

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

Residential development consisting of 91 units, access road, open space and associated works at former Kinross High School, High Street, Kinross

Ref. No: 16/00255/FLM
Ward No: N8–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 for the area if made subject to a legal agreement and conditional control.

BACKGROUND AND PROPOSAL

- 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 main entrance to the site fronts onto High Street and the surrounding uses comprises mainly of residential and commercial. The site is surrounded by residential and commercial uses.
- 2 The site was used as a secondary school from 1906 until the new Loch Leven Community Campus opened in 2010 at the northern edge of Kinross. Since its closure the front area of hardstanding has been used as car parking and the blaes sports pitch has also been used, in part, 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 extending further back into the site. Some of the buildings have been subject to neglect and vandalism since the schools closure.
- 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. A previous application for 102 dwellings was refused by Development Management Committee in April 2014.
- 6 There is an associated Conservation Area Consent Application (16/00259/CON) for the demolition of the existing modern school buildings on the site, also under consideration by this committee.

7 The proposal includes the following elements:

Housing – 87 new build residential units are proposed which consist of detached, semi-detached and terraced housing types. The range consists of two (24), three (30), four (30) and five (5) bedroom properties and are all mixed throughout the site. All the proposed dwellings are two storeys in height. A standard palette of exterior wall materials is proposed to be used throughout the site. There is a mix of dark tiles and red pantiles proposed for the roofs.

- 8 The original 'Edwardian' school building is proposed to be retained and converted into four bespoke dwellings with garden ground and car parking to the rear.
- 9 Vehicular access – The proposal includes the relocation of the existing access off High Street to form the main access and egress to and from the site. A secondary access will be created from Green Road at the northern end of the site.
- 10 Pedestrian/Cycle Access - A series of pedestrian/cycle routes are to be integrated into the site. Pedestrian access is included at the two vehicular access points. A further connection to the site is proposed at the southern boundary off Station Road and two more along the western boundary off Alexander Drive.
- 11 Car Parking – Seventeen (17) car parking spaces are proposed to be created at the southern end of the site that can be accessed via Station Road. These spaces are being provided for the users of Kinross Parish Church.
- 12 Open space and landscaping – The layout includes tree and shrub planting within an area of open space at the east the proposed conversion and will front onto High Street. The proposal also includes the retention of the existing stone wall and iron railings along High Street. An additional area of open space is proposed adjacent to Kinross Parish Church to provide a buffer between the proposed dwellings and the Church which is Category B Listed.
- 13 Other associated infrastructure – Drainage infrastructure is in the form of sustainable urban drainage system (SuDs) and is located under the area of green space at the eastern side of the site.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 14 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.
- 15 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.

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 content of the PAN were subsequently agreed by the Council under 13/00003/PAN.
- 17 The pre-application consultation (PAC) report submitted confirms the extent of consultation activity undertaken since the refusal of the 2013 application in April 2014 and in this case it has met the standards and complies with the content of the measures agreed through the Proposal of Application Notice. Since this PAN and the previous application for the site the applicant has carried out a further public consultation event and two presentations to the Community Council to outline their proposed changes to the proposal.

NATIONAL POLICY AND GUIDANCE

- 18 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

- 19 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 (SPP) 2014

- 20 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.
- 21 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
- 22 A successful Sustainable Place
- Paragraphs 126 – 131 Affordable Housing
 - Paragraphs 135 – 151 Valuing the Historic Environment
- 23 A Natural, Resilient Place.
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 24 A Connected Place
- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- 25 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 3/2010 Community Engagement
 - PAN 33 Development of Contaminated Land
 - PAN 40 Development Management

- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 71 Conservation Area Management
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

Designing Places (2001)

- 26 This is a policy statement by the Scottish Government to raise the standards of urban and rural development.

Designing Streets (2010)

- 27 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.

