

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

Residential development consisting of 102 units, access road, open space and associated works at former Kinross High School, High Street, Kinross KY13 8AW

Ref. No: 13/02328/FLM
Ward No: 8–Kinross-shire

Summary

This report recommends approval of the application for the erection of residential development on land of the former Kinross High School as the proposal complies with the Development Plan subject to a legal agreement and conditional control.

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 towns Conservation Area. The site is surrounded by residential, commercial and public worship uses. The external finishes of the immediate surrounding area is extremely varied, with traditional stone and slate properties High Street and more modern housing styles to the rear of the site.
- 2 The site was used a secondary school from 1906 until the new Loch Leven Community Campus opened in Autumn 2009 at the northern edge of Kinross. Since the closure of the school the front area of hardstanding has been used as temporary public car parking and the blaes sports pitch accessed off Station Road has been used by visitors to Kinross Parish Church for car parking also.
- 3 The former school buildings are a mix of a traditional stone built structure at the High Street 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. The High Street boundary of the site is marked by a stone wall and decorative iron railings.
- 4 The southern third of the site is slightly elevated and consists of the former blaes sports pitch and grassed areas that were used for recreation purposes while the school was in use.
- 5 The site is allocated for residential use within the Adopted Perth and Kinross Local Development Plan (LDP) February 2014. As a result of its former use, the site is also classified as urban brownfield.
- 6 There is an associated Conservation Area Consent Application (13/02314/CON) for the demolition of the existing buildings on the site also under consideration by this committee.

PROPOSAL

- 7 The proposal consists of the following elements:

Residential

- 8 102 residential units are proposed in total, comprising a mix of house types incorporating detached, semi-detached and terraced units of 2 storey height. The range consists of 28 two bedroom; 45 three bedroom; 25 four bedroom and 4 five bedroom properties and are mixed throughout the site. A standard palette of materials is proposed for the dwellings, consisting of brick, dry dash render and concrete roof tiles.

Vehicular access

- 9 The proposal includes the slight relocation of the existing school access off High Street to form the main access and egress to and from the site. A secondary access will be created off Green Road at the northern end of the site through an existing residential area.

Pedestrian/Cycle Access

- 10 A series of pedestrian/cycle route opportunities are to be integrated into the site within the established path network. As well as the principal vehicular access off High Street and the secondary vehicular access off Green Road, pedestrian route opportunities are proposed at the southern boundary off Station Road and two more along the western boundary off Alexander Drive.

Open space and landscaping

- 11 The layout includes tree and shrub planting within an area of open space at the eastern side of the site and will front onto High Street. The proposal includes the retention of the existing stone wall and iron railings along High Street and reusing some of the red sandstone from the original school building to create a 1.8 metre high wall to the rear of open space area. Tree planting is proposed along the access route off the High Street to create a tree lined avenue.

Other associated infrastructure

- 12 Drainage infrastructure is the form of a sustainable urban drainage system (SUDs) and would be located under the area of open space at the eastern side of the site.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 13 Directive 2011/92/EU requires the 'competent authority' (Perth and Kinross Council) when giving planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. This Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.

- 14 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 15 A screening exercise in accordance with the EIA (Scotland) Regulations 2011 (as amended) was undertaken by the Planning Authority and in this case due to the projects size, nature and location an Environmental Statement was not required.

PRE-APPLICATION CONSULTATION

- 16 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. A Proposal of Application Notice (PAN) was submitted to the Council as required by regulation 6 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Section 35B of the Planning Act. The contents of the PAN were subsequently agreed by the Council under 13/00003/PAN.
- 17 The pre-application consultation report submitted confirms the extent of consultation activity undertaken and in this case it has met the minimum standards and complies with the content of the measures agreed through the Proposal of Application Notice.

NATIONAL POLICY AND GUIDANCE

- 18 The Scottish Government expresses its planning policies through the National Planning Framework 1 & 2, Scottish Planning Policy (SPP) and Planning Advice Notes (PAN), Designing Places, Designing Streets and a series of Circulars.

National Planning Framework

- 19 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

- 20 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.

