

Perth and Kinross Council
Development Management Committee – 18 June 2014
Report of Handling by Development Quality Manager

Erection of 33 retirement apartments, communal facilities, car parking, landscaping and associated works on land north of the Green Hotel, The Muirs, Kinross

Ref. No: 14/00275/FLL
Ward No: 8 – Kinross-shire

Summary

The principle of providing residential use on the site is considered to be acceptable and the proposal will not have any detrimental impact on the character or appearance of a nearby Listed Building or the setting of the wider Kinross Conservation Area. The proposal will not be detrimental to existing residential amenity or the visual amenity of Kinross with respect to the built form of the proposal and to trees on the site and is therefore in accordance with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is a 0.64 ha area of land within the garden ground of the Green Hotel on the west side of The Muirs in the centre of Kinross. The hotel itself is not a listed building but immediately to the north of the site is the B listed house, Mossgrove, 18 The Muirs. The application site is within the Kinross Conservation Area. To the west of the site there is the more modern housing development at Green Wood. A substantial rubble wall runs along the eastern boundary and a D – shaped walled garden lies to the south and adjacent to the site. The site is flat in profile and there are a number of mature trees providing screening to the north, west and east boundaries.
- 2 Planning permission was granted at appeal on 13 December 2011 for the erection of 41 retirement flats on the site at the Green Hotel following refusal at Committee under application 09/01959/FLL. An affordable housing contribution was secured through a Section 75 Agreement dated December 2011 for a commuted payment of £153 750.
- 3 This application is for the erection of 33 retirement apartments, communal facilities, car parking, landscaping, shared gardens and associated works. The development comprises 19 x 1 bedroom and 14 x 2 bedroom sheltered apartments for sale to the elderly. It will include communal facilities such as residents lounge, guest suite and laundry. The proposal is a modern designed flat roofed 3 and 2 storey building. 33 parking spaces are provided on site with vehicular access off The Muirs.
- 4 As well as car parking for the apartments, a covered area for the charging and parking of electric mobility scooters and cycles is also provided close to the main entrance. A turning head is located at the end of the access road to allow larger vehicles to enter the site, particularly for the refuse uplifts.

- 5 Materials include pre-weathered graphite grey zinc to the roof, buff cast stone, horizontal timber cladding and off-white render to the external walls, and prefabricated steel glazed balconies. A Design and Access Statement, Planning Statement, Landscaping Plan and Tree Survey and Drainage Statement and Lighting Specification was submitted in support of the application.
- 6 The applicant carried out a voluntary pre-application consultation which included a public exhibition in a local hotel. The overall feedback from the public exhibition was that 82% of respondents were supportive of the proposals.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

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

Of relevance to this application are:

- § Paragraphs 66 - 91 : Housing
- § Paragraphs 110-124: Historic Environment
- § Paragraphs 125 –148: Landscape and Natural Heritage

DEVELOPMENT PLAN

- 8 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

10 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

11 Under the LDP the site lies within the settlement boundary for Kinross and also the Conservation Area where the principal policies are, in summary:

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

12 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

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

Policy HE3A - Conservation Areas

14 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy PM1A - Placemaking

15 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

16 All proposals should meet all eight of the placemaking criteria.

Policy RD1 - Residential Areas

17 The plan identifies areas of residential and compatible uses where residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational

or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 18 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. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy NE2A - Forestry, Woodland and Trees

- 19 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 20 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

OTHER POLICIES

Affordable Housing Supplementary Guidance (2012)

- 21 Sets out the Council's updated 2005 Affordable Housing Policy and supporting guidance for securing appropriate affordable housing requirements to all sites where the threshold has been met or exceeded.

Developer Contributions (2012)

- 22 Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

SITE HISTORY

- 23 06/02036/OUT An outline planning application on the site for the erection of 53 retirement flats was withdrawn in September 2007.
- 24 09/01959/FLL Planning permission was granted at appeal on 13 December 2011 for the erection of 41 retirement flats on the site at the Green Hotel following refusal at Committee.

CONSULTATIONS

- 25 **SEPA** – No objection
- 26 **Scottish Water** – No objection
- 27 **Education** – No objection.
- 28 **SNH** – No objections
- 29 **Kinross Community Council** – No objections

REPRESENTATIONS

- 30 One letter of comment has been received about the final treatment of the mixed band of trees to the north of the Green Hotel and keeping the mutual stone dyke backing the band of trees clear for maintenance which would be of benefit to both Moss Grove and the proposed retirement flats.

