

Perth and Kinross Council
Planning & Development Management Committee – 24 October 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/338)

PROPOSAL: Part demolition of buildings, erection of 2no. dwellinghouses and 4no. flats and associated works.

LOCATION: Kirklands Garage, 10 High Street, Kinross, KY13 8AW.

Ref. No: 18/01054/FLL
Ward No: P8- Kinross-shire

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan if conditional control is applied. There are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application is for the development of the former Kirkland's Garage site on the High Street in Kinross. The site which is 0.1 hectares in area comprises a disused petrol filling forecourt with canopy above and the existing property is a two storey building with accommodation in the roof space fronting the High Street with an adjoining wing which includes a pend providing access to the rear of the site.
- 2 A stone boundary wall encloses the rear of the site. There are a number of structures in varying condition. To enable the redevelopment of the site the buildings to the rear are proposed to be demolished. The canopy structure and southern wing of the two and a half storey building will also be removed.
- 3 The redevelopment of the site consists of two dwellinghouses to the front of the site and four flats to the rear. The two dwellinghouses will be formed by utilising and extending the retained traditional sandstone building located to the front of the site. The dormer window currently in the roof space will be removed. The four new build flats to the rear will be two storeys in height and are contemporary in design.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 5 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

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery and the determination of planning applications and appeals.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 9 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes

that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 10 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, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 11 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.

DEVELOPMENT PLAN

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 13 TAYPlan sets out a vision for how the region will be in 2036 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:
- 14 *"By 2036 the TAYplan area 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."*
- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 16 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy. Tier 2 settlements also have the potential to make a major contribution but will accommodate a smaller share of the additional development. Tier 3

settlements play an important but more modest role and will therefore accommodate a small share of the growth.

- 17 The release of land shall be based on the sequential approach: within principal settlements; edge of principal settlements; expansion of other settlements.
- 18 Outwith principle settlements, development may be supported where it genuinely contributes to the outcomes of the Plan however suburbanization of the countryside and unsustainable travel and development patterns should be avoided.

Policy 9: Managing TAYplans Assets

- 19 Seeks to ensure responsible management of TAYplan's assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and safeguarding the integrity of natural and historic assets including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in- line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 20 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 21 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

- 23 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 24 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.

Policy PM3 - Infrastructure Contributions

- 25 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.

Policy PM4 - Settlement Boundaries

- 26 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy RD1 - Residential Areas

- 27 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 28 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy TA1B - Transport Standards and Accessibility Requirements

- 29 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.

Policy HE3A - Conservation Areas

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

Policy HE3B - Conservation Areas

- 31 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.

Policy NE3 - Biodiversity

- 32 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy EP12 - Contaminated Land

- 33 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 34 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 35 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 36 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 37 [18/00155/FLL](#) Part demolition of buildings, erection of 2no. dwellinghouses and 6no. Flats and associated works 28 February 2018 Application Withdrawn.
- 38 [18/00156/CON](#) Part demolition of buildings 28 February 2018 Application Withdrawn.
- 39 [18/00401/FLL](#) Part demolition of buildings, erection of 2no. dwellinghouses and 6no. flats and associated works 23 April 2018 Application Withdrawn.
- 40 [18/00402/CON](#) Part demolition of buildings 23 April 2018 Application Withdrawn.
- 41 [18/01055/CON](#) Part demolition of buildings, intention to approve if the recommendation on this application is endorsed by committee.

CONSULTATIONS

- 42 As part of the planning application process the following bodies were consulted:

External

Scottish Water

- 43 No objection.

Internal

Transport Planning

- 44 No objection subject to conditional control relating to the provision of turning area to the rear and parking

Development Negotiations Officer

- 45 No objection if contributions are secured. The contributions are for affordable housing and education. The contributions amount to £42,975.

Environmental Health (Contaminated Land)

- 46 No objection subject to conditional control to secure further survey work and remediation of the land.

Structures and Flooding

- 47 Advise that further details on the SUDS arrangement for the site is required.

Community Waste Advisor - Environment Service

- 48 Provide advice on bin collection requirements.

Biodiversity Officer

- 49 No objection if conditional control is applied to secure the recommendations as detailed in the survey work along with the installation of a swift box.

REPRESENTATIONS

- 50 The following points were raised in the six representations received:

- Impact on Conservation Area.
- Parking implications.
- Impact on privacy/overlooking.
- Impact on amenity.
- Loss of light.
- Opaque glazing/spandrel panelling can be removed by new owners.
- Overdevelopment.
- Development will look like an industrial building.
- Impact on bats.
- Concerns with proposed materials.
- The old and new elements should be seen as two separate entities.
- New structures would be dominant.

- 51 These issues are addressed in the Appraisal section of the report.