National Roads Development Guide (2014)

- 28 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

Scottish Historic Environment Policy (2011)

- 29 This document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Environment Scotland (HES) 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

- 30 The Development Plan for the area consists 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

- 31 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“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, study and visit, and where businesses choose to invest and create jobs”

- 32 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 33 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

- 34 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

- 35 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

- 36 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

37 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

38 The principle relevant policies are in summary:

PM1: Placemaking

39 PM1A: Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

40 PM1B: All proposals should meet the placemaking criteria set out.

PM2: Design Statements

41 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

42 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

43 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

- 44 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

- 45 TA1A: Encouragement will be given to the retention and improvement of transport infrastructure identified in the plan.
- 46 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

- 47 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.
- 48 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

- 49 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

- 50 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

- 51 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.
- 52 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

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

NE3: Biodiversity

- 54 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

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

EP2: New Development and Flooding

- 56 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

- 57 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.
- 58 EP3C: All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

EP7: Drainage within the Loch Leven Catchment Area

- 59 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.
- 60 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

Developer Contributions and Affordable Housing Supplementary Guidance April 2016

- 61 This Guidance concentrates on the delivery of developer contributions to provide a means to enable required infrastructure and services associated with a new development by securing contributions towards their provision. This

Guidance also provides advice and information on the application of the affordable housing policy and seeks a 25% allocation of affordable housing; preferably on site.

Kinross Conservation Area Appraisal July 2010

- 62 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

- 63 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

- 64 01/00792/NID Erection of 2 new classrooms. Approved under delegated powers 2001.
- 65 02/01618/NID Erection of 2 storey 8 classroom block and 2 storey toilet block. Approved under delegated powers March 2003.
- 66 13/00003/PAN Residential Development. Content of PAN approved March 2013.
- 67 13/02314/CON Demolition of existing school buildings. Refused at Development Management Committee April 2014
- 68 13/02328/FLM Erection of 102 dwellings and associated infrastructure. Refused at Development Management Committee April 2014
- 69 16/00259/CON Partial demolition of buildings within conservation area (To be determined in tandem with current application)

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency

- 70 No objection to the proposal.

Scottish Water

- 71 No response received.

Sport Scotland

- 72 No objection to the proposal as the loss of the blaes pitch has been provided at the community campus.

Transport Scotland

- 73 No objection to the proposal

Perth and Kinross Heritage Trust

- 74 No objection to the proposal.

Kinross Community Council

- 75 Objects to the proposal as the density is too high and there is insufficient information on the materials for the proposed conversion and new builds. They have also expressed road safety concerns regarding Green Road and the appropriateness of two storey properties in certain locations.

INTERNAL

Environmental Health

- 76 Conditional control recommended to deal with any potential ground contamination due to sites historic use as a school.

Waste Services

- 77 Due to the scale of housing proposed the development should incorporate suitable locations for the provision of waste and recycling facilities to complement the kerbside waste and recycling services offered in the area.

Flood Prevention

- 78 No objection to the proposal.

Developer Contributions including Affordable Housing Officer

- 79 No objection provided 23 affordable housing units will be delivered on site and a financial contribution towards primary education is paid.

Conservation Planning

- 80 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 in the HIA are shown on the submitted plans

and includes the retention of the pump house at the Green Road boundary of the site.

Biodiversity Officer

- 81 Following submission of a bat survey and a bat protection plan there is no objection to the proposal provided certain conditions are applied to any permission.

Community Greenspace

- 82 No objections provided the proposed areas of open space are planted out as per the submitted landscape plan. A financial contribution towards maintenance of open space and a financial contribution is required to upgrade the nearby existing play area on Green Road.

REPRESENTATIONS

- 83 The application has attracted 12 letters of representation objecting to the proposal (from separate addresses) including Kinross-shire Civic Trust.
- 84 The representations have raised the following relevant issues:
- Contrary to allocation in Local Development Plan
 - Adverse impact on conservation area
 - Adverse impact on neighbouring properties including overshadowing and overlooking
 - Adverse impact on surrounding listed properties
 - Inappropriate land use
 - Excessive density.
 - Lack of open space
 - Loss of public parking (at front of school and blaes pitch)
 - Excessive height
 - Road safety issues especially the proposed Green Road entrance
 - Road congestion
 - Adverse impact on drainage

- Adverse impact on services such as primary school, medical centre, dentists etc.
- Short consultation period.

ADDITIONAL STATEMENTS

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; Heritage Impact Assessment; Building Condition Survey; Bat Survey, Demolition Statement

APPRAISAL

Policy Appraisal

- 85 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 2012 and the Perth and Kinross Council Local Development Plan 2014 is a material consideration in the determination of the application and has progressed to examination by the Scottish Ministers.
- 86 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.
- 87 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 site is within the Tier 2 settlement of Kinross and the Perth and Kinross Local Development Plan (LDP) 2014 allocates the site for residential development. Residential development of this site complies with these policies and therefore the principle of residential use on the site is established and considered to be acceptable.

