

Perth and Kinross Council
Planning & Development Management Committee – 24 October 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/336)

PROPOSAL: Change of use, alterations and selective demolition to former hospital buildings to form 58 flats and associated works.

LOCATION: Former Murray Royal Hospital, Muirhall Road, Perth.

Ref. No: 18/00408/FLM

Ward No: P12 - Perth City Centre

Summary

This report recommends refusal of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This proposal relates to the 3.3 hectare site of the former Murray Royal Hospital located on Muirhall Road to the east of the Perth city centre at the edge of the mainly residential areas of Bridgend and Gannochy areas. To the east and south are open farmland and Kinnoull Hill, respectively. The new Murray Royal Hospital is situated immediately adjacent to the west and North West and there are residential properties to the south across Muirhall Road. One residential property, Murray House, is sited between the south eastern corner of the site and Muirhall Road.
- 2 The Perth City Conservation Area is located approximately 250m west of the south west corner of the application site, at the nearest point. The whole site lies within the Perth Air Quality Management Area (AQMA).
- 3 Vehicular access to the application site is proposed via the two existing access off Muirhall Road. Pedestrian access would be achieved through a number of formal and informal access points around the application site boundary including a core path at the eastern end of the site (KINL/28).
- 4 A hospital has been present on the site since 1827 and new hospital facilities have been built adjacent to the application site in 2010-2012, with the old hospital buildings becoming vacant in 2014. The category of listing for the former Murray Royal Hospital complex comprises of the following:
 - Main Hospital Building - Category A Listed
 - Former Elcho and Birnam ward villas - Category C listed
 - Chapel - Category B listed

- 5 The fire damaged Gilgal building is not referred to in the most recent Historic Environment Scotland listing, but is listed by curtilage (as part of the Main Hospital Building).
- 6 The application site includes all of these buildings; the Main Hospital Building of the former Murray Royal Hospital, the former Elcho and Birnam Wards (Villas), the derelict Gilgal building, as well as the Pavilion building and the Industrial Therapy Unit. All the buildings are surrounded by parkland and open space associated with the former hospital. The site contains a number of trees and tree groups that are covered by Tree Preservation Orders (TPOs).
- 7 The proposal seeks full planning permission for the change of use, and alterations to refurbish the Main Hospital Building and former Elcho and Birnam Wards to form 58 residential flats, selective demolition of buildings, creation of open space, landscaping, infrastructure including access and car parking, and associated works. The Category B listed Chapel is proposed to be retained as a communal building and be maintained long term by the management company. No external or internal changes are proposed for this stage.
- 8 Overall, within the wider Murray Royal hospital other proposed development, two further permissions are sought as follows:
 - In Principle residential development for up to 70 residential dwellings set within the parkland area (application ref: [18/00094/IPM](#))
 - Listed Building Consent (LBC) for refurbishment of Main Hospital Building, Elcho and Birnam Wards to form 58 residential flats, selective demolition of buildings including the fire damaged Gilgal Building. No works are proposed for the former chapel at this stage (application ref: [18/00307/LBC](#)).

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 9 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 10 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.

- 11 The application does constitute EIA development as the location and scale of development triggered the EIA thresholds. Therefore an EIA Report was required to be submitted with the proposal. A Scoping decision (17/00924/SCOP) was issued in July 2017.

PRE-APPLICATION CONSULTATION

- 12 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was required to undertake formal pre-application consultation with the local community. The submitted Pre-Application Consultation (PAC) Report outlined that a public exhibition was held on 22 June 2017 on-site in the chapel. It was attended by approximately 50 people including members of Bridgend, Gannochy and Kinnoull Community Council and the Ward Councillors for the area. The main issues raised were regarding transport issues including congestion at Lochie Brae and Bridgend and air quality issues associated with traffic.

NATIONAL POLICY AND GUIDANCE

- 13 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

- 14 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

- 15 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.

16 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
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraph 269 - 291

Planning Advice Notes

17 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Designing Streets 2010

18 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.

Creating Places 2013

19 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.

National Roads Development Guide 2014

20 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.

