July 1991
PK/91/0402	Formation of parking area Application Permitted – 24 June 1991
PK/92/1708	Extension to Kinross Church Centre Application Permitted – 7 January 1993
08/01042/ADV	Display of sign Application Withdrawn – 11 July 2008
14/01229/FLL	Alterations to windows Application Withdrawn – 23 January 2015

PRE-APPLICATION CONSULTATION

Pre application Reference: Not Applicable.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Scottish Planning Policy 2014, paragraph 143, states that;

“Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area”.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Policy 2: Shaping Better Quality Places

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets... and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets'.

Policy 3: Managing TAYplan's Assets states that 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets by understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding historic buildings.

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy HE3A - Conservation Areas

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development out with an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

OTHER POLICIES

Kinross Conservation Area Appraisal, 2010.

“A Conservation Area Appraisal is a management tool which helps to identify the special interest and changing needs of an area. It serves as supplementary planning guidance to the Local Plan. The appraisal provides the basis for the development of a programme of action that is compatible with the sensitivities of the historic area and can enable the local authority to fulfil its statutory duties to protect and enhance that particular area”.

Perth & Kinross Council's Placemaking Guide states that;

“The placemaking guide is not intended to limit imaginative and innovative design but discourage particularly large, unsuitable or overly cost-conscious additions and alterations which can destroy the composition of existing buildings and their surroundings. This principle applies to all types of building and is not limited to purely residential property...”

Successful development within conservation areas depends on the quality of the detailing and materials used. A great deal of the development that has taken place recently has been disappointing and architecturally unconvincing due to poor quality, incorrect usage or lack of attention to detail. Standardised components tend to devalue the merits of genuine historic buildings and blur the local identity of an area or building, and should be avoided”.

INTERNAL COMMENTS

Conservation Officer

“With regard to the above application; as you are aware I have had some previous involvement, and visited the site last year following submission of an application for replacement windows (which was subsequently withdrawn).

The current proposals raise similar concerns, as the proposed use of polycarbonate with applied lead-effect strips to replace the existing leaded glass does not meet requirements to protect the character and appearance of the conservation area.

Although unlisted, the former church plays a significant streetscape role in the Kinross Conservation Area, and the pointed-arch leaded windows to the north elevation are publicly visible to the High Street and Piper Row. I accept that the existing windows are in poor repair with broken panes and deterioration of the rectangular cames, and the existing Perspex sheets and vents are unsightly. It should however be ensured that, if the windows are beyond repair, any replacement is of an appropriate quality to protect the appearance of the building and its setting”.

REPRESENTATIONS

No letters of representation were received in relation to this proposal.

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	Not Required

APPRAISAL

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 Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

In general terms, developments which are ancillary to an existing building are considered to be acceptable in principle. However, consideration must be given to the specific details, specification, quality and materials of the proposal, whether it would have an adverse impact on visual amenity and whether it would preserve and enhance the character and appearance of the Conservation Area.

Design and Layout

The former church building has large pointed-arch leaded windows on the North and South elevations. Unfortunately, many of them have been covered with clear Perspex sheets in an attempt to provide additional protection to the windows. Additionally, some contain modern extract vents which are not sympathetic to the historic character of the building or the Conservation Area.

This proposal seeks to remove the leaded windows, clear Perspex sheeting and extract vents; to replace the windows with obscured polycarbonate sheeting, with lead effect strips, and to install replacement extract vents (although no detailed specification has been included within the submission).

Landscape

The scale and nature of the proposals do not raise any significant landscape impact issues and the impact would be limited to a streetscape impact.

Residential Amenity

The proposal to replace the windows would not have an adverse impact on surrounding residential amenity. The replacement of the extract vents does have the potential to have an impact on residential amenity in terms of noise and odour emissions; however, the impact cannot be measured without a detailed specification of the proposed units.

Visual Amenity

The existing pointed arch leaded windows are an attractive feature of the building, which makes a substantial contribution to the Kinross Conservation Area. As noted above, some unfortunate alterations have previously been carried out to the windows. Additionally, some of the windows are displaying clear signs of requiring attention, including broken glass and warped lead work.

This proposal seeks to remove the leaded windows in their entirety. A sample panel of the proposed obscured polycarbonate sheeting, with lead effect strips, has been provided for assessment. The panel does not exhibit the detailing, materials or quality of the existing windows. The proposal to install this material in place of the windows would be architecturally unconvincing due to poor quality, inappropriate material and lack of attention to detail. The proposal would therefore have a detrimental impact on the visual amenity of the building and the character and appearance of the Conservation Area.

