

TCP/11/16(381)
Planning Application – 15/00811/FLL – Alterations and extension to hotel, Muirs Inn Ltd, 49 Muirs, Kinross, KY13 8AU

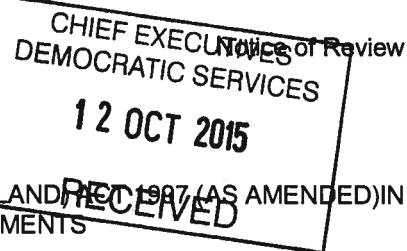
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TCP/11/16(381)
Planning Application – 15/00811/FLL – Alterations and extension to hotel, Muirs Inn Ltd, 49 Muirs, Kinross, KY13 8AU

**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 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)

Name **BELHAVEN PUBS LTD**

Address **ATRIUM HOUSE
6 BACK WALK
STIRLING**

Postcode **FK8 2QA**

Contact Telephone 1 **[REDACTED]**

Contact Telephone 2 **[REDACTED]**

Fax No **[REDACTED]**

E-mail* **[REDACTED]**

Agent (if any)

Name **DAVIDSON BAXTER PARTNERSHIP LTD.**

Address **108 ST CLAIR STREET
KIRKCALDY
FIFE**

Postcode **KY1 2BD**

Contact Telephone 1 **01542 205761**

Contact Telephone 2 **[REDACTED]**

Fax No **[REDACTED]**

E-mail* **alan@dbpartners.co.uk**

Mark this box to confirm all contact should be through this representative: ☒

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

PERTH AND KINKROSS COUNCIL

Planning authority's application reference number

15/00811/FLL - 15/01096/LBC

Site address

**THE MILKS INN
49 MILKS, KINKROSS KY13 8AU**

Description of proposed development

PROPOSED SINGLE STOREY EXTENSION TO THE EXISTING BAR AND RESTAURANT FACILITY

Date of application

25th JUNE 2015

Date of decision (if any)

19th AUGUST 2015

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

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:

WE FEEL THAT FURTHER WRITTEN SUBMISSIONS WOULD BE APPROPRIATE TO SUPPORT THE APPLICATION FOR REVIEW SHOULD ADDITIONAL INFORMATION BE REQUIRED.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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.

WE FEEL THAT THE PROPOSED EXTENSION AS DETAILED IS SYMPATHETIC TO BUILDING WHICH HAS BEEN EXTENDED PREVIOUSLY. ARCHITECTURALLY THE EXTENSION IS AN IMPROVEMENT ON THE CURRENT FACADE AND WILL PROVIDE MUCH NEEDED ADDITIONAL FLOOR SPACE TO ALLOW THIS BUSINESS TO SURVIVE IN A HUGE COMPETITIVE MARKET

THE MILLS IS PART OF THE COMMUNITY IN KINROSS AND WOULD BENEFIT HUGE FROM THE EXTENDED RESTAURANT.

AS AGENTS WE RECEIVED NO CONTACT FROM THE PLANNING OFFICER TO RAISE ANY CONCERNS WE MAY HAVE WITH THE PROPOSAL NO SUBMITTED TO ALLOW US TO POSSIBLY REVIEW THE PROPOSAL AND PRESENT A SOLUTION THAT WOULD BE ACCEPTABLE TO BOTH PARTIES.

THE REFUSAL NOTICE WAS ISSUED WITHOUT ANY PRIOR CONSULTATION OR DISCUSSION WE FEEL THAT WE ARE MISSING THE OPPORTUNITY TO KEEP THE INN AS A HUB OF THE COMMUNITY AND WE DID NOT RECEIVE ANY OPTION TO REVIEW THE DESIGN AS SUBMITTED OR WITHDRAW THE APPLICATION PENDING FURTHER DISCUSSION AND DELIBERATION OVER THE DESIGN AS SUBMITTED.

BOTH OUR CLIENT AND OUR OFFICE ARE DISAPPOINTED THAT WE RECEIVED NO CONTACT DURING THE COURSE OF THE APPLICATION PROCESS PRIOR TO THE DECISION NOTICE BEING ISSUED.

