

Perth and Kinross Council  
Development Control Committee – 07 July 2010  
Report of Handling by Development Quality Manager

**Alterations and extension to Care Home at  
Luncarty House, Sandeman Place, Luncarty, PH1 3HE**

Ref No: 10/00688/FLL  
Ward No: N5 - Strathtay

**Summary**

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

**BACKGROUND AND DESCRIPTION**

- 1 Luncarty House is run as a residential care home which falls under Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The proposal under consideration is for internal alterations and the erection of an extension to the west of the Category C(s) Listed Building.
- 2 The existing layout provides a total of 29 bedrooms within the property. The proposal involves internal alterations and the removal of mainly modern partitions to improve the space standards in the existing house reduces the numbers of bedrooms to 20 (thus losing 9 bedrooms). This loss of bedrooms is offset by the inclusion of a wing to the West of the building which would provide 14 new bedrooms with a lounge area to the lower ground floor.
- 3 The supporting statement specifies that applicants have recently taken over the operation of the care home and the submission of this application is part of a major financial investment into the property to bring the facility up to current standards. It specifies that the design has been revised following the previous refusals and attempts to alleviate concerns expressed by previous letters of objection regarding the extensions massing, potential overshadowing and vehicle movements around the site.

**NATIONAL POLICY AND GUIDANCE**

- 4 **Designing places:** - The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

**Scottish Planning Policy 2010**

- 5 This SPP is a statement of Scottish Government policy on land use planning and contains:
  - the Scottish Government's view of the purpose of planning,
  - the core principles for the operation of the system and the objectives for key parts of the system,

- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

6 Of relevance to this application are

- Paragraphs 110 -124 : Historic Environment
- Paragraphs 113 -114: Listed Buildings
- Paragraphs 113 -114: trees/woodlands and open space/physical activity

7 Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998).

## **DEVELOPMENT PLAN**

8 The Development Plan for the area comprises the approved Perth and Kinross Structure Plan 2003 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

### **Perth and Kinross Structure Plan 2003**

9 The principle relevant policies are in summary: -

**Sustainable Communities Policy 9:-** which notes that local plans will ensure new development makes a positive contribution to the identity, character and quality of the built and historic environment; contributes to sustainable development through energy conservation, efficiency through design, site layout and where possible, the use of local materials.

**Environment and Resources Policy 8:-** the policy seeks to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. It specifies that new development which would adversely affect Listed Buildings or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweigh the cultural interest in the site.

### **Perth Area Local Plan 1995 incorporating Alteration No.1 Housing Land 2000**

10 **General Residential and Background Policies: Policy 71:-**

This indicates village areas and small settlements where residential amenity and village character will be retained and if possible improved. Scope may exist for infill development but only where this will not adversely affect the density character or amenity of the village.

11 **Listed Buildings: Policy 77:-**

There will be a presumption against planning consent for the demolition of Listed Buildings and a presumption in favour of consent for development

involving the sympathetic restoration of a Listed Building or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

### **Draft Area Local Plan 2004**

- 12 The Council's Enterprise and Infrastructure Committee, at their meeting on 30 January 2008, took the decision not to progress the draft plan to a Finalised Stage. Given this was a draft document which did not reach an advanced stage I cannot give this any significant material weight in the determination of this application.

### **OTHER POLICIES**

- 13 Building Research Establishment (BRE) Site layout planning for daylight and sunlight: a guide to good practice
- 14 British Standards 5837:2005 Trees in relation to construction – recommendations.

### **SITE HISTORY**

- 15 Planning application 09/00434/FUL and Listed Building Application 09/00435/LBC were submitted on the 16 March 2009. After concerns regarding both applications were highlighted to the agent the applications were withdrawn to allow amendments to occur.
- 16 Planning Application 09/01004/FUL and Listed Building Application 09/01005/LBC were submitted and refused by Development Control Committee on the 26 August 2009. The Appeals to the Directorate for Planning and Environmental Appeals were unsuccessful P/PPA/340/2008 and P/LBA/340/35 refers.

### **CONSULTATIONS**

- 17 **Scottish Water:** - No objection in terms of granting planning permission.

### **REPRESENTATIONS**

- 18 A total of five letters of representations objecting to the application have been received which relate to the application

The representations have raised the following relevant issues: -

- Visual impact, the scale and design of the development.
- Overshadowing.
- Overlooking.
- Traffic and Pedestrian Safety.
- Additional traffic will impact on poorly maintained road between Scarth Road and the home.