Difference between 2013 and 2016 application

- 88 The previous proposal was refused at Development Management Committee in April 2014 as it was considered to be contrary to LDP Policy PM1A - Placemaking in that it will be detrimental to the character and amenity of the area; LDP Policy RD1 - Residential Areas in that it is incompatible with the amenity and

character of the immediate residential area; LDP Policy HE3A - Conservation Areas in that the proposal fails to preserve or enhance the character or appearance of the Conservation Area, and its scale and siting will have an adverse impact on the special qualities of the area and are not appropriate to its character and setting. Following this refusal the applicant has taken on board the reasons for refusal and feedback and have submitted a revised scheme with the following main changes.

- There has been a reduction in the number of units proposed from 102 to 91 units of which 87 are new build units.
- The 'Edwardian' school building at the front entrance to the site is to be retained and converted into 4 dwellings.
- Because of the proposed conversion a smaller area of open space at the site entrance is now proposed.
- Another area of open space has been proposed at the southern end of the site to provide a buffer between the dwellings and the B Listed Kinross Parish Church.
- An area of car parking for up to 17 vehicles is proposed at the southern end of the site that can be accessed off Station Road. These spaces are being provided mainly for users of Kinross Parish Church.
- An additional internal loop road proposed to avoid any cul-de-sacs.

LDP Allocation and Site Density

- 89 Of the representations received most referred to the site being allocated for 70 units and anything above this number is contrary to its allocation in the LDP. Following examination of the LDP by the DPEA, the Reporter recommended that the site be allocated for residential use and suggested a figure of 70 dwellings. As with other sites in the LDP, this figure is considered to be indicative and is not a barrier to developments looking at higher or lower densities.
- 90 The Reporter acknowledged that the recommended densities were not prescriptive and that planning applications for higher densities may be considered acceptable and that each application should be determined on its own merits and there may be circumstances where a higher or lower figure could be acceptable.
- 91 Paragraph 46 of SPP recommends higher density development in central and accessible locations that will reduce the reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. Through good design it is considered possible to achieve higher density living environments without overcrowding or loss of amenity.

- 92 The proposed site is an urban brownfield site and its development is in a central and accessible location as it is immediately adjacent to the recently regenerated town centre, close to the public transport network and the current and future primary school. The proposed density of 87 new build and 4 converted units is lower than the previous application and this density is considered to be acceptable. 56 of the proposed dwellings will be 2-3 bedrooms which will help meet current market demand for smaller sized easy to maintain dwellings especially for first time buyers or those downsizing. All properties will have an acceptable amount of garden ground to enjoy and will not have an adverse impact (overlooking or overshadowing) on any of the surrounding properties.
- 93 The proposed development accords with SPP 2014, TAYplan Policy 8 and LDP Policies PM1 and RD1 as it is considered that the proposed density of development represents an efficient use of a central site whilst still respecting the surrounding environment and neighbouring properties. The proposed conversion and new build dwellings will provide a positive contribution to the quality of the surrounding built and natural environment.

Design and Layout

- 94 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.
- 95 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.
- 96 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.
- 97 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

- 98 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.
- 99 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.
- 100 Some representations submitted 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.
- 101 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.
- 102 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.

Residential Amenity

Overlooking

- 103 A number of representations submitted raised concern about overlooking of their properties especially garden areas and bedrooms. Boundary distances have been measured for every dwelling and I do not consider the proposed residential units will result in overlooking to neighbouring properties due to acceptable separation distances between proposed and existing dwellings. Every proposed dwelling directly facing onto an existing dwelling will be over 18 metres from the exterior wall of a neighbouring property. For dwellings at angles to each other this distance can be shortened.
- 104 The site levels of the current blaes pitch and grassed area will be 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 significant overlooking issues.

Overshadowing, loss of sunlight and daylight.

- 105 As well as the issue of overlooking some representations argued that the proposed dwellings at 2 storey height will block daylight. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight- a guide to good practice 1991' 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.
- 106 Taking cognisance of the BRE document, the proposed dwellings will be of lower height than many of the existing buildings, the distances between new and existing properties and lowered site levels at the southern end of the site, I consider an acceptable level of daylight and sunlight will be maintained to each neighbouring property. The extent of overshadowing of amenity ground does not warrant either refusal or amendment of the application.
- 107 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 as the design and siting respects the character and amenity of the surrounding properties.

Conservation Area

- 108 A separate application (16/00259/CON) for Conservation Area Consent for the demolition of the all the modern buildings 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 statement to justify the demolition of the 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 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

111 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 as part of a conversion 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 demolition now is the large array of modern buildings added over the decades since the original school building was constructed.

