

Perth and Kinross Council
Development Management Committee – 12 April 2017
Report of Handling by Interim Head of Planning

Alterations and extension to Balhousie Luncarty Care Home
Sandeman Place
Luncarty

Ref. No: 17/00243/FLL
Ward No: N5 - Strathtay

Summary

This report recommends approval of the application for the alterations and extension to the Care Home at Luncarty House, Sandeman Place, Luncarty as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 Luncarty House is run as a residential care home which falls under Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The proposal under consideration is for internal alterations and the erection of an extension to the west of the Category C(s) Listed Building.
- 2 The existing layout provides a total of 29 bedrooms within the property. The proposal involves internal alterations and the removal of mainly modern partitions to improve the space standards in the existing house and this reduces the numbers of bedrooms to 19 (thus losing 10 bedrooms). This loss of bedrooms is offset by the inclusion of a wing to the west of the building which would provide 17 additional bedrooms with a lounge area to the lower ground floor. This results in the provision of a further 7 bedrooms on the site overall.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014

- 6 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 7 The principle relevant policies are, in summary:

Policy PM1A - Placemaking

- 8 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

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

Policy RD6 - Particular Needs Housing Accommodation

- 10 Support will be given to proposals for particular needs housing and accommodation for the frail, elderly or those with special needs where they are appropriately located and where they have minimum impact on the environment. Proposals for Houses of Multiple Occupation will be supported provided a need can be demonstrated and the residential amenity of an area is not affected.

Policy TA1B - Transport Standards and Accessibility Requirements

- 11 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 NE2B - Forestry, Woodland and Trees

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

Policy HE2 - Listed Buildings

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

Policy CF2 - Public Access

- 14 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

OTHER POLICIES

- 15 Scottish Historic Environment Policy (SHEP):- sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.

SITE HISTORY

- 16 92/01878/FUL Installation of a lift 13 January 1993 Application Approved under delegated powers.
- 17 93/00277/FUL Installation of a lift and provision of wc compartments 12 May 1993 Application Permitted under delegated powers.
- 18 93/01558/FUL Alterations 12 January 1994 Application Approved under delegated powers.
- 19 94/01184/FUL Alteration to residential home for the elderly 7 October 1994 Application Approved under delegated powers.
- 20 00/00141/PPLB Alterations to form additional fire exit and rooms in basement at 17 March 2000 Application Refused under delegated powers.
- 21 00/00142/PPLB Formation of a link corridor at 17 March 2000 Application Approved under delegated powers.
- 22 09/00434/FUL Alterations and extension to nursing home 28 April 2009 Application Withdrawn.
- 23 09/00435/LBC Alterations and extension to nursing home, formation of car parking space and ancillary site works 28 April 2009 Application Withdrawn.
- 24 Planning Application 09/01004/FUL and Listed Building Application 09/01005/LBC were refused by Development Control Committee on the 26 August 2009. The Appeals to the Directorate for Planning and Environmental Appeals were unsuccessful P/PPA/340/2008 and P/LBA/340/35 refers.
- 25 10/00685/LBC Alterations and extension 26 July 2010 Application Approved by Development Control Committee.

- 26 10/00688/FLL Alterations and extension 26 July 2010 Application Approved by Development Control Committee.
- 27 13/01109/FLL Variation of condition 1 (10/00688/FLL) to allow a further three years for development to commence 12 July 2013 Application Approved under delegated powers.
- 28 13/01117/LBC Variation of condition 1 (10/00685/LBC) to allow a further three years for development to commence 12 July 2013 Application Approved under delegated powers.
- 29 15/01764/FLL Formation of access ramp and erection of fencing 8 December 2015 Application Approved under delegated powers.
- 30 15/01765/LBC Alterations and formation of access ramp 8 December 2015 Application Approved under delegated powers.
- 31 16/02092/FLL Alterations and extension 31 January 2017 Application Withdrawn.
- 32 16/02093/LBC Alterations and extension 31 January 2017 Application Withdrawn.
- 33 17/00244/LBC Alterations and extension, application being considered as part of this committee agenda.

