

TCP/11/16(502) – 17/01333/FLL – Installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ

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TCP/11/16(502) – 17/01333/FLL – Installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ

PAPERS SUBMITTED BY THE APPLICANT

¥	CHIEF PACTOUTIVES		CHIEF EAEC ITWES DEMOCHATIC SERVICES 2 7 NOV 2017
	AECEWED_	NOTICE OF REVIEW	RECEIVED

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 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.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)		Agent (if a	ny)
Name NoE	DONOVAN	Name	SAMANTHA STONE
ao	LY ORIVE BASING GSTORE	Address	ARTHUR STONE RANNING AND ARCHITECTURAL DESIGN, 85 HIGHST, NEWBURGH, FIFE
Postcode RG21	+ 7LE	Postcode	K414 60A
Contact Telephone 1 Contact Telephone 2 Fax No			elephone 1 0337 840 088 elephone 2
E-mail*) 、	E-mail*	info Carthurstone danning
* Do you agree to con	respondence regarding your re	through th	box to confirm all contact should be his representative: Yes No ent by e-mail?
Planning authority		PER	THE KINROSS COUNCIL
Planning authority's a	pplication reference number	[17]	01333 / FLL
Site address 127 HIGH ST, KINROSS			
Description of propose development	PEPLACEMENT	- WINI	Douts
Date of application	14/08/17 D	ate of decisio	on (if any) 29/09/17
Note. This notice mus	t be served on the planning au	thority within	three months of the date of the decision

notice or from the date of expiry of the period allowed for determining the application.

Notice of Review

Yes

No

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4 Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, 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 are necessary:

 NIA			

Site inspection

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

- 1. Can the site be viewed entirely from public land?
- 2 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:

AS THEY WOULD REQUIRE ACCESS TO PROPARTY ONLY

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. <u>Note</u>: 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	ATTACHED LE	ITER.	

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

′es	No
	4

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

NIA -Page 3 of 4

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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 and intend to rely on in support of your review.

ATTACHED LETTER.	

<u>Note.</u> 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.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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.

<u>Note.</u> 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed	Date	23	111	רו .]



Arthur Stone Planning & Architectural Design



85 High Street Newburgh. KY14 6DA

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www.arthurstoneplanning.co.uk info@arthurstoneplanning.co.uk

23th November 2017

Perth and Kinross Local Review Body

2 High Street

Perth

PH1 5PH

Dear Sir/Madam,

Please find enclosed a Notice of Review in relation to the installation of replacement windows at the first floor flat at 127 High Street, Kinross. The application was refused on 29th September 2017 for the following reasons:

- 1. The window specification detail, by virtue of its upvc framed, fixed top pane, tilt-opening lower pane and lack of a credible profile cross section, would have an adverse impact on visual amenity in a prominent and sensitive townscape location. Approval would therefore be contrary to Policies PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.
- 2. The window specification detail, by virtue of its upvc framed, fixed top pane, tilt-opening lower pane and lack of a credible profile cross section, would have an adverse impact on the character and appearance of the Conservation Area and the setting of the adjacent civic core Listed Buildings.

Approval would therefore be contrary to the Kinross Conservation Area Appraisal 2010, Scottish Planning Policy 2014 and Policies HE2 and HE3a of the Perth and Kinross Local Development Plan 2014, which seek to safeguard the historic built environment by ensuring that new development preserves and enhances the character and appearance of the Conservation Area and that it is sympathetic to the setting of Listed Buildings.

We would argue that the proposed mock sash and case UPVC windows proposed would provide a traditional and authentic appearance in this unlisted building in the conservation area. In this case we would suggest that they are an acceptable and by far improved replacement for the existing non-traditional, 1980s sliding aluminum windows currently in situ.

Perth and Kinross Council's Conservation Officer advised that the existing aluminium windows detract significantly from the historic character of the High Street and that the design and proportions of the proposed replacement windows were acceptable in this case.

We would therefore ask for this decision to be reconsidered by the Local Review Body.

