

Perth and Kinross Council
Planning & Development Management Committee – 1 June 2020
Report of Handling by Head of Planning & Development (Report No. 21/75)

PROPOSAL:	Erection of a care home, formation of vehicular access, parking areas, landscaping and associated works
LOCATION:	Land at former Hillside Hospital, Dundee Road, Perth

Ref. No: [20/01779/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 The site comprises the former Hillside Hospital and its grounds, which are located south of Bellwood Park, between Dundee Road and the River Tay. The entire site including the grounds covers an area of approximately 0.72 hectares, with a significant slope running from Dundee Road down to the River Tay. The 3-storey 19th Century hospital buildings previously stood on the upper area of the site, adjacent to Dundee Road but it was demolished in 2007 and the site cleared. The site is enclosed to the east along the Dundee Road and south by substantial stone boundary walls. Access into the site is presently taken from Riverview Park which junctions onto Dundee Road.
- 2 In 2007 planning permission was granted for the demolition of the hospital buildings and the erection of a 76-bed care home, 20 close care facilities and 49 residential flats (Ref: [06/01241/FUL](#)). The lower half of the proposed development comprised of a large three storey care home flanked to the north and south by two smaller, 3-storey close care units. Within the upper area, to the east of the care home, the proposals comprised of four blocks of flats, each 3-storey in height, with an additional penthouse level. Access to the site was to be taken via a new junction formed onto Dundee Road and within the site, a total of 103 parking bays were proposed to serve the entire development.
- 3 It is important to highlight that the 2007 permission is still a 'live' permission as the previous Developer made a material start to work through the demolition of the hospital buildings. As such, the development associated with the 2007 permission could be re-commenced at any point without the need for any further planning permission and is therefore a significant material consideration in the assessment of this application.

- 4 This application relates to the northern half of the site only and permission is being sought for the erection of a 77-bed care home facility. It is proposed that this element of the proposals will be Phase 1, with a second phase comprising of 50 flatted units being sought at a later date for the southern area of the grounds. The proposed care home is of a relatively contemporary design that extends down the slope of the site, with the upper section adjacent to the Dundee Road being single storey which then transitions into a 3-storey structure as it extends down towards the River Tay.
- 5 Within the lower area of the site a large, private communal garden will be formed for care home residents with a central courtyard area providing a formal outdoor seating area. A pedestrian link is also included from the garden area to provide access to the Riverside Walk core path (KINL/1).
- 6 As per the 2007 permission, the site will be accessed via a single new junction onto Dundee Road which will serve both the care home and the future residential phase. The new access will include road widening on Dundee Road in order to form a new turning lane. A total of 31 car parking spaces, including 2 disabled bays, will be provided within the northern area of the site, adjacent to the main access for the current proposal.
- 7 A masterplan has been submitted which suggests an overall development comprising of the care home element within the northern area of the site and four flatted blocks to the south. The plans also indicates that the residential phase will incorporate 77 parking spaces taking the total number of spaces to 108 parking bays upon completion of both phases.

Pre-Application Consultation

- 8 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community. The developer did however voluntarily undertake informal consultations with stakeholders and interested parties in early 2020.
- 9 A pre-application enquiry was also submitted to the Planning Authority for comments and advice (Ref: 20/00083/PREAPP). This scheme was very similar to the current proposals and comments were made on a broad range of matters including policy, design, layout, parking, access and drainage.

NATIONAL POLICY AND GUIDANCE

- 10 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 2014

- 11 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. This is a statutory document and material consideration in any planning application. It 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

- 12 The Scottish Planning Policy (SPP) 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.
- 13 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
 - Supporting Business and Employment: paragraphs 92 – 108
 - Enabling Delivery of New Home: paragraphs 109 – 134
 - Valuing the Historic Environment: paragraphs 135 - 144
 - Archaeology: paragraphs 150-151
 - Valuing the Natural Environment: paragraphs 193-218
 - Managing Flood Risk and Drainage: paragraphs 254-268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

Planning Advice Notes

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage

Creating Places 2013

- 15 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 16 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 18 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 19 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."

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2

- 21 The Local Development Plan 2 (2019) (LDP2) 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.
- 22 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 7B: Employment and Mixed Used Areas: Mixed Use Sites
 - Policy 22: Particular Needs Housing Accommodation
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 28A: Conservation Areas: New Development
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 38A: Environment and Conservation: International Nature Conservation Sites
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53E: Water Environment and Drainage: Water Supply
 - Policy 56: Noise Pollution
 - Policy 57: Air Quality
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 23 This document sets out the Council’s policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Open Space Supplementary Guidance 2021

- 24 The document provides an indication of likely open space requirements for new developments.