21 The following sections of the SPP are of particular importance in the assessment of this application:-

- Paragraph 25: Determining planning applications
- Paragraph 33: Sustainable Economic Growth
- Paragraphs 34 – 44: Sustainable Development and Climate Change
- Paragraph 66: Housing
- Paragraphs 77 - 84: Location and Design of New Development
- Paragraphs 86 – 88: Affordable Housing
- Paragraphs 89 – 91: Other Housing Requirements
- Paragraphs 110 – 112: Historic Environment
- Paragraph 123: Archaeology
- Paragraphs 125 – 148: Landscape and Natural Heritage
- Paragraphs 149 – 158: Open Space and Physical Activity
- Paragraphs 165 – 176: Transport
- Paragraphs 196 – 211: Flooding and Drainage
- Paragraph 215: Waste Management
- Paragraph 255: Outcomes

22 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 33 Development of Contaminated Land
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

- 23 **Designing Places (2001):** Is a policy statement by the Scottish Government to raise the standards of urban and rural development.
- 24 **Designing Streets (2010):** Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.
- 25 **Scottish Historic Environment Policy (2011):** 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.

DEVELOPMENT PLAN

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

TAY plan Strategic Development Plan 2012

- 27 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."*
- 28 The principal relevant policies are in summary:

Policy 1: Locational Priorities

- 29 Seeks to focus the majority of development in the region's principal settlements. Kinross is identified as a Tier 2 Settlement with the potential to make a major contribution to the region's economy.

Policy 2: Shaping Better Quality Places

- 30 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 31 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.

Policy 5: Housing

- 32 States that Local Development Plans shall, *“Allocate land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of 5 years effective land supply at all times, and work towards the provision of a 7 year supply of effective housing land by 2015 to support economic growth.”*

Policy 8: Delivering the Strategic Development Plan

- 33 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

Perth & Kinross Local Development Plan February 2014

- 34 The principal relevant policies are in summary:

PM1: Placemaking

- 35 PM1A: Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.
- 36 PM1B: All proposals should meet a series of placemaking criteria.

PM2: Design Statements

- 37 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.

PM3: Infrastructure Contributions

- 38 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are

reasonably related to the scale and nature of the proposed development are secured.

RD1: Residential Areas

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

RD4: Affordable Housing

- 40 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units

TA1: Transport Standards and Accessibility Requirements

- 41 TA1A: Encouragement will be given to the retention and improvement of transport infrastructure identified in the plan.
- 42 TA1B: Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

CF1: Open Space Retention and Provision

- 43 CF1A: Development proposals resulting in the loss of Sports Pitches, Parks and Open Space will not be permitted, except in circumstances where one or more of the criteria set out apply.
- 44 CF1B: Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate.

CF3: Social and Community Facilities

- 45 The loss or change of use of land or buildings used for community purposes will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit are provided.

HE2 Listed Buildings

- 46 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 buildings character, appearance and setting.

HE3 Conservation Areas

- 47 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.
- 48 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.

NE1: Environment and Conservation Policies

- 49 National, local and European protected species should be considered in development proposals.

NE3: Biodiversity

- 50 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

EP1: Climate Change, Carbon Reduction and Sustainable Construction

- 51 Sustainable design and construction will be integral to new development within Perth & Kinross.

EP2: New Development and Flooding

- 52 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

EP3: Water Environment and Drainage

- 53 EP3B: Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.
- 54 EP3C: All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

EP7: Drainage within the Loch Leven Catchment Area

- 55 EP7A: Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water

treatment works together with the current contribution from built development within the rural area of the catchment.

- 56 EP7B: Developments within the Loch Leven catchment area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

OTHER POLICIES

Planning Guidance Note – Affordable Housing November 2012

- 57 This policy is applicable to all new housing sites (including ones identified in the Local Development Plan) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing; preferably on site.

Planning Guidance Note – Primary Education and New Housing Development May 2009 (Revised June 2010)

- 58 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 the adopted Local Development Plan will have the policy applied.

Kinross Conservation Area Appraisal July 2010

- 59 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.

Public Open Space in New Residential Developments – Standards and Adoption May 2001

- 60 This guidance sets up the current position with regard to the Council's Standards for Public Open Space on new development sites and includes the most appropriate way to arrange for the long-term management of these areas.

SITE HISTORY

- 61 01/00792/NID Erection of 2 new classrooms. Approved 2001.
- 62 02/01618/NID Erection of 2 storey 8 classroom block and 2 storey toilet block. Approved March 2003.
- 63 13/00003/PAN Residential Development March 2013.