Kind regards,

Samantha Stone

MA Hons MRTPI

Director

Arthur Stone Planning and Architectural Design Ltd

Tel 01337 840 088 mob 07972920357 / 07855538906

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TCP/11/16(502) – 17/01333/FLL – Installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr Noel Donovan c/o Arthur Stone Planning And Architectural Design Alison Arthur Jamesfield Business Centre Jamesfield Business Centre Abernethy United Kingdom KY14 6EW Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date 29th September 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01333/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 14th August 2017 for permission for **Installation of replacement windows First Floor 127 High Street Kinross KY13 8AQ** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The window specification detail, by virtue of its upvc framed, fixed top pane, tiltopening lower pane and lack of a credible profile cross section, would have an adverse impact on visual amenity in a prominent and sensitive townscape location. Approval would therefore be contrary to Policies PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place. 2. The window specification detail, by virtue of its upvc framed, fixed top pane, tiltopening lower pane and lack of a credible profile cross section, would have an adverse impact on the character and appearance of the Conservation Area and the setting of the adjacent civic core Listed Buildings. Approval would therefore be contrary to the Kinross Conservation Area Appraisal 2010, Scottish Planning Policy 2014 and Policies HE2 and HE3a of the Perth and Kinross Local Development Plan 2014, which seek to safeguard the historic built environment by ensuring that new development preserves and enhances the character and appearance of the Conservation Area and that it is sympathetic to the setting of Listed Buildings.

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 <u>www.pkc.gov.uk</u> "Online Planning Applications" page

Plan Reference 17/01333/1 17/01333/2 17/01333/3 17/01333/4 17/01333/5 17/01333/6 17/01333/7 17/01333/7

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/01333/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	13.10.2017	
Case Officer	Keith Stirton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Installation of replacement windows

LOCATION: First Floor 127 High Street Kinross KY13 8AQ

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: 23 August 2017

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is the first floor residential flat at 127 High Street, Kinross. The un-listed property is prominently located within the Kinross Conservation Area, acting as a visual termination point when progressing South through the town. It is located adjacent to a cluster of civic centre Listed Buildings which are of special architectural and historic interest, including the Clock Tower, The Old Post Office, Town Hall, Old County Building and the Carnegie Library, amongst others. **SITE HISTORY**

None

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, paragraphs 141 and 143, state that;

- 141; "The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting".
- 143; "Proposals for development within conservation areas which will impact on its appearance, character or setting, 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

Within the approved Strategic Development Plan, TAYplan 2012, the primary policies of specific relevance to this application are Policies 2 and 3.

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 HE2 - Listed Buildings

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

Policy 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 RC1 - Town and Neighbourhood Centres

Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

OTHER POLICIES

Kinross Conservation Area Appraisal 2010 (CAA), paragraph 11.2, states that;

The CAA provides a framework for on-going management of the conservation

area in the medium term as well as the near future. The key objectives are:

To ensure maintenance of the integrity of the conservation area; To prevent erosion of character through small-scale change; To enable future evolution and change as long as it is appropriately controlled.

INTERNAL COMMENTS

Conservation Officer;

"127 High Street is an unlisted traditional building in the Kinross Conservation Area.

Although the building is not listed, it occupies a prominent position in the conservation area, projecting into the street opposite the group of listed buildings comprising the former town hall, post office, library and clock tower. The adjacent buildings at the former Old Red Lion Inn and Victoria Bar are also listed.

127 High Street is of high townscape value and therefore particularly sensitive to change, with the existing aluminium windows detracting significantly from the historic character of the High Street.

There has been recent work to the ground floor of the building, and the surrounding area has been subject to major public realm improvements. Along with current proposals for conversion and reuse of the town hall buildings, and refurbishment of the former Victoria Bar, these contribute to improving the quality and interest of this part of the conservation area. It should be ensured that any change here supports this conservation-led regeneration of the wider area.

While the design and proportions of the proposed replacement windows are acceptable, the units should be timber sash and case rather than uPVC in order to protect the conservation area and the setting of the neighbouring listed buildings".

REPRESENTATIONS

No letters of representation have been received in relation to this application.

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	Not Required
Access Statement	
Report on Impact or Potential Impact	Not Required
eg Flood Risk Assessment	

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

Alterations to an existing domestic dwelling are generally considered to be acceptable in principle. Nevertheless, detailed consideration must be given to the specific details of the proposed development within the context of the application site, and whether it would have an adverse impact on visual amenity. Additionally, consideration must be given to whether the proposal preserves and enhances the character and appearance of the Conservation Area or has an adverse impact on the setting of the adjacent Listed Buildings in this case.

