

Perth and Kinross Council
Development Management Committee – 14 May 2014
Report of Handling by Development Quality Manager

**Demolition of existing buildings at former Kinross High School, High Street,
Kinross, KY13 8AW**

Ref. No: 13/02314/CON
Ward No: 8–Kinross-shire

Summary

This report recommends approval of the application for the demolition of the former Kinross High School as the proposal complies with both Development Plan and national guidance.

BACKGROUND

- 1 The planning application site extends to 2.91 hectares and is located immediately north west of Kinross town centre. The site is located centrally within Kinross and is within the town's Conservation Area. The site contains an extensive complex of buildings on the site of various ages together with a sports pitch. None of the buildings are listed and the site is surrounded by residential, commercial uses and a place of worship.
- 2 The site was used a secondary school from 1906 until the new community campus opened in Autumn 2009 at the northern edge of Kinross. For the past few years the front area of hardstanding has been used as car parking and the sports pitch has been used by visitors to Kinross Parish Church for car parking also.
- 3 The school buildings are a mix of traditional stone built structure at the High Street elevation with a large amount of more modern structures extending further back into the site. Some of the buildings have been subject to vandalism since the closure of the school.
- 4 The site is allocated for residential use within the Adopted Perth and Kinross Local Development Plan (LDP) February 2014. Because of its former use the site is also classified as urban brownfield. The Kinross Conservation Area Appraisal 2010 identifies the original school building, the Edwardian element as a building of interest but it is not listed.

PROPOSAL

- 5 The applicants seek permission to demolish the unlisted buildings and have lodged supporting information in the form of an independent Building and Valuation Survey and a Viability Statement setting out in more detail their case for the demolition of the buildings. In particular they focus on the traditional building fronting High Street. There is an associated planning application

(13/02328/FLM) under consideration by this committee for the erection of 102 dwellings and associated works including an area of open space in its place.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through the National Planning Framework 2, Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

National Planning Framework

- 7 The second National Planning Framework for Scotland (NPF) was published in June 2009, setting out a strategy for Scotland's spatial development for the period up until 2030. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy (SPP) 2010

- 8 SPP 2010 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.
- 9 The following sections of the SPP are of particular importance in the assessment of this application:-
- Paragraphs 45-48, 52-61 Economic Growth.
 - Paragraphs 110 - 124 which relate to the Historic Environment
 - Paragraphs 115 - 117 which relate to Conservation Areas.
- 10 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2011 Planning and Archaeology
 - PAN 40 Development Management
 - PAN 60 Planning for Natural Heritage

- 11 The following documents from Historic Scotland are also of crucial importance in the determination of the application:-

Scottish Historic Environment Policy (SHEP) 2011

- 12 This document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Scotland and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment.

- Managing Change in the Historic Environment guidance series

DEVELOPMENT PLAN

- 13 The Development Plan for the area consist of TAYplan Strategic Development Plan 2012-2032 (Approved June 2012) and the Perth and Kinross Local Development Plan 2014 (Approved February 2014)

TAY plan Strategic Development Plan 2012

- 14 The principal relevant policy is in summary:

Policy 3: Managing TAYplan's Assets

- 15 This recognises the importance of historic buildings and townscapes and identifies the importance of only allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth & Kinross Local Development Plan 2014

- 16 The principal relevant policies are in summary:

PM2: Design Statements

- 17 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

HE3 Conservation Areas

- 18 HE3A: Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

- 19 HE3B: There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for

demolition should be accompanied by a detailed application for the replacement development.

OTHER POLICIES

Kinross Conservation Area Appraisal July 2010

- 20 The Kinross Conservation Area Appraisal has been produced to identify what makes the designated area of Kinross special and worthy of protection. In particular the Appraisal identifies one of the buildings within the site, the Edwardian element of Kinross High School as a building of interest even though it is not listed.