Historic Environment Scotland Policy Statement 2016

- 21 Sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy. It is a material consideration in the Scottish planning system. This Statement is supported by **Historic Environment Circular 1** and the **Managing Change in the Historic Environment** guidance notes series.

DEVELOPMENT PLAN

- 22 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

- 23 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.

- 24 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 25 Seeks to focus the majority of development in the region’s principal settlements. Perth is identified as a Tier 1 Settlement with the potential to accommodate the majority of the regions additional development and make a major contribution to the region’s economy.

Policy 2: Shaping Better Quality Places

- 26 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 4: Homes

- 27 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 6: Developer Contributions

- 28 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 8: Green Networks

- 29 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
 - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
 - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan.

Policy 9: Managing TAYplans Assets

- 30 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through 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

- 31 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.
- 32 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

- 33 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 adaptation.

Policy PM1B - Placemaking

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

Policy PM2 - Design Statements

- 35 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

- 36 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 RD1 - Residential Areas

- 37 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

- 38 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 TA1A - Transport Standards and Accessibility Requirements

- 39 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 40 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 CF1A - Open Space Retention and Provision

- 41 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

Policy CF1B - Open Space Retention and Provision

- 42 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 43 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.

Policy CF3 - Social and Community Facilities

- 44 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

Policy HE1B - Non Designated Archaeology

- 45 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 46 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 HE3A - Conservation Areas

- 47 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 NE1C - Local Designations

- 48 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

Policy NE2A - Forestry, Woodland and Trees

- 49 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 50 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 NE3 - Biodiversity

- 51 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 EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 52 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 53 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

- 54 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 55 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP8 - Noise Pollution

- 56 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP11 - Air Quality Management Areas

- 57 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 58 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.
- 59 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.

- 60 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

- 61 [14/00002/PAN](#) Proposal of application notice for mixed use comprising of residential (class 9 and flats), hotel (class 7), care home (class 8), community centre (class 10) with associated open space, landscaping and infrastructure (including access and parking) Content of PAN approved March 2014.

[17/00005/PAN](#) Residential development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works. Content of PAN approved May 2017.

[17/00006/PAN](#) Change of use and alterations to building to form residential units, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works. Content of PAN approved May 2017.

17/00924/SCOP Change of use and refurbishment of former hospital and erection of up to 70 separate residential dwellings. Scoping decision issued July 2017.

[18/00307/LBC](#) Alterations and selective demolition to former hospital and demolition of Gilgal building. Approved under delegated powers September 2018.

[18/00094/IPM](#) Residential Development (In Principle) for up to 70 dwellings. Under consideration at same Planning and Development Management Committee.

CONSULTATIONS

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

EXTERNAL

Scottish Environment Protection Agency (SEPA)

63 No objection following submission of further information.

Historic Environment Scotland (HES)

64 No objection. They are content with the principle of the change of use and have provided separate comments on the related Listed Building Consent (LBC) application in our consultation response for 18/00307/LBC.

Scottish Natural Heritage (SNH)

65 Provided comment on the EIA Report and the impact on biodiversity and protected species.

Scottish Water

66 No objection.

Transport Scotland

67 No objection.

Bridgend Gannochy and Kinnoull Community Council (BGKCC)

68 Object to the proposal. Although not opposed in principle to sensitive conversion of the listed buildings they are opposed to the new build proposed under 18/00094/IPM. Their main concern is traffic congestion at Bridgend and that the applicant's Transport Assessment (TA) contains numerous errors.

Scottish Gas Network

69 No response.

Perth Scone Airport

70 No response.

Forestry Commission Scotland (FCS)

71 No objection.

Royal Society of Protection of Birds (RSPB)

72 No response.

Perth and Kinross Heritage Trust (PKHT)

73 No objection.

INTERNAL

Structures and Flooding

74 No objection.

Environmental Health

75 No objection following further information regarding noise and air quality.

Land Quality (Contaminated Land)

76 No objection but has raised certain issues regarding former use.

Transport Planning

77 Object to the application. The applicants Transport Assessment (TA) was subject to a rigorous audit process, which included being assessed using the Perth traffic model and independently reviewed by the Councils term transport consultant, Systra Ltd.