Placemaking Guide 2020

- 25 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Supplementary Guidance Flood Risk and Flood Risk Assessment

- 26 This document provides guidance relating to the Perth and Kinross Local Development Plan (LDP) 2 Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage

SITE HISTORY

The relevant history relating to this application is outlined below:

- 27 99/00555/OUT Demolish existing building and erect 11 detached dwellinghouses and 44 flats with associated roads, parking and landscaping (in outline), Decision Issued 21 June 1999, Appeal Dismissed
- 28 01/01142/OUT Demolition of existing hospital building, erection of a hotel and nursing home with associated assisted living housing and one private house (in outline), Withdrawn 18 September 2001
- 29 [06/01241/FUL](#) Demolition of existing building and proposed mixed use development, health care and residential, Decision Issued 31 May 2007, Application Approved
- 30 [18/00011/PAN](#) Residential development comprising dwellinghouses, apartments and affordable housing, access and open space including landscaping and SUDS with associated infrastructure and services Decision Issued 28 September 2018

CONSULTATIONS

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

External

Bridgend Gannochy And Kinnoull Community Council

- 32 Support the principle of the care home element of the proposals but object to the proposed development due to lack of parking provision within the site and consider that conditioning the submission of a Travel Plan will not address the issue. Also note concerns in respect to an increase in traffic levels and request a planning condition requiring that the development is not progressed until the Cross Tay Link Road (CTLR) is complete.

Perth and Kinross Heritage Trust

- 33 The site does not raise any significant issues. No further archaeological mitigation is required in this instance.

Scottish Water

- 34 Initially objected to the proposal due to concerns in respect to the position of the development relative to existing infrastructure within the site. However, following minor adjustments to the plans and clarification on the re-routing of infrastructure, Scottish Water have advised that they are satisfied with the information submitted at this stage.

Perth & Kinross Health and Social Care Partnership

- 35 No identified shortage of care home beds in Perth and Kinross and state the strategic ambition is to support people to stay longer at home which should reduce or delay the need for people to move into care homes and the demand for provision, locally. However, the provision of specialist residential and nursing provision for people with complex mental health issues would potentially address unmet local need and would be a welcome addition to the range of services our citizens can access and benefit from.

Internal

Biodiversity Officer

- 36 No objection subject to conditions.

Transport Planning

- 37 Initially raised concerns in respect to the level of parking provided on site and recommended an increase in the provision of parking. As per recommendations, the developer has increased the parking from 24 spaces to 31 spaces which is considered acceptable, provided the requirement for a Travel Plan to manage staff transport is conditioned as part of any approval.

Development Contributions Officer

- 38 No contribution required due to existing 'live' permission associated with the 2007 permission for a care home and apartments.

Environmental Health (Contaminated Land)

- 39 Site investigations were undertaken a number of years ago in connection with 06/0124/FUL and no contamination issues were identified at that time.

Environmental Health (Noise Odour)

- 40 No objection, subject to conditions to control delivery times, noise from plant or equipment, kitchen ventilation, external lighting, dust suppression during construction and emissions from the gas-fired boilers.

Conservation Team

- 41 No objection to scale or design of the care home element. Recommend conditions in respect of the repairs/alterations to the stone boundary walls and the planting of suitable replacement trees to compensate for the loss of the protected tree.

Structures and Flooding

- 42 No objection following the submission of additional drainage information and an updated Flood Risk Assessment.

Strategy and Policy

- 43 Suitable location for a care home but note lack of information in respect to renewable technology measures to meet required carbon reductions under Policy 32. Also recommended improvements to the surface water scheme to incorporate more above ground ecological features.

REPRESENTATIONS

- 44 A total of 17 letters of representation have been received over two separate periods of public consultation, including two letters from Bridgend, Gannochy and Kinnoull Community Council. Many of the comments were supportive of the principle of the care home but the following points were raised:
- Lack of parking
 - Use of Travel Plan will not address parking issues and would be difficult to monitor/enforce
 - Increase in road traffic
 - Impact on road safety
 - Development should not commence until CTRLR is complete
 - Phase 1 and Phase 2 should be assessed together at the same time in order to avoid fragmented approach to the development
 - Inappropriate scale and design
 - Impact on visual amenity of area
 - Impact on character and setting of Conservation Area
 - Lack of need for care home beds in Perth
 - Lack of public consultation
 - Overshadowing
 - Repair of private road to Hillside following development
 - Loss of views and overlooking in respect to Phase 2
 - Loss of Cedar tree which is protected by TPO status

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

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA)	Not Required
Appropriate Assessment	AA undertaken
Design Statement / Design and Access Statement	Statement Submitted
Reports on Impact or Potential Impact	Flood Risk Assessment; Ecological Assessment; Tree Survey; Drainage Strategy; Transport Assessment; Noise Impact Assessment; Air Quality Assessment; Town and Visual Appraisal

APPRAISAL

- 46 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 2019 (LDP2). 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 the Placemaking Guide 2020 and the Affordable Housing and Developer Contributions 2020.