- 52 Structural risk to neighbouring buildings - Impact from the way construction works are undertaken and how this relates to retaining walls/foundations would be a civil matter to resolve between the parties affected it is not a planning consideration.

- 53 Loss of a view – This is not a material planning consideration when it relates to a private view.

ADDITIONAL STATEMENTS

54

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Bat Survey, Phase 1 Contaminated Land Report, Structural Condition Report, Drainage Strategy, Sustainability Statement

APPRAISAL

- 55 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 56 In addition section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Principle

- 57 It should be noted that an application for Conservation Area Consent has been submitted which deals with the demolition of buildings on the site, application [18/01055/CON](#) refers. The Conservation Area Consent application and planning application are inextricably linked as the demolition under the Conservation Area Consent cannot be granted until a satisfactory replacement scheme is in place. If this application is approved then the Conservation Area Consent can be approved under delegated powers.
- 58 TAYplan Policy 1 (Location Priorities) seeks to focus the majority of development in the region's principal settlements. Kinross is identified as a Tier 2 principal settlement which has the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development in comparison to Tier 1 Settlements. The provision of six residential units satisfies this TayPlan Policy.

- 59 The site is located within the settlement boundary of Kinross where Policy RD1 of the adopted Local Development Plan 2014 applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area. The proposed residential use is considered to be appropriate in this location as detailed under the following headings.

Design and Layout and Conservation Considerations

- 60 I am content with the extent of drawings submitted with this application to enable an assessment of the design, layout and conservation considerations as required by Policy PM1A, PM1B and HE3B.
- 61 10 High Street is identified in the Kinross Conservation Area Appraisal as a traditional building with an early garage forecourt which is interesting feature within the Conservation Area with great potential for enhancement. Its positive contribution to the character and appearance of the Conservation Area derives from both the quality of the design and construction of the original house and its subsequent adaptation and reuse as a garage.
- 62 A previous scheme was submitted for this site which included six flats to the rear of the site and included significant demolition work to the traditional building at the front of the site. That scheme could not be supported and the applicant was advised to withdraw that application and amend their proposals.
- 63 The revised scheme retains more of the existing house and adequate justification has been provided to support the partial demolition. While I acknowledge that representations do not agree with this contemporary addition to the building this approach is endorsed by Historic Environment Scotland's Managing Change in the Historic Environment Series entitled 'Extensions'. This provides guidance on the contextual design methods that can be deployed.
- 64 The presence of the existing attractive traditional building provides opportunities for an innovative design for new build development. Accordingly, the revised design of the proposed extensions is much more in keeping with the character and appearance of both the existing building and the Conservation Area. The more restrained use of contemporary design details will allow the new elements to sit comfortably alongside the existing whilst being legible as contemporary additions to the building.
- 65 I consider that the demolition of the existing redundant and dilapidated garage structures to the rear of the site represents a benefit to the visual amenity of the locality and the wider Conservation Area.

- 66 There are a number of areas in Kinross that display areas of built form behind a principal building and in this instance I consider residential development can be formed within this area. Concern is raised regarding the contemporary approach to the courtyard development in this space, the use of materials, scale/massing/dominance and the industrial appearance of the building.
- 67 I consider the difference in design is appropriate in this location with the flatted dwelling's design and materials taking cognisance of the site's historic and industrial use.
- 68 With regards to scale/mass and dominance there has been a reduction in height associated with the flatted accommodation to the rear of the site. This reduction in height will reduce their visual impact to a level where the character and appearance of the Conservation Area will not be detrimentally affected. I consider that the reduced scale of these flatted dwellings from the previously withdrawn scheme will mean that the surrounding traditional buildings to the north and south of the site as well as the retained traditional building to the front of the site will form the main street scape to the High Street. Taking this into account there is no impact on the settings of the Listed County Buildings on the opposite side of the road or the Listed Municipal Chambers, Kirklands Hotel or the Clydesdale Bank to the south of the site.
- 69 Overall I consider that the proposal with regards to design, layout and conservation issues complies with policy RD1, HE2, HE3B, PM1A and PM1B of the adopted Perth and Kinross Local Development Plan 2014.

Residential Amenity

Privacy

- 70 The formation of plots within the urban environment has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy and amenity for all those who would live in the proposed new dwellings and those that live in adjoining existing dwellings.
- 71 It is an established principle that a minimum 9 metres window to boundary at 90 degrees is usually sought between properties to achieve a reasonable level of residential amenity however this requires to be applied flexibly taking account of site specific circumstances. This distance is reduced as the angle between the windows change and become more acute.
- 72 The proposed development creates a courtyard area to the rear of the retained traditional building. I do not consider this space which includes parking to have the same level of amenity space requirements as private rear gardens. I am therefore content that windows overlook this shared space and I note this from of supervision is encouraged in PAN 77 Designing Safer Places.