Accordingly, approval would be contrary to paragraph 143 of Scottish Planning Policy, 2014, Policies 2 and 3 of TAYplan 2012, Policies HE3A, PM1A and PM1B(c) of the Perth & Kinross Local Development Plan 2014, and Perth & Kinross Council's Placemaking Guide.

Roads and Access

There are no road or access implications associated with this proposed development.

Drainage and Flooding

There are no drainage and flooding implications associated with this proposed development.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal would be minimal and limited to the construction phase of the development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved

TAYplan 2012 or the adopted 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 refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal, by virtue of its poor quality, inappropriate material and lack of attention to detail, would be architecturally unconvincing and would have a detrimental impact on the visual amenity of the building and the character and appearance of the Conservation Area.

Approval would therefore be contrary to paragraph 143 of Scottish Planning Policy 2014, Policies 2 and 3 of TAYplan 2012, Policies HE3A, PM1A and PM1B(c) of the Perth & Kinross Local Development Plan 2014, and Perth & Kinross Council's Placemaking Guide, which seek to preserve and enhance the character and appearance of the Conservation Area by ensuring that development contributes positively to the quality of the built environment by complementing its surroundings in terms of appearance, materials and finishes.
- 2 An assessment of the suitability of the replacement extract vents cannot be carried out as no detailed specification has been submitted with the application. Therefore, given the potential for the extract vents having an impact on surrounding residential amenity in terms of noise and odour emissions, the application contains insufficient information.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

