

Perth and Kinross Council
Development Control Committee – 8 June 2016
Report of Handling by Development Quality Manager

Partial demolition of existing buildings at former Kinross High School, High Street, Kinross

Ref. No: 16/00259/CON
Ward No: N8–Kinross-shire

Summary

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

BACKGROUND AND PROPOSAL

- 1 This 2.91 hectare site is located centrally within Kinross immediately north west of the town centre. The entire site is within the towns Conservation Area but none of the buildings are listed. The main entrance to the site fronts onto High Street and surrounding uses comprise mainly of residential and commercial.
- 2 The site was used as a secondary school from 1906 until the new community campus at the northern edge of Kinross opened in 2010. Since its closure the front area of hardstanding has been used as car parking and the blaes sports pitch has also been used by visitors to Kinross Parish Church for car parking.
- 3 The buildings are a mix of a traditional stone built structure at the High Street elevation with a large amount of more modern structures further back into the site. Some of the buildings have been subject to neglect and vandalism following the schools closure.
- 4 The applicant seeks partial demolition of the modern collection of the buildings within the site. The traditional school building at the front of the site is proposed to be retained and converted into four dwellings and forms part of the associated 16/00255/FLM application for the erection of 91 dwellings also under consideration at this committee.
- 5 The site is allocated for residential use within the Adopted Perth and Kinross Local Development Plan (LDP) February 2014.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through the National Planning Framework 3, Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

National Planning Framework 3

- 7 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. 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 2014

- 8 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.
 - The determination of planning applications and appeals.
- 9 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
 - Paragraphs 135 – 151 Valuing the Historic Environment
- 10 Paragraph 143 in particular relates to Conservation Areas where the demolition of an unlisted building is proposed. Consideration should be given to the contribution the building makes to the character and appearance of the Conservation Area. Where a building makes a positive contribution the presumption should be to retain it
- 11 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2011 Planning and Archaeology
 - PAN 40 Development Management
 - PAN 60 Planning for Natural Heritage
 - PAN 68 Design Statements

- PAN 71 Conservation Area Management
- 12 The following document from Historic Environment Scotland is also of crucial importance in the determination of the application:-

Scottish Historic Environment Policy (SHEP) 2011

- 13 This document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Environment 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.

- 14 Paragraph 3.58 of SHEP advises that;

'The demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a conservation area, or part of it. In deciding whether conservation area consent should be granted, planning authorities should therefore take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site.'

DEVELOPMENT PLAN

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

TAY plan Strategic Development Plan 2012

- 16 The principle relevant policy is in summary:

Policy 3: Managing TAYplan's Assets

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

Perth & Kinross Local Development Plan 2014

- 18 The principle relevant policies are in summary:

PM2: Design Statements

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

HE3 Conservation Areas

- 20 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.
- 21 HE3B: There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for demolition should be accompanied by a detailed application for the replacement development.

OTHER POLICIES

Kinross Conservation Area Appraisal July 2010

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

SITE HISTORY

- 23 01/00792/NID Erection of 2 new classrooms. Approved under delegated powers 2001.
- 24 02/01618/NID Erection of 2 storey 8 classroom block and 2 storey toilet block. Approved under delegated powers March 2003.
- 25 13/00003/PAN Residential Development March 2013. Content of PAN Approved March 2013
- 26 13/02314/CON Demolition of existing school buildings. Refused at Development Management Committee April 2014
- 27 13/02328/FLM Erection of 102 dwellings and associated infrastructure. Refused at Development Management Committee April 2014
- 28 16/00255/FLM Erection of 91 dwellings and associated infrastructure. (To be determined in tandem with current application

CONSULTATIONS

EXTERNAL

Historic Environment Scotland

- 29 No objection to the proposal as it does not raise issues of national significance. They welcome the revised scheme as it retains the principal part of the historic school building and its retention is confirmed in the accompanying proposal. They also recommend the retention of the historic pump house at the north western corner of the site and its incorporation into the development. It has not been included in 'as existing' drawings but is an integral part of the history and fabric of the conservation area as well as a distinctive feature.

