

Perth and Kinross Council
Development Management Committee – 14 January 2015
Report of Handling by Development Quality Manager

**Installation of street furniture and hard landscaping
High Street, Kinross**

Ref: No: 14/01848/FLL
Ward No: 8 - Kinross-shire

Summary

This report recommends approval of the application for the installation of street furniture and hard landscaping in High Street, Kinross. The development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This application relates to environmental improvements in Kinross town centre which were initially identified in the Kinross Strategy (1995) and further identified as priority enhancement opportunities in the Kinross Conservation Area Appraisal 2010.
- 2 The site covers the whole of the High Street from the junction with Station Road in the north to the junction with Montgomery Street in the south. The whole of the site is within the Kinross Conservation Area.
- 3 The key aims of the proposal are to provide an environmental improvement to Kinross High Street focusing on key areas as outlined in the Kinross Strategy and the Conservation Area Appraisal; to enrich the local streetscape and enhance local identity; improve the setting of key buildings including the Town Hall, and to improve pedestrian accessibility throughout the High Street.
- 4 The enhancement project comprises the widening of footpaths and creation of areas with natural stone paving and stone setts; replacement of concrete kerbs with granite; installation of street furniture including timber and granite benches, new and repaired natural stone walls, stone bollards, replacement railings and street trees. Public consultation events were held in September 2012 and December 2013 and all comments were considered as part of the design process.
- 5 The ethos of the design scheme is to provide a palette of materials which are in sympathy with and compliment the local vernacular and which will create an enhanced experience for the pedestrian.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy (June 2014)

6 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of particular relevance to this application are:

- Paragraphs 36 – 46 'Placemaking'
- Paragraphs 135 – 144 'Valuing the Historic Environment'

DEVELOPMENT PLAN

7 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

8 The principal relevant policies are in summary:-

Policy 2: Shaping Better Quality Places

Perth and Kinross Council Local Development Plan 2014

9 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.

The principal relevant policies are, in summary:

Policy PM1A: Placemaking

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

Policy PM1B: Placemaking

- 11 All proposals should meet the placemaking criteria.

Policy HE2: Listed Buildings

- 12 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

- 13 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 NE4: Green Infrastructure

The Council will require all new development to contribute to the creation, protection, enhancement and management of green infrastructure.

Policy RD1: Residential Areas

- 15 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Generally encouragement will be given to proposals which fall into one or more of the defined criteria, which includes improving the character and environment of the area or village.

Policy TA1A – Transport Standards and Accessibility Requirements

- 16 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Supplementary Guidance: Kinross Conservation Area Appraisal 2010

- 17 15.1 – 15.6 Opportunities for enhancement

SITE HISTORY

- 18 No site history in relation to street enhancement works.

CONSULTATIONS

EXTERNAL

- 19 No external consultations. (Public consultation events took place in 2012 and 2013).

INTERNAL

20 **Transport Planning**

No objection to the proposals.

REPRESENTATIONS

- 21 5 letters of representation and a petition (all objections) were received during the first advertisement period for the application. The grounds of objection can be summarised as follows:

- Street furniture – bus stops, bus shelters and seating
 1. Location
 2. Clutter
 3. Driver visibility
 4. Pedestrian safety
 5. Loss of parking
 6. Consequential traffic congestion, traffic noise and pollution
 7. Aesthetic design
 8. Potential anti-social behaviour regarding location of seats
- Proposed square - hardscaping
 1. Location
 2. Safety issue for pedestrians when creating a semi-pedestrianised zone
 - Removal of demarcation
 3. Potential flooding hazard e.g. surface water flooding
 - Removal of kerbs
 4. Vehicle pollution
 5. Loss of on-street parking
 6. No alternatives considered
 - Option to look at current car parking area at the old Kinross High School site – existing ‘sense of place’.

- 22 These issues are all addressed in the Appraisal section of this report. Following receipt of the representations regarding the location of bus stops a revised drawing was submitted and a second period of advertisement and notification of relevant neighbours was carried out.

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ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Not required

APPRAISAL**Policy**

- 24 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 25 The determining issues in this case are whether:- the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Local Development Plan are outlined in the policy section above.

Transport

- 26 Representations and a petition have been lodged regarding the proposed location of bus stops. The principal concerns are that bus stops have been moved further north, causing elderly residents to walk further uphill to access public transport. Discussions have taken place between the applicant's agent and the public transport unit to address these concerns. Additional bus stops are now proposed on either side of the street to the south of the Town Hall. This will not involve the loss of any parking space. The drawing for this part of the street has been amended and this revision to the scheme re-advertised. The provision of this additional location for bus stops should alleviate the concerns over any impact the project will have on access to public transport.