Design and Layout

The first floor flat at 127 High Street, Kinross has aluminium windows with a slide-opening mechanism. These are proposed to be replaced with upvc windows which have a fixed upper pane and a tilt-opening mechanism on the lower pane.

The application drawings contain inaccuracies, in that the cross sections provide a detail for a timber window, rather than upvc ones which are specified on the elevations. An e-mail request was sent to the applicant's agent on 14 September 2017 in order to have the discrepancies rectified and raise the applicant's awareness of the Conservation Officers concerns.

The agent's response of 20 September 2017 declines to adjust the specification of the proposal in response to the Conservation Officers comments; it does not provide the requested amended drawings for consistency, and it requests that the application is progressed to determination based upon the originally submitted drawings.

Landscape

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

Residential Amenity

Given the nature of the proposed development, it would not have an adverse impact on surrounding residential amenity.

Visual Amenity

The existing aluminium windows detract from the traditional building and the character and appearance of the Conservation Area. Significant investment has recently been put into enhancing the town core with streetscape and public realm improvements. With the prominent position of the building, its Conservation Area location and adjacent civic core Listed Buildings, the application site and its surroundings are highly sensitive to change. Therefore, it is considered particularly important to ensure that any replacement windows are of an appropriate specification.

As no accurate cross section has been provided (the timber window cross section is inconsistent with the upvc window specification), it is not possible to assess the profile of the proposed units.

Additionally, the proposed upvc framed units have a fixed pane and a tiltopening mechanism on the lower pane. This specification of window unit is considered to be inappropriate in the context of this sensitive application site, as it would detract from the visual amenity of the traditional building and the character and appearance of the Conservation Area. The proposed windows would also have a harmful effect on the setting of the surrounding Listed Buildings.

It is acknowledged that there are a number of unauthorised windows in surrounding properties which detract from the character of the area significantly. The replacement of the windows in this particularly prominent building provides an opportunity for the continued enhancement of the Conservation Area townscape.

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 is likely to 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 and 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 window specification detail, by virtue of its upvc framed, fixed top pane, tilt-opening lower pane and lack of a credible profile cross section, would have an adverse impact on visual amenity in a prominent and sensitive townscape location. Approval would therefore be contrary to Policies PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.

2 The window specification detail, by virtue of its upvc framed, fixed top pane, tilt-opening lower pane and lack of a credible profile cross section, would have an adverse impact on the character and appearance of the Conservation Area and the setting of the adjacent civic core Listed Buildings. Approval would therefore be contrary to the Kinross Conservation Area Appraisal 2010, Scottish Planning Policy 2014 and Policies HE2 and HE3a of the Perth and Kinross Local Development Plan 2014, which seek to safeguard the historic built environment by ensuring that new development preserves and enhances the character and appearance of the Conservation Area and that it is sympathetic to the setting of Listed Buildings.

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

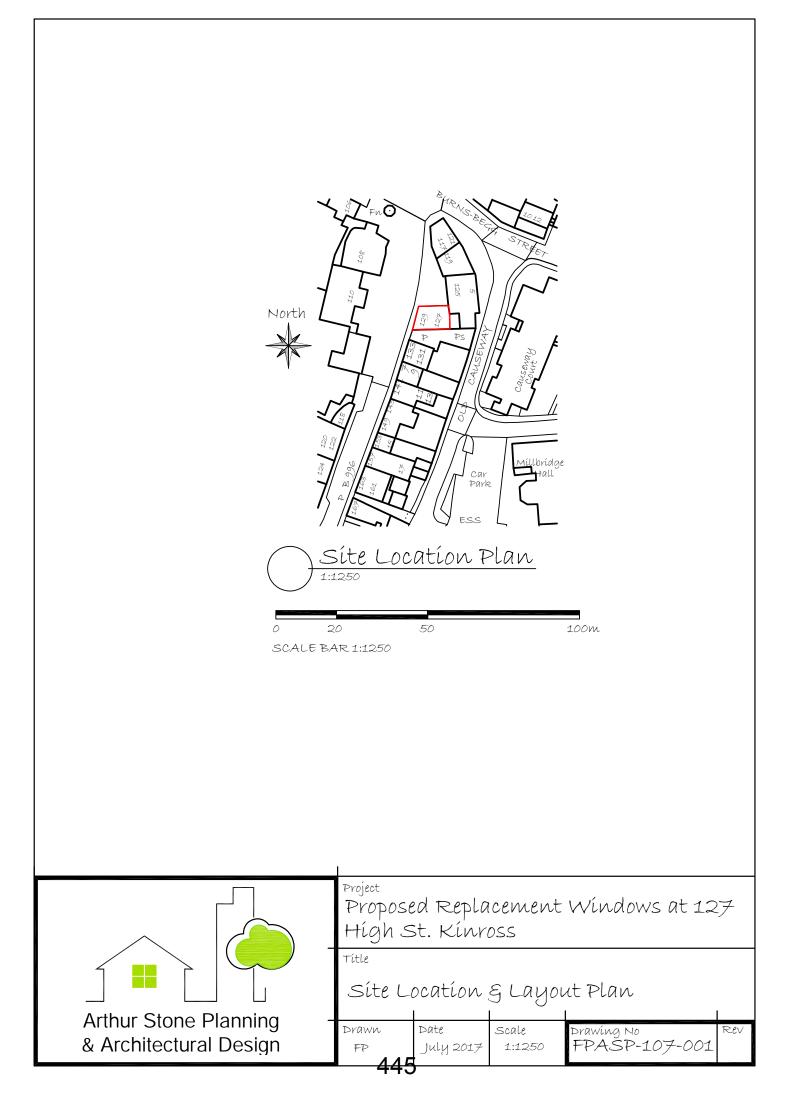
Not Applicable.