- 64 14/02314/CON Demolition of buildings within conservation area (To be determined in tandem with current application)

CONSULTATIONS

- 65 **Scottish Environment Protection Agency:** No objection provided the submitted drainage plan is part of the planning permission.
- 66 **Scottish Water:** No objection advising that due to the size of the development, Scottish Water would need to assess the impact the new demand will have on existing infrastructure, with any required infrastructure upgrades to be met by the developer.
- 67 **Scottish Natural Heritage:** No objection.
- 68 **Sport Scotland:** No objection
- 69 **Transport Scotland:** No objection.
- 70 **Environmental Health:** Conditional control recommended dealing with any potential ground contamination due to sites historic use as a school and the neighbouring former garage.
- 71 **Waste Services:** Due to the scale of housing proposed the development should incorporate suitable locations for the provision of waste and recycling facilities to compliment the kerbside waste and recycling services offered in the area.
- 72 **Local Flood Prevention:** No objection provided submitted drainage plan is part of the planning permission.
- 73 **Education & Children Services:** No objection provided Primary Education and New Housing Contributions Policy is applied for 76 dwellings.
- 74 **Affordable Housing Officer:** No objection provided 26 affordable housing units will be delivered on site.
- 75 **Perth and Kinross Heritage Trust:** No objection.
- 76 **Biodiversity Officer:** No objection following results of bat survey. Unlikely that bats roosts exist within the school building but certain conditions as per the bat survey are recommended.
- 77 **Community Greenspace:** No objections provided the site is planted out as per the submitted landscape plan. A financial contribution towards its adoption and maintenance and a financial contribution is required to upgrade the nearby play area on Green Road.

REPRESENTATIONS

- 78 The application has attracted ninety four (94) letters of representation objecting to the proposal (from separate addresses) including Kinross Community Council, the Architectural Heritage Society of Scotland and Kinross-shire Civic Trust. One letter of support was submitted.
- 79 The representations have raised the following relevant issues:
- Contrary to planning policy
 - Contrary to Local Development Plan allocation
 - Adverse impact on conservation area
 - Adverse impact on neighbouring properties
 - Adverse impact on surrounding listed properties especially Kinross Parish Church
 - Inappropriate land use
 - Adverse impact on streetscape
 - Loss of traditional building fronting High Street
 - Over intensive development/too many dwellings.
 - Lack of recreational ground/open space
 - Loss of public parking (at front of school and blaes pitch)
 - Height of properties will overshadow neighbouring properties.
 - Height of properties will overlook neighbouring properties.
 - Poor house design
 - Road safety issues especially the proposed Green Road entrance
 - Road congestion
 - Adverse impact on primary school
 - Adverse impact on drainage
 - Adverse impact on services and infrastructure
 - Flood risk
 - Adverse impact on protected species
 - Poor pre-application consultation process

ADDITIONAL STATEMENTS

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

APPRAISAL

Policy Appraisal

- 81 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 consists of the TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Council Local Development Plan February 2014.
- 82 The determining issues in this case are 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.
- 83 TAYplan Policy 1 (Location Priorities) states that Tier 2 settlements have the potential to make a major contribution to the regional economy over the next 20 years. The proposed site is within the Tier 2 settlement of Kinross and the proposed development in such a central location therefore complies with this policy.
- 84 The Perth and Kinross Local Development Plan (LDP) 2014 allocates the site for residential development (Op12). Therefore the principle of residential use on the site is considered acceptable.

LDP Allocation and Site Density

- 85 Following examination of the Local Development Plan (LDP) by the Directorate for Planning and Environmental Appeals (DPEA), the Reporter has recommended that the site be allocated for residential use and suggested a figure of 70 dwellings. This figure is considered to be purely indicative. The LDP examination also included looking at the density of housing sites and the Reporter acknowledged that the densities recommended are not prescriptive and that planning applications for higher densities may be considered.
- 86 The Reporter also stated that each planning application should be determined on its own merits and there may be circumstances where a higher or lower figure could be acceptable.
- 87 SPP 2010 (paragraph 82) stipulates that the density of a new development should be determined in relation to the character of the place and its accessibility. Higher densities are considered appropriate at central and accessible locations. Through good design it is considered possible to achieve higher density living environments without overcrowding or loss of amenity.
- 88 The proposed site is considered to be in a central and accessible location as it is immediately adjacent to Kinross town centre, is close to the public transport network, the M90 and the current primary school. The proposed density is considered to be acceptable as 73 of the proposed dwellings will be 2-3 bedroom and will help meet current market demand for modest sized dwellings.