Kinross Community Council

- 30 Welcomes the retention of the traditional Edwardian building fronting onto High Street but objects to the associated 16/00255/FLM application for 91 dwellings.

INTERNAL

Conservation Planning

- 31 The retention of the Edwardian frontage to the High Street is welcomed; as is the thorough Heritage Impact Assessment (HIA) accompanying the application. The mitigation measures set out on page 25 of the HIA are not, however, fully evident in the submitted plans and additional supporting information. The HIA specifies the retention of the pump house at the Green Road boundary of the site. This is not, however, apparent on the proposed site plan. Clarification is therefore required that this historic structure is to be retained, along with the ashlar gate piers at the existing Green Road entrance. Additional information is required to ensure that the proposed work is appropriate to preserve and enhance the conservation area.

REPRESENTATIONS

- 32 One letter of representation was submitted by Kinross-shire Civic Trust in relation to the proposed demolition. They do not object to the proposed demolition provided the Pump House at the north western corner of the site is retained. In addition the application for the proposed development of 91 dwellings has attracted 12 letters of representation. Many of the representations do not oppose the demolition of the former school buildings.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design and Access Statement	Submitted
Report on Impact or Potential Impact	Building Condition Survey; Heritage Impact Assessment, Bat Survey, Demolition Statement

APPRAISAL

Policy Appraisal

- 33 The determining issues in this case are: the statutory requirement under Section 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires the planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses; how the proposal sits with National Policy; how the proposal relates to the adopted development plan and whether other considerations outweigh the desirability of retaining the buildings.

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

- 34 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 the demolition of the modern school buildings. This submission includes a Supporting Statement, a Building Conditions Survey and a Heritage Impact Assessment to justify the demolition of the buildings.
- 35 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.
- 36 In line with National Policy, Historic Environment Scotland Guidance states that demolition of an unlisted building in a Conservation Area should be assessed against the following criteria:
- The importance of the building
 - Condition of the building

- Economic viability of reusing the building
- Wider public benefits

The importance of the building

- 37 In comparison to the 2013 applications refused at committee in April 2014, it is worth noting that the façade of the original Kinross High School building built in 1906, is now proposed to be retained and converted into 4 dwellings as part of the accompanying 16/00255FLM planning application for the development of 91 dwellings (87 new build). Therefore what is being applied for now is demolition of the large array of modern buildings added over the decades since the original school building was constructed.
- 38 The Kinross Conservation Area Appraisal 2010 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.
- 39 Following the relocation of the High School to the Loch Leven Community Campus in 2010, 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. LDP Policy HE3 highlights that any development proposal for the site is required to preserve and enhance the area.
- 40 It is considered that the demolition of the majority of the school buildings, that is, those dating from the 1930s through to the 1990s that none of these are of sufficient architectural merit or importance and do not present a case for their retention either in the interest of the Conservation Area or the setting of neighbouring properties including some listed buildings. They do not add to the character or quality of the area as defined in the Conservation Area Appraisal or contribute positively to the setting of the listed buildings. The rapid deterioration of these buildings since 2010 has worsened their impact on the Conservation Area.
- 41 It is considered that their demolition will result in an enhancement with the replacement development of 87 new build dwellings and the retention and conversion of the original school building into 4 units and therefore comply with the SHEP test and LDP Policy HE3.

Condition of the buildings proposed for demolition

- 42 The building has not been in use since the High School moved to Loch Leven Community Campus in 2010. A Building Conditions Survey was carried out in October 2015 which recorded that since the 2013 application the property has continued to fall into a state of disrepair. Lead flashing, roof coverings and gutters are now missing, allowing extensive water penetration to various areas.

This has resulted in a number of areas of dry rot affecting large sections of the fabric of the building, together with excessively damp walls.