ADDITIONAL STATEMENTS

31

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design/Planning Statement	Submitted
Arboricultural Report/Tree Survey	Submitted
Drainage Statement	Submitted
Site Investigation Report	Submitted
External Lighting Specification	Submitted

APPRAISAL

Policy

- 32 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.
- 33 The application site is within the town of Kinross within an area identified for residential and compatible uses and within the Kinross Conservation Area. The application site also has the benefit of a recent planning consent for retirement flats. It is considered that the principle of providing housing on the site is

acceptable, provided other material planning considerations can be met and these are outlined below.

Design and Layout

- 34 The proposed residential block is situated in a similar position as the previously consented scheme and is set well back from the road at approximately 50m and behind the building line of this part of The Muirs. In contrast to the previous scheme the applicant has proposed a modern flat roofed 'T' shaped design. The massing of the proposed development has been significantly reduced and the bulk of the building has been moved back from the north and west boundaries to improve garden areas and reduce any impact on adjacent properties. The external materials have been chosen to blend with the materials of existing properties within the Conservation Area and are considered to be acceptable.

Listed Buildings/Conservation Area

- 35 The site is historically undeveloped and the proposed building is immediately adjacent to the walled garden of the Green Hotel. Though unlisted, the substantial walled garden has an important role in the historic character and appearance of the Conservation Area. To the north of the site is the category B listed villa, Mossgrove. This proposal is considered to have improved on the previous application in terms of its distance from Mossgrove, however the south elevation of the new development is close to the walled garden. Care should be taken therefore to ensure the integrity of the wall is not compromised. Tree retention and landscaping should be managed to retain visual separation between the new development and the walled garden.

- 36 The impressive tree belt to The Muirs is a particular feature of this part of the Conservation Area. As noted in the Kinross Conservation Area Appraisal:

"Where the High Street becomes the Muirs there are mature tree belts on either side of the road forming a magnificent tree-lined avenue. Approaching from the north this avenue provides an attractive entrance feature and enhances the experience of arrival to the central townscape (para 4.27).

Paragraph 4.14 describes this area as 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."

- 37 In order to protect the setting of Mossgrove and the walled garden, and protect the character and appearance of the Conservation Area, the stated intention to retain and protect the mature trees on the site is essential. All trees in Conservation Areas are protected, and this site has a high number of outstanding trees which contribute significantly to the amenity of the area.

- 38 The uninterrupted stretch of boundary wall to the site has considerable historic character, and its treatment in terms of creating a new access should be fully addressed as part of this application. Stone should be reused to realign the

wall on either side of the access. Details for gate piers should be provided. Maximum retention of trees and soft landscaping should screen the proposed parking area.

- 39 The location of the proposed building set back from the road reduces the potential visual impact, but uncharacteristic bright white render should be avoided for the elevation to the Muirs. This will be dealt with by condition on any consent. Stone and timber finishes are acceptable. The flat-roofed design is appropriate to reduce the massing of the building and ensure a low roof line in relation to the trees.

Trees and Landscaping

- 40 The trees on the site are important visual and natural heritage elements on the site and significant in terms of their wider townscape value. The trees are predominantly on the boundaries of the site and provide important screening and containment between properties. The Tree Survey identified 89 trees/tree groups on the site of various species including lime, yew, beech, sycamore, oak, cedar and horse chestnut. The majority of the trees will be retained on the site and 5 trees are identified for removal. The proposals outlined in the Tree Survey and Report are found to be acceptable to the Council's Tree Officer. The significant mature trees which are in good condition will be retained and overall the proposals are in accordance with Policy NE2B of the Perth and Kinross Local Development Plan 2014. Hard and soft landscaping details have been submitted and are considered to be acceptable.

Residential Amenity

- 41 The application site is large enough to accommodate the proposed residential block and there are sufficient distances to neighbouring residential boundaries to ensure that there will be no adverse impact on privacy, overshadowing or daylighting. There will be no adverse noise impact or light pollution from the proposed housing to existing neighbouring properties, that is any more significant than expected from other housing within the town. In terms of site planning and density this proposal within spacious grounds does not constitute overdevelopment of the site. The spacious grounds, landscaping and trees will provide a high quality amenity space for residents of the development.

Access and Parking

- 42 Access to the site is taken from The Muirs and involves breaching the existing rubble wall. There is sufficient car parking being provided on the site with 33 spaces in total, including 2 disabled spaces and a cycle store. The road layout, access and parking are considered to be satisfactory in terms of traffic and pedestrian safety.
- 43 There is an existing footpath immediately inside the western boundary of the site and provides access to the rear of adjacent properties. These links will be maintained and the existing low wall beside the footpath will be improved.