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

Yes ☐ No ☒

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.

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.

- APPLICATION FORM
- BLOCK PLAN
- EXISTING AND PROPOSED PLANS
- EXISTING AND PROPOSED ELEVATIONS
- ARTIST/3D VISUALIZATION OF EXTENSION
- DECISION NOTICE
- DELEGATED REPORT.

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.

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.

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 [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

08.10.2015



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000119493-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- ☒ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Single storey glazed extension to the Muirs Inn public bar and guest house. Works include:
- New entrance vestibule and fire exit serving the bedrooms located on the first floor
- Extension of existing lounge area

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Davidson Baxter Partnership Ltd
Ref. Number:	
First Name: *	Alan
Last Name: *	Baxter
Telephone Number: *	01592 205761
Extension Number:	
Mobile Number:	
Fax Number:	01592 642211
Email Address: *	alan@dbparchitects.co.uk

You must enter a Building Name or Number, or both:*

Building Name:	The Studio
Building Number:	191A
Address 1 (Street): *	Nicol Street
Address 2:	
Town/City: *	Kirkcaldy
Country: *	UK
Postcode: *	KY1 1PF

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	
Other Title:	
First Name:	
Last Name:	
Company/Organisation: *	Belhaven Pubs Ltd
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	Atrium House
Building Number:	6
Address 1 (Street): *	Back Walk
Address 2:	
Town/City: *	Stirling
Country: *	UK
Postcode: *	FK8 2QA

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Muir's Inns Ltd

Address 5:

Address 2:

49 Muir's

Town/City/Settlement:

Kinross

Address 3:

Post Code:

KY13 8AU

Address 4:

Please identify/describe the location of the site or sites.

Northing

702973

Easting

311719

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

60.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Current use of building includes public bar with restaurant and guest house.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

6

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☐ Yes ☒ No

If Yes or No, please provide further details:(Max 500 characters)

Collection of waste will be per existing arrangements.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development - Proposed New Floorspace Details

For planning permission in principal applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant / cafe

Gross (proposed) floorspace (In square metres, sq.m) or number of new (additional) rooms (if class 7 or 8): *

35

If Class 1, please give details of internal floorspace:

Net trading space:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Alan Baxter

On behalf of: Belhaven Pubs Ltd

Date: 13/05/2015

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Alan Baxter

Declaration Date: 13/05/2015

Submission Date: 13/05/2015

Payment Details

Cheque: Davidson Baxter Partnership, 000884

Created: 13/05/2015 09:58

PERTH AND KINROSS COUNCIL

Belhaven Pubs Ltd
c/o Alan Baxter
Davidson Baxter Partnership Ltd
The Studio
191A Nicol Street
Kirkcaldy
KY1 1PF

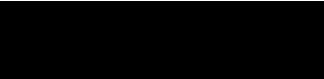
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 19.08.2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/00811/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 25th June 2015 for permission for **Alterations and extension to hotel Muirs Inns Ltd 49 Muirs Kinross KY13 8AU** for the reasons undernoted.



Development Quality Manager

Reasons for Refusal

1. The proposed extension fails to respect or enhance the character of the building and would have a significant adverse visual impact on the principal elevation of the listed building. Approval would therefore be contrary to Policy HE2 'Listed Buildings' of the Perth and Kinross Area Local Plan 2014, Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998) and to the Council's statutory duty in relation to listed buildings under Section 14(2) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.
2. The proposal is contrary to Policy PM1A and PM1B of the Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built environment and would have a significant detrimental impact on the character of a listed building which contributes to the local townscape.