78 Transport Planning are of the opinion that this application is premature, pending the completion of the Cross Tay Link Road (CTRL) programme and the TA fails to demonstrate that the proposals would not have a detrimental effect on the local transport network.

Development Negotiations Officer

79 Affordable housing, primary education and transport infrastructure developer contributions would be required.

Biodiversity Officer

80 No objection.

Strategy and Policy

- 81 No objection but recommends a phased approach with the conversion taking place before the proposed new build as CTRLR will not be constructed for number of years. The new build is considered to be enabling development and is acceptable provided it can show to be the only means of retaining a listed building. The final layout, design, materials, scale, siting and use of any development could affect the listed buildings and their setting. Site is proposed to be allocated in LDP2 for residential and/or community use meaning the principle of development is acceptable. The applicant has submitted a representation regarding its proposed allocation.

Community Greenspace

- 82 No objection but a play area will be required for the overall development.

Community Waste

- 83 No objection.

REPRESENTATIONS

- 84 The following points were raised in the 14 representations received including Bridgend, Gannochy and Kinnoull Community Council (BGKCC).

The issues raised should be summarised into bullet points ideally.

- Contrary to Development Plan
- Inappropriate density
- Traffic congestion
- Road safety concerns
- Lack of consultation
- Errors in Transport Assessment
- Adverse impact on air quality
- Adverse impact on schools
- Adverse impact on wildlife in particular Red Squirrels
- Loss of open space
- Loss of trees
- Noise pollution
- Flood Risk
- Adverse visual impact

85 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

86

EIA Report	Submitted
Scoping Opinion	Undertaken
Environmental Impact Assessment	Submitted
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Ecological Survey Report; Heritage Assessment; Conservation Plan; Drainage Assessment; Transport Assessment and Air Quality Assessment.
PAC Report	Submitted

APPRAISAL

87 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. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

88 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. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Developer Contributions Supplementary Guidance including Affordable Housing April 2016.

Principle

89 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.

- 90 Both TAYplan Policy 9 (Managing TAYplan's Assets) and LDP Policy HE2 (Listed Buildings) support the principle of bringing listed buildings back into use. 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.
- 91 The site is classed as urban brownfield and is within the Perth settlement boundary. On the basis that the buildings have been empty since 2014 and showing signs of neglect and vandalism the proposed change of use application to sensitively convert them into 58 flats is therefore acceptable and complies with the Development Plan policies on Listed Buildings and residential use. On this basis the principle of change of use to residential of the former hospital is acceptable and complies with LDP Policies HE2 – Listed Buildings and RD1 – Residential Areas.

Cultural Heritage

- 92 The former Murray Royal Hospital is a complex of buildings dating to 1820s and a distinct part of Perth's history. As Paragraphs 4-5 advise the site comprises of the A listed Main Hospital Building built by William Burn, as well as later additions to the site including a gothic chapel (B listed) and Elcho and Birnam Ward half-timbered villas (C listed).
- 93 A Conservation Action Plan was submitted as part of the associated LBC application, which relates to some of the works proposed in this application, which outlines the repairs to the external and internal fabric of the Main Hospital Building and the Elcho and Birnam Wards and will include:

External

- Masonry remedial repairs and maintenance;
- Lime and cement mortar repairs;
- Repair and maintenance to exterior masonry steps;
- Maintenance and repairs to cast iron rainwater goods;
- Iron gate and railing repairs and maintenance;
- Maintenance and repairs to sash and case windows;
- Glazing system and glass repairs and replacement;
- Repairing slate roof;
- Leadwork repairs; and
- Structural timber repairs.