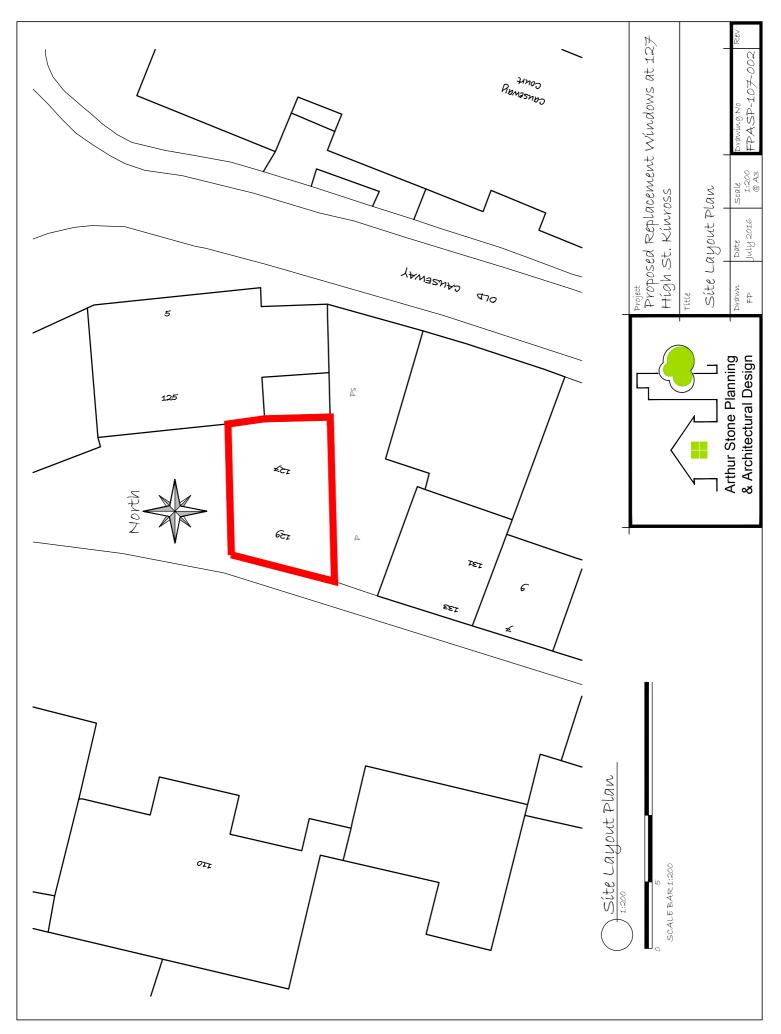
PLANS AND DOCUMENTS RELATING TO THIS DECISION

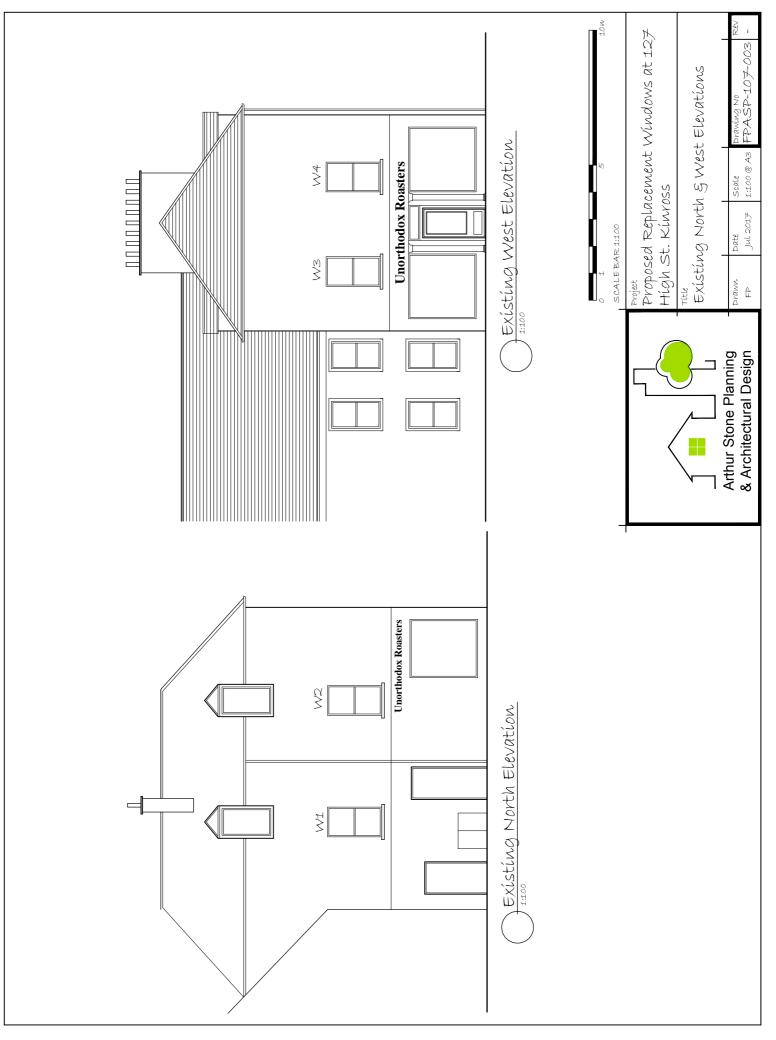