- Proposal will result in light pollution.
- Proposal will result in noise pollution.
- Proposal will impact on neighbouring amenity due to people smoking.
- Loss of open space/amenity.
- Drainage.

These issues are all addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

19	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	None submitted.

## APPRAISAL

- 20 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Perth Area Local Plan 1995.
- 21 Additionally Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable due to the potential impact the development may have on Luncarty House a category C(s) Listed Building. This legislation requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.
- 22 The determining issues in this case are whether: - the proposed extension adversely affects the setting of the Listed Building; the proposal complies with Development Plan policy; the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy. It should be noted that the alterations which require listed building consent are assessed separately under listed building application 10/00685/LBC which is also included elsewhere on this agenda.

### Policy:

- 23 Policy 71 of the adopted Local Plan is one of the main factors in the determination of the application. This policy recognises that scope for development may exist within villages but acknowledges that new development can have potential conflicts within the existing built environment. It is therefore important that the assessment of this application is on its merits taking cognisance of scale, form and density of the surroundings to ensure

development does not lead to over development. The character and amenity of the area concerned also has to be taken into account and particular care is required to certify that open space and green networks are not eroded. These issues are discussed in further detail under the headings below.

### **Design and Layout:**

- 24 Through Designing Places (November 2001) Scottish Ministers have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, it is important at all scales of development. Ill conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground.
- 25 The proposal has been amended to respond to concerns highlighted in the Appeal decision. This has resulted in the height and massing being reduced, while the width of the extension has been shortened and pulled away from footpath which is a safer routes to school. Overall I am of the opinion that the revisions to the scheme have addressed the reasons for the appeals refusal.
- 26 The applicant has provided details on the proposed palette of finishing materials for the façade of the extension. This includes natural slate to the roof and a natural stone and buff render to the elevations. Generally this selection of materials is acceptable; however, samples should be submitted for written approval to ensure the colouring takes cognisance of the adjacent building.

### **Drainage:**

- 27 It should be noted that it is intended to connect the drainage to the public network. Scottish Water have been consulted on the application and they have offered no objection.
- 28 Concerns have been expressed regarding existing water runoff overflowing onto neighbouring property. It should be noted that this is a civil matter which should be rectified between the two parties.

### **Residential Amenity:**

- 29 The proposal has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development, those who would live in the new development and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.
- 30 Concerns have been raised regarding the possible loss of privacy to neighbouring properties. I am content that an appropriate distance between the proposed extension and neighbouring boundaries is achieved. I am therefore of

the opinion that an acceptable level of privacy will be maintained in the surrounding residential properties.

**Overshadowing:**

- 31 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 32 Assessing the plans and taking cognisance of the BRE document I consider a reasonable level of daylight and sunlight is maintained to neighbouring properties and the extent of overshadowing is not excessive and does not warrant refusal of the application.

**Noise:**

- 33 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 34 In this instance the application is for the extension to an existing residential home. I do not consider the development would result in such an increase in noise to a level which would conflict with surrounding residential property.

**Smoke and fumes:**

- 35 Concerns have been expressed about the potential of cigarette smoke to affect neighbouring residential properties from the proposed patio area. This is not a material planning consideration. However, in any event I do not consider this issue would result in significant harm to the amenity of surrounding dwellings due to the distances to neighbouring dwellings.

**Light Pollution:**

- 36 Concerns have been raised regarding light pollution from the development. In certain cases illumination can have serious amenity implications on neighbouring uses. However, light emanating from living and bedrooms of this proposal will not be unduly intrusive.

**Potential impact on trees:**

- 37 Paragraphs 146 to 148 of Scottish Planning Policy relates to trees and woodlands. This specifies that trees which have a significant biodiversity value and make a significant contribution to landscape character and quality should be protected from adverse impacts resulting from development.

- 38 In support of this application a tree survey had been undertaken in accordance with BS:5837 Trees in relation to construction – recommendations. This highlights the extent of tree cover at Luncarty House and their associated root protection areas. The report acknowledges that tree no.1995 in the report has already been felled in 2009 for safety reasons. Section 159 of the Town and Country Planning (Scotland) Act 1997 places a duty on planning authorities to ensure that, whenever appropriate, planning permissions make adequate provision for the planting of trees. Due to the removal of tree no.1995 a replacement should be sought within the site which can be achieved through an appropriately worded condition.
- 39 The report documents the root protection areas, it is clear that the works to the access are likely to impact on the root protection areas. To ensure there no adverse impacts on the trees to be retained it is necessary to ensure the access arrangements comply with guidance within BS:5837 Trees in relation to construction – recommendations through the use of a suspensive condition.