Road safety, traffic management

- 27 The widening of footpaths will improve access for pedestrians of all abilities. A "give take" traffic system and the use of stone paving and bollards at set locations will improve driver awareness of pedestrians. A southbound one-way section in Swansacre has been introduced with traffic calming in order to prevent Swansacre being used as a short cut to avoid the "give take" arrangement.

- 28 The provision of a stone paved area within Kinross' core also aims to provide an open space feel whilst retaining a distinction between pedestrian and vehicular space by use of street furniture and stone demarcation.

Parking

- 29 Concerns have been expressed over potential loss of on-street parking. Although the on-street parking in High Street will be reduced an additional car park in Mill Street and other on-street parking is proposed which will create an overall increase of 14 spaces in the town centre.

Neighbouring amenity

- 30 Representations include concerns over traffic congestion, noise and pollution. It is considered important first and foremost to create a safe and pleasant environment for the pedestrian. Any consequent slowing of vehicular traffic at peak times is not considered to be significant in terms of increased noise or pollution.
- 31 The location of seats/benches has also raised some concerns. The provision of high quality seating is considered to be an important ingredient of a townscape enhancement scheme and will not pose a traffic hazard or compromise pedestrian safety. None of the benches are located immediately adjacent to living room or bedroom windows of a residential property. The issue raised of potential anti-social behaviour is not considered to be a directly relevant planning matter.
- 32 It is therefore considered that the proposals will not have a significant impact on the amenity of any nearby residential dwelling.

Surface water drainage

- 33 Some concerns have been raised in the representations over the possibility of surface water flooding due to the lack of raised kerbs. The areas of hard landscaping are permeable and it is not envisaged that flooding will be a significant issue. Acceptable details of the direction of fall for surface water drainage have been lodged to address this.

Placemaking

- 34 The area around the Town Hall is the traditional, commercial heart of the town centre where key listed buildings are located. This is considered to be the focal point of the design scheme.
- 35 The scheme would bring about an enhanced townscape character with enhancements taking place the length of the proposal area. The creation of a new gateway area into Kinross will provide an enhanced identity and sense of direction and flow when navigating the roundabout. In order to further enhance the opportunities for the gateway entrance, it will be necessary to gain more detail with regards to the elevations of proposed boundary walls. A

number of options can be proposed and the best option would be chosen so as to be of in-keeping material, integrate with the space and surroundings and would not cause any detrimental visual obstructions for either pedestrian or vehicular activity.

- 36 The immediate area around Mill street junction will form the new cluster of improvements and enhancements to the urban realm with the intention of creating several spaces so as to enhance a sense of place which has been lost in the past. A reconfiguration of the Avenue Road-Mill Street block will include an extension to the stepped area and seating areas. It is noted that this area is already used as a meeting point therefore by addressing this demand by providing a formal meeting space would not only benefit the physical but also the social benefit of placemaking. A new bus shelter is proposed across the road at Swansacre, with additional provision for bicycle storage and use. The southbound bus shelter is located in another proposed seating area south of Mill Street. Subject to further detail being provided, there is an opportunity to provide enhanced bus shelter design to fit into the historic character of Kinross, as part of its conservation area, but also to act as points of interest and appreciation away from a standard design.
- 37 The town's core contains a number of focal buildings which are important to preserve and enhance. The scheme has sought to enhance the core area in a bid to create a multi-user space where pedestrians and vehicles will use the space. Boundaries have been delineated in a particular fashion which was considered to have been the best material layout, suitable for a multi-user space. Arguably, there has been a loss of demarcation along the western boundary which is considered to be an opportunity for enhancement in terms of urban design and conservation matters. This opportunity would allow for an enhanced pedestrian and vehicle experience whereby also respecting the original fabric of the core.

Visual impact

- 38 The landscaping scheme will enhance the character and appearance of the conservation area and improve the setting of key listed buildings.
- 39 A number of trees, and associated tree pit detail, are details which are considered to provide suitable green coverage to the streetscape. The tree pit detail is of a standard which enhances the tree setting in addition to enhancing the space upon which each tree is to be located.
- 40 Overall, the landscaping scheme will enhance the character and appearance of the conservation area and improve the setting of key listed buildings.

Economic benefit

- 41 It is considered that subject to approval of the scheme's application, the pedestrian experience would be enhanced therefore this is aimed to bring about more footfall to specialist retail property within Kinross' core as well as to along Kinross' main street.

- 42 The proposals should provide an improved environment for commercial businesses.

LEGAL AGREEMENTS REQUIRED

- 43 No legal agreement is required.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

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

DIRECTION BY SCOTTISH MINISTERS

- 45 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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

- 46 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

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

- 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.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Samples of all types and colours of stone to be used for paving, setts, bollards and kerbing shall be provided for the approval of the Local Planning Authority prior to commencement of the development.