- 44 The proposal is in accordance with the policies of the adopted Local Development Plan with regards to vehicular and pedestrian access and cycle provision.

Drainage

- 45 It is proposed to have a separate foul and surface water system on site with foul flows discharging to the Scottish Water combined sewer network in The Muirs and surface water being disposed of on-site by via soakaway. Scottish Water has stated that surface water flows should not discharge to the combined sewer network and as such will be disposed of on-site via soakaway. Drainage infrastructure serving the development will remain private. An application to connect to the existing sewer network will need to be made to Scottish Water by a licensed provider. As per SEPA guidance, surface water flows from new developments of less than 50 units should undergo one stage of SUDS treatment. It is proposed to provide treatment for the access road and parking areas via porous paving construction to the parking areas. It is recommended that the access road be built using traditional construction and designed to shed runoff to the parking areas to receive treatment. SEPA have no objections subject to a condition on any consent requiring 1 level of sustainable drainage surface water treatment to be submitted.

Affordable Housing

- 46 The Council's Affordable Housing Supplementary Guidance 2012 is applicable to this proposal as retirement units are classed as residential units under this policy. The Council seeks the provision of a wide range of specialist accommodation for elderly people and recognise that it will not be appropriate to require an affordable housing contribution from some types of specialist accommodation, but this is limited to nursing homes or other residential institutions. In this case of open market retirement flats the application is subject to the Council's Affordable Housing Policy, where a commuted sum would be appropriate given the flatted nature of the proposal and the client grouping. The commuted payment would be based on 25% of the 33 flats levied at £15 000 per unit, which is £123 750 in total. This can be paid in full or the payment deferred and phased through the conclusion of a legal agreement with the Council.

Education

- 47 The Developer Contributions Supplementary Guidance November 2012 paragraph 4.7 does not require sheltered housing for the elderly to make a contribution towards Primary Education. While the definition of sheltered housing should include an onsite warden, as has been the case in dealing with previous McCarthy and Stone applications, due to its design and communal facilities the apartments as proposed are unlikely to be occupied by families. A contribution towards Primary Education is therefore not required.

Economic Benefits

- 48 The economic benefits which it is considered will arise as a result of this proposal include added value to the local economy in terms of employment through the construction of the sheltered housing and spending on goods and services in the local area once the development is occupied.

Sustainability

- 49 The proposal is considered to be sustainable in nature as it constitutes the provision of housing within an existing centre tying in to existing infrastructure, in close proximity to existing social, economic, public transport and community facilities and therefore reduces the dependence on car borne transport.

LEGAL AGREEMENTS

- 50 A legal agreement may be required if the applicant wishes to defer the affordable housing contribution.

DIRECTION BY SCOTTISH MINISTERS

- 51 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

- 52 Provision of housing on this site is considered to be acceptable in principle. In detail the proposal will not have any adverse impact on the setting or character of any listed buildings or Kinross Conservation Area. The majority of the healthy mature trees on the site will be retained and will continue to be important in terms of townscape value and containment. There will be no adverse impact on any neighbouring residential amenity or on vehicular or pedestrian safety as a consequence of the proposed development. The proposal is in accordance with the Development Plan.

A RECOMMENDATION

Approve the application subject to the following conditions and reasons:

Conditions:

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.

- 2 The white render on the elevation to The Muirs is not approved and an alternative finish shall be agreed in writing with the Planning Authority. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 3 The approved hard and soft landscaping scheme shall be fully implemented within six months of the completion of the development and thereafter shall be maintained by the applicants and/or their successors to the satisfaction of the Planning Authority, maintenance shall include the replacement of plant stock which fails to survive for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 4 Only the trees shown for removal in the Arboricultural Report by Ian Keen Ltd dated 13 February 2014 shall be removed and any work to the remaining trees, further planting and tree protection measures during construction shall be in accordance with the above report. A monthly Arboricultural Report carried out at the applicant's expense shall also be submitted throughout the construction period reporting on compliance with tree protection measures, all to the satisfaction of the Planning Authority.

Reason - In the interests of tree protection and visual amenity, to ensure a satisfactory standard of local environmental quality.

- 5 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 6 The development shall not be occupied until the applicant has secured a sewer connection for foul drainage.

Reason - To accord with the terms of the application and in the interests of environmental quality.

- 7 Prior to commencement of work on site the applicant shall submit full design details of the Sustainable Urban Drainage System (SUDs) in accordance with best management practice.