**Openspace:**

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

**Traffic:**

- 41 Concerns have been expressed regarding Scarth Road which is a private road outwith the application site and the potential impact the proposed access arrangements could have on the footpath to the west of the site which is a Safer Routes to School.
- 42 This proposal includes a revised vehicular layout which removes the previous one way system access which would have resulted in a combined footway and driveway. The proposal now includes the same access driveway with improvements. The Transport Planning Section has been consulted on the revised access and parking arrangements and they offer no objection.
- 43 It should be noted that a condition to ensure the safer routes to school remains unimpeded during construction works shall be attached as a condition if approved.

**Impact on the setting of the Listed Building:**

- 44 While the word setting is not defined in planning legislation Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998) specifies that authorities are firmly encouraged not to interpret the word narrowly. It highlights at all times the Listed Building should remain the focus of its setting. In this instance I consider the appropriate factors to take into account are the principal view either of or

from Luncarty House as well as the potential affect on the main approach to the building.

- 45 Luncarty House has been developed in phases. The earliest element which includes the principle two storey elevations and entrance are situated to the south with a later one and half storey wing attached to the north. The proposed extension is set behind the principle elevations and entrance.
- 46 It should be noted that this proposed scheme has been reduced in scale and massing. Taking account of this factor and the history associated with the Appeal decisions I am content that this revised scheme does not detract from the character or setting of the listed building and complies with policy 77 of the adopted Local Plan.

## **LEGAL AGREEMENTS**

- 47 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 48 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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**

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

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 No consent is given for the proposed solar panels. Prior to the commencement of development revised plans shall be submitted to the Planning Authority deleting this element of the scheme. After receiving written approval the scheme shall be implemented in accordance with these details all to the reasonable satisfaction of the Planning Authority.

- 4 Samples of the proposed external finishing materials to be used for the extension shall be submitted for the written approval of the Planning Authority prior to the commencement of the development. Thereafter scheme as approved shall be implemented prior to the occupation of the building.
- 5 Prior to the commencement of development details of soft and hard landscape works for the site shall be submitted to and approved in writing by the Planning Authority. This shall include planting plans detailing retained planting and new planting to replace the tree no 1995 which has been felled. Details of plants, noting species, plant sizes and proposed numbers/densities where appropriate should be included, as well as details of hard surfacing materials. Thereafter the approved scheme shall be implemented prior to the development being occupied. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 6 Prior to the commencement of development a detailed specification of works to be undertaken within the root protection area shall be submitted for approval of the Planning Authority. Details shall clearly show how the works undertaken will comply with BS5837 (2005). Thereafter the specification of works shall be undertaken in accordance with the approved detail all to the reasonable satisfaction of the Planning Authority.
- 7 That for the avoidance of any doubt the safer routes to school footpath located to the west of the site shall not be obstructed during site construction works or on completion all to the reasonable satisfaction of the Planning Authority.

## **REASON**

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In order to safeguard the special architectural or historic interest of the building and to ensure the Planning Authority maintains effective control over the development.
- 4 To ensure that the proposed development does not prejudice the appearance of the locality.
- 5 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 6 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 7 To ensure that the proposed development does not prejudice the safer routes to school footpath and to ensure the concerns of consultees are alleviated.

## **B JUSTIFICATION**

- 1 It is considered the proposal complies with the adopted Perth Area Local Plan 1995, in particular policy 71 and 77. There are no material considerations that would justify refusing the application. On that basis the application is recommend for approval subject to conditions.

## **C PROCEDURAL NOTES**

- 1 The property is listed Category C(s), Item No 28, Redgorton Parish. It is therefore not necessary to submit the application to Historic Scotland.

## **D INFORMATIVES**

- 1 No work shall be commenced until an application for building warrant has been submitted and approved.
- 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 development shall commence until such time as Listed Building Consent has been granted for these works

Background Papers: None

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Date: 24 June 2010

**Nick Brian**  
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# Perth & Kinross Council Development Control Committee: 7th July 2010 10/00688/FLL Luncarty House



