

Perth and Kinross Council
Development Control Committee – 17 March 2010
Report of Handling by Development Quality Manager

**Change of Use of Dwellinghouse to Therapeutic Child Care Home
Kindrum, Logiealmond, Perth PH13TD**

Ref. No: 09/01864/FLL
Ward No: 5 Strathtay

Summary

This report refers to a planning application for change of use of a newly built vacant house. The applicant now seeks consent for change of use to a care home and approval is recommended.

BACKGROUND AND DESCRIPTION

- 1 Kindrum House is a recently constructed four bed detached property lying in an elevated position some 500m north of Harrietfield village. It is adjoined on the west by the track leading to Kindrumpark Farm which is 300m further on. Presently unoccupied, the traditionally designed house has a generous curtilage and two floors of accommodation, with the upper level in the roofspace. As the house has never been lived in, the garden is uncultivated, but enclosed by post and wire fencing. The site is surrounded by agricultural land and, to the east, lie also the remains of the derelict bothy which the new house was intended to replace.
- 2 Full consent is sought to use the vacant house as a care home for a maximum of four children and two staff. The children, who would be in the eight to sixteen age group, will be referred by social services due to their behavioural and emotional issues, but the home would be managed by a private organisation. No alterations are required to the building either internally or externally.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 3 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.

- 4 There is however no government planning guidance which is directly applicable to this proposal.

DEVELOPMENT PLAN

- 5 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Strathearn Area Local Plan 2001.

Perth and Kinross Structure Plan 2003

- 6 The proposal raises no issues of strategic importance.

Strathearn Area Local Plan 2001

- 7 The site lies outwith any defined settlement boundaries and therefore Landward area policies prevail.
- 8 POLICY 2: Requires all development in the landward area to be compatible with the surroundings in land use terms and not result in significant loss of amenity to the local community and the local road network to be capable of absorbing the traffic which will be generated by the development.
- 9 POLICY 53: Encourages the re-use of redundant buildings in the landward area provided the building is of a suitable architectural and structural quality for the intended use.

OTHER POLICIES

- 10 None.

SITE HISTORY

- 11 In March 2007 planning permission was granted for the demolition of a cottage/bothy and erection of the existing dwellinghouse ref 06/01840/FUL.

CONSULTATIONS

- 12 Scottish Water has no objection to the proposal.

REPRESENTATIONS

- 13 A total of sixteen objections and one letter of support have been received, the majority from local residents. A representation against was submitted by Mansfield Estates and another by Methven and District Community Council. The main points of concern are as follows:
- The site is unsuitable for the proposed use due to its isolated location.
 - The development is contrary to the local plan policy.
 - The premises are surrounded by a working farm which is incompatible with the use of the site as a home.

- There are very few community facilities or opportunities for recreation available in the area.
- There would be an increase in traffic along a substandard road.
- Children with behavioural problems will be a disruptive element in the community.

14 Those points which are relevant to planning consideration are addressed in the appraisal section.

15 **ADDITIONAL STATEMENTS**

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

APPRAISAL

16 The application raises the following issues:-

Planning Policy

17 There is no specific Local Plan policy relating to a use of this type but the general guidance contained in Policies 2 and 53 of the Strathearn Area Local Plan are broadly supportive. The isolated nature of the site is such that the development would not impinge on the residential amenities of any other dwelling and the building is of a suitable design and quality.

Land Use

18 The proposed use of the site falls within Class 8 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 ie Residential institutions. This covers a number of uses including residential school, residential accommodation with care, hospital and nursing home. In planning law it is the use class rather than the specific use proposed in the application which should be assessed since, if granted, the children’s home could change to any other use in the same class without requiring planning permission. In general terms I would consider that a residential institution is an appropriate use for the site since it offers a pleasant environment and has the capacity to accommodate outdoor activities if required.

Traffic

19 The traffic which would be generated by the development would not be significantly greater than that from the family home which already exists and the parking requirement could be readily accommodated within the site. The

Transport Planning Section has no concerns regarding the proposal from a road safety point of view.

REPRESENTATIONS

- 20 Most of the representations relate to the fact that the premises will be used to accommodate children with behavioural problems. This is not a material planning consideration, but rather an issue for social services or the police to deal with.
- 21 Bearing in mind that consent is being sought, in effect, for a residential institution, then the lack of community facilities and isolation of the facility is not of particular concern. As regards incompatibility with farming, the same might be said of any household comprising children and is, in any event, a management issue for the carers.

LEGAL AGREEMENTS

- 22 None required.

DIRECTION BY SCOTTISH MINISTERS

- 23 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 REASON FOR RECOMMENDATION

- 24 In terms of being a Class 8 residential institution, this is a modest, small scale proposal and one which would have minimal impact on the surroundings. The site offers a suitable environment for the use and there are no infrastructural constraints on the development. Under the Planning Acts, all planning applications must be determined in accordance with the Development Plan unless material consideration indicate otherwise. This proposal conforms to the relevant Local Plan policies and, while certain issues have been raised, these are not sufficient to justify a departure.