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

15/00811/1

15/00811/2

15/00811/3

15/00811/4

15/00811/5

15/00811/6

REPORT OF HANDLING

DELEGATED REPORT

Ref No	15/00811/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	24.08.2015	
Case Officer	David Niven	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Alterations and extension to hotel

LOCATION: Muirs Inns Ltd 49 Muirs Kinross KY13 8AU

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: 15 July 2015

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to The Muirs Inn public house and restaurant at 49 Muirs, which is on a prominent corner location on the busy main northern approach to the centre of Kinross. The building is category C listed (HBNUM 47316; 49 Muirs, The Muirs Inn Including Gatepiers and Boundary Walls) and whilst it has seen a number of alterations and extensions over the years, its main frontage has remained relatively unaltered and is considered to be a good example of traditional Fife building. The principal elevation is characterised by a main door in small slated porch and uniform fenestration with timber shutter boards. The area that surrounds the site is primarily residential.

Full planning permission is being sought for the erection of a large glazed, single storey extension on the main principal elevation of the building. The proposed extension will provide additional lounge space and a new separate entrance vestibule will provide separate access to the bedrooms on the first floor. The finishing materials are detailed as metal glazed bi-folding doors, polymer rendered walls to match existing, and a replica lead single-ply membrane to the roof.

A separate application for listed building consent has also been submitted for the same proposals (Ref: 15/01096/LBC).

SITE HISTORY

00/00783/FUL Erection of a conservatory extension to front of public house and restaurant at 3 July 2000 Application Refused

01/00780/PPLB Erection of a conservatory at 9 August 2001 Application Permitted

15/01096/LBC Alterations and extension

PRE-APPLICATION CONSULTATION

Pre application Reference: None

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.

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

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – 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 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 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.

OTHER POLICIES

Scottish Historic Environment Policy (SHEP)

Historic Scotland's Managing Change in the Historic Environment Guidance Note

CONSULTATION RESPONSES

Environmental Health

Recommend a number of conditions regarding the control of noise in order to protect neighbouring residential amenity.

REPRESENTATIONS

No representations received.

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

Policy HE3 'Listed Buildings' of the Perth and Kinross Local Development Plan is directly relevant to the assessment of this application. This policy states that the design, materials, scale and siting of new development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy PM1A and PM1B 'Placemaking' are also applicable to this application. These policies seek to ensure that all development respects the character and amenity of the place and contributes positively to the quality of the surrounding built environment.

Having reviewed the plans it is considered the proposed extension, by virtue of its location and design, would have a significant detrimental impact on the fabric and setting of the original listed building by visually altering its principal elevation.

As such, it is considered that the proposed development is contrary to Policies HE3, PM1A and PM1B of the local development plan.

Design and Layout

There are some fundamental design principles for extensions and alterations to historic buildings which are explained in Historic Scotland's series of guidance notes: Managing Change in the Historic Environment. The series explains how to apply the policies contained in the Scottish Historic Environment Policy. An extension or addition to a listed building should always play a subordinate role and protect the character of the building. It should never dominate the original building as a result of its location, scale and proportions. Where an extension is built adjacent to a principal elevation the new build should be lower than, and set back some distance behind, the existing façade. Any proposal to extend which would by and largely destroy the original concept of the design should be resisted.

Whilst the building has been extended in the past, these extensions play a relatively subordinate role and have not interfered with the main principal elevation of the building. As such the building has managed to retain much of its original historic character, particularly when view from the main road. Given the intact nature of the buildings frontage it is questionable whether there is any real scope to entertain any extensions on the principal elevation of the building without impacting of the historic character of the building.

In this instance the proposed extension completely fails the fundamental design principles referred to in Historic Scotland's Guidance. The proposed extension does not in any way respect or reflect the character of the building and will dominate the main principle elevation of the host building. The modern design of the extension and the large bi-folding windows are completely at odds with the traditional character of the building and would result in a significant detrimental change to the original form and character of the principal elevation.

Residential Amenity - Noise

The Inn is located in a predominantly residential area and there are a number of residential properties within close proximity to the site. To date this service has not received any complaints regarding the operation of the existing premises.

The proposed extension is to be predominately used as a lounge/ restaurant and will operate under the current terms of the premises license. The agent has also indicated that that on occasion the area could be used for entertainment with live music but there will be no new plant equipment within the new extension area.