SITE HISTORY

- 21 01/00792/NID Erection of 2 new classrooms. Approved 2001.
- 22 02/01618/NID Erection of 2 storey 8 classroom block and 2 storey toilet block. Approved March 2003.
- 23 13/00003/PAN Residential Development March 2013.
- 24 14/02328/FLM Erection of 102 dwellings and associated infrastructure (To be determined in tandem with current application)

CONSULTATIONS

- 25 **Historic Scotland:** The application requires to be referred to Historic Scotland for ratification prior to any decision being issued by the Council. They have provided a consultation response to the Viability Statement, Building Survey and Valuation Survey submitted by the applicant. Historic Scotland are of the view that the loss of the original building will not preserve or enhance the character and appearance of the Conservation Area, unless a satisfactory case for demolition can be made that is in accordance with the SHEP tests which demonstrates that retention with cross subsidy from the rest of the development will not be economically viable.
- 26 **Architectural Heritage Society of Scotland:** No objection to the later 20th century buildings and extensions being demolished. They do however object to the loss of the traditional Edwardian building that fronts onto the High Street. It is considered that the loss of a building of such merit from such a setting would have a detrimental impact on the area.
- 27 **Kinross Community Council:** Object to the loss of the traditional Edwardian building fronting onto High Street. They would prefer to see this building retained.

REPRESENTATIONS

- 28 The application for demolition of the school buildings received four letters of representation within the consultation period and all object to the proposed demolition. Two letters of objection was submitted after the consultation period.
- 29 The application for the proposed development of 102 dwellings in place of the school attracted ninety four (94) letters of representation objecting to the proposal (from separate addresses) including Kinross-shire Civic Trust. Many of the representations made specific comments on the demolition of the school buildings.
- 30 The representations have raised the following relevant issues:
- Contrary to planning policy
 - Adverse impact on Conservation Area
 - Loss of traditional building fronting High Street
 - Replacement development does not justify loss of traditional building
- 31 Some of the letters received confirm that some people although opposed to the demolition of the traditional school building nevertheless do not oppose the demolition of the remainder of the buildings within the site.
- 32 These issues are all raised in the Appraisal section of this report. Many other issues have been raised in addition to the ones listed above but do not relate to the consideration of the Conservation Area Consent application which only addresses the demolition of the buildings on the site. The other issues raised have been addressed in the related committee report for planning application 13/02328/FLM.

ADDITIONAL STATEMENTS

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Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Building Survey; Valuation Survey; Viability Statement; Bat Survey

APPRAISAL

Policy Appraisal

- 34 The determining issues in this case are: the statutory requirement under Section 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires the planning authority to have special

regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses; how the proposal sits with National Policy; how the proposal relates to the adopted development plan and whether other considerations outweigh the desirability of retaining the buildings.

Legislative and Policy Context for the Demolition of Unlisted Properties in Conservation Areas

- 35 The Planning Authority has a duty to ensure the retention of buildings of historic or architectural interest unless there has been a sufficiently robust justification provided to support its demolition. This submission includes a viability statement, an independent building survey and an independent valuation survey to justify the demolition of the buildings and in particular the original school building fronting High Street.
- 36 Section 63 - 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on the planning authority, in considering whether to grant consent for any works and is pertinent in that it requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 37 In line with National Policy, Historic Scotland's Guidance – Scottish Historic Environment Policy 2011 states that demolition of an unlisted building in a Conservation Area should be assessed against the following tests:
- The importance of the building – is the building of special interest?
or
 - Condition of the building – is the building capable of repair?
or
 - Economic viability of reusing the building – is repair of the building economically viable and has it been marketed for a reasonable period?
or
 - Wider public benefits - is the demolition essential to delivering significant benefits to economic growth or the wider community?