Reason - In order to ensure that the colours and textures are in harmony with the character of the conservation area and the setting of listed buildings.

- 3 Prior to commencement of development further design details of the following to be submitted to and approved in writing by the Local Planning Authority:-
 - I. Boundary wall elevations at junction of High Street/Station Road (Sheet 1 of 5 Hardworks, drg.no.7027/H/04);
 - II. Design and type of bus shelters.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

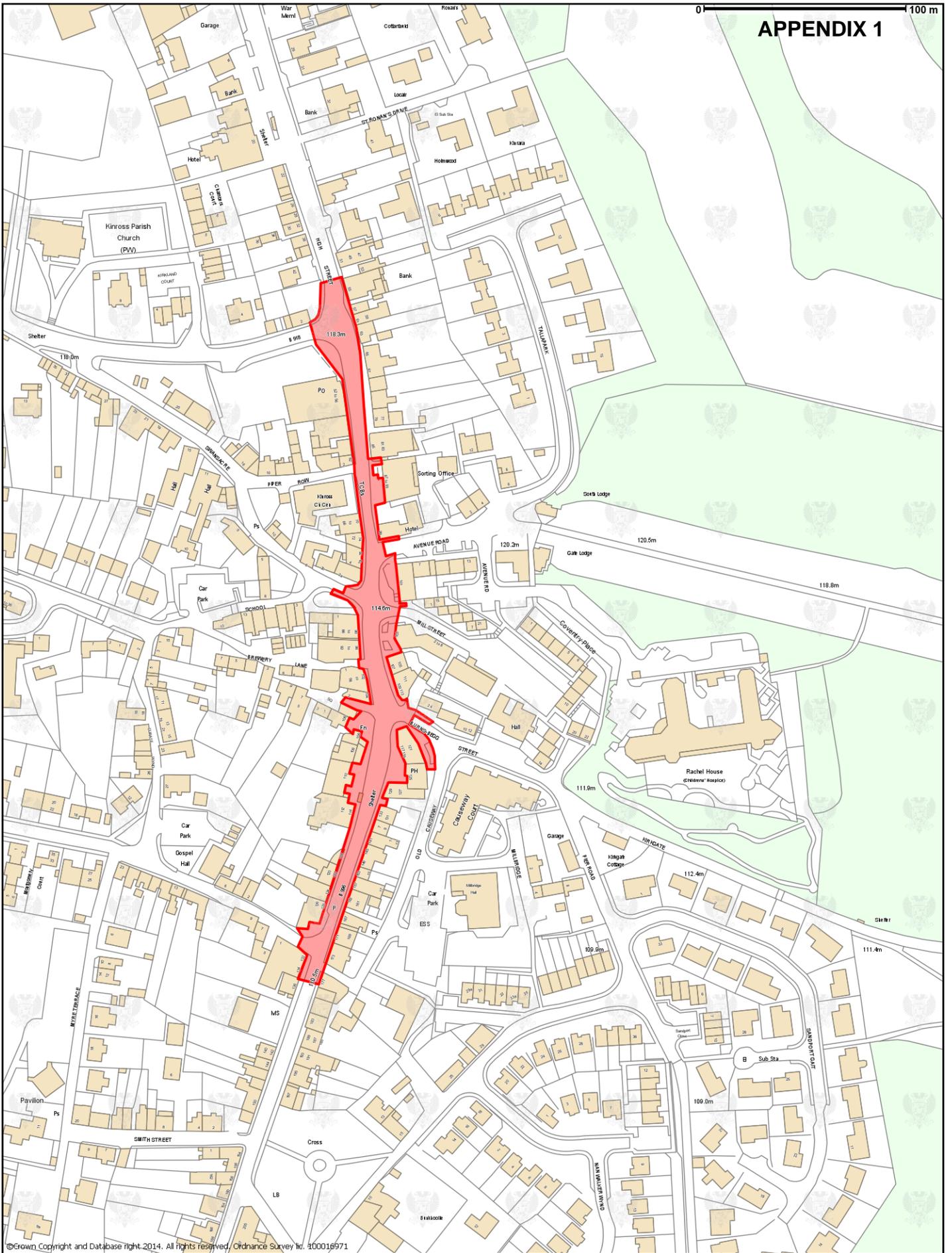
D INFORMATIVES

- 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 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.
- 3 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.

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Background Papers: 5 letters of representation and 1 petition
Contact Officer: Richard Welch – Ext (4)76598
Date: 10 December 2014

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Development Management Committee



Scale 1:2500

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