It is therefore unlikely that the proposed extension will give rise to any nuisance complaints from any nearby noise sensitive properties. However the Environmental Health Officer has recommended conditions regarding sound insulation and the control of amplified music. An additional condition has also been suggested relating to the control of the operating hours but this is not

considered necessary given that the license will already control the operating hours of the entire premises.

Developer Contributions

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

Economic Impact

It is acknowledged that the proposed extension will provide additional lounge space which in turn could potentially increase business. However it is considered that any economic argument could not outweigh the concerns outlined above regarding the impact that the development would have on the special character of the listed building.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is clear that the proposal does not comply with the adopted Local Development Plan 2014. I have taken account of material considerations, including Historic Scotland's Guidance which only serve to add weight to a recommendation of refusal in this instance. The economic benefit of the proposal is a material consideration, however I do not consider this to outweigh the detrimental impact on the character of the listed building which would result if this application were to be approved.

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

Conditions and Reasons for Recommendation

- 1 The proposed extension fails to respect or enhance the character of the building and would have a significant adverse visual impact on the

principal elevation of the listed building. Approval would therefore be contrary to Policy HE2 'Listed Buildings' of the Perth and Kinross Area Local Plan 2014, Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998) and to the Council's statutory duty in relation to listed buildings under Section 14(2) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

- 2 The proposal is contrary to Policy PM1A and PM1B of the Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built environment and would have a significant detrimental impact on the character of a listed building which contributes to the local townscape.