All properties will have an acceptable amount of garden ground to enjoy and will not have an adverse impact (overlooking/overshadowing) on any of the surrounding properties.

- 89 The proposed development broadly accords with SPP 2010, Designing Places, Designing Street, TAYplan Policy 8 and LDP Policies PM1 and RD1 as it is considered that the proposed density of development represents the most efficient use of the site whilst still respecting the surrounding environment. It will provide a positive contribution to the quality of the surrounding built and natural environment. The proposed development goes some way to respecting the character and amenity of the place with minimal impact on the amenity of neighbouring properties.

Design and Layout

- 90 Through Designing Places (2001) the Scottish Government 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 with it being important at all scales of development.
- 91 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 92 Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case the proposal includes two vehicular and five pedestrian/cyclist access points.
- 93 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of public space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places.
- 94 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 lay-out 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.

- 95 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.
- 96 The private garden ground amenity offered to approximately two thirds of the dwellings is acknowledged to be compromised in relation to future occupiers exercising permitted development rights for house extensions, outbuildings/ sheds, raised decking/patios, fences etc. which could have the greatest impact on neighbouring amenity in the future. However, the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 stipulates that no permitted development rights will be afforded to any of the proposed dwellings because the entire site is located within a Conservation Area. As such, whilst amenity space is proportionately reasonable in relation to individual plots the removal of permitted development rights for house extensions, outbuildings, sheds, raised decking/patios, fences etc will ensure there will be minimal impact on neighbouring amenity in the future.
- 97 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.
- 98 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 would be considered to be a lost opportunity for this site in the Conservation Area and is recommended that this approach is resisted.
- 99 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.

- 100 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.

Residential Amenity

Overlooking

- 101 In this case I do not consider the proposed residential units will result in overlooking to neighbouring properties due to the separation distances between proposed and existing dwellings. Every proposed dwelling where there are upper floor windows facing the boundary will be over 18 metres from the exterior wall of a neighbouring property.
- 102 The site levels of the current blaes pitch and grassed area will be significantly reduced and finished floor levels of the proposed dwellings will be marginally higher than the neighbouring properties. This marginal difference in levels will not result in any overlooking issues.

Overshadowing, loss of sunlight and daylight.

- 103 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991 (Updated 2011)' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 104 Taking cognisance of the BRE document, the proposed distances between new and existing properties and significantly lowered site levels at the southern end of the site, I consider an acceptable level of daylight and sunlight will be provided to all neighbouring properties. The extent of overshadowing of amenity ground does not warrant either refusal or amendment of the application.
- 105 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 – Placemaking as the design and siting respects the character and amenity of the surrounding properties.

Private Amenity Space Provision

- 106 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.
- 107 Overall, in terms of residential amenity, the proposals are not considered to result in any adverse impact to either existing or proposed residential amenity,

satisfying LDP Policy PM1 – Placemaking as the design and siting respects the character and amenity of surrounding properties.

Conservation Area

- 108 A separate planning application for Conservation Area Consent for the demolition of the all the properties within the site has also been assessed in conjunction with this planning application. 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 Conservation Area Consent application includes a Building Survey, a Valuation Survey and a Viability Statement to justify the demolition of the building, and in particular the original school building.
- 109 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.
- 110 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

- 111 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.
- 112 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.
- 113 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.

- 114 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.
- 115 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 Councils Conservation Planner has no issue with the later 20th century buildings and extensions being demolished. They do however question the loss of the traditional Edwardian building that fronts the High Street stating that the loss of such a building of interest would have a detrimental impact on the Conservation Area.
- 116 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.
- 117 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

- 118 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 were 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.
- 119 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.
- 120 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

- 121 A balance is required between the viability of retaining the traditional element of the High School building and the economic benefits wider redevelopment of the whole site could bring. A case has been 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 benefits.
- 122 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.
- 123 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.

- 124 The school has been actively marketed since its closure in 2009 and is 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 interested 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.
- 125 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

- 126 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:
- 127 *"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".*
- 128 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.
- 129 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.

- 130 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's 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.
- 131 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 would be dealt with through a Section 75 legal agreement.
- 132 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.
- 133 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.