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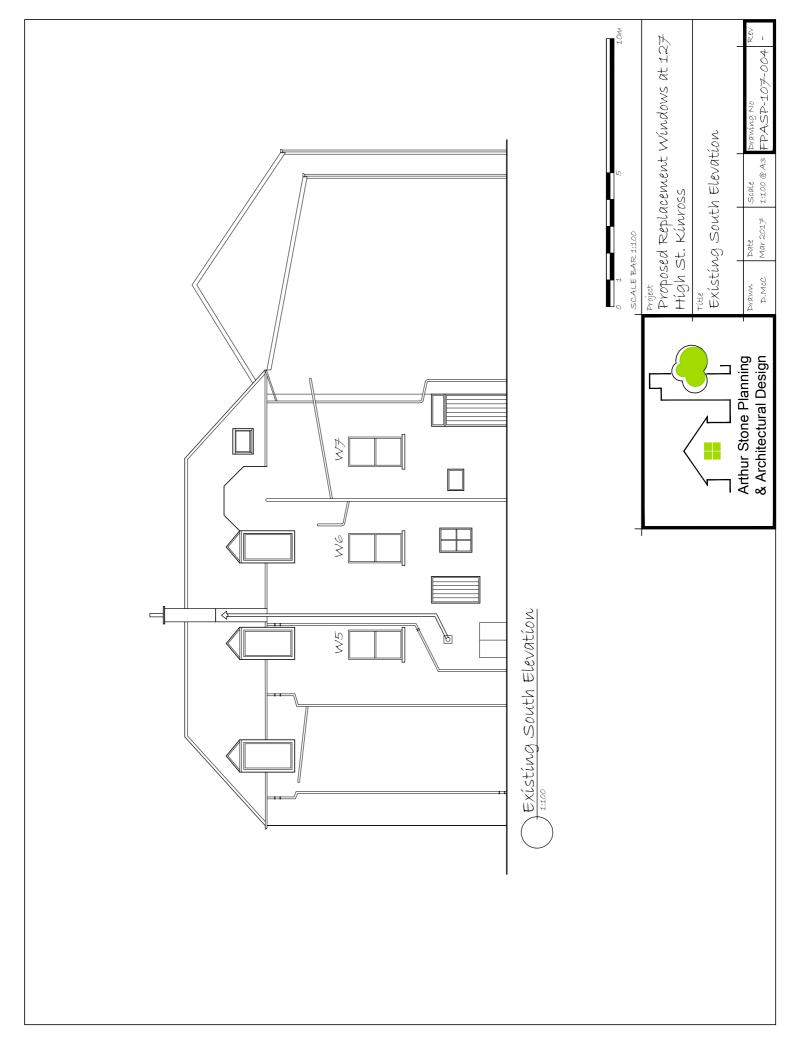
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