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

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/00811/1

15/00811/2

15/00811/3

15/00811/4

15/00811/5

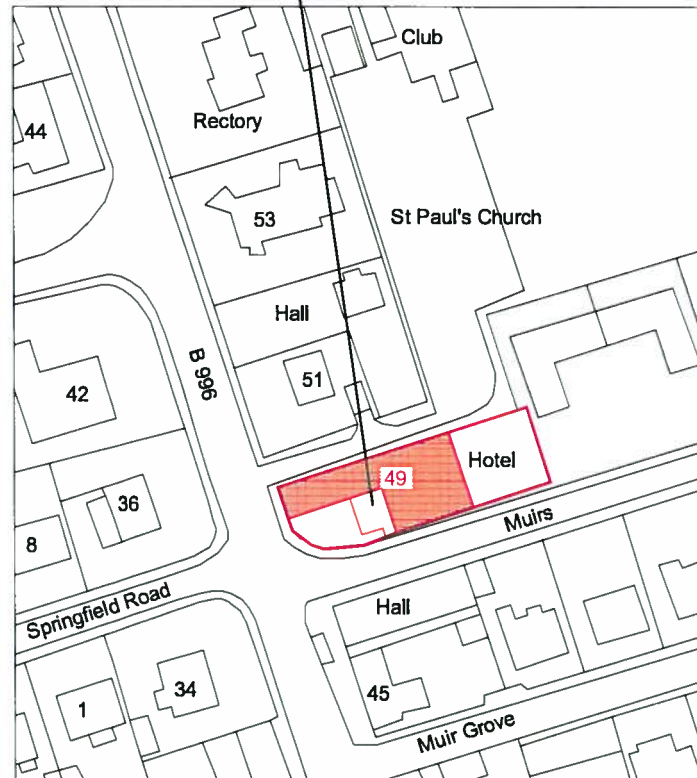
15/00811/6

Date of Report 18.08.2015



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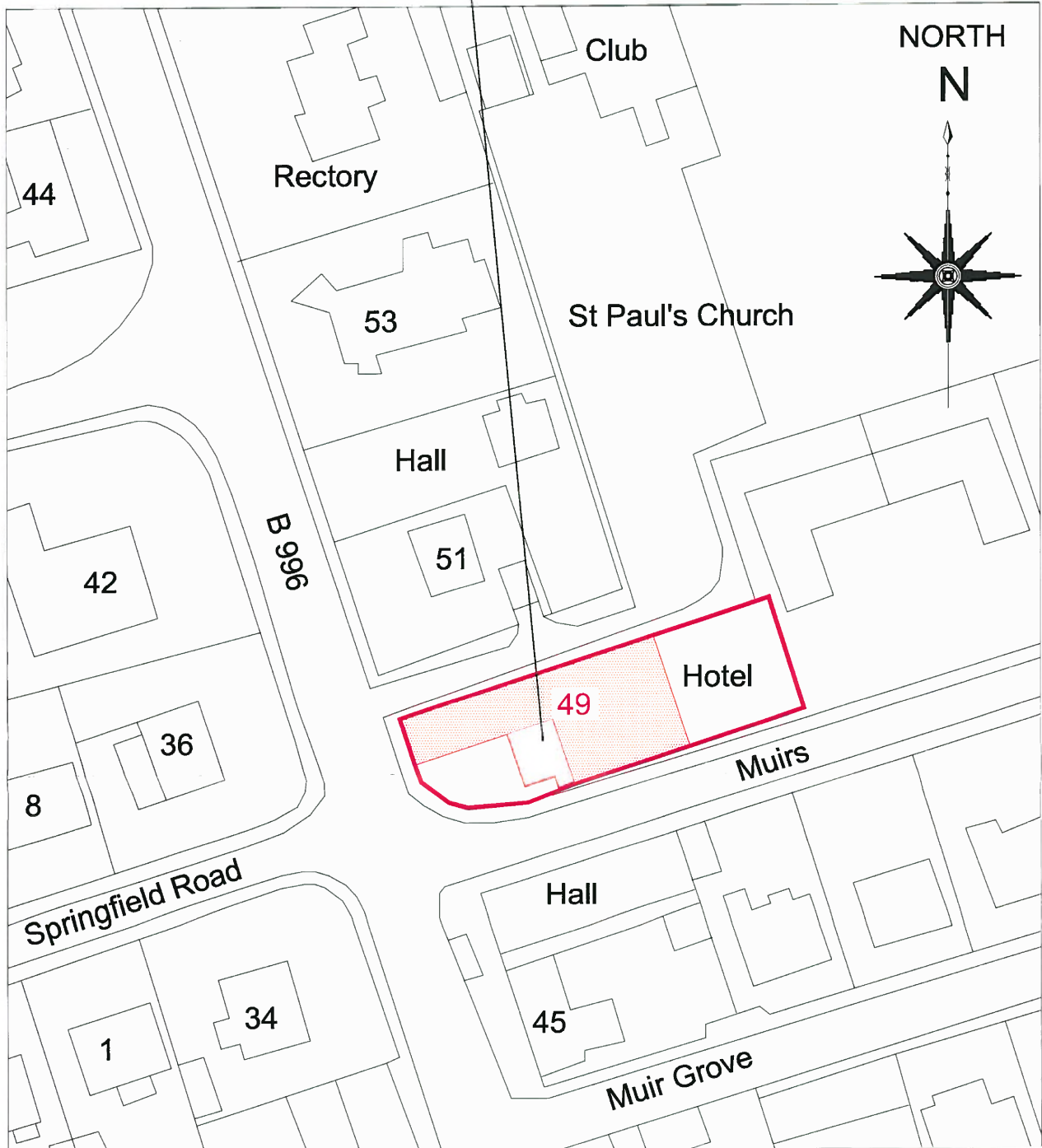


ADDRESS 49 Muirs, Kinross, Kinross-Shire KY13 8AU		
CLIENT BELHAVEN PUBS LTD		SCALE 1:1250 @ A4
TITLE LOCATION PLAN		DATE FEB 2015
PROJECT No. DB C1118-15		DRAWN GM
		DRAWING No. LP 01
		REVISION No.