Listed Buildings

- 134 Numerous representations made reference to the impact the proposed development will have on the adjacent listed properties and in particular the 'B' Listed Kinross Parish Church at the southern end of the site.
- 135 It is considered that the proposal will have a minimal impact on the character and status of the listed properties along High Street. The proposed development is to the rear of these properties and therefore of limited visibility and the proposed dwellings will be an acceptable distance from the listed properties.
- 136 With specific reference to Kinross Parish Church and the impact of dwellings close to the boundary with the church, it is considered that the impact of houses close to the stone wall boundary should not be significant and should not have an adverse impact on the Church's character or listed status.
- 137 The gable end of the nearest dwelling (Plot 25) will be 15 metres from the church building and there will be no overlooking. The eaves height of the proposed dwelling will be approximately 3.5 metres lower than the eaves of the church. It is therefore unlikely to be visible from Station Road or the town centre. The existing stone wall boundary measures nearly 1.5 metres high and

there is extensive planting on the church side boundary already providing significant screening.

- 138 It is considered that the layout, design, materials, scale, siting and use will not affect Kinross Parish Church, its listed status or its setting and therefore complies with LDP Policy HE2.

Transport Issues

- 139 Transport Planning colleagues have been directly involved throughout the process and have advised that the proposed development accords broadly with the Scottish Governments Designing Streets policy and the applicant has demonstrated that the generated traffic can be accommodated on the existing road network, concluding that on roads matters, there will be no adverse impact on pedestrian and traffic safety as a result of the proposed development.
- 140 A Transport Assessment has been prepared and this has been audited by the Transport Planning. While the development will generate extra traffic, the trip generation figures in using the industry standard TRICS trip rate generation database showed that in the AM peak there would be a total of 58 vehicle movements in and out of the site and 62 vehicle movements in the PM peak. It is considered this will result in a minimal increase and can easily be absorbed by the local transport network. The Transport Assessment also examined the capacity of the mini-roundabout at the High Street-Station Road junction and it showed even allowing for population growth, the junction would continue to operate satisfactorily.

Green Road access

- 141 The primary vehicular access route in and out of the site will be from the High Street. The proposed Green Road access junction has been designed as a secondary access point and the Transport Assessment predicts that the majority of car borne traffic will use the High Street access to drive to the M90 and beyond. Transport Planning have agreed with this prediction.

Parking

- 142 A high number of representations made reference to parking issues in Kinross and that the proposed development will make matters worse with the loss of car parking within the former school and the loss of the sports pitch off Station Road for users of Kinross Parish Church. It is considered important to point out that prior to the school closing in 2009, it was not possible for the public to use the school grounds for car parking. The use of the school grounds for parking was only intended to be for a temporary time period. However 12 visitor parking spaces would be provided within the site in addition to parking for each dwelling.
- 143 Whilst any car parking in Kinross should not be a material planning consideration in the determination of the application, it is important to note that a parking survey was carried out by the Council in April 2013 where it examined the capacity of car parks in Kinross. The study showed that the vast majority of the

car parks never reached their capacity. Based on this study it has been shown the parking issue in Kinross is more of a perceived issue.

Pedestrian/Cyclist Access

- 144 Pedestrian access will be available from both the High Street and Green Road access points. A pedestrian /cyclist path is provided at the southern end of the site linking onto Station Road. Two pedestrian/cyclist paths are proposed along the western boundary off Alexander Drive. From a site permeability and sustainability perspective the proposal offers excellent links for pedestrians and cyclists to access the town centre, current primary school, public transport and the surrounding area.
- 145 Consequently the Transport Planning Section offers no objection to the proposal. Transport Scotland also does not advise against the granting of consent. The proposal therefore complies with LDP Policy TA1 because the transport network can accommodate the proposed level traffic generation with minimal impact and because of its central location it should provide a realistic choice of more sustainable modes of transport and thereby help reduce travel demand by car.

Drainage and Flooding

- 146 The site is not located within a flood risk area. However due to development reducing surface permeability by replacing the sports pitch and grassed area with roofs, roads reduced, increases in surface run-off will occur. The alteration of natural flow patterns (in both total quantity and in peak flow) can lead to problems elsewhere within the river catchment, particularly flooding downstream. It is therefore important to ensure that surface water is managed in an appropriate manner.
- 147 Scottish Environment Protection Agency (SEPA) has been consulted on the proposal and offers no objection provided the submitted drainage plan is delivered. The Council's Flooding Engineer also seeks the delivery of a SUDS scheme with design calculations to support the attenuation.
- 148 Scottish Water has been consulted on the application and they have advised that they do not object to the planning application but confirm a separate application is required to be submitted to them to connect into their infrastructure. Conditions will ensure that foul flows are connected to the public drainage network.
- 149 SEPA, Scottish Water and the Councils Local Flooding Engineer have all concluded that the submitted information including drainage plan will not have an adverse impact on flooding or drainage capacity in the area. Because the proposal will be connecting to the public systems there should be no impact on Loch Leven or its protected status. The proposal complies with LDP Policies EP2, EP3 and EP7.