112 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.

113 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.

114 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.

- 115 It is considered that their demolition will actually 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

- 116 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 was continuing 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.
- 117 Whilst the buildings have suffered further neglect and vandalism it is not incapable of repair. However given the original 'Edwardian' school building is to be retained and converted and the modern additions provide little architectural or cultural merit and continuing to fall into disrepair 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

- 118 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.
- 119 The applicant has submitted Supporting Information; in addition to a Heritage Impact Assessment and Building Conditions Survey on the development viability which sets out retain the traditional building fronting High Street. As the retention of this 'Edwardian' building a the key requirement of this site coming forward, it is considered that the retention of the remaining moderns buildings would limit the ability to maximise the market value of the site and therefore result in a development which would have a lower economic viability.
- 120 Because of the sites close proximity to the town centre it is expected that the proposed demolition 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

- 121 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".

- 122 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.
- 123 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.

Listed Buildings

- 124 Numerous representations to the previous planning application 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.
- 125 With the introduction of a large area of open space and car parking at the southern end of the site it is considered that the proposal will have a minimal impact on the character and status of the listed church. Because the proposed development is to the rear of other listed properties and are set back an acceptable distance the impact on their status is also considered to be minimal.
- 126 It is considered that the revised layout will not affect Kinross Parish Church, its listed status or its setting and therefore complies with LDP Policy HE2.

Transport Issues

- 127 A Transport Assessment (TA) has been submitted and audited by Transport Planning. While the development will generate extra traffic, the trip generation figures in the TA were prepared using the industry standard TRICS trip rate generation database. This showed that in the AM peak there would be a total of 51 vehicle movements in and out of the site and 55 vehicle movements in the PM peak. This would result in a minimal increase from the current baseline levels of traffic 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

- 128 Some representations expressed concern about Green Road becoming a 'rat run' and a road safety issue. 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 M9 and beyond. Transport Planning have agreed with this prediction and that existing parking along Green Road will provide an element of traffic calming.

Parking

- 129 A number of representations made reference to parking issues in Kinross and that the proposed development will cause the loss of car parking off High Street and the loss of the blaes pitch off Station Road for users of Kinross Parish Church. It is also important to point out that prior to the school closing in 2010, it was not possible for the public to use the school grounds or the blaes pitch for car parking. The applicant has offered to provide 17 parking spaces at the southern end of the site. It is expected that they will be mainly used by visitors to Kinross Parish Church but could also be used by the public.
- 130 Previous parking surveys were carried out by the Council examined the capacity of all car parks in Kinross and showed that the vast majority of the car parks never reached their capacity. It is considered that parking problems in Kinross are more of a perceived issue.

Pedestrian/Cyclist Access

- 131 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. A pedestrian/cyclist path is 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 and future primary school, public transport and the surrounding area.
- 132 Consequently both Transport Scotland and Transport Planning offers no objection to the proposal. The proposal 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

- 133 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.
- 134 Scottish Environment Protection Agency (SEPA) 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. Conditions will ensure that foul flows are connected to the public drainage network.

- 135 SEPA and the Councils Flood Team 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 therefore complies with LDP Policies EP2, EP3 and EP7.

Landscape, Open Space and Play Area

- 136 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.
- 137 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.
- 138 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.
- 139 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

- 140 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.

- 141 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.
- 142 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.
- 143 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.
- 144 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 planning permission.

Ground Conditions

- 145 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

- 146 The Councils Affordable Housing officer has confirmed that 25% (23 units) will be required for affordable housing. The delivery of this will be dealt with via the Section 75 Legal Agreement.

Education

- 147 The proposed development will result in the current primary school being over capacity. As a result a financial contribution (£436,458.75) is required for 68 dwellings (91-23 affordable units). This contribution will be dealt with via the Section 75 Legal Agreement.

Short Consultation Period

- 148 One representation made reference to the short consultation period for the application. The statutory public consultation period for major applications of 28 days was applied to this application. As the Planning Authority's performance is measured by its determination timescales of planning applications it is considered that the statutory timescale is appropriate.