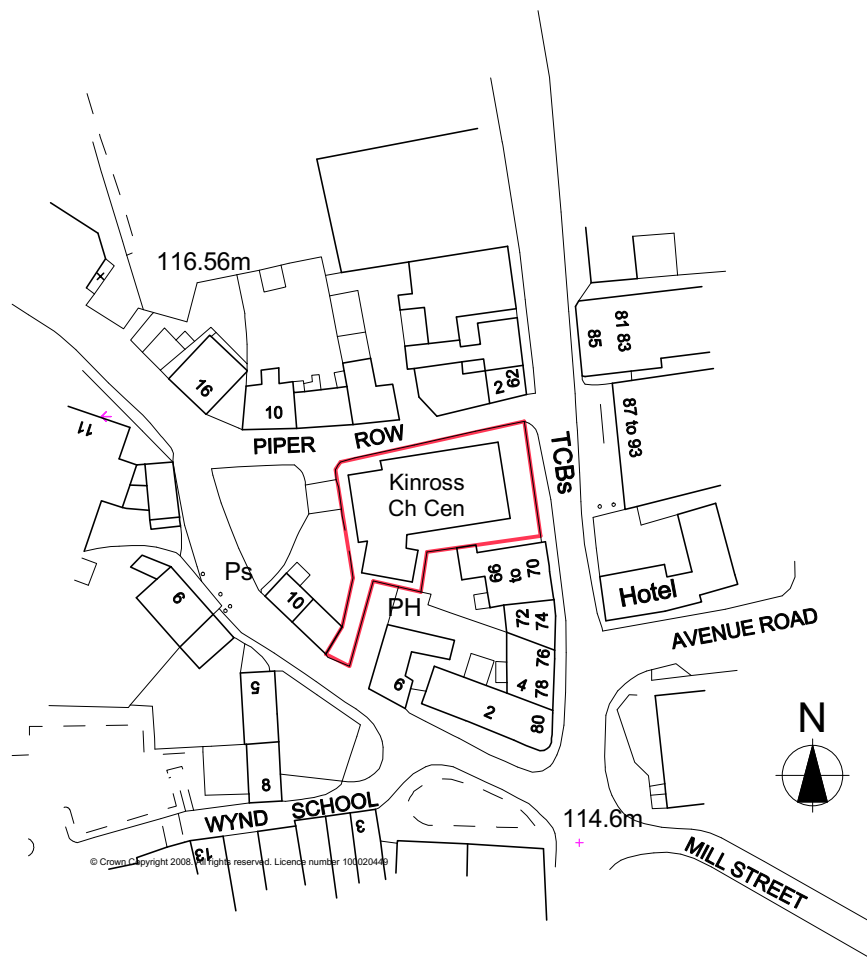
16/00425/1

16/00425/2

16/00425/3

16/00425/4

Date of Report 13.06.2016



LOCATION PLAN

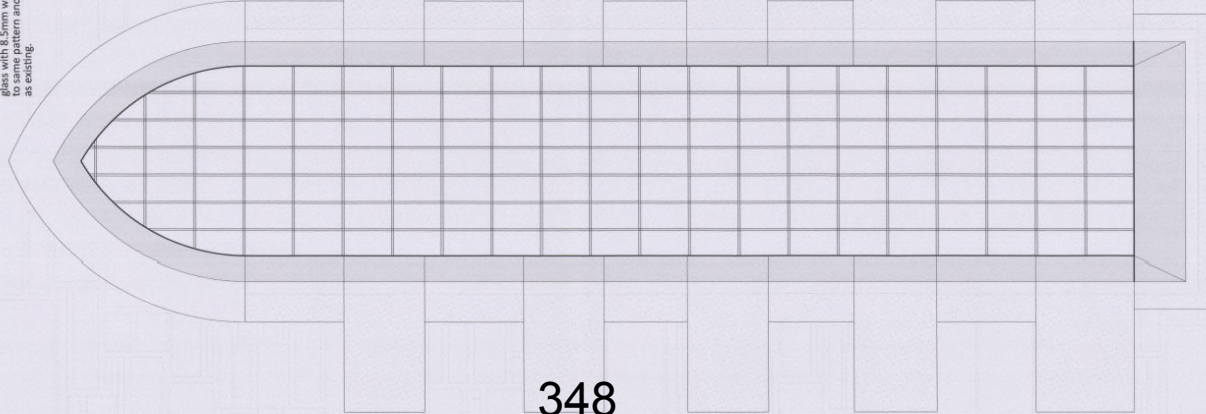


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Scale in metres
10m 0m 10m 20m 30m 40m 50m

Chartered Architect	Project Proposed Windows Upgrade Kinross-shire Day Centre, High St. Kinross	Date July 2014	Scale 1:1250
Shand Architecture Studio One, Crook of Devon, Kinross KY13 0UL	Drg. Title LOCATION PLAN	Drg. No. 14-18-02	

Existing polycarbonate and leaded glass windows to be replaced with new leaded polycarbonate to same dimensions as existing. Existing pattern and size to same pattern and size as existing.



Typical Elevation (1:10)



Window Detail (W6)



North Elevation (to Piper Row)



North Elevation (to Piper Row)



South Elevation

Notes
The contents of this drawing are strictly copyright and may not be reproduced in any format without the agreement of the Architect.

Revisions

K		
J		
H		
G		
F		
E		
D		
C		
B	Site Plan amended	11.4.2016
A	Window treatment changed	7.3.2016

Shand Architecture
Studio One, Crook of Devon, Kinross KY13 0UL
Tel: 01577 540 202
www.shandarchitecture.co.uk

Project
Proposed Windows Upgrade
Kinross-shire Day Centre
High Street, Kinross

Title
KEY PLAN & ANNOTATED PHOTOS
+ Typical Window Elevation

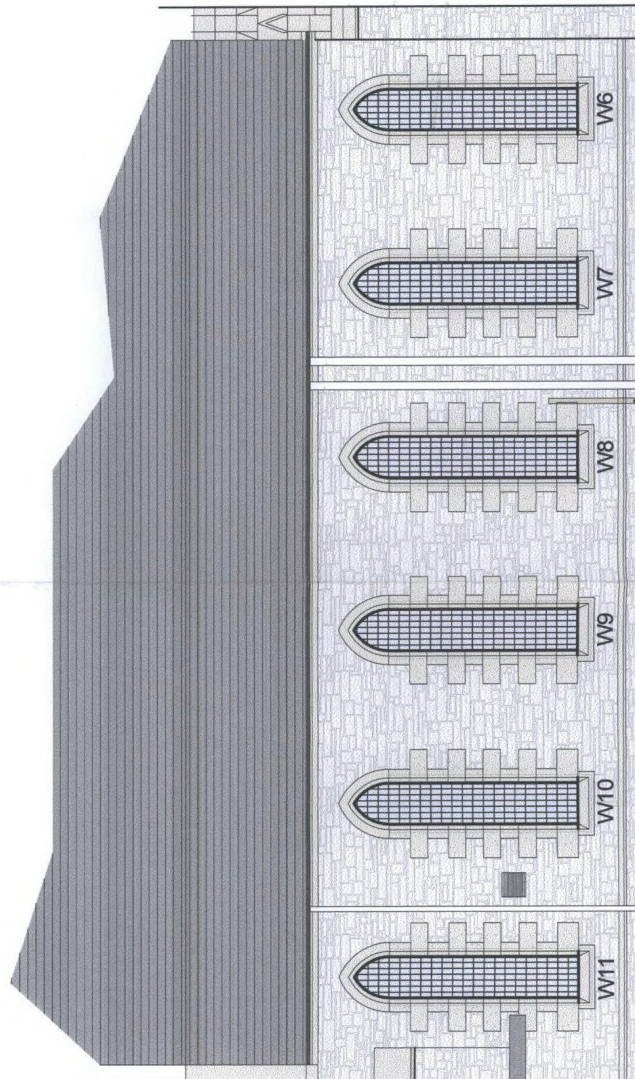
Scale	1:10, 1:200
Date	June 2014
Drwg. No.	14-18-01
Stage	Planning
Client	PERTH AND KINROSS COUNCIL

