

Perth and Kinross Council
Development Control Committee – 20 January 2010
Report of Handling by Development Quality Manager

Erection of new mental health facility to replace existing hospital at Murray Royal Hospital, Perth (Approval of matters specified in conditions attached to the outline planning consent 08/02078/OUT)

Ref No: 09/01691/AMM
 Ward No: 12 Perth City Centre

Summary

This report refers to an application for the approval of matters specified in conditions attached to 08/02078/OUT for the erection of new mental health facilities at Murray Royal Hospital. It is considered that the details proposed are acceptable and generally in line with the terms of the outline consent and it is therefore recommended that the Committee approve the application, subject to further conditions.

BACKGROUND AND DESCRIPTION

- 1 The application site comprises approx 17 ha of the northern part of the Murray Royal Hospital (MRH) grounds. The general topography of MRH is a steady rise from the north to the south up towards the main building. A small wedge at the north eastern corner of the site encroaches onto land outwith the hospital grounds and affects an existing right of way (CC39/28)
- 2 The proposal under consideration is for the approval of matters specified in conditions attached to the outline consent reference 08/02078/OUT, which essentially comprises of the detailed matters for the new mental health hospital facilities at MRH.
- 3 The proposal centres around the formation of a new priority junction on Muirhall Road, which will be the new principal vehicular access into the site. It is intended to retain the three existing accesses for ancillary use for emergency and maintenance vehicles only. The new hospital facilities will comprise of:-
 - 46 new beds for Psychiatry for Old Age in 4 wards
 - 2 new Day Hospitals
 - 3 new General Adult Psychiatry wards providing 56 in-patient beds
 - A 'Hub' facility for a range of clinical and non-clinical support accommodation
 - Secure Care providing medium and low secure ward accommodation with 68 beds
 - A Secure Care Day hospital
- 4 To allow for the new buildings, eight existing buildings are proposed to be demolished, which includes two detached villas (Elcho and Birnam) which flank the existing chapel. As the villas have been in existence since 1948, they are deemed to be Listed by virtue of being within the curtilage of the main Listed

Building. A separate application for Listed Building Consent (09/01695/LBC) for the demolition of the villas has been submitted to the Council and is subject of a separate report to this Committee.

- 5 Listed Building Consent (09/01063/LBC) has already been granted for the demolition of the former nurse's home building, and works are presently under way to demolish this building.

HIERARCHY OF APPLICATIONS

- 6 The proposal constitutes a 'major' application under the terms of the new Town & County Planning Hierarchy of Development Regulations (2009). However, as the outline consent pre-dated the 3 August 2009, there was no statutory requirement for the applicant to go through the Pre-Application Notification Process for the current application. Notwithstanding this, NHS Tayside have held various meetings prior to the formal lodging of this application involving the community, Bridgend, Gannochy and Kinnoull Community Council and Perth & Kinross Council officials.

NATIONAL PLANNING POLICY AND GUIDANCE

- 7 The Scottish Government expresses its planning policies through The National Planning Framework, a series of National Planning Policy Guidelines (NPPG) which are currently being replaced by Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) which are practice statements. The following documents are relevant to this proposal.
 - SPP11 – Open Space and Physical Activity
 - SPP17 – Planning for Transport
 - SPP21 - Green Belts
 - SPP23 - Planning and the Historic Environment
 - PAN 65 - Planning and Open Space
 - PAN 68 - Design Statements
 - PAN 75- Planning for Transport

Scottish Historic Environment Policy 2008

- 8 This document, produced by Historic Scotland provides guidance to Planning Authorities on how to deal with planning applications which affect both Listed Buildings and Conservation Areas, and the settings of both. As there are a number of Listed Buildings within the grounds of the hospital, their settings are potentially affected by the proposal. The application has been advertised as potentially affecting the setting of a Listed building(s).

DEVELOPMENT PLAN

- 9 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 & Kinross Structure Plan 2003

- 10 **Environment and Resources Policy 5** states a Green Belt will be designated to protect the setting of Perth and there will be a strong presumption against built development. Only in exceptional circumstances will development be permitted. The Perth Area Local Plan will define in detail the inner and outer boundaries based on the need to:
- allow for long term expansion to the west along the A85 corridor for business uses.
 - sustain the existing separation and identity of Scone.
 - provide village envelopes around Aberdargie, Almondbank, Glencarse, Kinfauns/Walnut Grove, Pitcairngreen, Rhynd and Scone to accommodate planned development.
 - accommodate long term growth to the north-west.
 - ensure that any developments which are permitted demonstrate a significant environmental enhancement within the Green Belt.
- 11 In addition, the Local Plan should develop policies to manage the Green Belt by promoting opportunities for woodland planting, access and recreational uses.
- 12 **Environment and Resources Policy 8** seeks to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. New development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweighs the cultural interest in the site. The same protection will be afforded to sites proposed for designation. Other important archaeological sites or landscapes will also be protected from inappropriate development. Local Plans will bring forward policies for their protection and enhancement.

Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000)

- 13 The site lies primarily within an area zoned for residential and compatible uses, with a very small section extending into the Area of Great Landscape Value (AGLV). Much of the site is considered to be within the setting of the main Listed Building. The following Local Plan policies are therefore applicable.
- 14 **Policy 41 (General residential)** identifies areas of residential and compatible uses within the Perth City where existing residential amenity will be retained and where possible improved. Where sites in other uses become available for development, housing will generally be the most obvious alternative use. Some scope may exist for infill development, but only where this will not significantly affect the density, character or amenity of the area concerned. Small areas of private and public open space will be retained where they are of recreational or amenity value to their surroundings. Change of use to hotel, boarding and guest house use will be permitted normally only on the main radial routes in the city.

- 15 **Policy 54 (Area of Great Landscape Value)** identifies an AGLV where there will be a presumption against built development. Encouragement will be given to sensitive tree planting schemes, improved public access and informal recreational provision.
- 16 **Policy 59 (Listed Buildings)** states that 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 Listed Buildings, or other buildings or architectural value. The setting of Listed Buildings will also be safeguarded.

Draft Perth Area Local Plan 2004

- 17 In the Draft Plan, the site lies mostly within an area zoned for social, community, recreational and educational facilities, partly zoned for open space, partly within housing site PH1 and partly within an AGLV.
- 18 Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited.

OTHER COUNCIL POLICIES

Perth and Kinross Council Air Quality Action Plan August 2009

- 19 This document sets out Perth & Kinross Council's Air Quality Action Plan for the area designated as an AQMA on 5 May 2006. The aim of this plan is to outline measures Perth & Kinross Council will take to reduce emissions of nitrogen oxides and fine particulate material within the city of Perth, thereby working towards achievement of the Air Quality Strategy objectives as required by the Environment Act 1995.

SITE HISTORY

- 20 Following two previous Committee deferrals (14 March and 25 April 2007), the Development Control Committee of the 14 June 2007 resolved to approve an application for the Erection of New Mental Health Facilities in outline (06/02346/OUT) at MRH.
- 21 To assist NHS Tayside in the PPP bidding process, a further outline planning application (08/02078/OUT) was made to Perth and Kinross Council in 2008 for a slightly larger area of the MRH grounds, to increase the available area which would be available for any prospective PPP bidder to utilise for the new mental health facilities. This application was approved by the Development Control Committee on the 14 January 2009.

OUTLINE CONSENT (08/02078/OUT)

22 The conditions attached to the extant outline planning consent which was approved by the Development Control Committee on the 14 January 2009 are,

- 1 The following reserved matters:- the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking, means of access to the site, a detailed trees survey and tree management plan and a risk appraisal, in consultation with relevant bodies, of the Medium Secure Unit shall be approved by the Council as Planning Authority.
2. The reserved matters shall be submitted for the approval of the Council as Planning Authority in the form of a written application accompanied by detailed plans not later than:-
 - (i) the expiration of three years from the date of the grant of outline planning permission.
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused, or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed;whichever is the latest.
3. The development to which this permission relates must be begun not later than:
 - (i) Five years from the date of the permission; or
 - (ii) Two years from the date of the final approval of all reserved matters.
4. The layout, size and elevations of all buildings are for indicative purposes only and are not approved at this stage.
5. The Public Right of Way (CC39/28) must be diverted along the north-eastern boundary of the application site prior to the commencement of the development and a new path formed to satisfaction of the Council as Planning Authority.
6. All new buildings shall be no higher than single storey in appearance.
7. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
8. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

9. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
- 10 The provision of a 25 metre landscape strip to between the proposed development and the existing properties along Gannochy Road shall be incorporated into any detailed submission, unless otherwise agreed in writing by the Council as Planning Authority.
- 11 The installation of a heating system which combusts solid fuel shall not take place unless and until an Air Quality Assessment, providing information of an equivalent standard to that required by Local Air Quality Management Technical Guidance, has been submitted and approved by the planning authority.
- 12 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or 25 Noise Rating between 2300 and 0700 hours daily, within any nearby residential property, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart.
- 13 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours are not exhausted into or escape into any nearby dwellings.
- 14 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
 - I the nature, extent and type(s) of contamination on the site
 - II measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III measures to deal with contamination during construction works
 - IV condition of the site on completion of decontamination measures
- 15 Prior to the occupation of any residential unit, the measures to decontaminate the site as approved by the Council as planning authority shall be fully implemented.
- 16 A Traffic Management Plan, relating to construction traffic and site servicing traffic, shall be lodged for the prior approval of this Council as planning authority under condition 1.

CONSULTATIONS

- 23 **Scottish Environmental Protection Agency** have commented on the application in relation to surface water drainage and have raised no concerns subject to appropriate conditions.

