

Perth and Kinross Council
Development Control Committee – 08 September 2010
Report of Handling by Development Quality Manager

Change of use from commercial use to form two dwellinghouses including external alterations at 80 High Street and 2 Swansacre, Kinross for Hillcrest Housing Association

Ref. No: 10/00271/FLL
Ward No: N8 - Kinross-shire

Summary

This report recommends approval of the application for change of use and external alterations from commercial use to form two dwellinghouses (affordable housing) as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 80 High Street and 2 Swansacre is an unlisted building located on a prominent corner site within the Kinross Conservation Area. It is currently in a dilapidated condition, the application is to refurbish the building to provide two affordable housing units for Hillcrest Housing Association, served by a limited yard area to the rear.

NATIONAL POLICY AND GUIDANCE

- 2 **Designing places:** The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.
- 3 **The Scottish Planning Policy 2010 –**

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are

- Paragraphs 86 – 88: Affordable Housing,
- Paragraphs 110 – 124: The historic environment.

- 4 **Scottish Historic Environment Policy (SHEP):-** sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.

DEVELOPMENT PLAN

- 5 The Development Plan for the area consists of the approved Perth and Kinross Structure Plan 2003 and the adopted Kinross Area Local Plan 2004.

Perth and Kinross Structure Plan 2003

The principal relevant policies are in summary:

Sustainable Communities Policy 3

- 6 The Council will seek to secure affordable and low-cost housing in local areas as identified through housing needs assessments, and will work with agencies, developers, and communities to secure adequate provision. Where need has been identified, Local Plans will allocate land to meet the requirements.

Sustainable Communities Policy 9

- 7 This notes that local plans will ensure new development makes a positive contribution to the identity, character and quality of the built and historic environment; contributes to sustainable development through energy conservation, efficiency through design, site layout and where possible, the use of local materials.

Environment and Resources Policy 8

- 8 This policy seeks to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. It specifies that new development which would adversely affect Listed Buildings or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweigh the cultural interest in the site.

Kinross Area Local Plan 2004

- 9 Under the Local Plan, the site lies within the settlement boundary of Kinross, the Conservation Area and within area identified for shopping.

The principal relevant policies are in summary:

Policy 02 Development Criteria

- 10 All developments within the Plan area will be judged against a series of criteria including a landscape framework; the scale, form, colour and density of development within the locality; compatible with its surroundings in land use terms; local road and public transport network should be capable of absorbing

the additional traffic generated by the development; sufficient spare capacity in drainage, water and education services to cater for the new development and the site should be large enough to accommodate the impact of the development.

Policy 06 Design and Landscaping

- 11 The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to:

Policy 43 Transport Standards

- 12 Suitable provision for parking and where appropriate public transport, must be made in all new developments in accordance with the Perth and Kinross Council's "Roads Development Guide".

Policy 67 Housing

- 13 Identifies areas of residential and compatible uses where existing residential amenity will be retained and where possible improved. Where sites become available for development, housing will generally be the most obvious alternative use.

Policy 70 Shopping

- 14 Identifies principal retail areas where the Council will not permit non-retail uses to dominate the ground floors to an extent that they may undermine the retail function or adversely affects residential amenity.

Policy 74 Kinross Conservation Area

- 15 There will be a presumption against developments within the Conservation Area which do not preserve or enhance the area.

OTHER POLICIES

Education Contributions

Planning Guidance Note – Developer Contributions May 2009

- 16 Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

Planning Guidance Note – Primary Education and New Housing Development May 2009

- 17 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied. It should be noted that no contributions are required for affordable or sheltered housing.

SITE HISTORY

- 18 06/02541/FUL Conversion of building to form 4 flats, approved subject to conditions, 28.05.2007

CONSULTATIONS

- 19 **Education and Children Services** - Request for education contribution.
 20 **Environmental Health (Contaminated Land)** - No objection.

REPRESENTATIONS

- 21 A total of two representations have been received which relate to the application.
- 22 The representations have raised the following relevant issues:
- Concerns regarding the window configuration and timber infill panels proposed.
 - A request for windows to include a six over six pane pattern.
 - A request for an appropriate material specification to restore the elevations to their original appearance.