Principle

- 47 As previously noted, it is important to highlight that this site has a 'live' permission from 2007 for the erection of a 76-bed care home, 20 close care facilities and 49 residential flats. As such, this is a significant material consideration as the principle of a care home on the site has already been established. Nevertheless, the current proposals still need to demonstrate compliance with the relevant policies of the adopted LDP2.
- 48 The former Hillside Hospital site forms part of a mixed-use development opportunity site (MU337), where Policy 7B of the LDP2 is applicable. Of particular relevance is the site-specific developer requirements for the site which sets out the anticipated use as residential or hotel and also requires the submission of a masterplan setting out the phasing and comprehensive development of site as a whole.
- 49 Whilst the proposed use of this site as a care home is not one of the potential listed uses for this mixed-use site, the list of acceptable uses is not exhaustive. It is noted that Policy 22 'Particular Needs Housing Accommodation' supports the

provision of care home accommodation within residential areas where residents have access to local services and facilities and are integrated within the local community. It is considered that this proposed development achieves both of those aims.

- 50 As such, the proposed development of a care home, as part of a mixed-use development alongside a future residential phase on the southern area of the former hospital site, is acceptable in principle. The key policy aims of LDP2 to realise the redevelopment of this prominent brownfield site are met.

Design & Layout

- 51 The design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 52 The proposed care home is of a relatively contemporary design, utilising a palette of materials comprising of white render, aluminium cladding, timber effect cladding and grey facing brick. The flat roof building extends down the slope of the site, with the upper section adjacent to the Dundee Road being single storey which then transitions into a 3-storey structure as it extends down towards the River Tay. This allows the building to have very little visual presence when viewed from Dundee Road but then emerges from the site in the lower area, taking advantage of the open, southern aspect towards the River Tay.
- 53 In terms of layout, the main service area is located within the upper section of the building, closest to the road, with the accommodation split into two wings, which both feature their own dining and amenity areas and covered terrace. The benefit of this layout is that the accommodation is located further from the roadside noise and each wing and each floor can be operated independently of the other.
- 54 Externally, the care home will have a large communal outdoor area that features a landscaped courtyard area with seating and a larger area of open garden ground beyond, leading down towards the River Tay beyond. A pathway link has been incorporated into the updated plans within the north western corner of the site in order to allow pedestrian access down onto the Riverside Walk core path which provides good connections into the city centre and surrounding area.
- 55 Overall, the design of the proposed building is well considered and responds to the sloping topography of the site. The scale of the building is quite large when compared to neighbouring-built development, but the hospital buildings that previously stood on the site were not dissimilar in scale. The extant permission also permitted the erection of a relatively substantial development of a similar scale and design.
- 56 As such, the design and layout of the building is considered acceptable and in accordance with the relevant placemaking policies 1A and 1B of the LDP subject

to a condition requiring the submission of a detailed specification for external finishing materials (Condition 16).

Masterplan – Phase 2

- 57 As part of the site-specific developer requirements set out in LDP2, the applicant has provided an illustrative masterplan for the second phase of development within the southern area of the site. This phase will be entirely residential, comprising of 50 flats across four blocks serviced by the same access onto the Dundee Road. The detailed design and finish each block has not been confirmed at this stage but the plans do indicate four large flatted blocks ranging between 4 and 5 stories in height, which will be of a similar modern design
- 58 The scale of the second phase has raised several concerns, particularly in relation to the height of the two blocks positioned within the upper area of the site, adjacent to the Dundee Road.
- 59 The focus of the current proposals relates to the care home element, but the remaining residential phase is a key component of the overall development, hence the requirement for a masterplan. The indicative proposals do not appear to give the same level of consideration to the topography of the site that has been incorporated into design of the care home, particularly in relation to the two blocks adjacent to Dundee Road. Whilst it would not necessarily be reasonable to expect that the scale of development in the upper area of the site be restricted to single storey, it is considered that the height and scale of any development within the elevated area, adjacent to Dundee Road, needs to be given further consideration prior to coming forward with detailed proposals for Phase 2.
- 60 Nevertheless, this current application only relates to the proposed care home and the assessment of any future phase of development will be undertaken upon the submission of a separate detailed planning application. Furthermore, for the avoidance of any doubt, a condition has been applied to highlight that the indicative masterplan is not approved (Condition 17).