- 43 Whilst the buildings have suffered neglect and vandalism it is not incapable of repair. However with the original 'Edwardian' school building proposed to be retained and converted and the modern additions provide little architectural or cultural merit their demolition is considered to be a positive action in terms of the setting of the Conservation Area. The deterioration of these buildings since 2010 has worsened their impact on the Conservation Area.

Economic viability of repairing and reusing the building

- 44 A balance is required between the viability of retaining the modern elements of the former High School building and the economic benefits the wider redevelopment of the site could bring. A case has been made by the applicant for the retention and conversion of the 'Edwardian' school building and demolition of the existing buildings and this has to be taken into consideration against the context of the overall developments viability and benefits.
- 45 The applicant has submitted Supporting Information, in addition to a Heritage Impact Assessment and Building Conditions Survey on the development viability which sets out to retain the traditional building fronting High Street. As the retention of this 'Edwardian' building is a the key requirement of this site coming forward, it is considered that the retention of the remaining moderns buildings would severely limit the ability to maximise the market value of the site and result in a development which would have a lower economic viability.
- 46 Because of the sites close proximity to the town centre it is expected that the proposed partial demolition and redevelopment will deliver the greatest benefit from an economic impact point of view. The proposed replacement development will increase the likely expenditure levels within Kinross and the town centre in particular. The impact of increased expenditure on the town centres vitality and viability could be significant.

Wider public benefits

- 47 Historic Environment Scotland's Managing Change in the Historic Environment guidance note on demolition refers to 'Wider Public Benefits' which acknowledges that:

"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".

- 48 The later 20th century buildings do little to preserve and enhance Kinross's Conservation Area status. Since its closure in 2010 the impact on the

Conservation Area has become more significant as a result of vandalism, neglect and deterioration in addition to being used for car parking.

- 49 Overall it is considered that the proposed demolition will allow for a development that will provide a significant improvement to the whole site and introduce new qualities that are considered appropriate for the Conservation Area. The site will be significantly improved and therefore have a positive impact on the Conservation Area and complies with LDP Policy HE3A.

Design and Layout

- 50 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.
- 51 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.
- 52 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 four pedestrian/cyclist access points and is thereby considered to be a permeable and well connected site that accords with the National Roads Development Guide 2014 and LDP Policy TA1 Transport Standards and Accessibility Requirements.
- 53 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 all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking
- 54 The proposal consists of two storey detached, semi-detached and terraced properties with a mixture of house types. Much of the site contains shared surfaces that help achieve a sense of place. The street layout shows a clear hierarchy and is considered to be easily usable by all users 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.
- 56 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 therefore considered to be acceptable.
- 57 Some representations submitted to the accompanying detailed planning application make reference to the proposal all being two storey and for a number of years there was a restriction on height of dwellings in the surrounding area and that only single storey was allowed. There is no such restriction in place today and there is a mixture of dwelling heights in the area and as will be discussed later in this report overlooking and overshadowing is assessed.
- 58 In terms of house design, whilst it is of a standard palette it has been influenced by the surrounding area, where there is a mixture of building styles and materials. The majority of properties off High Street feature cream coloured rendered walls with either dark roof tiles or red pantiles. The proposed dwellings are to be either a buff or cream render with either dark tiles or red pantiles. It is considered that the overall detailing of the proposed new build dwellings is acceptable and appropriate for Kinross Conservation Area.
- 59 What does help significantly preserve and enhance the Conservation Area is the retention and conversion of the original 'Edwardian' school building which matches many of the existing properties on the High Street. In addition to this it is considered reasonable that the proposed new build dwellings 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 demolished school buildings to achieve this. To ensure the Conservation Area is preserved samples of all the exterior building materials should be submitted for agreement with the Planning Authority and this can be secured through conditional control.