191A NICOL STREET, KIRKCALDY, KY1 1PF Tel:(01592) 205761 fax:(01592) 642211

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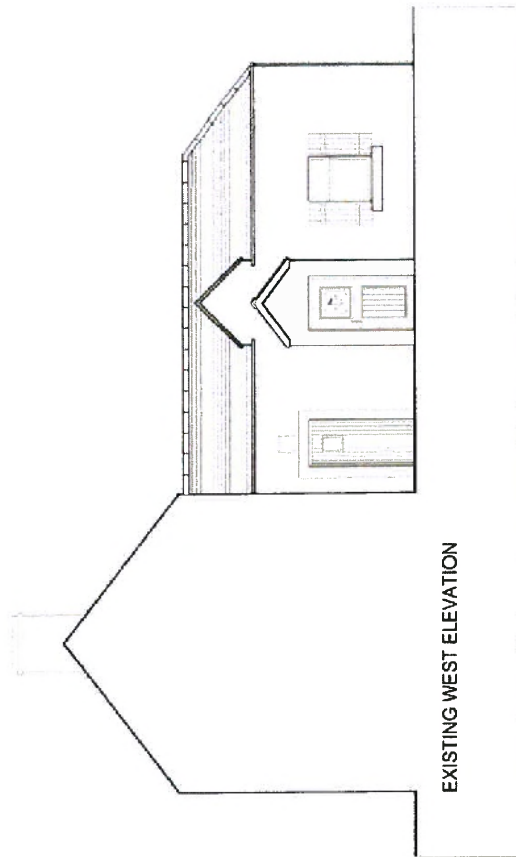
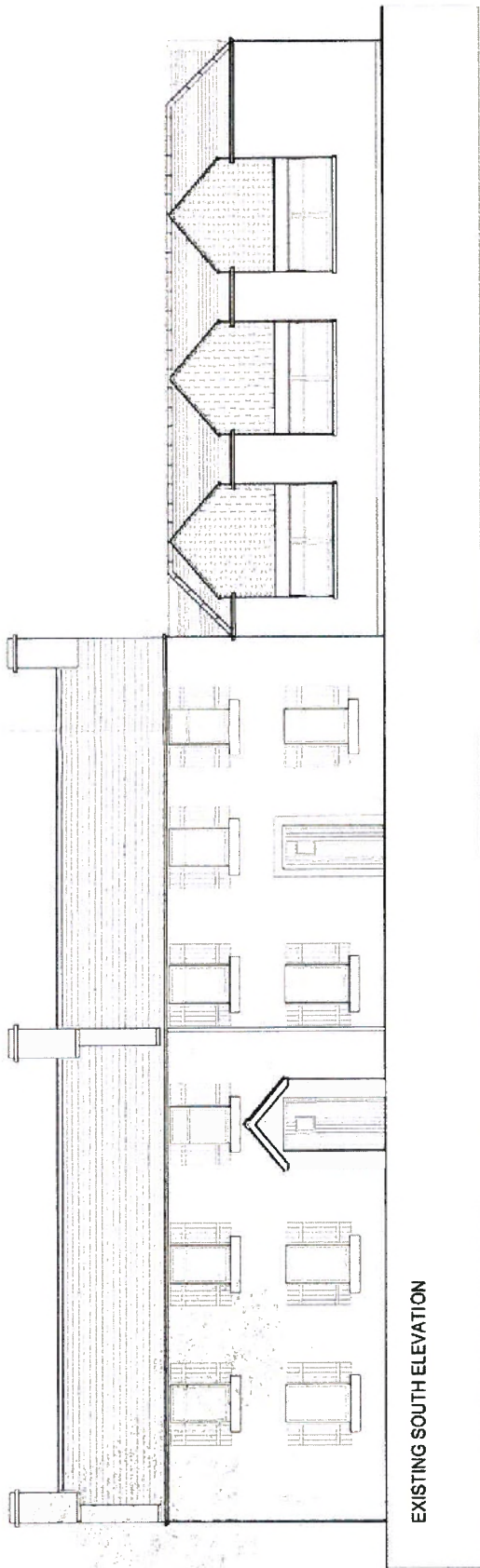


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ADDRESS 49 Muirs, Kinross, Kinross-Shire KY13 8AU				SCALE 1:500 @ A3		DATE FEBRUARY 2015	
CLIENT BELHAVEN PUBS LTD				DRAWN GM			
TITLE BLOCK PLAN				DRAWING No. BP 01		REVISION No. -	
PROJECT No. DB C1118-15							
191A NICOL STREET, KIRKCALDY, KY1 1PF Tel:(01592) 205761 fax:(01592) 642211							