Residential Amenity

- 61 Policy 1A and 1B seek to ensure, amongst other criteria, that new development respects the residential amenity of the surrounding area. Policy 17 contains similar criteria which seeks to ensure that only compatible uses are permitted within residential areas in order to ensure existing residential amenity will be protected and, where possible, improved.
- 62 The proposed site is identified as a development opportunity within LDP2 which has lain vacant for an extended period of time. In its current state, this brownfield site does not contribute to the character of the area so the development of the site will be of benefit to the character and amenity of the wider area. It is also considered that the development of a care home alongside a future phase of residential development is compatible with the character of the surrounding residential area.

- 63 In terms of the amenity of properties within the immediate area of the site, the applicant has undertaken a shadow analysis in order to assess the potential impact of the structure on the neighbouring properties and their associated garden areas. This analysis demonstrates that, with the exception of December 22 at 12.00, any encroachment of shadows onto neighbouring gardens is minimal, with no overshadowing onto neighbouring buildings. On this basis, there is no unacceptable impact on daylight/sunlight to neighbouring properties.
- 64 There are also no issues in relation to overlooking with no windows within 9 metres of any neighbouring boundary to the north.
- 65 Overall, it is considered that the proposals are acceptable in terms of the residential amenity of residents of the surrounding area and that of the future occupiers of the care home and therefore in accordance with Policy 1A, 1B and 17 of LDP2.

Roads, Transport and Access

- 66 Policy 60B of LDP2 is relevant and requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant.
- 67 The level of parking provision has been the most significant concern of local residents and has been discussed at length with both Transport Planning and the agents transport consultants. Based on the NRDG, the maximum parking standards for a development of this size and nature would be 59 but this is only a guide and the circumstances of each individual development must be taken into consideration when assessing the overall parking requirements. Initially the developer submitted a layout with provision for 24 spaces. Colleagues in Transport Planning considered this to be inadequate for the scale of the proposed development. Following further discussions and assessment of the data contained within the Transport Assessment (TA), it has been agreed that a minimum of 31 parking spaces should be provided on site. In response, the developer has amended the plans to incorporate an additional 7 parking spaces, taking the total to 31 parking spaces.
- 68 The proposals also include a package of measures to aid more sustainable methods of travel; including a relocated bus stop equipped with a power supply to enable the installation of real-time bus stop information to be installed at a location to be agreed with the Council (Condition 6) and cycle parking being provided on site (Condition 25). It is also noted that the site is located relatively close to the city centre with bus services on Dundee Road and good walking/cycling connections afforded by the adjacent Riverside walk core path.
- 69 In addition to the above, it is also proposed that the care home operator will produce a Staff Travel Plan which will seek to manage staff use of the car park and encourage such measures as lift sharing and more sustainable modes of transport such as bus or cycling. This will be a live document that the care home operator will manage and adapt going forward. Such plans are well recognised as good practice and part of wider national policy in reducing car-

based trips. However, this plan will need to be submitted for approval prior to the care home becoming operation (Condition 2)

- 70 It is also important to highlight that the existing 'live' permission is very similar to this current proposal in respect to both access and parking. As previously noted, the consented scheme permitted a 76-bed care home alongside 20 close care units and 49 residential flats. That scheme had a total of 103 parking spaces to serve the entire development. This current proposal seeks the erection of a 77-bed care home and a future phase of 50 residential flats. The total number of parking bays indicated for the entire scheme upon completed will be 108 spaces; seven more than the previous scheme which was arguably of a greater scale.
- 71 On that basis, the proposed development will have no greater impact than the previously consented scheme approved under the 2007 permission which could feasibly still be developed.
- 72 In any case, it is considered that the revised proposals are acceptable in terms of the access and parking and therefore in accordance with Policy 60B of LDP2.