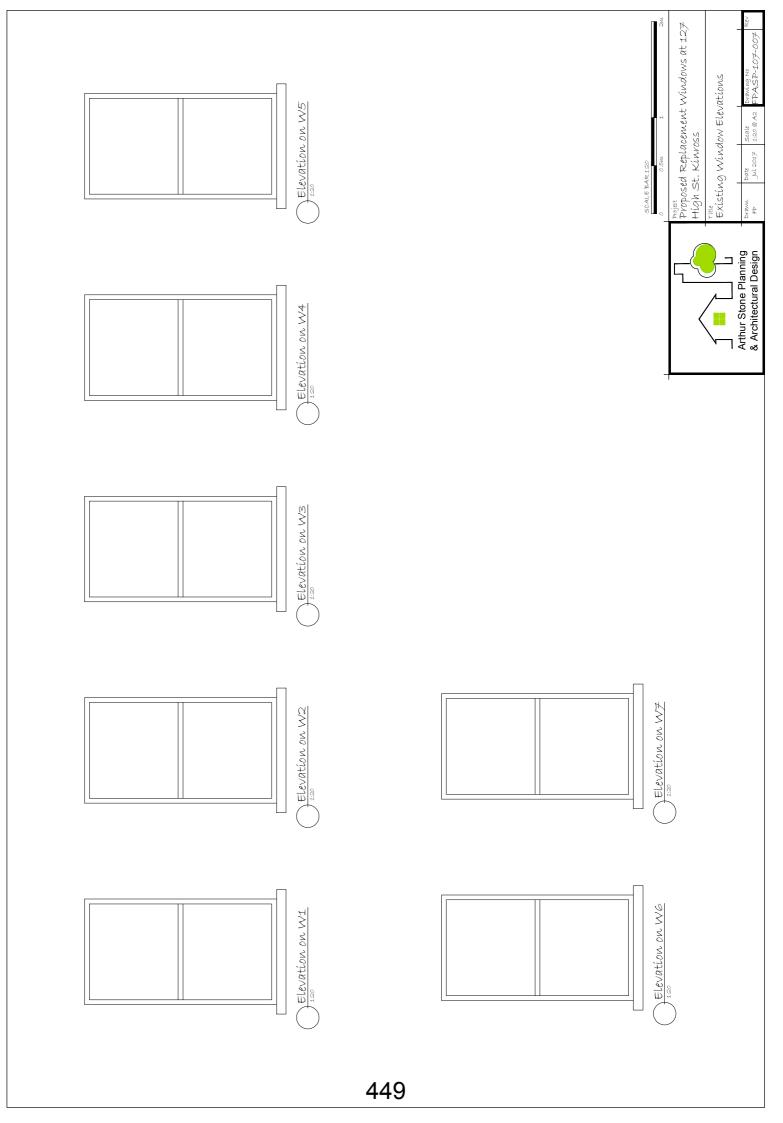
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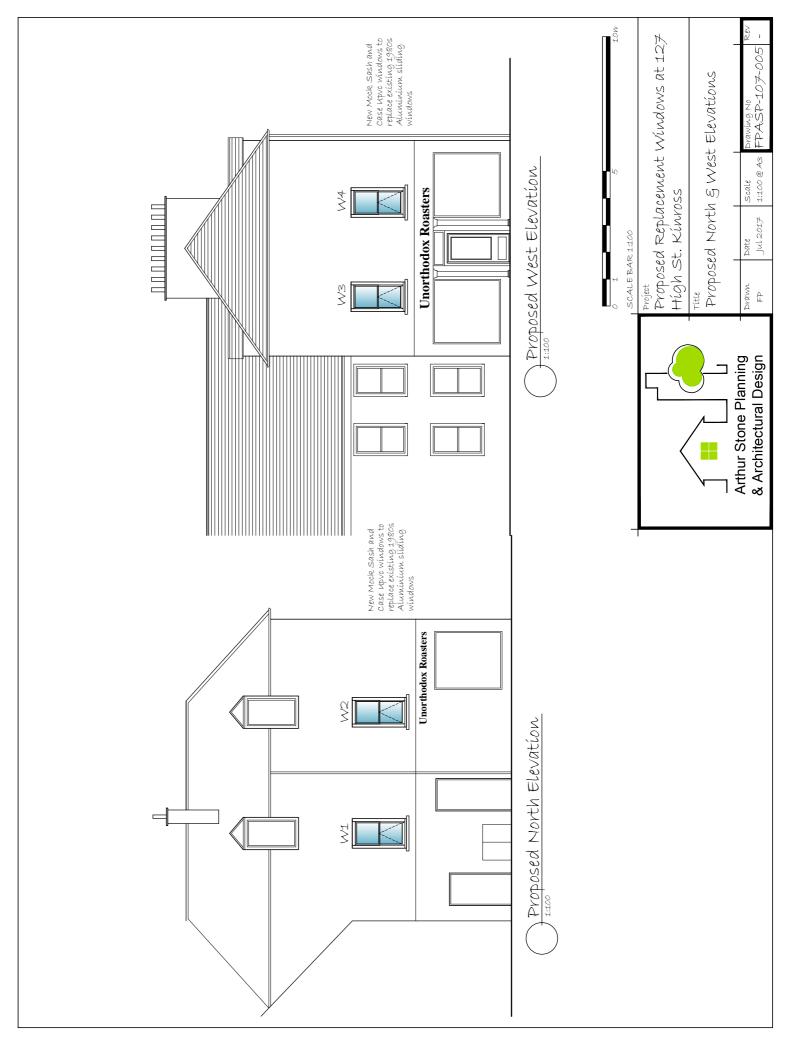