Landscape and Open Space

- 60 Preserving and enhancing the Conservation Area is an important planning objective. Some of this objective can be achieved by enhancing the landscape character of the proposal. It is considered that potential long term visual effects of the scheme can be preserved through both the retention and conversion of the 'Edwardian' school building and creation of soft and hard landscaping at the proposed area of open space adjacent to the High Street access.
- 61 The conversion of the original school building, retention of the stone boundary wall and iron railings and the proposed open space area will provide a more attractive frontage to the site than at present.

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

Protected Species

- 63 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.
- 64 A bat survey was undertaken In April 2014 and September 2015 and the latter one identified a total of seven bat roost in the school buildings and an eights roost in an adjacent house.
- 65 Roosting bats are an ecological constraint for the proposed demolition and redevelopment of the site. It will now be necessary to apply for a license from SNH to allow legal disturbance and destruction of the roosts before any area of the buildings within 30 metres of each bat roost can be demolished.
- 66 A Bat Protection Plan has also been submitted and details the proposed methodology to minimise roost disturbance and what is required for successful roost destruction, while minimising the potential for harm to the bats. Short-term mitigation will be in the form of at least seven clusters of bat boxes erected in advance of works to compensate for disturbance and loss of the roosts, with some erected on the front of the school building will be retained, and others erected on poles within 100m of the roost locations if suitable trees cannot be found to erect them on. Long-term mitigation will involve roost replacement on a "like-for-like" basis, with roost provision either built into the fabric of at least six of the new residential houses, and at four locations on the retained school frontage section of the building. The boxes will be suitable for multi-season use and include for maternity use, summer and transitional roosting, and at least six boxes suitable for hibernation purposes.
- 67 The Council's Biodiversity Officer has examined the Bat Survey and Bat Protection Plan and confirms he has no objection but recommends certain mitigation measures contained in the Bat Survey report become conditions with any permission.

Planning Authority with an Interest in the Land

- 68 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

- 69 None required with this application.

Direction by Scottish Ministers

- 70 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

- 71 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.
- 72 The proposals represent a significant development in a central location in Kinross and within the Conservation Area. All of the buildings within the site proposed for demolition have no architectural merit and crucially involves the retention of the original 'Edwardian' school building fronting onto High Street.
- 73 The site at present is not being fully utilised or contributing sufficiently to the towns Conservation Area as it should be. The loss of the modern buildings and the replacement development will provide a significant improvement from both a visual and economic perspective.
- 74 The proposed development of 91 dwellings so close to the town centre represents a sustainable opportunity to revitalise this important site and overall it is considered it would preserve and enhance the town's conservation area. The economic impact of the replacement development on the town and in particular the town centre is considerable.
- 75 In this case it is considered that the application is in accordance with the adopted Development Plan, I have taken account of material considerations and find none that would justify refusing the application. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

A Approve subject to the following conditions

- 1 No demolition of the existing building shall take place until the Council as Planning Authority has been satisfied that a contract is in place for the construction of the replacement development.

Reason: In the interests of visual amenity and to avoid the creation of a gap site in the Conservation Area.

- 2 Prior to the commencement of demolition work a total of 7 clusters of 3 bat boxes shall be provided as recommended on Page 54 of the submitted Bat Survey Report.

Reason: To minimise risk of disturbing a protected species.

- 3 Prior to the commencement of demolition work on the demolition a total of 4 bat slates will be fitted during reroofing of the retained section of building as recommended on Page 54 of the submitted Bat Survey Report.

Reason: To minimise risk of disturbing a protected species.

- 4 All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

Reason: To minimise risk of disturbing a protected species.

- 5 Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise risk of disturbing a protected species.

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

Reasons: To ensure the development re-uses existing surface materials where appropriate.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None required.

D INFORMATIVES

- 1 This Conservation Area Consent will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.)
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.
- 3 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Background Papers: 1 letter of representation
Contact Officer: Steve Callan Ext 75337
Date: 23 May 2016

Nick Brian
Development Quality Manager

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