Landscape, Open Space and Play Area

- 150 Safeguarding and enhancing landscape character is an important planning objective. It is considered that potential long term visual effects of the scheme can be mitigated through soft and hard landscaping and structure planting at the proposed area of open space at the High Street access.
- 151 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.
- 152 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 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.
- 153 A condition requiring a detailed final planting plan and exact details of the stone wall to be submitted is recommended. It is considered reasonable that some of the key features of the school frontage should be incorporated into the stone wall.
- 154 In terms of a play area, Community Greenspace requires a Local Equipped Area for Play (LEAP). It is considered that the proposed open space area is not the most appropriate location for the play area as it could compromise the open space requirements, the visual impact and the Conservation Area. The current play area on Green Road is in need of an upgrade and this will provide a benefit to the both the development and the surrounding community. Community Greenspace have considered this to be acceptable and an agreed commuted sum is required from the developer to finance the upgrade. This will be dealt with through the Section 75 Legal Agreement.

Protected Species

- 155 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 April.

- 156 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.

Ground Conditions

- 157 An inspection of the proposed development site by Environmental Health did not raise any real concerns, although there is a record of an underground petroleum tank adjacent to the site, from which there may have been leaks or spills. They recommend conditional control of a watching brief during redevelopment is required.

Affordable Housing

- 158 The Council's Affordable Housing officer has confirmed that 25% ($102 \times 0.25 = 25.5$ units) will be required for affordable housing and they should be provided on site. The delivery of this will be dealt with via the Section 75 Legal Agreement. As a consequence the proposal complies with the Council's Affordable Housing Policy 2012.

Education

- 159 Education and Children's Services have confirmed that the proposed development will result in the current primary school being over capacity. As a result they have requested that the Primary School and New Housing Policy 2012 be applied to the application. A financial contribution (£486,020) is required for 76 dwellings (102-26 affordable units). This contribution will be dealt with via the Section 75 Legal Agreement.

Community Engagement

- 160 Representations have made reference to the lack of community engagement. However, it is considered that the applicant has met the minimum statutory requirements for public consultations on major planning applications.

Economic Impact

- 161 The economic impact of 102 dwellings immediately adjacent to Kinross town centre is considered to be significant in the Kinross Housing Market delivery. Employment opportunities will exist during the construction phase and consequently the increased available expenditure should have a positive impact on consumer spend in Kinross town centre.

- 162 Based on the Perth and Kinross Retail Review (2011) the average spend by each adult within Kinross on convenience goods in 2016 will be £2,016 per annum. If each of the new dwellings contains two adults there could be in the region of £411,000 available to spend on groceries etc.
- 163 In terms of comparison goods the potential available expenditure of £3,420 per adult could be in the region of £697,000 per annum in 2016.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 164 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

- 165 A Section 75 Legal Agreement has been drafted and is required to secure the following:
- On site Affordable Housing provision (26 units);
 - Commuted sum for primary school provision (£480,020);
 - Maintenance (in perpetuity) of the open space area (£45,288) and
 - Upgrade of Green Road Play Park (£30,000).

DIRECTION BY SCOTTISH MINISTERS

- 166 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

- 167 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.
- 168 In this case it is considered that the application is in accordance with the adopted Development Plan. The site is allocated for housing in the LDP and the proposed density, layout, siting and design are considered to be acceptable with minimal impact on the surrounding area. The proposals represent a significant development in a central location in Kinross which at present is not being fully utilised or contributing sufficiently to the towns Conservation Area as it should be. The loss of a traditional building is always regrettable but this

element of the building has to be weighed against the merits of the replacement development from both a visual and economic impact.

- 169 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 Kinross and in particular the town centre is considerable.
- 170 Overall the development will lead to an improvement of the entire site and consequently the Conservation Area. 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 and the conclusion of a legal agreement.