The importance of the building

- 38 Kinross High School built in 1906, although unlisted is considered to be a building of interest with its balanced arrangement of Dutch-gabled entrances to the High Street. The Kinross Conservation Area Appraisal 2010 highlights that it is a building of interest and contributes to the character of the Conservation Area.
- 39 However, the school was first proposed for listing in December 2006 and Historic Scotland concluded that whilst there were some decorative elements to the street elevation of the 1906/7 section of the property, they considered that this only formed a small part of the total building and that the building as a whole did not meet the listing criteria.

- 40 It was proposed for listing again in December 2012 and May 2013. Historic Scotland noted that the 1906/7 section of the former school was designed by Andrew Maitland, who worked in Dunfermline, and the school was significantly extended in the 1930s and again in the 1960s. 1906 was not considered to be an early date for a board school and many from an earlier date still survive in Scotland, some with very fine decorative and sculptural detailing. As with 2006 listing request, this older section comprises only a small part of the overall school and the decorative elements are apparent on just one elevation. The side elevation is plain in form and there does not seem to be any special architectural interest to the interior. The decoration focuses on the symmetrical front elevation, with its advanced gables and deep-set recessed windows. Whilst this makes a positive contribution to the streetscape, it was not considered to be sufficiently special for the whole building to meet the listing criteria.
- 41 The Kinross Conservation Area Appraisal 2010 also describes the immediate surrounding area as being characterised by large, well-spaced villas set back from the street in often generous garden grounds with stone boundary walls, gate piers and decorative cast iron gates. The proposed development looks at providing an attractive area of public open space at the High Street frontage with the stone wall and decorative iron railings retained, dwellings set well back into the site behind a wall comprising of stone from the school building which will incorporate some of the design features of the 1906 school building.
- 42 Following the relocation of the High School to the Loch Leven Community Campus in 2009, the site has been identified as a key development opportunity with the Conservation Area. The Conservation Area Appraisal 2010 states consideration should be given to the re-use and adaption of the buildings and provides a positive contribution to the Conservation Area. The Local Development Plan 2014 allocates the site for residential development and highlights that any development proposal for the site is required to preserve and enhance the area. It is considered that the original school building forms a small part of a wider site that could have significant planning, regeneration and economic benefits for Kinross. Although considered to be an attractive building within the Conservation Area, it is not listed by Historic Scotland. It has been put forward for listing in 2006, 2012 and 2013 and on every occasion Historic Scotland decided to not list it citing that it was not of significant architectural merit to warrant listing.
- 43 Based on this non listing and looking at the wider picture, it is considered questionable as to whether the original school building is actually important enough and worthy of its retention. The proposed replacement development is considered will preserve and enhance the entire site and not just one small element. Many of the more recent buildings on the site make no positive contribution to the character and appearance of the Conservation Area and their removal will arguably represent a positive contribution. On this basis it is considered that the proposal complies with LDP Policy HE3B – Demolition within Conservation Areas as the replacement scheme will preserve and enhance the entire site and will prevent the area becoming a gap site.

Condition of the buildings proposed for demolition

- 44 The building has not been in use since the High School moved to Loch Leven Community Campus in Autumn 2009. An independent Building Survey and Valuation Survey was conducted in March 2014. Although the original building has suffered from neglect and vandalism since 2009, the masonry fabric is in reasonable condition with just minor structural defects apparent. Because of the neglect and vandalism it has been shown that the roof and internal finishes will need to be removed and replaced.
- 45 All the masonry will require to be restored and the existing timber floor will need to be replaced with an insulated concrete floor and substantial upgrading to meet current thermal insulation requirements will be required for the walls, roof, windows and doors.
- 46 It has been estimated the repair and restoration costs to convert to residential use to form 7 dwellings will cost in the region of £1,170,000 with an estimated sales return of just £895,000. It is accepted that whilst the building is in a reasonable physical condition and not incapable of repair it will be at a significant cost to the developer (£275,000 loss).