- 73 To the north and west of the site is the new residential units at the former Kinross High School development. The retained façade of the school building is to the north of the site and construction works are being progressed in this area to form residential accommodation. The approved neighbouring layout includes a car parking area to the rear of the school building. The proposed northern block of flats has windows overlooking this area. As detailed above the supervision of this courtyard street area is encouraged. I do not consider there will be a significant detrimental impact on residential amenity from windows in the northern or western façade of this block.
- 74 The south west block is located to the rear of the site. It utilises the retained stone boundary wall to protect residential amenity between the lower floors of the block and neighbouring garden ground to the west. The upper level of this block now incorporates high level windows on the western façade to enable light to the dining/kitchen/living room; however the majority of light into the space will be via the large glazed windows that face towards the shared courtyard area. The other spaces in the upper flat that have windows on the west façade are bathrooms and incorporate obscure glass to protect amenity.
- 75 Taking the above glazing configuration into account there will not be a loss of privacy. I note that objectors have raised concern the opaque glazing or spandrel panels could be replaced however conditional control can be applied to ensure that this is installed and maintained (condition 7 and 8).
- 76 I note that there is glazing utilised on the stairwell that faces in a westerly direction however this is not a habitable room and as it is set back from the boundary wall at distance of 5.5m I do not consider this will result in a significant reduction in residential amenity to neighbouring garden areas.

Loss of light

- 77 Loss of light is a matter raised in letters of representation. An element of overshadowing will likely occur to some neighbouring properties' garden ground and/or shared amenity space from the development.
- 78 In the morning the western block of flats will overshadow a small northern part of the garden ground associated with 12 High Street. I do not consider that this will be significantly detrimental to the impact of the occupant given the extent of garden ground.
- 79 As the sun moves from east to west during the day the shadows cast by the proposed development will shift from the garden ground of 12 High Street to the north of the site where the car parking shared amenity space is on the Kinross High School site. The shading of this space is not excessive and would have minimal impact on neighbouring amenity.

Roads and Access

- 80 Policy TA1B is concerned with providing safe access and appropriate car parking. Representations have raised concerns with the loss of on street parking, the level of on-site parking, turning arrangements within the site as well as the potential impact the development will have on road safety and traffic congestion.
- 81 The applicant has produced swept path analysis drawings showing that cars are able to suitably manoeuvre and turn in the proposed design. They have also revised the entrance design to the parking courtyard, improving its shared use design, better accommodating pedestrians as well as repositioning a number of parking bays to improve manoeuvring space.
- 82 It is worth noting that parking provision for the flatted dwellings is not in accordance with the National Roads Development Guide. The guide looks for two car parking spaces for every 2-3 bedroom unit. However, scope for reduction in parking provision is considered appropriate in circumstances where public transport provision is good (local and regional bus services are available within desirable walking distances) and local amenities are within desirable walking distances. Transport Planning has been consulted and it is their view that this site meets those criteria for such consideration, thus the parking provision offered of two spaces for the two units at the front and one parking space per flatted unit to the rear is satisfactory. Furthermore the developer has also integrated cycling parking into the scheme.
- 83 Overall, with conditional control applied (conditions 4, 5 and 6) there is no conflict with Policy TA1B.

Drainage and Flooding

- 84 The applicant has confirmed that the foul drainage will be connected to the sewer and a condition can be imposed to ensure this connection is achieved (condition 9). A developer would need to secure a connection from Scottish Water and if there is a capacity problem this is a matter between the developer and network operator to resolve prior to development proceeding on the site.
- 85 The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy EP3C and this can be controlled by condition (condition 10).

Waste Collection

- 86 The Council's Community Waste Advisor has advised that a refuse collection vehicle will not enter this development so bins will be collected from the High Street. The proposal includes a bin store area within the central courtyard area

and the site layout also incorporates a bin collection point that will allow for refuse uplift at the High Street entrance.

Natural Heritage and Biodiversity

- 87 When determining a planning application 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 Regulations the applicant was advised that a bat survey should be undertaken. While initial survey work was undertaken a full and complete survey was not submitted at the outset of this application.
- 88 A full bat survey was subsequently submitted and further consultation exercise was carried out. The full survey provides evidence of bat roosts in the traditional building that fronts the site. The survey report sets out a number of recommendations and mitigation works that require to be deployed before undertaking work to the building. These recommendations have to be undertaken prior to demolition works to the building.
- 89 Consultation with the Bio-diversity Officer confirms that with conditional control applied to secure mitigation measures (condition 2) the works will not be detrimental to the maintenance of the bat population. The Biodiversity Officer also recommends conditional control to secure a swift box as part of the sites redevelopment to comply with the bio-diversity aims within building Policy NE3 Bio-diversity (condition 3).