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EXISTING WEST ELEVATION



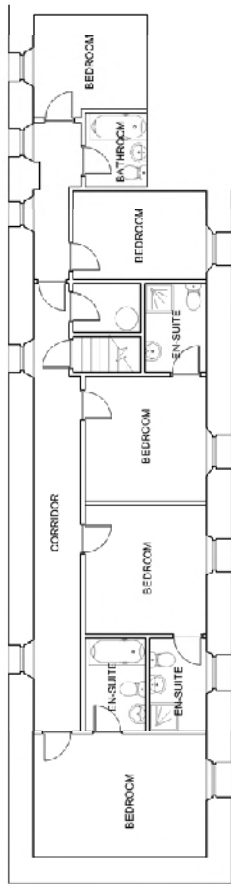


BURNBURY BUILDERS
 10000 100th Ave, Suite 100, Richmond, BC V6V 1K1
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 Email: info@burnburybuilders.com

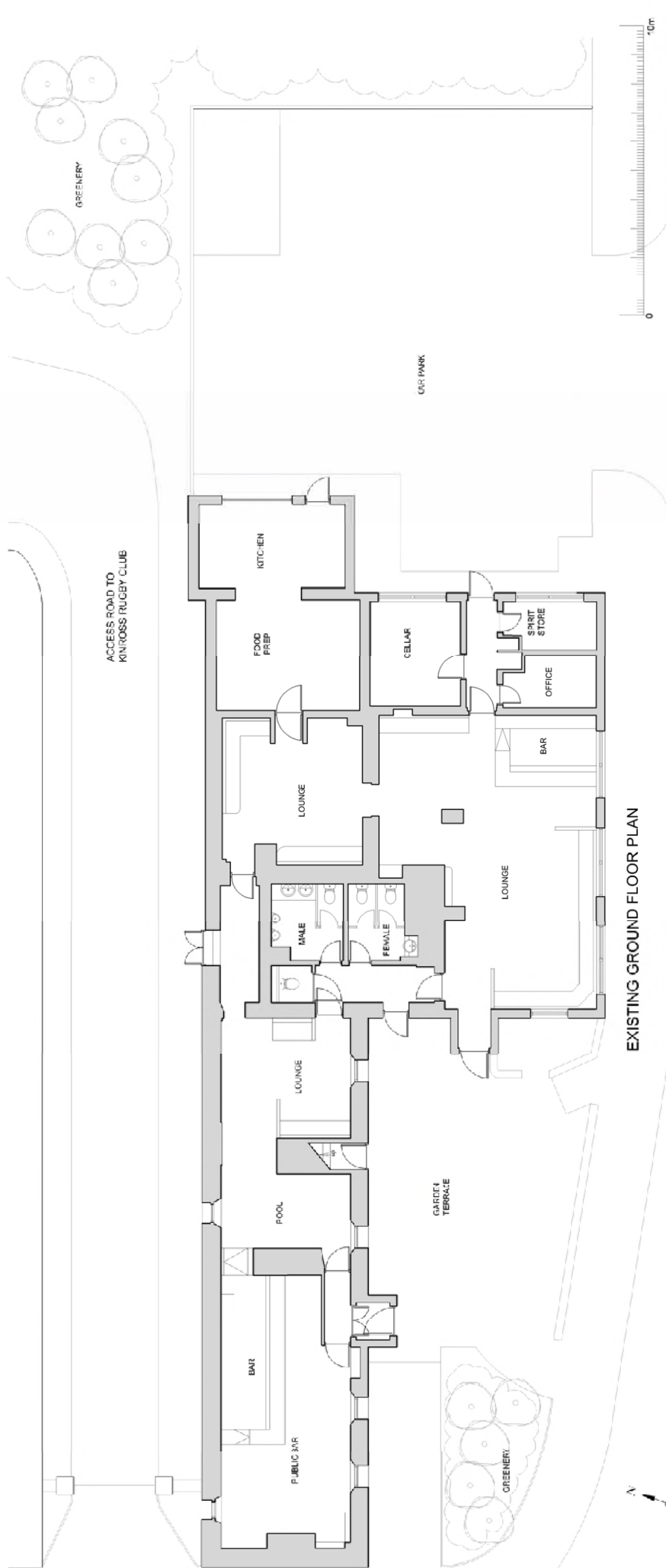
PROJECT	PROPOSED 2-STOREY KITCHEN & LIVING AREA @ 10000 100th Ave, Suite 100, Richmond, BC V6V 1K1
DATE	10/10/2015
BY	BL/ANCA/PLS
SCALE	1:100
DESCRIPTION	EXISTING ELEVATIONS
DATE	10/10/2015
BY	BL/ANCA/PLS
DESCRIPTION	EXISTING ELEVATIONS
DATE	10/10/2015
BY	BL/ANCA/PLS
DESCRIPTION	EXISTING ELEVATIONS