Impact on Character of Conservation Area

- 73 Policy 28A of the LDP seeks to ensure that new development contributes positively to the character and appearance of the Conservation Area and outlines that any development outwith that will impact upon its special qualities should be appropriate and sympathetic to its appearance, character and setting. Whilst the site is not located within the Conservation Area, it is located adjacent to the Kinnoull Conservation Area which lies immediately to the east. One of the principal characteristics of this part of the Kinnoull Conservation Area is the view west towards the river, over the development site and beyond.
- 74 In this respect the Conservation Officer has reviewed the proposals and it is concluded that the design of the proposed care home is acceptable. The design of the building, with its single storey height at the eastern edge, will greatly reduce the visual presence of the building when viewed from Dundee Road and should allow views to and from the Conservation Area to be retained.
- 75 In respect to views from Shore Road and beyond, the banks of the River Tay are relatively densely wooded, and Moncreiffe Island will to a significant degree screen the care home from view. Views of the site from the walkway over the bridge are also partially obscured by the existing trees along the riverbank. The building will also be set against a rising backdrop and viewed in context with other built development. As such, it is considered that the development will not have any significant impact on the wider landscape.
- 76 The retention of the stone boundary walls is particularly important, as set out in the LDP2 site-specific requirements. As per the 2007 permission, the applicant needs to alter the alignment of the walls in order to form the access into the site. To ensure that the alterations and repairs to the walls are undertaken in an appropriate manner, the Conservation Officer has recommended a condition

requiring details of the proposed repairs/alterations prior to commencement of development (Condition 9).

- 77 The scale and height of the future phase of flats, as indicated on the masterplan, will likely have a greater impact on the setting of the Conservation Area. Nevertheless, this application is solely related to the care home element and an assessment of the potential impact of the residential phase will be undertaken upon the submission of a detail application for Phase 2.
- 78 In terms of impact on the Conservation Area, the loss of the protected Cedar tree is regrettable (discussed further in the heading on Landscape / Trees below), and its felling will have an impact on the character of the area, but it is considered that compensatory tree planting will reduce the impact.
- 79 Overall, the proposed development is considered to accord with LDP2 Policy 28A provided conditions are applied in respect of the repairs/alterations to the stone boundary wall (Condition 9) and the compensatory planting of trees to offset the loss of the mature Cedar (Condition 7).

Existing Drainage Infrastructure

- 80 Scottish Water has been consulted and initially raised concerns in respect of the stand-off distances between the proposed development and the existing drainage infrastructure that runs through the site. In response, the applicant is now proposing to divert the Scottish Water assets that are in conflict with the proposals which is sufficient information at this time for Scottish Water to remove their objection.
- 81 Scottish Water have however advised that the diversion designs will need to be submitted to Scottish Water by the developer for review and acceptance at the relevant stage in gaining Scottish Water approval for the designs. An informative note has been applied accordingly (Informative Note 7).

Flood Risk and Surface Water Drainage

- 82 SEPA's indicate flood maps do not identify any risk associated with flooding from the River Tay but there is an area identified as being at risk to surface water flooding.
- 83 A detailed surface water drainage strategy has been provided, along with a Flood Risk Assessment (FRA). The Structures and Flooding Team have reviewed the proposed drainage scheme and FRA and following further clarification over various elements of the scheme, have advised that they are satisfied with the proposals in respect to surface water drainage.
- 84 As such it is considered that the proposals comply with Policies 53B and 53C of LDP2.

Air Quality Management

- 85 The application site is located within Perth's Air Quality Management Area (AQMA) which was declared in 2009 for exceedances in Particulate Matter (PM10) and Nitrogen Dioxide (NO2).
- 86 An Air Quality Impact Assessment (AQIA) has been undertaken which concludes that the impact from the proposed development traffic is predicted to be of negligible significance for NO2 annual mean at all sensitive receptors assessed.
- 87 Environmental Health has no adverse comments to make with regards to air quality due to the impacts of traffic for the proposed development based on the methodology and conclusions of the submitted AQIA. However, to ensure that future baseline levels are not significantly increased the applicant should also implement the intended measures to reduce vehicle use for the development as outlined in the Transport Assessment submitted (Condition 2).
- 88 The AQIA submitted only assessed the effects on air quality of traffic from the proposed development and has not considered emissions from any heating systems to be installed within the care home or proposed residential properties. The impact of dust at the construction stage has also not been assessed therefore, it is recommended that conditions are applied to control dust and emissions from the heating systems (Conditions 23 & 24).

Noise

- 89 The proposed development is located to the west of the A85 (Dundee Road) with the railway line running along the western boundary of the site and as such there is the potential of noise from both road and rail traffic affecting the residential amenity of the proposed development. In order to address the potential impact of noise on the proposed site, the applicant has undertaken a Noise Impact Assessment (NIA). This NIA has recommended a number of mitigation measures in respect of the layout of the building, the incorporation of acoustic insulation, and the fitting of double glazing on all windows to habitable rooms and trickle vents which achieve the minimum sound index reductions noted in the NIA.
- 90 Environmental Health are satisfied with the conclusions of the NIA and recommend a condition to ensure that the mitigation measures outlined in the report are implemented (Condition 22). Additional conditions have also been recommended to ensure control over noise from plant/equipment, odours from external ventilation and light pollution from external lighting (Conditions 19, 20 & 21).