Economic viability of repairing and reusing the building

- 47 A balance is required between the viability of retaining the traditional element of the High School building and the economic benefits the wider redevelopment of the whole site could bring. A case has to be made by the applicant for the demolition of the existing building and this has to be taken into consideration against the context of the overall developments viability and the benefits.
- 48 The applicants have submitted information on the Development Viability which sets out an option for the retention of the traditional building fronting High Street and converting it to 7 units. As already mentioned, the applicant has provided evidence that its redevelopment would result in a loss of £275,000.
- 49 It is also clear is that its retention would impact the wider development of the site in terms of limiting the ability to maximise the market value and therefore result in a development which would have a lower economic viability. Following Historic Scotland's comments the applicants have provided further evidence of the financial viability of developing the site with the existing buildings retained. Their retention will reduce the sites flexibility and also significantly reduce the marketability of the entire site and an opportunity to maximise current market values. Retention of the existing building will result in a reduction of 17% (13 Units) of the proposed development. The scheme will become a partially 'backland' housing development with a poor outlook for many of the proposed dwellings and a constrained vehicular access. Such factors will impact upon potential sales revenues and therefore have an adverse impact on the financial viability of the site.
- 50 The school has been actively marketed since its closure in 2009 and the current application is the only expressed interest that has come forward to a

planning application stage. It is worth noting that in 2010 a national foodstore operator expressed interest in developing the site and this also included the demolition of the original school building. Because of the difficult economic situation over the past few years the foodstore operator chose not to progress with the site and it was placed back on the market in 2011.

- 51 The redevelopment of the original school building is clearly shown to be not economically viable and that its demolition is appropriate in this case. No other proposal has come forward in nearly 5 years since first marketed that looks to retain the building. It is therefore considered to be in accordance with one of SHEPs key requirements that the repair of the building is economically unviable and has it been marketed for a considerable length of time with no proposal coming forward that looked at retaining the original school building.

Wider public benefits

- 52 It is worth highlighting that no definition or explanation of the term economic growth or wider community benefit is provided in the SHEP. However, Historic Scotland's Managing Change in the Historic Environment guidance note on demolition does refer to 'Wider Public Benefits' which acknowledges that:

- 53 *"in exceptional circumstances the retention of a building may prevent wider public benefits flowing from the redevelopment of a site. Typically these cases would involve developments of national or regional significance and applicants will need to demonstrate that there is no practical way of realising the benefits without demolishing the building".*

- 54 With the exception of the original school building, the later 20th century buildings do little to preserve and enhance Kinross's Conservation Area status. Since the closure of the school the impact on the Conservation Area has become more significant as a result of vandalism, deterioration and the property being used for car parking.

- 55 As already mentioned, the school has been actively marketed since 2009 and the current application is the only proposal that has come forward to a planning application stage. In 2010 a national foodstore operator expressed interested in developing the site but because of the difficult economic situation over the past few years they did not progress with the site and it was placed back on the market in 2011.

- 56 Overall it is considered that the proposed development will provide a significant improvement to the whole site and will introduce new qualities to the site that are considered appropriate to the Conservation Area. As already indicated that whilst it is unfortunate that the original school building is proposed to be demolished, this element only forms a small part of the site and when looking at the bigger picture the proposed replacement development will significantly improve this brownfield site and overall will have a positive impact on both Kinross and the Conservation Area. It is therefore considered that the proposed development complies with LDP Policy HE3A.

- 57 The proposed development will also provide significant benefits to the community. Firstly a new area of public open space that will be maintained by the Council will be provided in a central location. It is proposed that the nearby play park on Green Road will be significantly upgraded and nearly £0.5million will be paid to upgrade the primary school. The proposed development will help meet the demand for modest sized houses and first time buyers and will provide 26 low cost homes in an area where there is a significant requirement. The provision of low cost homes and developer contribution payments will be dealt with through a Section 75 legal agreement.
- 58 It is also estimated that the proposed development will lead to over £1 million of available expenditure being available for food and non-food goods. This should provide a significant positive impact for Kinross town centre.
- 59 It is therefore considered to be in accordance with one of SHEPs key requirements that it will deliver significant benefits to economic growth and the wider community.

