

Perth and Kinross Council
Planning & Development Management Committee – 28 August 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/234)

PROPOSAL: Erection of boundary treatments, retaining walls and a bin store, installation of a substation and screened sprinkler tank, formation of parking areas, landscaping and associated works (revised design)

LOCATION: Land at Conachar Court, Isla Road, Perth

Ref. No: [19/00697/FLL](#)

Ward No: P12 - Perth City Centre

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This site was previously occupied by the Tayside Care Home, a converted office block providing 61 care home beds with 50 en-suite facilities, which closed in 2010.
- 2 The Balhousie Care Group submitted an application in 2013 to replace the closed care facility with a new build, four storey care home to provide the high quality accommodation required by modern care standards and included sheltered accommodation for 76 residents, communal residents' facilities and car parking facilities. The application was granted planning approval on 7 April 2014 (13/00942/FLM) and the sheltered accommodation has been built.
- 3 In 2018 Balhousie Care Group revisited the original proposals of the care home to deliver a project which better suited the present care home requirements of both the Care Commission and the company's current client demographic. Following a review of the original proposals, a subsequent non-material variation application was submitted to change the accommodation type and several window locations. The non-material variation application was granted in August 2018.
- 4 A further application was submitted to create a light well at the south east elevation of the care home to house the water tank and air handling unit required for the running of the home (18/02214/FLL). This application was granted in February 2019.
- 5 Further refinement of the care home scheme has been undertaken and, as part of this process, further changes to the external layout are now sought through

this application. This includes installation of a new substation (replacing a previous substation), installing a screened sprinkler tank, formation of a bin store parking area, landscaping and associated works including boundary treatments and retaining walls.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 8 The Scottish Planning Policy (SPP) was published 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.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements

Creating Places 2013

- 11 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.

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:

“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.”

Perth and Kinross Local Development Plan 2014

- 14 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.

- 15 The principal relevant policies are, in summary;

Policy PM1A & B - Placemaking
Policy PM2 - Design Statements
Policy NE2A & B- Forestry, Woodland and Trees
Policy HE3A - Conservation Areas

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 16 The Proposed LDP2 2017 represents Perth & Kinross Council’s settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter’s consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that

LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

- Policy 1A - Placemaking
- Policy 1B - Placemaking
- Policy 2 - Design Statements
- Policy 28A - New Development
- Policy 38A - Forestry and Woodland Strategy
- Policy 38B - Trees, Woodland and Development

SITE HISTORY

- 17 [10/00021/PAN](#) Demolition of existing care home and erection of 2 No. 60 bed care homes, training and administration centre, assisted living units, 4 No. residential dwellinghouses and formation of new access, parking and landscaping Decision Issued 13 January 2011
- 18 [11/00490/FLM](#) Demolition of existing care home, erection of care facility comprising two care homes, assisted living units and communal facilities, three mainstream houses with associated access roads, parking and landscaping Decision Issued 9 August 2011 Application Withdrawn
- 19 [11/01333/FLM](#) Demolition of existing care home building, erection of new care facility comprising 2 No Care Homes, assisted living units and communal facilities together with 3 no mainstream houses with associated access roads, parking and landscaping. Decision Issued 8 January 2013 Application Approved
- 20 [13/00001/PAN](#) Amendment to planning consent (11/01333/FLM) for the erection of 52 sheltered units Decision Issued 21 February 2013
- 21 [13/00749/SCRN](#) Screening opinion for modification of consent (11/01333/FLL) - erection of a care home, 11 assisted living flats and 52 sheltered housing units Decision Issued 29 April 2013
- 22 [13/00942/FLM](#) Modification of existing consent (Ref: 11/01333/FLM) - Replacement of care home with 50 sheltered units Decision Issued 7 April 2014 Application Approved
- 23 [14/00550/ADV](#) Display of hoarding Decision Issued 2 June 2014 Application Refused
- 24 [14/02171/ADV](#) Display of sign Decision Issued 27 January 2015 Application Approved
- 25 [18/02214/FLL](#) Engineering operations to form retaining wall and lightwell Decision Issued 19 February 2019 Application Approved

CONSULTATIONS

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

Internal

Structures and Flooding

- 27 Structures team confirms that if retaining walls are over 1.5 metres in height then technical approval will be required, an informative confirms the technical approval process. Flooding team confirms that they have no objection to the proposals subject to conditional control to manage surface water.

Environmental Health (Noise Odour)

- 28 There is potential for future residents of the proposed residential care home to be affected by low frequency noise from the substation. Conditional control is required to protect residential amenity.

Development Negotiations Officer

- 29 No objection.

REPRESENTATIONS

- 30 The following points were raised in the 29 representation(s) received that object to the application:

- Concerns with traffic, construction traffic, roads and pedestrian safety, damage to vehicles from construction works, traffic congestion as well as access for emergency vehicles.
- Location of substation to housing.

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

- 32 The following matters have also been raised but they are not material planning considerations:

- Concerns with the maintenance of existing boundary treatment and maintenance of telephone pole – The maintenance of boundary walls will depend on the extent of ownership and is a civil matter to resolve between parties. The maintenance or removal of a telephone pole will be a matter for the statutory undertaker and how this relates to any wayleave agreement in place with the site owner.
- How the proposed development and planned works will relate to health and safety – Construction works and the operation of the care home will need to comply with health and safety legislation. This falls out with the remit of planning.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 34 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.
- 35 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.
- 36 The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan, whether there are any factors that would justify a potential departure from the Development Plan and how the development relates to the character or appearance of a conservation area.