DRAWING REF: 16/00125-12



Scale 1:100

SOUTH ELEVATION



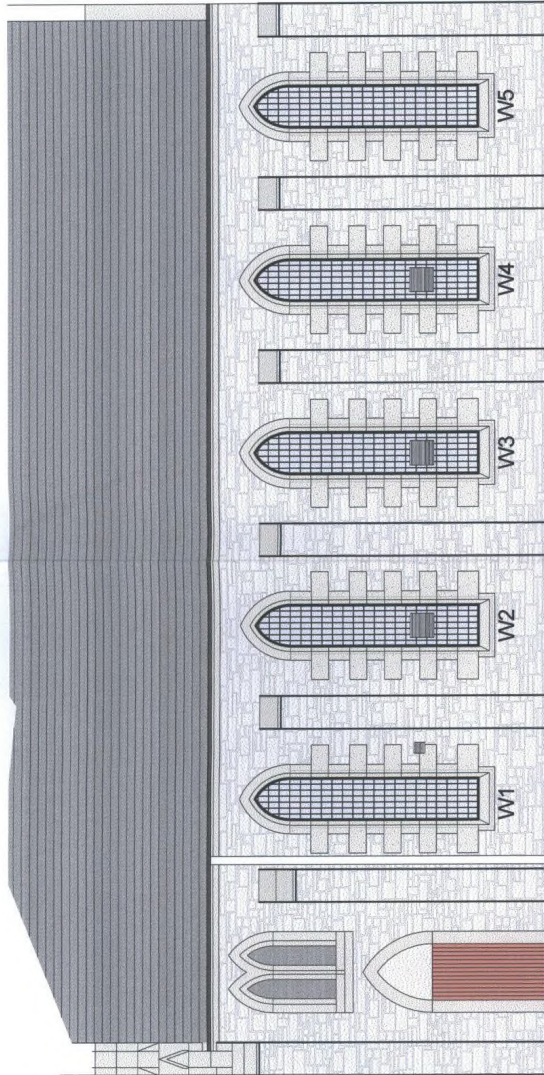
Fence + gate

PERTH AND KINROSS COUNCIL

DRAWING REF: 16/00425-13



NORTH ELEVATION (Piper Row)



Chartered Architect		Shand Architecture		Studio One, Crook of Devon, Kinross KY13 0UL shand@shandarchitect.co.uk shandarchitecture.co.uk	
Project		Alterations to Windows		Church Centre, Kinross	
Dwg. Title		EXISTING ELEVATIONS		14-18-05	
Date	15/04/2016	Stage	Planning	Revision	A B C D E F G H
Dwg. No.		Scale		1:100	

TCP/11/16(438)
Planning Application – 16/00425/FLL – Installation of
replacement windows at The Day Centre, 64 High Street,
Kinross, KY13 8AJ

REPRESENTATIONS

Paige Crighton

From: Diane Barbary
Sent: 10 June 2016 12:38
To: Keith Stirton
Subject: 16/00425/FLL Kinross Day Centre

Dear Keith,

With regard to the above application; as you are aware I have had some previous involvement, and visited the site last year following submission of an application for replacement windows (which was subsequently withdrawn).

The current proposals raise similar concerns, as the proposed use of polycarbonate with applied lead-effect strips to replace the existing leaded glass does not meet requirements to protect the character and appearance of the conservation area.

Although unlisted, the former church plays a significant streetscape role in the Kinross Conservation Area, and the pointed-arch leaded windows to the north elevation are publicly visible to the High Street and Piper Row. I accept that the existing windows are in poor repair with broken panes and deterioration of the rectangular comes, and the existing Perspex sheets and vents are unsightly. It should however be ensured that, if the windows are beyond repair, any replacement is of an appropriate quality to protect the appearance of the building and its setting.