Internal

- Repair, cleaning and maintenance of ceramic tiled flooring;
- External timber door repair;
- Reinstatement and care to decorative fireplaces;
- Identification, curing, removal of rot in timbers;
- Repairing and replacement of timber flooring;

- Repair, care and maintenance of timber window shutters; and
 - Conservation of plasterwork.
- 94 Historic Environment Scotland (HES) are content with the principle of the proposed change of use to residential. In their comments to the associated LBC application they are supportive in principle of securing the future of this nationally important building, subject to further information providing greater detail on the proposed exterior and interior works including subdivision, new kitchen units, pipework etc.
- 95 They note that the EIA has played a role in the process of developing a detailed understanding of the site and its potential sensitivities, and has informed the evolution of the masterplan for the overall site with a view to avoiding significant effects by changing the proposals or building in mitigation to become part of the scheme. They are supportive of the Conservation Action Plan and the comprehensive recording of the current condition of the Gilgal Building proposed for demolition.
- 96 HES note that the overall significance of direct impact for the A-listed former hospital building is predicted by the applicant as moderate in the Environmental Report. The justification given for this score by the applicant is the sympathetic nature of the proposed conversion works and the fact that the proposed development would not significantly alter the historic and architectural character of the listed building. As the principal spaces/ rooms are to be kept largely unaltered and their architectural character preserved, HES agree with this impact prediction score.
- 97 Conservation planning also support the proposed Change of Use and the methodology set out in the Conservation Action Plan is acceptable. Additional detailed information established by more in-depth surveys will be required in relation to the associated LBC approval for external works including roof and stone repairs, and the extent of any changes to or addition of rainwater goods, flues, vents etc.
- 98 Further details will also be necessary in relation to the landscaping in the immediate setting of the listed buildings, including treatment of historic features such as boundary walls, gates, railings and the circular shelters adjacent to the former exercise yard.
- 99 In terms of internal works the retention of principal rooms without subdivision is welcomed by Conservation Planning. Given the importance of the building's interior it is assumed that all historic features including joinery, plasterwork and fittings will be retained unless otherwise specified. In one example, the second floor plans show kitchen units on the wall of the ballroom over an existing decorative chimneypiece. To fully assess the impact of the proposals on the interest of the buildings, details should be submitted prior to the commencement of development specifying the interaction between new partitions and fittings, and existing features such as panelling, fireplaces, doors etc.

- 100 No details are provided regarding retention or replacement of the windows and external doors as they are currently covered over by metal sheeting. Any works to the windows and external door will have to be dealt with through a separate LBC application following a detailed survey.
- 101 The fire damaged Gilgal building is protected by the listing of the Main Hospital Building but information has been submitted to support its demolition as part of development of the wider site. HES and the Councils Conservation Planner are content that the information provided is satisfactory in this respect, and that the scope of selective demolitions across the site is as discussed at pre-application stage.
- 102 PKHT is broadly content with the proposal and appreciate the attention to the original build and its future conservation. Included in the LBC proposal is the demolition of various buildings to the south of the site, in particular the fire damaged Gilgal Building. This building was designed by Smart, Stewart and Mitchell to house voluntary patients and was built in 1929. A second building, titled Nurses' Home, was built to the west of Gilgal by the same architects and was thought to be Perth's only International Style building and also took inspiration from the Arts and Crafts movement. Noted only as a basic record in Canmore and not visible on aerial maps it is likely this was demolished in recent years.
- 103 The Gilgal Building has been severely damaged by fire and is currently derelict and part ruinous, and has been rated of moderate importance. It is also noted in the Historic Environment Scotland (HES) Policy Statement that attempts have been made to source architectural plans but this has not yet been successful.
- 104 Therefore, due to the historic character of the Gilgal building it is recommended that a Standing Building Recording is undertaken prior to its demolition. Due to the nature of the archaeological remains and the already landscaped areas of site that will be affected no archaeological condition is recommended by PKHT.
- 105 PKHT recommends that a suspensive condition be applied for a standing building recording be attached to any consent to ensure that an appropriate record is made of this historic building range prior to demolition and re-development.
- 106 With regard to the B Listed Chapel, it is noted also that no works are proposed to the chapel at this stage. The Planning Authority support the principle of conversion of this building and this will require a Listed Building Consent application in due course.
- 107 In terms of archaeological evidence, this comprises of two Monuments in Perth and Kinross (MPKs) within the overall site boundary – both remains of rig and furrow (MPK 3363 and 3364), as well as a Bronze Age socketed axe (MPK 3487) which was discovered on the grounds. Neither of these have a direct impact on the listed buildings.