Principle

- 37 The principle of a residential care home on this site has already been assessed as acceptable. There is an extant permission in place therefore the assessment of this application purely focuses on the changes to the external layout of the extant scheme. Effectively, the installation of the substation and screened sprinkler tank, formation of parking areas, landscaping and associated works including boundary treatments, retaining walls and a bin store.

Design Layout and Conservation Considerations

- 38 In support of the application a Design Statement has been submitted by the agent to comply with Policy PM2. This document sets out the project ethos.
- 39 It confirms that once the care home is constructed it will not be possible to provide vehicular access to the existing substation next to 1 Springbank. As a consequence the design team have had to look at alternative locations. They note that the following criteria were used to inform the new location of the substation:-

- Locate the sub-station where it's visual prominence will be as low as possible;
 - provide vehicle access to the sub-station for maintenance purposes;
 - sub-station must be outwith the construction exclusion zones identified around the retained trees; and
 - The sub-station must be a minimum of 5m away from any buildings.
- 40 The new substation location is now next to the site entrance between the care home building and the parking area. It is prominent in comparison to its existing position but, taking account of the site constraints and Scottish & Southern Electricity (SSE) requirements, the new location has been justified by the agent. The industrial appearance of the substation will be reduced with the deployment of screen fencing but it will ultimately be the screen planting that will assist in successfully integrating this feature into the site.
- 41 From a design and layout perspective the previous substation location was preferable and less prominent being located at the southern corner of the site next to Isla Road. The storage tank for the sprinkler system will be installed at the former substation and this is an acceptable change to the layout.
- 42 Retaining walls are utilised to enable access into the service area of the care home, with a refuse bin store placed adjacent to the service area. The proposed retaining wall and railing design is appropriate. The proposed bin store being located at the top of a slope when viewed from the access road associated with the three houses fronting the River Tay has the potential to be dominant. Once again it will be the implementation of a successful landscaping scheme that will make this element of the proposal acceptable. Conditional control will secure an appropriate landscape specification and implementation (Condition 4).
- 43 Overall the approach complies with the requirements of Policy PM1A and Policy PM1B as well as Policy HE3A as the character of the Conservation Area is preserved. Furthermore there is no conflict with the emerging LDP2 policies.

Landscape

- 44 The site has a mature tree resource and this requires to be retained with appropriate protective fencing deployed within the root protection areas. There will be a requirement for an arborist to provide advice via an arboricultural method statement on how elements of the development will be undertaken to protect the tree resource. With the conditional control applied, there is no conflict with Policy NE2A or NE2B of the approved LDP or Policy 38A or 38B of the emerging LDP2 (Conditions 2 & 3).

Residential Amenity

- 45 Environmental Health note the SSE specifications for a secondary distribution substation states that the sound power level from the transformer is 61 dB (A) per transformer at fundamental frequency 100Hz.

- 46 The relocation of substation means that existing properties at Springbank no longer have the potential to be adversely effected from low frequency noise from the substation. However, there is potential for future residents at the care home to be affected. A detailed scheme to mitigate noise from the substation is required (Condition 5).

Roads and Access

- 47 The majority of representations received on the application raise concerns over construction traffic, traffic, roads and pedestrian safety, damage to vehicles from construction works, traffic congestion as well as access for emergency vehicles.
- 48 The acceptability of the access arrangements into the site has already been assessed under the earlier applications. This application does not alter the access onto Isla Road. Accordingly the proposal still complies with Policy TA1B of the LDP.
- 49 With the sheltered accommodation now built it is acknowledged that a potential conflict between construction traffic and this use could occur. Letters of representation highlight the need to meet health and safety procedures and as part of the contractor's site organisation and establishment, access will form part of this process.

Drainage and Flooding

- 50 Colleagues in Structures & Flooding highlight that with amendments to some of the paved areas there may be an increase in how this affects surface water. They note that the applicant should ensure that there isn't an overall increase in impermeable areas from the previous proposal. This can be satisfactorily controlled by condition (Condition 6).

Developer Contributions

- 51 The Developer Contributions Supplementary Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

- 52 There will be a positive economic impact associated with this proposal due to the delivery of specialist accommodation. There will also be a positive economic impact associated with the construction phase of the development.

LEGAL AGREEMENTS

- 53 None required.

DIRECTION BY SCOTTISH MINISTERS

- 54 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

- 55 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.
- 56 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

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 documents.

2. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

3. The development hereby permitted shall not commence until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Planning Authority. The AMS scheme as subsequently agreed shall be strictly adhered to during construction of the development. The AMS shall include full details of the following:

- a) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- b) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees.
- c) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

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

- 4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

- 5. The development hereby permitted shall not commence until a detailed scheme has been submitted to and approved by the Council as Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation upon noise levels within the residential care home hereby permitted. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In order to safeguard the residential amenity of the area.

- 6. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

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

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads and Bridges standard BD 2/12 (and HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth and Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth and Kinross Council's Structures & Flooding Team (tel 01738 475000; email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.
5. An application for Building Warrant may be required.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

Background Papers: 29 letters of representation
Contact Officer: John Russell
Date: 15 August 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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