ECONOMIC IMPACT

- 149 The economic impact of 91 dwellings immediately adjacent to Kinross town centre is considered to be significant. Employment opportunities will obviously exist during the construction phase and afterwards the increased available expenditure should have a positive impact on the town centre which has benefited greatly from recent environmental improvements. Based on the Perth and Kinross Retail Study (2014) the average spend by each adult within Kinross on convenience goods in 2018 will be £2,047 per annum. If each of the new dwellings contains two adults there could be in the region of £372,554 available to spend on groceries etc. In terms of comparison goods the potential available expenditure of £3,532 per adult could result in £642,824 being spent per annum in 2018.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 150 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

- 151 A Section 75 Legal Agreement has been drafted and is required to secure the following:
- Affordable Housing provision (23 units);
 - Commuted sum for primary school provision (£436,458.75);
 - Long term maintenance of the open space areas (£33,670) and
 - Upgrade of Green Road play area (£45,000).

DIRECTION BY SCOTTISH MINISTERS

- 152 Under the Town and Country Planning (Development Management Procedure) (Scotland)

- 153 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

- 154 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.
- 155 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.
- 156 The proposed development of 91 dwellings on an urban brownfield site so close to the town centre represents a sustainable opportunity to revitalise this important site. With the proposed conversion of the original school building it is considered it will preserve and enhance the town's conservation area. The economic impact of the development on Kinross and in particular the town centre is significant.
- 157 Overall the development will lead to an improvement of the 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.

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

- 2 No demolition of the existing buildings 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.

- 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.

Reason: In the interest of vehicle and pedestrian safety.

- 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.

Reason: 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 Prior to the commencement of development, a Construction Management Plan (CMP) detailing the proposed phasing of the development, 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.

Reason: To minimise pollution risks arising from construction activities.

- 6 Details of the exact 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; to protect the Conservation Area and to reserve the rights of the Planning Authority.

- 7 The roof material of dwelling numbers marked 73 to 75 inclusive on the Approved Site Layout Plan (Drawing Number: KIN-02-01 REV D) shall be natural slate and maintained in perpetuity. The slate should be reused from the demolition of the existing school building, unless otherwise agreed in writing by the Planning Authority.

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

- 8 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.

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

- 9 Prior to the commencement of the development, full details of all boundary treatment shall be submitted to the Planning Authority for written approval. The development shall be carried out in accordance with the approved scheme and shall be completed prior to the occupation of the development.

Reason: 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.

- 10 The area(s) of public open space indicated on the approved Landscape Plan (Drawing Number: 143.74.01e) shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses 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.

Reason: 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.

- 11 Prior to the commencement of development a detailed layout of the proposed upgrade of Green Road children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the site. The play area and its facilities/equipment shall thereafter be maintained.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 12 No development shall take place until full 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.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality.

- 13 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.

Reason: 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.

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

- 14 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.

- 15 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.

- 16 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.

- 17 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.

- 18 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, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.

Reason: In the interest of personal safety and environmental health.

- 19 No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting

that Order shall be erected in the curtilage of any 2 bedroom or terrace dwellings shown on the Approved Site Layout Plan (Drawing Number KIN-02-01 REV D)

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.

- 20 Prior to the commencement of development a site specific plan detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: in the interests of the sustainable disposal of waste.

- 21 All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

Reason: in the interests of the sustainable disposal of waste.

- 22 The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved policy on Developer Contributions and Affordable Housing.

- 23 Prior to the commencement of development a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: In the interests of best practise surface water management; to avoid undue risks to public safety and flood risk.

- 24 Concurrent with the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.
Reason: In the interests of best practise surface water management; to avoid undue risk to public safety and flood risk.
- 25 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200year flood level including 20% for climate Change.
Reason: To reduce flood risk.
- 26 Storm water drainage from all paved surfaces shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.
- 27 The discharge rate of the sustainable urban drainage system (SUDS) shall be limited to the amount specified in drawing E9834/2001 – Rev G.
Reason: To reduce flood risk.
- 28 Prior to the commencement of the development, full details of the proposed refurbishment of the pump house on Green Road shall be submitted to the Planning Authority for written approval. The refurbishment 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.
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to protect the Conservation Area.
- 29 Prior to the commencement of the development, full details of the proposed car park off Station Road shall be submitted to the Planning Authority for written approval. The development 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.
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

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 shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 16/00255/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

- Affordable housing
- Education contribution
- Open space provision /maintenance
- Green Road 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 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 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.
- 4 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.
 - 5 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.
 - 6 No work shall be commenced until an application for building warrant has been submitted and approved.
 - 7 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
 - 8 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

Background Papers: 12 letters of representation
 Contact Officer: Steve Callan Ext 75337
 Date: 25 May 2016

Nick Brian
Development Quality Manager

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