Archaeology

- 91 Perth and Kinross Heritage Trust (PKHT) have advised that the development site was evaluated in 2007 for any archaeological remains associated with Kinnoull Castle. No material or physical evidence was uncovered and as such, there was no further recommendation for work.

- 92 Therefore, in respect to archaeology and the planning process, as outlined by Scottish Planning Policy, the proposed development does not raise any significant issues. No further archaeological mitigation is required in this instance.

Landscaping / Trees

- 93 The site contains a number of trees, a large number of which are self-seeded and of varying quality. However, there is one particular tree (mature Cedar of Lebanon), which is located within the north eastern corner of the site and is protected by a Tree Preservation Order. This tree is specifically identified for retention within the site-specific requirements set out in the LDP2 allocation for the site and this was discussed during an onsite meeting in 2019. It was however acknowledged that pruning works had severely damaged the tree and that further assessments would be required to assess its health.
- 94 In this respect, a Tree Survey has been submitted that identifies six trees that require to be felled due to health and safety grounds. One of these trees is the protected mature Cedar of Lebanon. The Council's Biodiversity Officer has reviewed the survey and confirmed that it reflects industry best practice. It is also considered that whilst the loss of the mature Cedar is unfortunate but, as noted in the Tree Survey, the tree is of poor condition with a limited lifespan. As such, the Biodiversity Officer agrees that the retention of the tree is not feasible given its condition.
- 95 The proposed development includes a comprehensive landscaping plan that includes the planting of 47 heavy standard trees across the site and within its gardens which will help to off-set the loss of the Cedar tree and other trees across the site. The submitted detailed landscaping proposals also contain many positive elements such as native shrub mix, areas managed as wildflower grassland and a range of native tree species to be planted as well as specimen trees to maintain the surrounding park setting of the site. The planting of 14 apple trees is particularly welcomed as a key action in the Tayside Biodiversity Action Plan to benefit people and wildlife.
- 96 Overall, in discussion with the Biodiversity Officer, it is assessed that there is sufficient information to support the removal of the existing mature Cedar tree. It is also considered that the landscaping scheme for the site is of a high standard and will offset the loss of the tree. However, as per the recommendations of the Biodiversity Officer, a condition has been applied to ensure that the approved landscaping scheme is implemented and maintained (Condition 7).

Biodiversity / Ecology

- 97 A Preliminary Ecological Appraisal Report (PEAR) was undertaken in 2018 to assess the potential impacts on species, habitat, and the River Tay Special Area of Conservation (SAC). This survey was updated in 2020, prior to the submission of this application, in accordance with best practice. The submitted PEAR notes the presence of potential bat roost features in the cedar tree and recommends an aerial inspection survey of this tree prior to felling or disturbance. It also makes

recommendations in respect of checking for nesting birds between March to August, a management plan of invasive non-native species and the control of pollution given the proximity to the River Tay SAC.

- 98 The Biodiversity Officer has reviewed the PEAR and has no objections or concerns in respect to the development, subject to conditions requiring mitigation measures stated in the survey being undertaken (Condition 8), the submission of an Invasive Non-native Species Control Plan (Condition 13) and the incorporation of swift bricks/boxes and bat bricks, boxes or tubes into the development (Conditions 14 & 15).
- 99 In respect of ecological enhancements linked to the surface water drainage strategy, Policy 53C 'Surface Water Drainage' states 'SUDS will be encouraged to achieve multiple benefits, such as floodwater management, landscape, green infrastructure, biodiversity and opportunities to experience nature near where people live. Ecological solutions to SUDS will be sought and SUDS integration with green/blue networks wherever possible.'
- 100 The initial surface water strategy lacked such measures and relied heavily on permeable paving, filter trenches and cellular storage with no above ground amenity features which can provide ecological benefits. The revised drainage scheme still relies on cellular storage and permeable paving, but it is now proposed to make the garden ground work harder as multi-functional features, and to connect them to the drainage network. This is a good solution and the revised proposal meets the policy requirement for 'Ecological solutions to SUDS will be sought and SUDS integration with green/blue networks wherever possible.'
- 101 As such it is considered that the proposals comply with Policies 41 and 53C of LDP2.