Reason - In the interests of drainage capacity and flood risk.

- 8 The existing footpath immediately within the western edge of the site shall be maintained and the low wall beside it repaired to the satisfaction of the Planning Authority.

Reason - In the interests of pedestrian access and residential amenity.

- 9 The development hereby approved shall be for sale or let as retirement flats only and shall not be sold or let as mainstream residential accommodation.

Reason - To ensure that the premises are used for the precise purpose proposed in the application.

B JUSTIFICATION

- 1 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

- 1 Prior to issue of consent the applicant shall make a financial contribution towards affordable housing provision of £123 750. A deferral of this payment may be acceptable through the negotiation of a suitable legal agreement with the Council.

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 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.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 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.
- 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.

Background Papers: 1 letter of representation.
Contact Officer: Mark Williamson – Ext 475355
Date: 28 May 2014

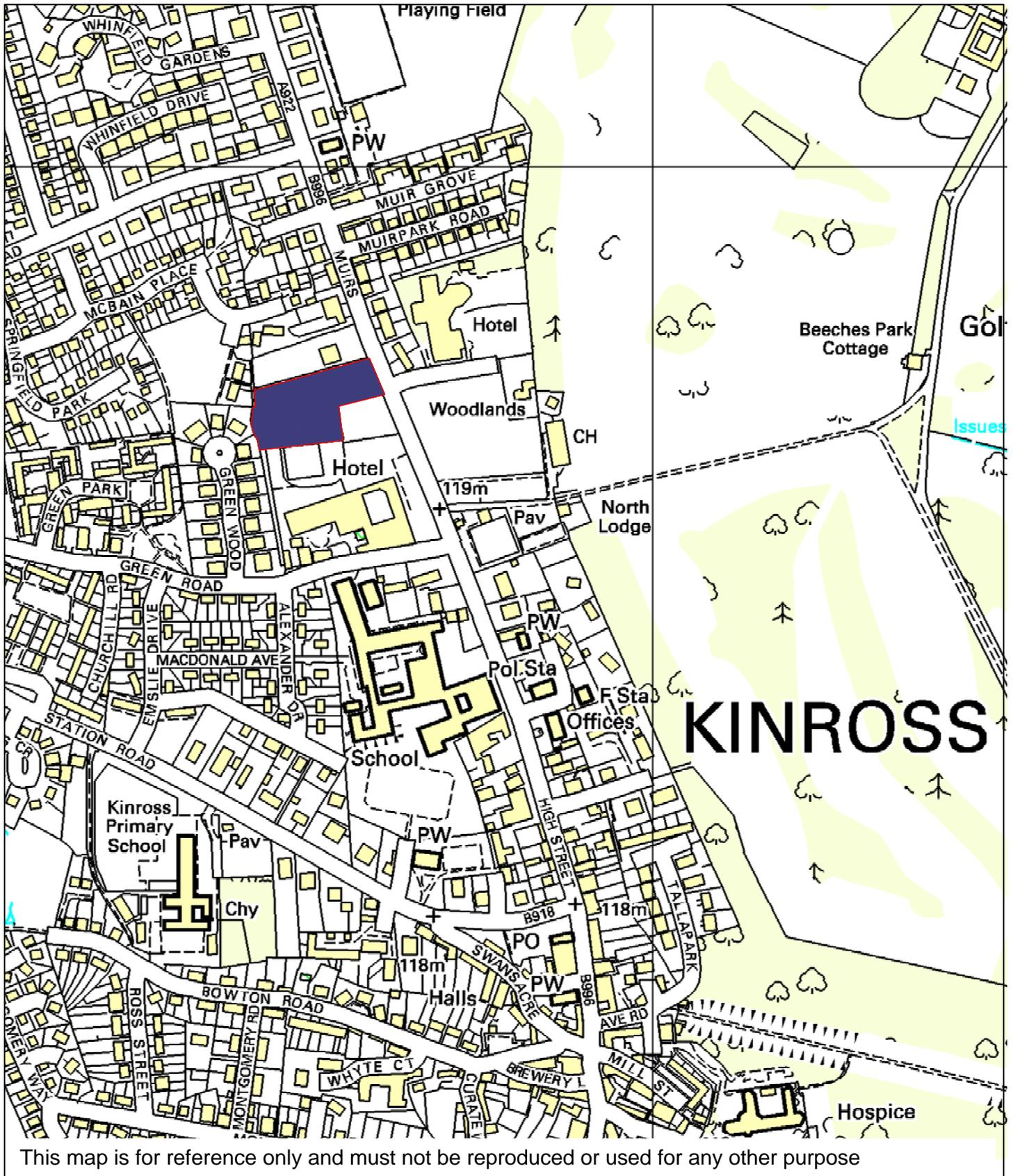
NICK BRIAN
DEVELOPMENT QUALITY MANAGER

Perth & Kinross Council

14/00275/FLL

Erection of 33 retirement apartments and associated works

land at Green Hotel, Kinross



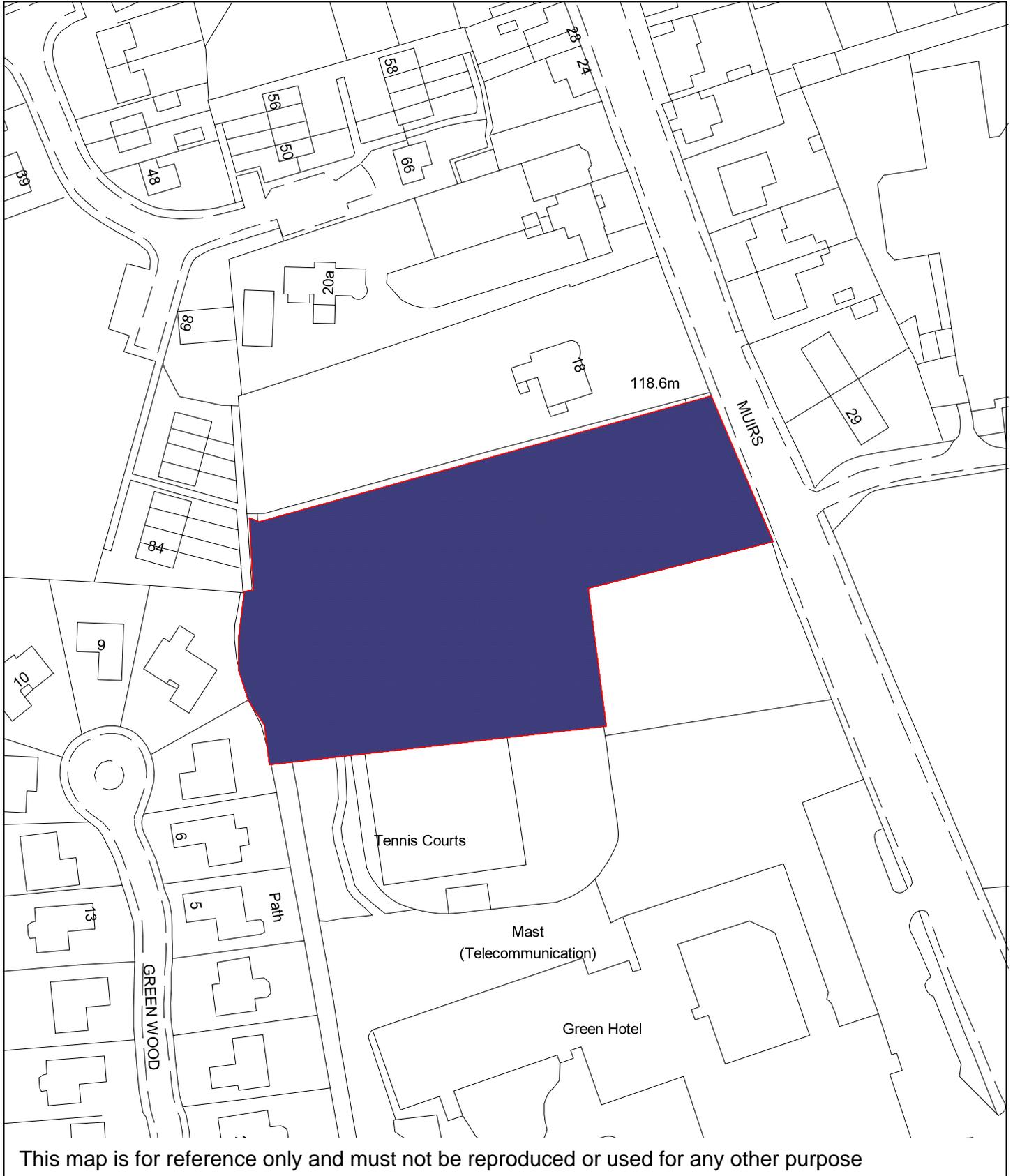
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Perth & Kinross Council

14/00275/FLL

Erection of 33 retirement apartments and associated works

land at Green Hotel, Kinross



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