Regards,

Diane

Diane Barbary
Conservation Officer



Planning & Development
Perth & Kinross Council
The Environment Service
Pullar House
35 Kinnoull Street
Perth PH1 5GD



TCP/11/16(438)
Planning Application – 16/00425/FLL – Installation of
replacement windows at The Day Centre, 64 High Street,
Kinross, KY13 8AJ

FURTHER INFORMATION

CHX Planning Local Review Body - Generic Email Account

From: Diane Barbary
Sent: 16 November 2016 17:02
To: CHX Planning Local Review Body - Generic Email Account
Subject: TCP/11/16 (438) Kinross Day Centre

Application Ref: 16/00425/FLL – Installation of replacement windows at the Day Centre, 64 High Street, Kinross, KY13 8AJ

Further to the letter of 7 November, requesting comments on the proposed replacement of extract vents according to the specification supplied by the applicant and their suitability for the conservation area.

The former church plays a significant streetscape role in the Kinross Conservation Area, and the pointed-arch leaded windows to the north elevation are publicly visible to the High Street and Piper Row. The existing windows are in poor repair with broken panes and deterioration of the rectangular cames, and the existing Perspex sheets and vents are unsightly. I note that the proposed replacement vents are smaller and of a consistent design compared to the existing. In the context of the existing appearance, the proposed vents could be considered to have a neutral impact on the conservation area setting.

Regards,

Diane Barbary
Conservation Officer



Planning & Development
Perth & Kinross Council
The Environment Service
Pullar House
35 Kinnoull Street
Perth PH1 5GD



CHX Planning Local Review Body - Generic Email Account

From: Keith Stirton
Sent: 21 November 2016 14:03
To: CHX Planning Local Review Body - Generic Email Account
Cc: Diane Barbary; Audrey Brown - CHX; Christine Brien
Subject: RE: TCP/11/16(438)
Attachments: RE: TCP/11/16(438) Ref: 16/00425/FLL

I write in response to your request for additional information regarding the above review.

The attached consultation response has been received from our Environmental Health Officer. You will note that, should the Local Review Body decide to uphold the review, it has been recommended that a condition be attached to the permission in order to safeguard surrounding residential amenity from noise emissions.

I understand that our Conservation Officer has responded separately with regards to the visual impact on the Conservation Area.

Kind regards

*Keith Stirton
Assistant Planning Officer – Development Management
Planning & Development
Perth & Kinross Council
The Environment Service
Pullar House
35 Kinnoull Street
Perth
PH1 5GD*



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Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	16/00425/FLL	Our ref	MP
Date	21 November 2016	Tel No	01738 476415

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE – Installation of replacement windows at The Day Centre, 64 High Street, Kinross, KY13 8AJ – Kinross Day Centre

I refer to your email dated 15 November 2016 in connection with the above application and have the following comments to make.

Recommendation

I have no objection in principle to the application but recommend the under noted condition be included on any given consent.

Comments

Environmental Health Have been consulted on this application following a hearing by the Local Review Board, this is due to the inclusion of extract vents within the replacement windows. The applicant has supplied manufacturers data for the noise levels arising from these vents and I am satisfied that they can operate without an unacceptable loss to residential amenity but would recommend the inclusion of the undernoted condition.

Condition

EH10 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

CHX Planning Local Review Body - Generic Email Account

From: R HUTTON <hutton874@btinternet.com>
Sent: 23 November 2016 14:05
To: CHX Planning Local Review Body - Generic Email Account
Subject: Application 16/00425/FLL

Ms Taylor,

I refer to your email of 7th November (ref TCP/11/16 (438)) seeking information about the windows on the High Street elevation of this former church. The delay in responding is due to the fact that the applicants have been searching for information. They took over the building in 1980 and there is no record of any changes to the window since then. It is believed that the windows are original, and are glass with lead applied, as is proposed in this application for the side windows.

I trust this information is sufficient to allow you to advise the LRB.
Robin Hutton

CHX Planning Local Review Body - Generic Email Account

From: Keith Stirton
Sent: 12 December 2016 12:23
To: CHX Planning Local Review Body - Generic Email Account
Cc: Paige Crighton; Christine Brien; Audrey Brown - CHX; Diane Barbary
Subject: RE: TCP/11/16(438)

In response to the agents remarks of 23 November 2016, I would comment as follows;

The agents remarks are factually incorrect, and potentially misleading. They state that the proposed windows are glass with lead applied, similar to the windows on the roadside elevation. However, the proposal differs in that it is for obscured polycarbonate sheets, not glass, with lead strips applied. It is also noteworthy that this is entirely different to the historic windows which they are proposed to replace, being constructed from structural lead comes and glass, with unauthorised protective polycarbonate sheets installed externally.

Kind regards

*Keith Stirton
Assistant Planning Officer – Development Management
Planning & Development
Perth & Kinross Council
The Environment Service
Pullar House
35 Kinnoull Street
Perth
PH1 5GD*



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