River Tay Special Area of Conservation (SAC)

- 102 The River Tay Special Area of Conservation (SAC) is located approximately 26 metres to the west of the application site. Due to the proximity of the site to the River Tay there is potential for leaching of materials and sediment into the SAC. Therefore, there is a likely significant effect (LSE) on the qualifying features of the River Tay SAC. It is therefore necessary to consider how these likely significant effects can be addressed. As such, an Appropriate Assessment has been undertaken and it is concluded that the submission of a Construction Method Statement is considered to be appropriate to ensure mitigation measures are put in place to prevent the leaching of materials and sediment into the SAC. This can be secured by condition (Condition 12). Subject to this condition the development is considered to have no adverse effect on the SAC.

Need for Care Home Accommodation with Perth

- 103 Several representations have questioned whether there is a need for additional care home beds within Perth. This is also noted in the comments provided by the Perth & Kinross Health and Social Care Partnership which outlines that there is

no identified shortage of care home beds in Perth and Kinross. However, they further state that the provision of specialist residential and nursing provision for people with complex mental health issues would potentially address unmet local need and would be a welcome addition to the range of services our citizens can access and benefit from.

- 104 The applicant has undertaken their own market research and it is their view that there is an identified demand for this type of high-quality care home accommodation. It is also important to note that the site already has planning permission for the erection of a care home of a similar size.
- 105 On that basis, even if there may presently not be a deficit of care home beds in Perth and Kinross, the development of the proposed care home is acceptable and in accordance with the objectives of LDP2.

Contaminated Land

- 106 As noted in the site-specific developer requirements for this site set out in LDP2, a scheme for contamination is required to assess the nature and extent and types of contamination and identify measures to deal with contamination during construction, and condition of the site on completion of decontamination measures.
- 107 The Contaminated Land Officer has advised that site investigations were undertaken a number of years ago in connection with the 2007 permission and no contamination issues were identified at that time. As such, no further site investigations are required.

Low and Zero Carbon Generating Technology (LZCGT)

- 108 Policy 32 'Embedding Low and Zero Carbon Generating Technology (LZCGT) in New Development' requires proposals for all new buildings to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.
- 109 The supporting statement suggests that the development will achieve a level of energy efficiency performance equivalent to the former Code for Sustainable Homes Level 4 and the emphasis on the building fabric will make for a highly effective 'base' to which other renewables can be added at a later stage. However, plans lack any specific detail of particular measures in respect to the number and type of a LZCGT to be employed to meet the required carbon reductions. It is likely that such details will be finalised during the submission of the Building Warrant but, in the absence of the information, it is considered appropriate to apply a suspensive condition requiring the submission of the details prior to the commencement of development (Condition 10).

Loss of View

- 110 The loss of a view is not a material planning consideration. Furthermore, the majority of concerns raised in this respect also relate to the Phase 2 residential element of the development which is only indicative at this stage and will be assessed as part of a future detailed planning application.

Waste Collection

- 111 The refuse collection for the care home will be undertaken by a private contractor. The proposed refuse store will be located to the eastern end of the building, in a position that will allow uplift of refuse from the turning head of the car parking area. A swept path analysis demonstrates that the site can safely accommodate a 9m / 3-axle refuse truck.

Developer Contributions

- 112 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 113 The site is located within the Full Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance). The site has an existing 'live' permission for a 76-bed care home which is of a comparable size to the current proposals. It is therefore assessed that the changes are not considered to result in a significant traffic impact over what has already been granted permission. Therefore, no contributions are required in this instance in respect to the care home element.

Economic Impact

- 114 The proposals will see the first phase of a comprehensive redevelopment of this key brownfield site which, despite being in a prominent position close to the city centre, has lain vacant for an extended period. The economic statement concludes that the economic effects of providing the care home would result in approximately 109 jobs and a GVA of over £1.97m to the City. The approval of the development will also potentially generate expenditure and employment in the local area, with approximately 60 tradesmen employed over an 18-month period.

VARIATION OF APPLICATION UNDER SECTION 32A

- 115 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate minor changes to the layout and landscaping scheme to incorporate additional parking and realignment of drainage infrastructure. Additional information was also submitted in respect to drainage and an updated Flood Risk Assessment.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

116 None required.

DIRECTION BY SCOTTISH MINISTERS

117 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

118 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

119 Accordingly the proposal is recommended for approval subject to the following conditions.

A 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 Prior to the development hereby approved being completed or brought into use, a Staff Travel Plan shall be submitted for the approval of the Council as Planning Authority. The agreed measures outlined within the approved plan shall thereafter be put in place by the care home operator.

Reason: In the interests of promoting sustainable methods of travel and to reduce congestion.

3 The new priority junction onto Dundee Road shall be provided prior to the construction of the care home to enable access for construction vehicles.