Design and Layout of Replacement Scheme

- 60 Applications for Conservation Area Consent should be accompanied by a detailed application for the replacement development should accompany it. This application has been submitted along with a scheme (13/02328/FLM) for the redevelopment of the site.
- 61 The proposal consists of a mixture of two storey detached, semi-detached and terraced properties. Much of the site contains shared surfaces that helps achieve a sense of place. The street layout is considered to be usable and helps ensure the proposal complies with Designing Streets (2010). The proposed lay out and linkages ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with several footpaths to the town centre, public transport connections, the current primary school and the surrounding neighbourhood.
- 62 As mentioned above, the massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties. Because of the sites close proximity to the town centre, transport connections and current primary school, it is considered that the proposed density is acceptable.
- 63 All properties are considered to include an acceptable amount of amenity ground (proportionate to dwelling size) and will not have any adverse impact regarding overlooking or overshadowing on each other. As aforementioned, because the site is within a Conservation Area, the Town and Country (General Permitted Development) (Scotland) Amendment Order 2011 removes permitted development rights for all properties. This will help prevent house extensions, outbuildings/sheds, raised decking/patios, fencing etc. from having an adverse impact on neighbouring amenity in the future.

- 64 In terms of house design and finish, the applicant has suggested that the finishes have been influenced by the surrounding area, where there is a mixture of building styles and materials. This element of the proposal is debatable as to how appropriate the proposed choice and composition of the material finishes are. The majority of properties on High Street feature stone walls and slate roofs while off the High Street the majority are rendered walls (wet and dry dash) with dark roof tiles or red pantiles.
- 65 Whilst it is accepted by the Council that the application of standard house types would not be rejected in this context, a closer and more sensitive, contemporary approach to the choice of materials and the overall material composition on individual buildings is considered appropriate. It is therefore recommended that this element is controlled by condition, allowing further review and more place specific, contemporary solutions to be agreed. To support both standard house types and a standard palette of materials and composition is considered to be a lost opportunity for this site in the Conservation Area and is recommended that this approach is resisted.
- 66 In addition, to help preserve and enhance the Conservation Area it is considered reasonable that the proposed dwellings (10) most visible from the High Street should contain slate roofs to match the existing properties along High Street. Slate can be re-used from the original school to achieve this. Samples of all the exterior building materials should be submitted for agreement with the planning authority and this can be secured through conditional control.
- 67 In summary, the proposals are considered broadly appropriate in terms of design, scale and form and aside from additional detail and control of walling, material finishes and composition, the development is assessed to satisfy basic policy objectives of Designing Places, Designing Streets, TAYplan Policy 2 and LDP Policy PM1 - Placemaking.

Landscape and Open Space

- 68 Preserving and enhancing the Conservation Area is an important planning objective. Some of this objective can be achieved by enhancing the landscape character of the proposal. It is considered that potential long term visual effects of the scheme can be preserved through soft and hard landscaping and structure planting at the proposed area of open space at the High Street access.
- 69 As mentioned earlier, whilst its unfortunate the original school building is proposed to be demolished, the proposed open space area with its hard and soft landscape proposals will provide an alternative but attractive frontage to the site. The original stone boundary wall and iron railings are to be retained and stone from the original school building will be reused to create a 1.8 metre high wall at the rear of the area of open space. It is considered reasonable that some of the key features of the school frontage should be incorporated into the stone wall. A condition requiring a detailed final planting plan and exact details

of the stone wall is recommended. These features including a tree lined avenue will create an attractive frontage.

- 70 It is also important to consider that at this location heading out of the town, the character of the frontages along High Street changes considerably. The Kinross Conservation Area Appraisal 2010 acknowledges that the immediate area to the north is characterised by large, well-spaced villas set back from the street in often generous garden grounds with stone boundary walls, gate piers and decorative cast iron gates. The proposed green area with stone wall, attractive iron railings and extensive planting will resemble a number of properties at the northern end of the High Street and the tree lined area of The Muirs.