These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

23	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None
	Report on Impact or Potential Impact	None submitted.

APPRAISAL

- 24 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Kinross Area Local Plan 2004.
- 25 In accordance with Section 65 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Act 1997 the application has been advertised in the Local Press as potentially affecting the character or appearance of a Conservation Area and a site notice has been displayed.
- 26 The determining issues in this case are:- the statutory requirement under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area; whether the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

Policy

- 27 The property is located within the principal retail area of Kinross as identified in the Kinross Area Local Plan where Policy 70 applies. This specifies that the council will not permit non-retail uses to dominate the ground floors to an extent that they may undermine the retail function or residential amenity of the area. Having had the opportunity to review the history of the site it should be noted that the acceptability of the residential use has already been accepted under application 06/02541/FLL. Taking account of this I do not consider that the retail function of the area will be undermined.

Residential Amenity

- 28 There are several neighbouring properties in close proximity which have a variety of window openings facing into each other at varying distances. Whilst the proposed development will involve rear facing windows it is not considered that there would be a resultant significant loss of privacy due to their introduction/reinstatement as a consequence. The development is therefore considered to be acceptable from a residential amenity point of view.

Design and Layout

- 29 Through Designing Places (November 2001) Scottish Ministers have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, it is important at all scales

of development. Ill conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground.

- 30 Due to concerns being expressed by the Conservation Team the applicant's agent was contacted and advised that the proposed window configuration should be altered. Minor revisions have been made to the scheme and it is now considered that the proposal respects the proportions and configuration of the window openings. Conditions will be attached to ensure that the window opening method is sliding sash and case as well as being of timber construction.

Conservation Area

- 31 Following a full assessment of the application I do not consider the development will adversely impact on the character or appearance of the Conservation Area and no concerns are raised with this regard by the Conservation Officer. I therefore consider that the development complies with Policy 74 of the adopted Local Plan

Traffic

- 32 The Council's Transport Planning Section has been consulted on the application and has raised no objection. Whilst there would be no on-site parking provision to serve the proposed development, nevertheless, the existing uses and indeed previous consent have no such provision and therefore this is considered to be acceptable in this instance.

Education

- 33 The Education and Children's Service have requested that a financial contribution should be sought for this development. In this case this would be contrary to Perth and Kinross Council Planning Guidance Note: Primary Education and New Housing Development May 2009 which specifies a contribution will not be required for Affordable Housing.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 34 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENTS

- 35 None required

DIRECTION BY SCOTTISH MINISTERS

- 36 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 37 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, it is considered the proposal complies with the adopted.

RECOMMENDATION

A Approve the application subject to conditions and the following reasons:

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the commencement of development a method statement clarifying the specification of the external repairs to the buildings facade shall be submitted to and approved in writing by the Planning Authority. Thereafter the specification as approved shall be implemented all to the reasonable satisfaction of the Planning Authority.
- 4 Prior to the commencement of development the specification of the proposed windows shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the windows shall be sliding sash and case and of timber construction. The windows shall be installed in accordance with the approved specification all to the reasonable satisfaction of the Planning Authority.
- 5 A sample of the proposed slate and material to construct the external stairs shall be submitted for the written approval of the Planning Authority prior to the commencement of the development. Thereafter the scheme as approved shall be implemented prior to the occupation of the building.
- 6 For the avoidance of any doubt no consent is granted for the proposed fencing and bin storage positions at present. Prior to the occupation of the use hereby approved, revised positions/enclosures for the dustbins shall be undertaken with details submitted to and approved in writing by the Local Planning Authority. Following approval, the scheme shall be implemented in accordance with the approved plans all to the reasonable satisfaction of the Local Planning Authority.

Reasons:

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 To ensure the appropriate use of materials in order to safeguard the special architectural or historic interest of the building.
- 4 To safeguard the special architectural or historic interest of the building.
- 5 To safeguard the special architectural or historic interest of the building.
- 6 To safeguard the appearance of the properties and the amenities of the area.