RECOMMENDATION

A Approve subject to the following conditions:

- 1 The development shall be commenced within a period of three years from the date of this consent.
- 2 The development shall be carried out in accordance with the approved plans herewith unless provided for by conditions imposed on the planning consent.
- 3 The use of the premises shall be limited to Class 8 of the Town and Country Planning(Use Classes)(Scotland)Order 1997 ie Residential Institutions.

- 4 Two parking spaces shall be provided and maintained within the site to cater to the satisfaction of the Planning Authority.
- 5 Adequate turning facilities shall be provided to cater for all vehicles calling at the premises, details to be submitted to the Planning Authority for approval prior to the change of use being implemented.

Reasons

- 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 the development is carried out in accordance with the plans approved.
- 3 In order that the Planning Authority might retain proper control over the development.
- 4 In the interests of road safety and proper planning.
- 5 In the interests of road safety and proper planning.

B JUSTIFICATION

The application is in accordance with the Development Plan and there are no material considerations to justify a departure.

C PROCEDURAL NOTES

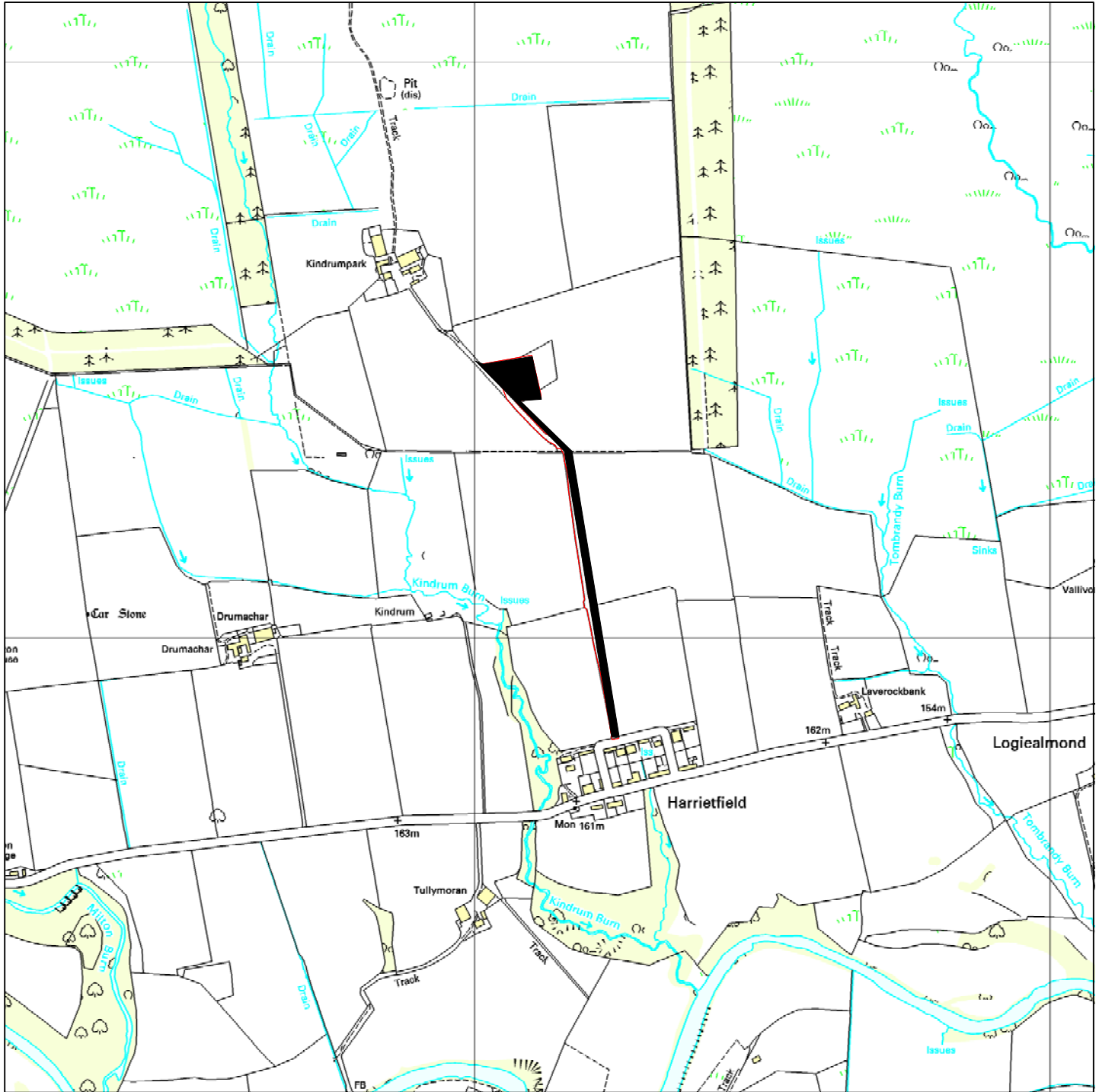
None.

D INFORMATIVES

None.

Nick Brian
Development Quality Manager

Background Papers: 17 representations were received
Contact Officer: Brian Dunkin – Ext 75354
Date: 4 March 2010



Scale : 1:10000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
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