CONSULTATIONS

EXTERNAL

- 34 Luncarty, Redgorton and Moneydie Community Council – Object. Proposed extension would have a significant adverse impact on visual amenity contrary to RD1, PM1A and PM1B. The foot print is similar in size to the refused 2009 application. There will be an impact on the public footpath now part of the 'Marshall Trail' which is a safer route to school. There is a lack of detail on access for refuse collection and fuel delivery.

INTERNAL

- 35 Environmental Health – No objection subject to conditional control.
- 36 Developer Contributions - The site falls within the Perth Core Area for Transport Infrastructure contributions. The proposal will create an additional 7 bedrooms. The scheme is being proposed to bring the present care home facilities up to current standards which will improve the living conditions of residents. The building is listed and the proposals will help to secure its long term future. I understand that planning consent was granted previously but this has since expired. Paragraph 6.8 of the Developer Contributions and Affordable Housing Supplementary Guidance allows the contribution to be varied where a proposal supports specific Council objectives. In this case the number of additional bedrooms being proposed is relatively small. When this is weighed against the benefits of securing the future of a category B listed building and improving the living environment for existing and future residents

of the facility, I consider that it would be appropriate not to seek a contribution towards transport infrastructure in this instance.

REPRESENTATIONS

- 37 A total of eleven letters of objection were received during the advertisement period for the application including Luncarty, Redgorton and Moneydie Community Council.
- 38 The representations have raised the following relevant issues: -
- Adverse effect on visual amenity
 - Inappropriate landuse
 - Light pollution
 - Loss of open space
 - Loss of sunlight and daylight
 - Loss of trees
 - Noise pollution
 - Out of character with the area
 - Over intensive development
 - Traffic congestion and road safety concerns
 - Issues with drains and flooding
 - Excessive height
 - Overlooking
 - Concerns with bin access arrangements
 - Concerns with access to services (fuel storage)
- 39 The above matters are addressed in the Appraisal section of this report. However the following elements are best addressed at this stage under the following headings:
- Workers smoke in close proximity to the boundary of the site. – This is an issue that already occurs on site. While the proposed extension will likely increase staff levels at the facility and increase this practice it is not a planning issue and is something for residents to resolve with the operator.
 - Inaccuracies in the plans and supporting statement. – There are minor omissions in the plans and planning statement referencing the earlier withdrawn scheme. They do not affect my assessment of the application as the plans satisfactorily deliberate the applicant's proposals and the number of bedrooms associated with the scheme. Notwithstanding this the agent has provided clarity and updated the minor referencing issues.
 - Precedent, smaller extensions on bungalows have been refused in the surrounding area – This concern is noted but is not directly comparable to this application as it is a completely different site and has different characteristics to neighbouring bungalows. In addition, every proposal has to be considered on its individual merits.

40 ADDITIONAL STATEMENTS

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

APPRAISAL

Policy Appraisal

- 41 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 42 Additionally Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable, due to the potential impact the development may have on Luncarty House, a category C(s) Listed Building. This legislation requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.
- 43 The determining issues in this case are whether: - the proposed extension adversely affects the setting of the listed building; the proposal complies with Development Plan policy; the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy. It should be noted that the alterations which require listed building consent are assessed separately under listed building application 17/00244/LBC.

Principle

- 44 Policies PM4 and RD6 of the adopted LDP are the main factors in the determination of the application. These policies recognise that scope for development may exist within settlement boundaries but acknowledges that new development can have potential conflicts within the existing built environment. It is therefore important that the assessment of this application is on its merits taking cognisance of scale, form and density of the surroundings to ensure development does not lead to over development. The character and amenity of the area concerned also has to be taken into account and particular care is required to certify that open space and green networks are not eroded.
- 45 These issues are discussed in further detail under the headings below.