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

- 4 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed as per the submitted site plan (Drawing No: 37) and in accordance with Perth & Kinross Council's Road Development Guide, with Type B Road construction detail.

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

- 5 Prior to the development hereby approved being completed or brought into use, the gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary, control of surface water & provision of an adequate gradient of access.

- 6 Prior to the commencement of development, the precise location and detailed specification of the proposed replacement bus stop and associated shelter shall be submitted for the approval of the Council as Planning Authority. The bus stop shelter shall be equipped with a power supply to enable the installation of real-time bus stop information. The scheme as approved shall be undertaken to the satisfaction of the Council as Planning Authority prior to the development hereby approved being completed or brought into use.

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

- 7 The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 8 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected, and undertaken as part of the construction phase of development. Particular attention is drawn to Section 1.6: Recommendations in the submitted Updated Preliminary Ecological Appraisal Report, Brindley Associates, February 2020 (Drawing No: 31).

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

- 9 Prior to the commencement of development hereby approved, details of the repair/alterations to the stone boundary walls and associated features shall be submitted for the approval of the Council as Planning Authority. The details

shall include the retention and re-use of existing stonework, specification of any new stonework, coursing and mortar jointing.

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

- 10 Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:

- the technology types;
- illustrate, through technical calculations, that these will meet at least the 10% reduction;
- their siting and location; and
- ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and shall not be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

- 11 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 12 Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:

- a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
- b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
- c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound

- d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations, as agreed, shall be fully implemented as part of the planning permission.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

- 13 Prior to the commencement of development hereby approved, an Invasive Non-native Species Control Plan shall be submitted for the approval of the Council as Planning Authority. The plan shall include measures to eradicate and control Giant hogweed and Himalayan balsam. Thereafter the approved control plan shall be implemented in full to the satisfaction of the Council as Planning Authority.

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

- 14 Prior to the commencement of development hereby approved, details of the location and specification of the swift nesting bricks or boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks or boxes shall be installed in accordance with the agreed details prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 15 Prior to the commencement of development hereby approved, details of the location and specification of the integrated bat bricks, boxes or tubes shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the integrated bat bricks, boxes or tubes shall be installed in accordance with the agreed details prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 16 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.

- 17 For the avoidance of doubt, this approval relates solely to the proposed care home and the submitted masterplan is not approved by this permission.

Reason: In order to clarify the terms of the permission.

- 18 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason: In order to safeguard the neighbouring residential amenity in the area.

- 19 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 safeguard the neighbouring residential amenity in the area.

- 20 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained to the satisfaction of the Council as Planning Authority.

Reason: In order to safeguard the neighbouring residential amenity in the area.

- 21 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In order to safeguard the neighbouring residential amenity in the area.

- 22 Prior to the development hereby approved being completed or brought into use, the mitigation measures in regard to insulation, window specification and trickle vents as detailed in in page 6 and Table 9 of the Noise Impact Assessment dated 5 March 2020 carried out by The Airshed Ltd shall be fully implemented (Drawing No: 28).

Reason: In order to safeguard the amenity of occupants of the care home.

- 23 Prior to the commencement of the development a Construction Dust Management Plan (CDMP) shall be submitted for the written agreement of the Council as Planning Authority. The plan shall include details of all dust producing construction activities, monitoring procedures, mitigation measures to control dust and complaints procedures. Thereafter the approved CDMP shall be implemented in full as part of the construction operations of the site.

Reason: In order to control dust during construction and safeguard the neighbouring residential amenity in the area.

- 24 All gas-fired boilers for the proposed care home shall meet a minimum standard of <40mg NO_x kW/hr to the satisfaction of the Council as Planning Authority.

Reason: To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

- 25 Prior to the commencement of development details of the proposed cycle storage shall be submitted for the approval of 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 pedestrian and traffic safety and in the interests of free traffic flow.

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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 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.
- 7 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets nor does to approve any realignment of existing infrastructure. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to or adapt the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 8 The mature Cedar of Lebanon (tag number 838) is protected by a Tree Preservation Order. The applicant is advised that they must seek permission from the Planning Authority prior to the felling this tree. It is an offence for any person to cut, lop, top, uproot, wilfully damage or destroy any tree covered by a Tree Preservation Order unless notification has been made to the Planning Authority and consent has been granted.
- 9 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout and landscaping scheme to incorporate additional parking and realignment of drainage infrastructure. Additional information was also submitted in respect to drainage and an updated Flood Risk Assessment.

Background Papers: 17 letters of representation
Contact Officer: David Niven 01738 475360
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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