Roads and Access

- 108 An important part of the proposal is the consideration of roads and traffic impacts, as assessed through the EIA Report and submission of a Transport Assessment (TA). These documents examined the overall proposals impact on the transport infrastructure in the immediate area and, in particular, at Bridgend.
- 109 Because of existing transport congestion and air quality condition at Bridgend, the TA was subject to a rigorous auditing process due to concerns raised over trip rates, modelling outputs and in particular predicted queue lengths , which included being assessed using the Perth Traffic model and being independently reviewed by the Councils term transport consultants, Systra Ltd. To check the actual, current conditions at the Bridgend junction the Council commissioned a full set of new traffic counts and queue length surveys.
- 110 Whilst Transport Scotland have not objected to the proposal, the Council's Transport Planning's team have raised a significant objection to both the proposed conversion and new builds. The main issues identified are discussed below.

Queue Lengths

- 111 Queue length data that has been provided to support the application shows that the junction operates satisfactorily at peak times. However, Transport Planning did not agree with this view and subsequently commissioned traffic surveys carried out in April 2018, where maximum queue lengths of 500m were recorded on East Bridge Street in the AM peak and 300m on Gowrie Street in the PM peak, indicating significant issues with blocking back at the Bridgend junction. Local knowledge of the issues at Lochie Brae in the morning peak period was also highlighted in the new surveys with vehicles queued back up Lochie Brae to the junction at Muirhall Road and Gannochy Road.

Accessibility to non-car transport modes

- 112 Transport Planning consider that this application is premature, pending the completion of the Cross Tay Link Road (CTLR) programme. Once the CTLR programme has been completed, Transport Planning considers that relief would be afforded at the Bridgend junction and capacity would be created, which may allow this site to come forward. However, with current transport network capacity issues Transport Planning consider that the proposal is contrary to policy TA1B, in the adopted LDP and that the TA fails to demonstrate that the proposals are an accurate representation of actual observed conditions. and at this time would add to the problems of congestion and air quality on the immediate local transport network.

- 113 Following a number of requests, the applicant's transport consultant responded to the points raised by Transport Planning, in July 2018. The response unfortunately did little to address the concerns raised.
- 114 Internal discussions between Development Management and Transport Planning have considered the options available for a phased approach to the overall development of the site and what impact this would have on the transport network with no new build until the CTRL becomes a committed project. This could principally consider a construction limit on the number of converted units per annum until such time that the CTRL is a committed project. This was considered based on the basis that such an approach could limit the impact on an already congested Bridgend junction.
- 115 The applicant's transport consultant was requested to assess the impact of such scenarios and provide a justification for a phased approach; however, to date no such assessment has been submitted. Their position continues to be that there is no congestion issue at Bridgend and that the proposed development at Murray Royal will have a negligible impact on the transport network. Transport Planning's view is this is fundamentally wrong when compared to actual observed traffic conditions.
- 116 Further suggestion was given by officers to address the issues, including the need for the proposed development to reduce car usage numbers to/from the site, including the provision of a Car Club (including details of provision & operation) and reduced parking provision/methods to increase sustainable travel.
- 117 The applicant was invited to address and justify these options. It was made clear that this would require physical infrastructure as well as softer complimentary measures, such as a residential travel plan, to promote the site as a low car use neighbourhood and minimise its impact on an already critically congested junction at Bridgend. Again no further information has been submitted to address the transport concerns. Transport Planning therefore have no option but to maintain their objection to the proposal.
- 118 Transport Planning therefore maintain their objection to the proposal. The proposal, as it stands, is considered to be contrary to LDP Policy TA1B, in that the TA and other supporting information, fails to demonstrate that the proposals would not have a detrimental effect on the local transport network.

Landscape

- 119 This change of use application will have a limited impact on the surrounding landscape as it is primarily concerned with its use status and work to the external and internal elements of the listed buildings including repair and maintenance and the exterior façade. The demolition of the fire damaged Gilgal building and other modern unlisted buildings within the grounds will have a

positive impact. The provision of car parking and bin storage will have some impact but overall is considered to be quite limited.