B JUSTIFICATION

- 1 The proposal is considered to comply with the adopted Development Plans. I have taken account of material considerations and find none that would justify overriding the adopted Development Plans.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: Two
Contact Officer: John Russell – Ext 4(75346)
Date: 18 August 2010

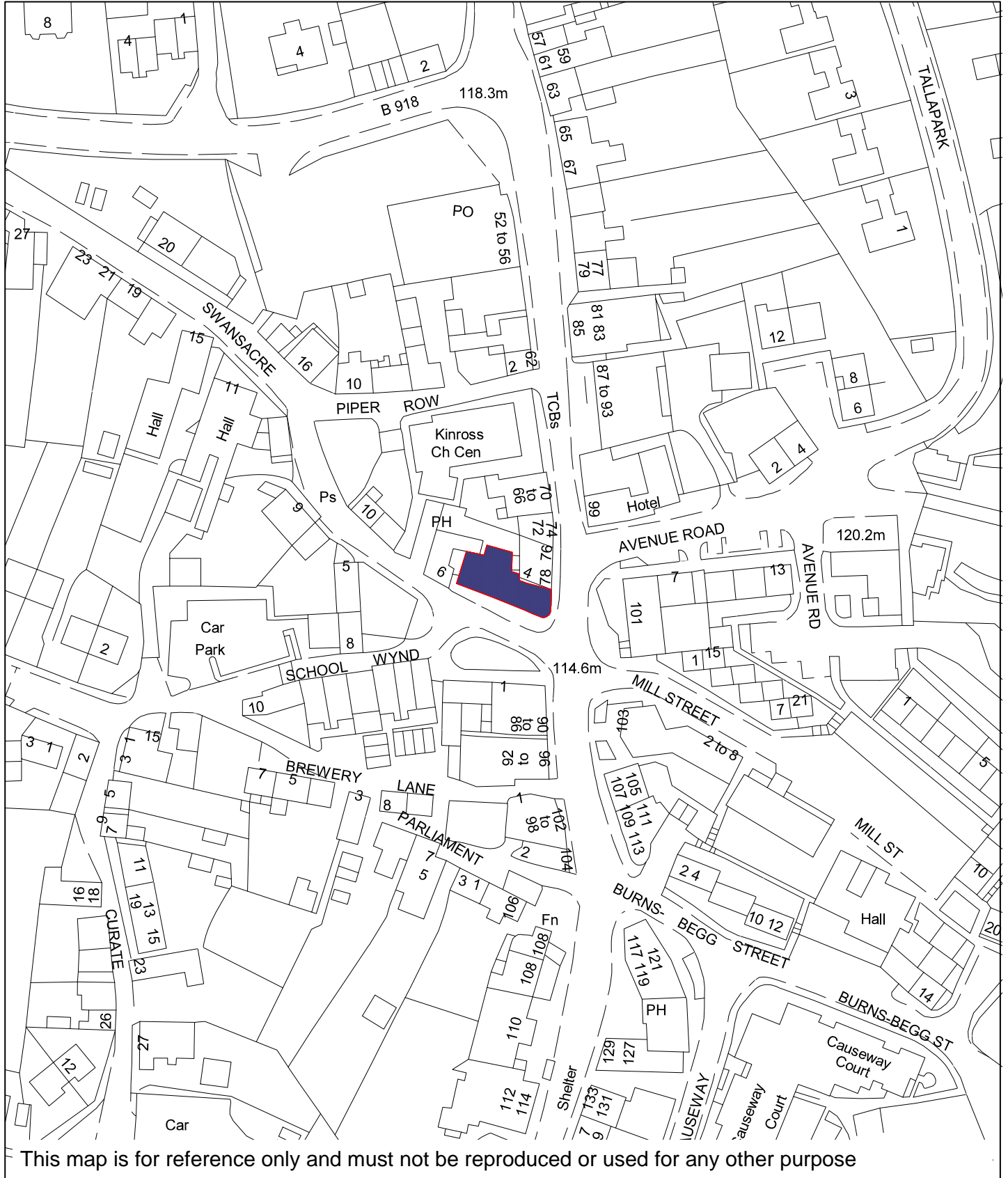
Nick Brian
Development Quality Manager

Perth & Kinross Council

10/00271/FLL

80 High Street and 2 Swansacre, Kinross

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↑ Scale
1:1250