Residential Amenity

- 46 The proposal has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development, those who would live in the new development and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

Overlooking

- 47 The fact that new development would overlook existing residential property and affect privacy is a common planning issue, and has been held by the courts to be a proper planning consideration even if neighbours do not object. The impact of overlooking can vary due to site layout and the types of rooms involved, it is therefore necessary to assess each application on a case by case basis.
- 48 Concerns have been raised regarding the possible loss of privacy to neighbouring properties. Having considered the proposed details in relation to neighbouring properties, I am content that an appropriate distance between habitable bedroom windows in the proposed extension and neighbouring dwellings to the north and west would be achieved in excess of the 18 metres rule of thumb. While there will be stairwell and corridor windows in the west elevation that will have intervisibility at 16 metres given these are not associated with habitable rooms but transient space within the building I am of the opinion that an acceptable level of privacy will be maintained to surrounding residential properties.

Overshadowing

- 49 Although not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration. 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, however it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 50 Following full consideration of the submitted plans (including the agents sun path analysis) and cognisance of the BRE document I consider that a reasonable level of daylight and sunlight would be maintained to neighbouring properties throughout the majority of the day and the extent of overshadowing would not be excessive and as a consequence does not warrant refusal of the application.

Noise

- 51 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.

- 52 The application is for the extension to an existing residential care home. I do not consider the development would result in such an increase in noise to a level which would conflict with surrounding land use. Environmental health have advised that noise could be an issue from plant but have advised that this can be controlled by condition. Taking this into account the proposal is considered to comply with Policy EP8 of the LDP.

Light Pollution

- 53 Concerns have been raised regarding light pollution from the development. In certain cases illumination can have serious amenity implications on neighbouring uses. However, light emanating from living and bedrooms of this proposal will not be unduly intrusive. Environmental Health note they have controls under their legislation if there is severe light spillage to neighbouring properties.

Design/Layout

- 54 Through Designing Places (November 2001) Scottish Ministers have 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, it is important at all scales of development. Ill-conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground.
- 55 There is a considerable amount of history associated with this site relating to the proposed extension. Application 09/01004/FUL was refused by Committee and this decision was upheld on appeal by the DPEA, reference P/PPA/340/2008. Following these decisions the scheme was redesigned. The footprint and height of the scheme was reduced which resulted in the Committee approving the extensions designed under application 10/00688/FLL in July 2010.
- 56 It should be noted that a further and more recent application reverted back to a similar styled scheme to the 2009 scheme that was refused by Committee and the DPEA, (reference 16/02092/FLL). The agent was advised to revert back to the design principles associated with the approved application (2010) which resulted in the withdrawal of the 2016 application.
- 57 The proposal as submitted now takes cognisance of the foot print, scale and massing of the earlier 2010 approved scheme with the extension pulled away from the adjoining footpath which is a safer route to school. Further accommodation has been incorporated into a lower level of this scheme by working with and cutting into the site topography next to the existing care home. Overall I am content with the proposed design of the new addition to this building and it does not adversely affect the character of this area.

- 58 The applicant has provided details on the proposed palette of finishing materials for the façade of the extension. This includes natural slate to the roof and a natural stone and buff render to the elevations. Generally this selection of materials is acceptable; however, a detailed specification should be submitted for written approval.

Openspace

- 59 While the site is not a designated area of open space it does make a significant contribution to the streetscene in this locality as well as the setting of the listed building. The proposed extension due to the set back from the public road still provides an area of open space and consequently I consider its contribution to the streetscene is maintained.

Access/Traffic/Transport

- 60 Concerns have been expressed regarding traffic congestion and road safety concerns as well as the potential impact the proposed access arrangements could have on the footpath to the west of the site which is a Safer Routes to School.
- 61 Transport Planning has previously been consulted on the development proposals for this site and the access and parking arrangements were considered to be acceptable. This proposal includes the same access driveway and car parking improvements therefore I remain of the view that there is no conflict with road safety.
- 62 I note the concerns regarding the potential impact the proposal could have on the safer routes to school. Once the build is complete there will not be an impact on this route. However it is important to ensure that it remains unimpeded during construction works to comply with Policy CF2 of the LDP. In this case conditional control can be utilised if the application is approved.