Residential Amenity

- 120 There will no impact on the existing or proposed residential properties as a consequence of the change of use proposal other than increased traffic from the buildings being brought back into use.

Visual Amenity

- 121 The repair and maintenance of the listed buildings and demolition of the fire damaged Gilgal building will improve the visual amenity of the overall site as it has suffered from a lack of maintenance and vandalism since its closure in 2014.

Drainage and Flooding

- 122 Scottish Water have not raised any issue regarding water and foul water capacity or connectivity in the area. Neither SEPA nor the Councils Structures and Flooding team have raised any concern regarding foul and surface water drainage.
- 123 *In terms of flood risk SEPA do not have any objection to the proposal and Structures and Flooding have not raised any concerns. As part of the Environmental Report, a drainage strategy was submitted in support of the application. Section 5 of the strategy states that “ground levels will be set so no flooding of any property on or adjacent to the site occurs and that access for emergency vehicles would not be impeded”. SEPA supports this position. It is also stated that “it is anticipated that flood risk from the south, out with the site boundary is extremely low due to kerb up-stands and boundary features including a heel kerb with upstand at the rear of the footway and stone walls in places.” Therefore the risk of flooding from off-site sources is minimal due to stone walls and kerbs ensuring that surface water run-off will remain along the road network to the south. The proposal complies with LDP Policies EP2 – Flooding and EP3 – Water Environment and Drainage.*

Noise and Air Quality

Noise

- 124 The proposal has been assessed for noise at existing receptors due to traffic increase, and at future properties arising from the adjacent Murray Royal Hospital. The increase in noise arising from the traffic was of negligible significance once modelled and Environmental Health agree with this assessment. The proposal complied with LDP Policy EP8 – Noise Pollution

Air Quality

- 125 The air quality impact of this development has been assessed both in terms of construction including dust and operational impacts through increased traffic. Perth and Kinross Council have a duty to review and assess air quality with their area and under these duties, the whole of Perth was declared an Air Quality Management Area (AQMA) with the Bridgend area being one of our hotspots for both nitrogen dioxide (NO₂) and Particulates (PM₁₀).
- 126 The air quality has been assessed using a roads model and the significance has been evaluated in line with the Environmental Protection Scotland/ Royal Town Planning Institute guidance *Delivering Cleaner Air for Scotland*. Environmental Health broadly agree with the approach.
- 127 In the main, the increase for all pollutants is negligible; that is to say less than 0.5% relative to the annual mean air quality standard for that pollutant. A negligible significance is not a cause for concern regarding air quality assessment. There is one receptor in Logie Brae which is deemed to have a moderate increase in PM_{2.5} and this is slightly more concerning. Environmental Health have not objected to this increase on the grounds:
1. The PM_{2.5} standard is so low at 10µg^m-³ that a 0.1µg^m-³ increase or above is deemed more than negligible and this is the increase seen at this receptor which is the lowest reportable under the above guidance.
 2. Much of the PKC PM_{2.5} is thought to arise from the background PM_{2.5} which Environmental Health have no control over.
 3. This is a conservative estimate for future years assuming no improvement in fleet which is likely to occur to some extent in the next 4 years.
 4. The CTLR is anticipated to be complete in 2023 which should remove a significant amount of pollution from the Bridgend area including PM_{2.5}
- 128 Construction Dust was also assessed within the Air Quality Assessment. This was based upon the Institute of Air Quality Management (IAQM) guidance however Environmental Health have some issues with how this was assessed. This guidance looks at magnitude of the impact based on the size of the site and the activities undertaken and compares this to the sensitivity of the area to give an overall risk. The magnitude for earthworks and construction was deemed large with track out and demolition medium.
- 129 The sensitivity part of the risk assessment depends upon the sensitivity of the receptor and number of receptors within different distance bands with <50m being used in this assessment. The assessment states that there are 1-10 receptors in this band and therefore the sensitivity of the whole area is low. However, Environmental Health believe that the new Murray Royal Hospital has only been counted as one receptor.