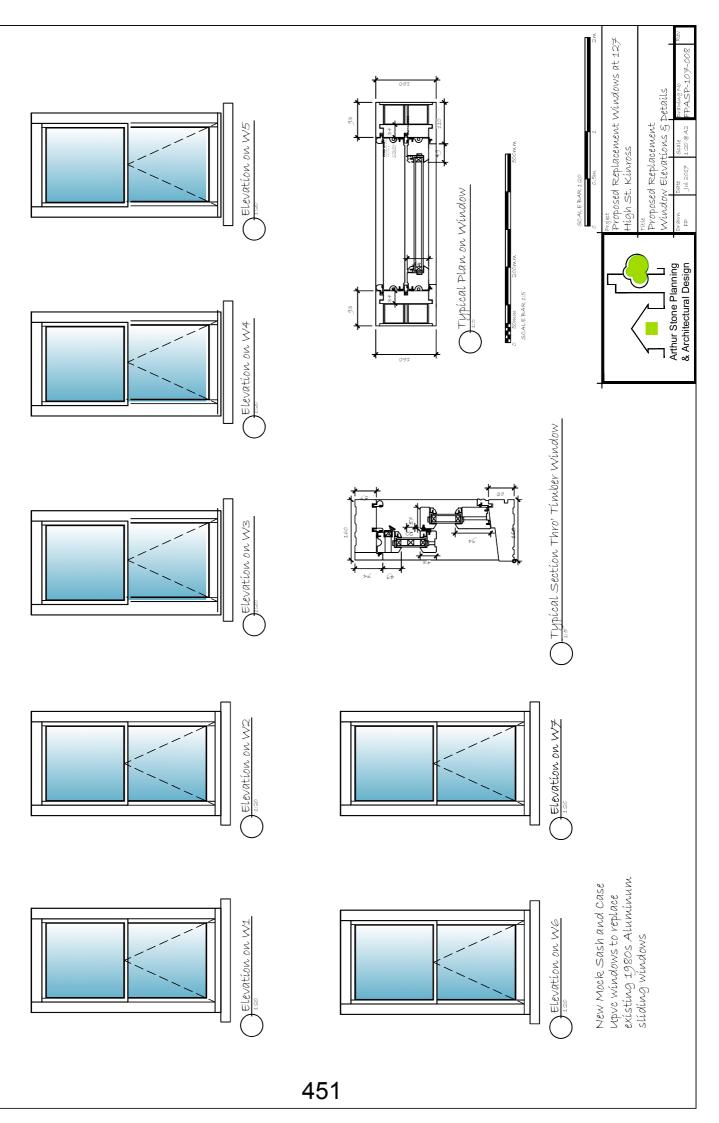


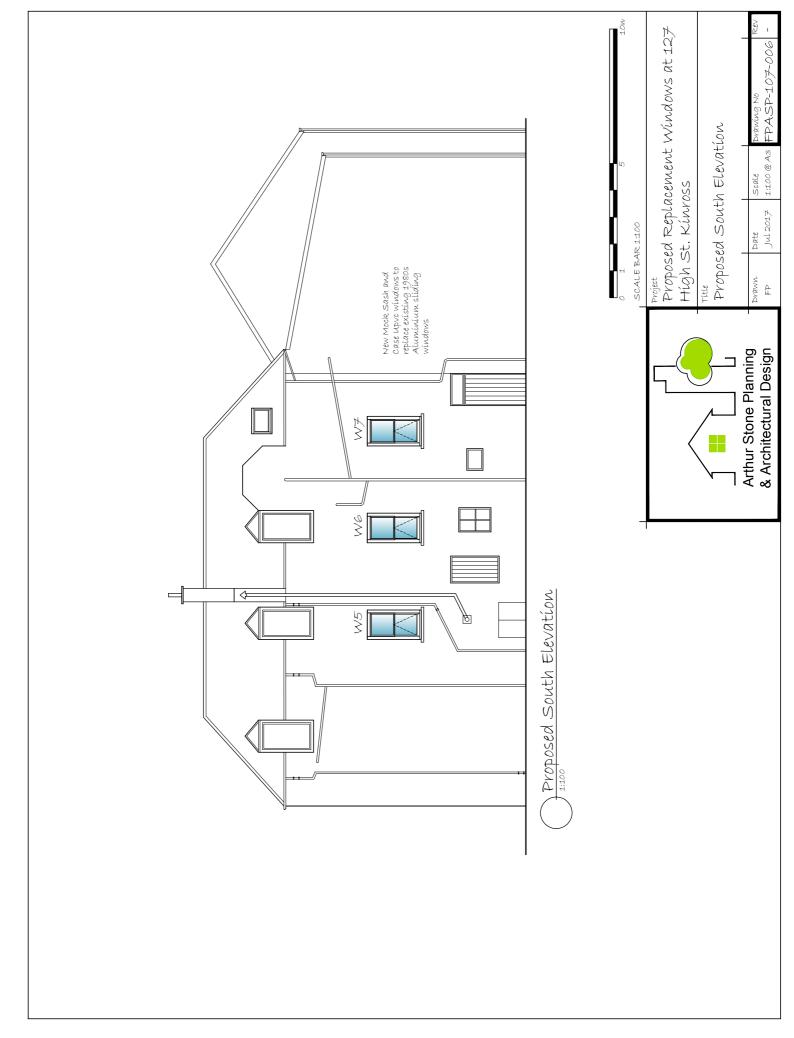














TCP/11/16(502) – 17/01333/FLL – Installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01333/FLL	Comments provided by	Diane Barbary
Service/Section	Conservation	Contact Details	
Description of Proposal	Installation of replacement w	vindows	
Address of site	First floor, 127 High Street, K	inross	
Comments on the proposal	 Area. Although the building is not I conservation area, projecting buildings comprising the form tower. The adjacent buildings are also listed. 127 High Street is of high tow sensitive to change, with the significantly from the historic. There has been recent work is surrounding area has been surrounding area has been surrounding area has been surrounding the quality and interproving the quality and interproving the wider area. 	Although the building is not listed, it occupies a prominent position in the conservation area, projecting into the street opposite the group of listed puildings comprising the former town hall, post office, library and clock cower. The adjacent buildings at the former Old Red Lion Inn and Victoria Bar	
	order to protect the conservation area and the setting of the neighbouring listed buildings.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			

Date comments returned	18/08/17