RECOMMENDATION

A Approve subject to the following conditions

- 1 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 2 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.
- 3 Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 4 No development shall commence until a connection to the public foul sewer infrastructure has been secured to cater for the foul flows associated with the development. Documentation confirming a connection is available shall be submitted to the Local Planning Authority for written approval. Thereafter the development shall be undertaken in accordance with the approved details to the satisfaction of the Local Planning Authority.
- 5 Prior to the commencement of development, a Construction Management Plan (CMP) detailing environmental mitigation measures and construction method statements, including specific measures to control dust arising from demolition and construction work shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section, thereafter the development shall be undertaken in accordance with the approved CMP.
- 6 None of the buildings hereby approved shall be occupied until dustbin enclosures or dustbin storage areas have been provided in accordance with

detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting, design and capacity thereof. Following approval the scheme shall be implemented in accordance with the approved plans all to the reasonable satisfaction of the Planning Authority.

- 7 For the avoidance of doubt, the proposed external finishing details and composition as currently proposed are not approved as part of this consent. Revised details relating to elevation finishes of the proposed dwellings, including the elevation material composition, specification and colour of the proposed external finishing materials to be applied shall be reviewed in consultation with the Council and thereafter submitted formally for the written approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall thereafter be undertaken and completed commensurate with the subsequent phases of the development.
- 8 The roof material of dwelling numbers marked 1-3 and 78 to 84 inclusive on the Approved Site Layout Plan (Drawing Number: KIN-02-01 REV B) shall be natural slate and maintained in perpetuity. The slate should be reused from the demolition of the existing school building and a sample should be submitted to the Planning Authority for approval.
- 9 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.
- 10 Details of the proposed boundary treatment for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development/use and such scheme as may be approved shall be completed prior to the occupation of the development.
- 11 The area of public open space indicated on the approved drawing no "143.74.01d" shall be planted in accordance with the open space standards of the Planning Authority and completed in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained in perpetuity by the Planning Authority.
- 12 Prior to commencement of development of the stone wall to the rear of the area of open space, exact details of the stone wall shall be submitted for approval by the planning authority. The stone should come from the demolition of the original school building and should include some of the design features contained in the frontage to the school.
- 13 No development shall take place until details of earthworks at the southern half of the site has been submitted to and approved in writing by Planning Authority thereafter the development shall be carried out in accordance with the approved details.

- 14 Prior to the commencement of the development hereby permitted, details of the final planting scheme shall be submitted to the Planning Authority for written approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
- 15 No demolition shall take place within the development site as outlined on the approved plan until the developers 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.
- 16 The classroom and adjacent area where bat droppings were found during the April 2014 Bat Survey should be soft stripped by hand during demolition.
- 17 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.

REASONS

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of visual amenity and to avoid the creation of a gap site in the Conservation Area.
- 3 In the interest of highway and pedestrian safety in accordance with the policies of the adopted development plans.
- 4 To ensure the provision of an acceptable foul drainage system in the interests of the amenity of the area and for the protection of the water environment.
- 5 To minimise pollution risks arising from construction activities.
- 6 To encourage the recycling of appropriate waste products.
- 7 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to protect the Conservation Area and in pursuance of suitably satisfying placemaking policy criteria of the adopted development plan.

- 8-9 To ensure the development re-uses existing surface materials where appropriate.
- 10- In the interests of visual amenity; to ensure a satisfactory standard of local
11 environmental quality; to protect the Conservation Area and to reserve the rights of the Planning Authority.
- 12 To ensure the development re-uses existing surface materials where appropriate.
- 13 To ensure that the proposed development does not prejudice the appearance of the locality.
- 14 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to protect the Conservation Area and to reserve the rights of the Planning Authority.
- 15-16 To protect bat habitats within the site.
- 17 In the interests of personal safety and environmental health.

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

Consent not to be issued until a Section 75 Agreement has been completed and signed in respect the following issues:

- Affordable housing,
- Education contribution,
- Open space provision /maintenance and
- Play area upgrade.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. *(See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).*
- 2 This is approval of planning application reference 13/02328/FLM only. It does not include any approval for the related application for Conservation Area Consent in relation to demolition of the buildings reference 13/02314/CON.
- 3 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.

- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 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.
- 6 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 7 The applicant should be advised in writing that the Executive Director of Education and Children's Services can give no guarantee that any school age children arising from this development application could be accommodated at Kinross Primary School. This will result in any such children being placed in the nearest school with capacity to accommodate them.
- 8 No work shall be commenced until an application for building warrant has been submitted and approved.
- 9 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/>.
- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

- 11 Permitted development rights associated with Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C and 3D of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse in a Conservation Area are revoked in full for all dwellings within the approved Site Plan.