130 The IAQM guidance states that a receptor is a residential unit but “*for receptors which are not dwellings professional judgement should be used to determine the number of human receptors for use in the tables, for example a school is likely to be treated as being in the >100 receptor category.*” Due to this Environmental Health believe the hospital in close proximity makes this area of higher sensitivity than is stated. This means that the dust impact is high risk rather than low and this will have an impact on the level of detail required in the Dust Management Plan (DMP).

131 Rather than recommend reassessment of construction dust, Environmental Health have recommended a condition requiring the preparation of a dust management plan as part of any permission granted. This could form part of a wider Construction Environmental Management Plan (CEMP) but should be undertaken with mitigation measures relating to high risk sites. On this basis, I am satisfied that matters of air quality could have been adequately addressed through planning conditions and ensure compliance with LDP Policy EP11.

Waste Collection

132 No objection to the proposal was received by Waste Services. There is an opportunity, through a Council pilot project, for the required bin storage to be underground and should the application be approved, the applicant should discuss this potential with the Councils Waste Services team.

Contaminated Land

133 The proposed development is on land that is identified as having formerly been occupied by a hospital. The Councils Land Quality Officer (Contaminated Land) has stated there is the potential for ground contamination resulting from this former land use which could impact the suitability of the site for the proposed use. In addition mapping indicates that there is an area of potentially infilled ground within the proposed development site. The nature and volume of the infill material is unknown and therefore there is the potential for contaminants to be present. Dependant on the nature of the material there is also the potential for generation of ground gas.

134 Should consent be granted a pre-commencement condition is recommended. I am content that this would be an acceptable approach to the contaminated land risks identified and compliant with LDP Policy EP12 – Contaminated Land.

Natural Heritage and Biodiversity

Designations

135 SNH has reviewed the EIA Report, as there are natural heritage interests of international and national importance in the vicinity of the site. The River Tay Special Area of Conservation (SAC) is located 450 west of the proposed site. Kinnoull Hill, a Site of Special Scientific Interest (SSSI), is located 800 metres

south east of the proposed site. SNH do not consider that either designation will be adversely affected by the proposal. I am satisfied there would be no impacts on designations arising from this proposal and is compliant with LDP Policy NE1 – Environment and Conservation Policies.

Protected Species

- 136 Chapter 5 of the EIA Report considers potential significant impacts of the development specifically in relation to ecology and biodiversity. This chapter is supported by Technical Appendix 5.A, an Ecological Survey Report. The Survey Report advises that ecological surveys were undertaken in 2017 and included a Phase 1 habitat survey and bat surveys. However, in respect of the Main Building, Elcho and Birnam Wards, these were not surveyed at this time. Instead, the report relies upon and summarises only earlier surveys of this building undertaken in 2016. It is stated that the 2016 surveys identified 12 possible roost locations and, over three dusk surveys, several bats emerging from a number of locations. The buildings subject of this application are considered to be of moderate to high bat roost potential.
- 137 SNH state that the EIA Report appears competent in identifying the protected species across the site, however, it is noted that a species protection plan produced for bats, birds and other species has not been provided. A species protection plan should use survey data to identify how a proposal may impact on a protected species, demonstrate how work or development may progress while safeguarding these species and assists in applying for any licence required from SNH for the removal or disturbance of these species. No such plans have been provided. The Council's Biodiversity Officer reviewed the Ecological Survey within the EIA Report. The survey identifies any issues where bats may be affected. However, they note that no recommendations or mitigation measures are included in the report, which could have included the incorporation of features such as bat boxes and Swift bricks into the proposed buildings and these would need to be within the proposed conversion works. This position correlates with SNH's advice, as set out above, that a species protection plan should have been submitted; critically this is required to consider the impacts on bats, as a European Protected Species, through the conversions.
- 138 As advised, the applicant relies upon survey data from 2016 in respect of bats in key buildings subject of this application. SNH advise that for applications for licences (where needed) should be supported by surveys no more than 18 months old. It is considered that such a timescale is also appropriate for consideration of development proposals where the Council has a statutory duty to consider and protect European Protected Species. There is little justification in the EIA Report (incorporating the Ecological Survey Report) to justify the reliance of this 2016 data and the lack of contemporary surveying in 2017, alongside new surveys undertaken at that time, taking place for the affected buildings.