Potential impact on trees

- 63 Scottish Planning Policy specifies that trees which have a significant biodiversity value and make a significant contribution to landscape character and quality should be protected from adverse impacts resulting from development.
- 64 In support of this application a tree survey had been undertaken in accordance with BS:5837 Trees in relation to construction – recommendations to comply with Policy NE2B. The tree survey updates earlier reports and highlights the extent of tree cover at Luncarty House. The report documents that root protection area are required to ensure compliance with BS:5837 Trees in relation to construction – recommendations. In this case conditional control can be applied to protect trees that are to be retained.

Waste Collection

- 65 Letters of representation have highlighted concerns regarding waste collection as the proposal removes the existing internal loop arrangement to the current waste storage area (as well as fuel stores). The agent has advised that on bin days, existing bins will be presented to Marshall Way for collection. The agent also notes that a gas point will be located at the front of the new extension. Precise details on waste storage and the fuel location point can be secured by a negative suspensive condition.

Drainage

- 66 The foul drainage will be connected to the public network and the proposal incorporates a sustainable urban drainage system to deal with surface water.

Impact on the setting of the Listed Building:

- 67 While the word setting is not defined in planning legislation, Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998) specifies that Planning Authorities are firmly encouraged not to interpret the word narrowly. It highlights at all times the listed building should remain the focus of its setting. Attention must never be distracted by the presence of any new development whether it be within or out with the curtilage. In this instance I consider the appropriate factor to take into account is the principal view either of or from Luncarty House as well as the potential effect on the main approach to the building.
- 68 Luncarty House has been developed in phases. The earliest element which includes the principal two storey elevations and entrance are situated to the south with a later one and half storey wing attached to the north. The proposed extension is set behind the principal elevations and entrance.
- 69 Taking account of this factor and the history associated with the Appeal decisions I am content that this revised scheme does not detract from the character or setting of the listed building and complies with policy HE2 of the LDP.

Developer Contributions

- 70 The site falls within the Perth Core Area for Transport Infrastructure contributions. Planning consent was granted previously but this has since expired. Paragraph 6.8 of the Developer Contributions and Affordable Housing Supplementary Guidance allows the contribution to be varied where a proposal supports specific Council objectives.

- 71 The scheme is being proposed to bring the present care home facilities up to current standards which will improve the living conditions of residents. The proposal will create an additional 7 bedrooms. The building is listed and the proposals will help to secure its long term future. In this case the additional bedrooms being proposed is relatively small. When this is weighed against the benefits of securing the future of a category B listed building and improving the living environment for existing and future residents of the facility, I consider that it would not be appropriate to seek a contribution towards transport infrastructure in this instance.

Economic Impact

- 72 The construction of the development would provide opportunities for local trades and tradesmen to become involved in the construction phase. Additionally there would likely be a positive economic impact on the local area associated with the increase in accommodation for specialist housing needs.

LEGAL AGREEMENTS

- 73 None required.

DIRECTION BY SCOTTISH MINISTERS

- 74 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

- 75 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal complies with the relevant provisions of the adopted plan. There are no material considerations that would justify refusing the application. On that basis the application is recommend for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

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 documents.

- 2 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 3 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 4 The safer routes to school footpath located to the west of the site shall not be obstructed during site construction works or on completion of the development all to the satisfaction of the Planning Authority.

Reason - To ensure that the proposed development does not prejudice the safer routes to school footpath.

- 5 Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the new residential rooms in the extension hereby approved shall be occupied until the agreed scheme has been provided in full.

Reason - In order to ensure adequate servicing facilities are provided.

- 6 Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation of the fuel tanks shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - In order to ensure adequate servicing facilities are provided.

- 7 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to protect residential amenity.

Justification

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

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 This is approval of your application Ref no (17/00243/FLL) for planning permission only. It does not include any approval for your related Listed Building Consent Ref no (17/00244/LBC) You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
- 6 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.

Background Papers: Eleven letters of representation.

Contact Officer: John Russell – Ext 75346

Date: 29 March 2017

NICK BRIAN
Interim Head of Planning

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