Contaminated Land

- 90 The proposed development is on land that is identified as having formerly been a filling station and where it is known there has been underground fuel storage. Records indicate there have been 5 tanks on the site. There is the potential for contamination resulting from this former use of the site, for example from leaks or spills of fuel.
- 91 In support of the application a Phase 1 Ground Investigation report has been submitted. This report confirms that a Phase 2 geo-environmental and geotechnical investigation is recommended in order to provide confirmation of the chemical condition of the underlying solid, bedrock and groundwater; the underlying gas regime; and to specify a foundation design.
- 92 The Environmental Health Contaminated Land Team have been consulted and they recommend conditional control to secure the Phase 2 investigation and ensure any recommendations within the report are adhered to (condition 11) thus ensuring compliance with Policy EP12.

Developer Contributions

Affordable Housing

- 93 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing.
- 94 The site has an existing unit on it. The proposal will create 6 units in total which is an increase of 5 units. The affordable housing requirement is 1.25 units (5×0.25). Due to the scale of the proposal a commuted sum payment would be accepted in lieu of onsite provision. The commuted sum for the Kinross Housing Market Area is £15,000 per unit. Therefore total Affordable Housing Contribution required in this instance is £18,750 ($1.25 \times £15,000$).

Primary Education

- 95 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 96 This proposal is within the catchment of Kinross Primary School. The proposal will increase the total number of units on site by 5. No contribution is required from affordable units (1.25 units). The primary education contribution will be calculated on the basis of 3.75 units ($5 - 1.25$). Therefore the total Education Contribution required in this instance is £24,225 ($3.75 \times £6,460$).
- 97 To secure both Affordable and Primary Education Contributions the developer has agreed 'Heads of Terms' and is looking for the contributions to be secured by a legal agreement to comply with Policy PM3. Although it should be noted an upfront payment would alleviate the need for a legal agreement.

Economic Impact

- 98 There will be a positive economic impact associated with the redevelopment of this site. Employments opportunities will exist during the construction phase and consequently achieve increased available expenditure through net growth in residential occupation, resulting in a positive but minor impact on consumer spend within the Kinross Market Area.

LEGAL AGREEMENTS

- 99 A legal agreement will be required if the financial contributions toward education and affordable housing are not paid upfront to release consent.

DIRECTION BY SCOTTISH MINISTERS

- 100 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 101 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 102 Accordingly the proposal is recommended for approval subject to the following conditions and completion of a Section 75 legal agreement.

RECOMMENDATION

A Approve the application subject to the following conditions:

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason – To ensure the development is carried out in accordance with the approved drawings and document.

- 2 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (ref 18/01504/29) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason – In the interests of protecting environmental quality and of biodiversity.

- 3 Prior to the commencement of development, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the approved details prior to the occupation of the relevant dwelling(s).

Reason – In the interests of protecting environmental quality and of biodiversity.

- 4 Prior to House 1 and House 2 hereby approved being completed or brought into use, the car parking facilities at the front of these houses as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

- 5 Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the car parking facilities in the courtyard area at the front of these units as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

- 6 Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

- 7 Prior to the development hereby approved being completed or brought into use, the cycle parking facilities shown on the approved drawings for Units 3, 4, 5 and 6 shall be installed and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 8 The bathroom windows on the western façade of Unit 6 (located on the upper level of the western block of the development) hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

- 9 The spandrel panel arrangement incorporating high level windows on the western façade for the dining/kitchen living room of Unit 6 (located on the upper level of the western block of the development) hereby approved shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

- 10 The foul drainage for the development shall be drained to the public mains sewerage system to the satisfaction of the Council as Planning Authority.

Reason – To ensure appropriate drainage arrangements are installed thereby ensuring compliance with policy EP3B of the Local Development Plan 2014.

- 11 Development shall not commence on site until 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 – To ensure the provision of effective drainage for the site.

- 12 Development shall not commence on site until an intrusive investigation of the site has been undertaken, submitted for consideration and accepted by the Council as Planning Authority. The intrusive investigation shall be undertaken to identify;

The nature, extent and type(s) of contamination on the site.

- Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- Measures to deal with contamination during construction works .
- Condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority and approved in writing.

Reason – In order to deal with any potential contamination of the site as a result of its former use.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk
- 6 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 7 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.

- 8 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 9 The proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by SNH pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.
- 10 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:	6 letters of representation
Contact Officer:	John Russell 01738 475346
Date:	11 October 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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You can also send us a text message on 07824 498145.
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