Chartered Architect
 Interior Designers

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EXISTING FIRST FLOOR PLAN (no changes proposed)



EXISTING GROUND FLOOR PLAN

File: D - 24.06.15 - First Floor plan added
Rev: A - 18.03.15 - Plan amended after survey investigation

PROJECT		MUIR GROVE	
CLIENT	BELLA VENTURES	DATE	11.03.15
DESIGNER	EXISTING GROUND AND FIRST FLOOR PLANS	DATE	11.03.15
PROJECT NO.	DRG 1185-15	DATE	11.03.15
PROJECT NO.	DRG 1185-15	DATE	11.03.15
PROJECT NO.	DRG 1185-15	DATE	11.03.15



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181A, KOD STREET, FINGERS, VIC 3177
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TCP/11/16(381)
Planning Application – 15/00811/FLL – Alterations and extension to hotel, Muirs Inn Ltd, 49 Muirs, Kinross, KY13 8AU

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 69-70)*

REPORT OF HANDLING *(included in applicant's submission, see pages 71-77)*

REFERENCE DOCUMENT *(included in applicant's submission, see pages 79-84)*

TCP/11/16(381)
Planning Application – 15/00811/FLL – Alterations and extension to hotel, Muirs Inn Ltd, 49 Muirs, Kinross, KY13 8AU

REPRESENTATIONS

Memorandum

To Development Quality Manager From Regulatory Service Manager

Your ref 15/00811/FLL Our ref LRE

Date 28 July 2015 Tel No 01738 476462

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission PK15/00811/FLL RE: Alteration and extension to hotel Muirs Inns Ltd 49 Muirs Kinross KY13 8AU for Belhaven Pubs Ltd.

I refer to your letter dated 29 June 2015 in connection with the above application and have the following comments to make.

Environmental Health (assessment date - 28/07/15)

Recommendation

I have no objections to the application but recommend the undernoted conditions be included in any given consent.

Comments

The applicant proposes to extend the existing lounge area at the premises and a new entrance vestibule.

There are several residential properties within close proximity to the application site which are approximately all within 35 metres.

An email dated 26 July 2015 from the agent Mr Baxter at Davidson Baxter Partnership Ltd, confirms that the proposed extension area is to be predominately used as a lounge/restaurant and will operate under the current terms of the premises license. The agent has also indicated that that on occasion the area could be used for entertainment with live music. The agent also stated that there was to be no new plant equipment within the new extension area.

To my knowledge this Service to date has not received any complaint with regards to noise from the existing part of the premises.

There are several existing residential properties within close proximity to the existing pub and proposed extension, therefore to protect residential amenity due to potential noise disturbance, I recommend that the under noted conditions be included on any given consent.

Conditions

1. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that any impact or airborne noise from the normal operations within the application premises does not constitute a statutory

nuisance in any neighbouring/nearby residential property, as determined by the Local Planning Authority.

2. No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises
3. The hours of operation for the new extension shall be in line with the existing hours of operations.