- 139 In the absence of up-to-date data for these buildings, and species protection plans for bats for all of the buildings, including those with current surveys, it is not possible to understand if the proposed development and conversion works there is adverse impact on a European Protected Species. Therefore, it is not possible to understand if there are potential adverse impacts on bats that could be avoided or mitigation provided to allow development to proceed with safeguards in place. As such, the proposal is considered to be contrary to LDP Policy NE3.

Trees

- 140 The overall site of the former Murray Royal Hospital is a mature designed landscape including a number of trees which are protected by a Tree Preservation Order (TPO). Biodiversity comment that it would be worth including other trees, in particular the Lime Avenue to the east of the site into this TPO. These are identified as groups 2933 and 2934 in the tree survey and are considered to be category A trees.
- 141 Key features of the site that need to be retained as far as possible include the woodland belts and avenues and the attractive western stone wall which is included in the listed status of the main hospital building. Strategy and Policy consider there is insufficient detail of how these features are considered and protected within the overall proposal and how they are incorporated within the landscape plan.
- 142 It is likely there will be other vegetation clearance of shrubs, this should only occur outside of the bird breeding season. Any shrub clearance should only occur between September and February to avoid disturbing nesting birds.
- 143 Forestry Commission Scotland have no objection to the overall proposal provided there is compensatory planting to offset the loss of any woodland and they adhere to UK Forestry Standard (UKFS).

Developer Contributions

- 144 Should the application be approved, the applicant will be required to meet the Councils required Developer Contributions for this proposal and these include affordable housing, primary education and transport infrastructure and the provision of a play area. A Section 75 legal agreement will be required before a decision notice can be released.

Economic Impact

- 145 The proposal would have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed. The proposal will create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area. The level of available expenditure that will be created by the development

will have a positive impact on Perth and in particular businesses and shops at Bridgend.

- 146 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing land requirements in Perth.

Pre-Application Public Consultation

- 147 Concern has been expressed in some the representations that the pre-application public consultation exercise undertaken for this proposal was inadequate. I am satisfied however that pre-application consultation was undertaken in accordance with the approved PAN submitted by the applicant and meets the Scottish Government's requirements for major planning applications.

LEGAL AGREEMENTS

- 148 Should the application be approved, the applicant will be required to meet the Councils required Developer Contributions for this proposal and these include affordable housing, primary education and transport infrastructure and the provision of a play area. A Section 75 legal agreement will be required before a decision notice can be released.

DIRECTION BY SCOTTISH MINISTERS

- 149 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

- 150 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 LDP and material considerations and I consider that the development proposed conflicts with LDP in terms of the potential adverse impact on existing transport network, before the delivery of the Cross Tay Link Road (CTLR). Further, it has not been demonstrated that the proposal would not have an adverse impacts on bats, a European Protected Species.
- 151 Accordingly the proposal is recommended for refusal on the grounds identified below.

RECOMMENDATION

Refuse the application for the following reasons:

1. The submitted Transport Assessment (TA), and other supporting information, fails to demonstrate that the assessment has accurately reflected existing traffic conditions and, ultimately, that the additional traffic generated by the development would not have a detrimental effect on the local transport network. The proposal is therefore contrary to Policy TA1: Transport Standards and Accessibility Requirements (specifically TA1B) of the Perth and Kinross Local Development Plan 2014
2. The applicant has failed to demonstrate, through appropriate and up-to-date surveys and the absence of a species protection plan for bats being submitted, that the proposal would not have an adverse impact on a European Protected Species and whether any impacts could be avoided or mitigation provided to allow development to occur with safeguards in place. The proposal therefore does is contrary to Policy NE3: Biodiversity of the Perth and Kinross Local Development Plan 2014.

B JUSTIFICATION

For the reasons detailed above, the proposal is not considered to comply with the Development Plan and there are no material considerations present that would justify setting these conflicts aside.

C PROCEDURAL NOTES

None required

D INFORMATIVES

None required

Background Papers: 33 letters of representation
Contact Officer: Steve Callan 01738 475337
Date: 11 October 2018

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