Nick Brian
Development Quality Manager

Background Papers: 94 letters of representation;

Contact Officer: Steve Callan Ext 75337

Date: 25 April 2014

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000



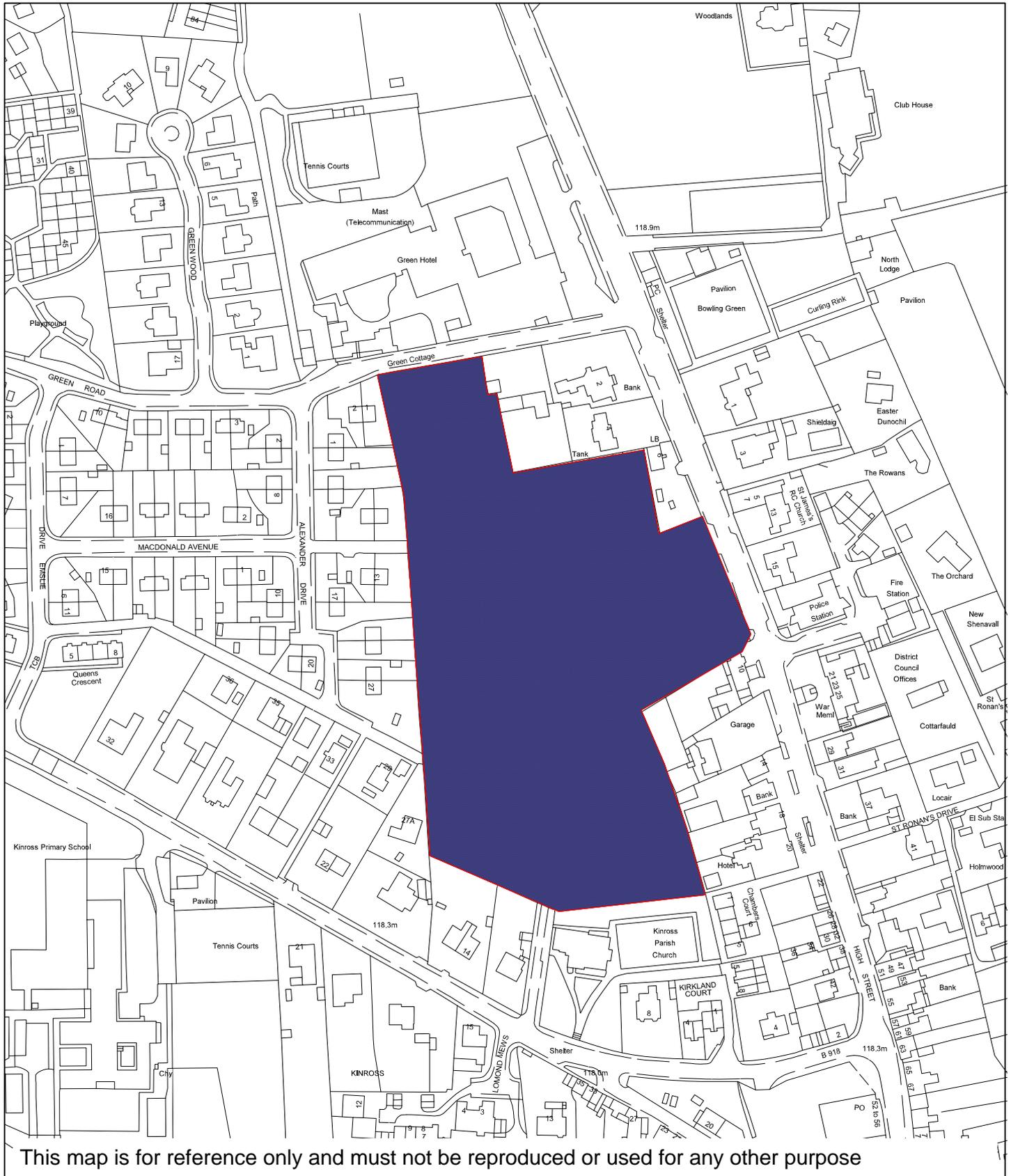
Council Text Phone Number 01738 442573

Perth & Kinross Council

13/02328/FLM

Kinross High School

Erection of 102 dwellinghouses, access road & associated works



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Scale
1:2500