Protected Species

- 71 When determining applications the Planning Authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts. To enable an assessment against the three tests the applicant was advised that a bat survey should be undertaken. An early survey has shown there is the potential for bats and roosts to be present within the existing buildings. A further survey was requested once the bats (if present) are out of hibernation. This survey was completed in early April.
- 72 Following assessment of the bat survey the Council's Biodiversity Officer confirms he has no objection. There is no evidence of bat roosts within the school buildings but they do forage nearby. He has agreed with the recommended conditions within the survey and should be included in any decision notice.

Planning Authority with an Interest in the Land

- 73 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 for a site allocated for residential use is not a significant departure from the Development Plan, a notification to the Ministers is not required.

Legal Agreements

- 74 None required

Direction by Scottish Ministers

- 75 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

- 76 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 77 The proposals represent a significant development in a central location in Kinross and within the Conservation Area. Whilst most of the buildings within the site have no architectural merit, it critically involves the demolition of the original and traditional school building fronting onto High Street.
- 78 However, the site at present is not being fully utilised or contributing sufficiently to the town's Conservation Area as it should be. The loss of a traditional building is always regrettable but as Historic Scotland have stated this only forms a small part of the site and they have not been considered worthy of listing on three separate occasions. The loss of this element of the building has to be weighed against the merits of the replacement development from both a visual and economic impact.
- 79 The proposed development of 102 dwellings so close to the town centre represents a sustainable opportunity to revitalise this important site and overall it is considered it would preserve and enhance the town's conservation area. The economic impact of the replacement development on the town and in particular the town centre is considerable.
- 80 In this case it is considered that the application is in accordance with the adopted Development Plan, I have taken account of material considerations and find none that would justify refusing the application. The application is therefore recommended for approval subject to conditions.

Recommendation

A Approve subject to the following conditions

- 1 No demolition of the existing building shall take place until the Council as Planning Authority has been satisfied that a contract is in place for the construction of the replacement development.
- 2 No demolition shall take place within the development site as outlined on the approved plan until the developer's ecologist provides a briefing note to the demolition contractors on the location of classroom with recorded bat droppings found during the Bat Survey April 2014, potential bat access point, legal

obligations in regard to bats, and procedures required in case any bats are found during demolition.

- 3 The classroom and adjacent area where bat droppings were found during the April 2014 Bat Survey should be soft stripped by hand during demolition.

Should any bats be found roosting during soft stripping then work should stop immediately, and the material covering the bat replaced carefully. The applicant's ecologist, Councils Biodiversity Officer and SNH should then be consulted on the best course of action, with the ecologist doing a site visit and advising the appropriate course of action.

- 4 Prior to the commencement of development details of salvage and the re-use of existing building materials shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented all to the satisfaction of the Local Planning Authority.

Reasons

- 1 In the interests of visual amenity and to avoid the creation of a gap site in the Conservation Area.
- 2-3 To protect bat habitats within the site.
- 4 To ensure the development re-uses existing surface materials where appropriate.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

The application requires to be referred to Historic Scotland for clearance prior to any decision being issued.

D INFORMATIVES

- 1 This Conservation Area Consent will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.)
- 2 This is approval of application reference 13/02314/CON for Conservation Area Consent only in relation to demolition of the buildings. It does not include any approval for the related application for Planning Permission reference 13/02328/FLM.

- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing work. If bats are found during works, the work should stop immediately and you should contact the Councils Biodiversity Officer and SNH at Battleby, Perth immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.
- 5 The site is located within a designated conservation area of Kinross. As the application relates to Conservation Area Consent, it is therefore necessary to submit the application to Historic Scotland for ratification of the Council's decision.

Nick Brian
Development Quality Manager

Background Papers: 6 letters of representation

Contact Officer: Steve Callan – Ext 75337

Date: 25 April 2014

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