- 24 **The Environmental Health Manager** has commented on the application in terms of noise, odours, contaminated land and air quality and has raised no concerns.
- 25 **The Council's Tree and Woodland Officer** has commented on the application and raised no concerns over the proposed tree removal.
- 26 **Historic Scotland** have commented on the application and, in specific on the proposed demolition of the two listed villas. Historic Scotland have significant concerns regarding the proposed demolition of the two villas on the grounds that there is insufficient information submitted to clearly demonstrate that their demolition can be justified and is the only viable option available.
- 27 **Scottish Natural Heritage** have been consulted however they have made no specific comment.
- 28 **Bridgend Gannochy & Kinnoull Community Council** have been consulted on the application raised the following for consideration by the Council.
- The retention of the 25m landscape strip on the Gannochy Road/North boundary of the site
 - The retention and continuous use of the Right of Way round the North and East perimeters of the site
 - To ensure the NHS travel plan is implemented
 - Ensure siting of the main access in Muirhall Road is positioned and designed to create a safe entrance and exit to the hospital for both vehicles and pedestrians
 - Consideration should be given to re-positioning Muirhall Road pavement to the south side all the way to Bridgend giving a continuous pedestrian route with safe crossings at appropriate points along this pavement
 - Safe exit from Millennium Park
 - Consideration to improving the main route into the hospital from Bridgend by improving traffic flow at Bridgend Junction and by widening Lochie Brae and Muirhall Road.
 - Design alterations to the junction at the top of Lochie Brae to improve pedestrian safety and vehicular flow.
- 29 **Perth & Kinross Area Archaeologist** has commented on the application and recommended that the two villas be retained. However, if the villas are to be demolished, a standing building survey must be carried out prior to demolition.

REPRESENTATIONS

- 30 Twelve letters of representations (from six individual households) have been received, all of which are either objecting or raising concerns over the proposal. The principal issues raised in the representations are,
- Concerns over surface water flooding
 - Increase in vehicular traffic on Muirhall Road
 - Lack of pedestrian footpath on Muirhall Road

- Inappropriate location for new vehicular access at Muirhall Road
- Light nuisance (as a result of new vehicular access at Muirhall Road)
- Inappropriate landscape proposals.

31 These matters are addressed in the appraisal section.

ADDITIONAL STATEMENTS:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement	Submitted
Report on Impact or Potential Impact	1. Tree Assessment 2. Site Access Feasibility Study 3. Green Travel Plan 4. Transport Assessment

APPRAISAL

Policy

32 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

33 In terms of the Development Plan, as the site benefits from an existing outline consent, the proposal has been accepted by the Council in land use terms. However, as the approval of the design, layout and other matters specified by conditions in the outline consent has the potential to impact specifically on the surrounding residential properties and their amenity (visual & residential), the requirements of Policy 41 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) should still be considered to be of relevance. For reasons stated elsewhere in the report, I consider the detailed proposal not to have an adverse impact on the amenity of the surrounding residential properties and is in accordance with the requirements of Policy 41 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

Design and Layout

34 The key tests of the acceptability of the design and layout of the new facilities are firstly, how successfully the applicant has addressed the natural slopes of the site, whether the proposal will result in an overdevelopment of the site and how the application addresses the condition related to single storey in appearance.

- 35 In terms of these issues, Members will note the requirement attached to the outline consent for all buildings to be single storey in appearance. As the sites natural topography slopes, the condition requiring all new buildings to be single storey in appearance is to some extent unrealistic, and would inevitably encourage the use of undesirable techniques to address the sloping nature of the site.
- 36 The approach that the applicant has chosen to try and address the issue is to design the buildings in such a way that accommodation will be available on various levels by working with the existing topography of the site by adopting a split-level design approach. By adopting this approach, the applicant has successfully managed to keep the appearance of single storey from key vantage points from within the site albeit I accept that some building will clearly not appear single storey from certain points and this is particularly true of the “hub” building. There is no doubt that the condition regarding single storey in appearance was explicit in its wording, however it is perhaps reasonable of the Council to take a more pragmatic approach to the terms of the condition. Many of the existing buildings on the site are of several stories in height and certainly greater in height than what is currently proposed. I consider the approach taken by the applicant is the most suitable for this site, and is in broad terms compliant with what the restrictive condition was trying to achieve. The alternative to this approach on such a sloping site would be substantial under building and the use of plinths or carrying excessive cuttings with high retaining walls. A traditional single storey would also lead to a larger footprint of the buildings to achieve the minimum level of clinical and non-clinical accommodation required by the NHS Tayside.
- 37 In terms of the density, there is no doubt that the introduction of the new facilities will erode into the existing grounds, however the proposed layout and overall footprint of the proposed buildings is not particularly excessive and does not constitute over development of the overall site. Structured landscaped areas that are either being retained or proposed have been fully integrated into the overall design, which will create an environment that retains its attractive and pleasant parkland setting, once the new facilities and landscaping have been fully implemented and completed. Crucially there will be a parkland sweep to the character within the site towards the neighbouring residential areas.

Visual Impact

- 38 The proposal will have a visual impact on the existing character of the MRH grounds from both within the site and the neighbouring Gannochy and Muirhall Roads. However, the potential impact is not one which is considered to be particularly intrusive or incongruous to the surrounding area. The use of the site topography with the design concept will enable the development to be visually accommodated satisfactorily within the site. The existing mature trees along the eastern and northern edges will go some way to screening the new facilities from the surrounding public roads and design of the buildings will not appear excessively high when compared to the existing buildings or viewed in the same vista as the main Listed Building.

Impact on existing Right of Way

- 39 An application for the re-direction of the existing right of way has been made by NHS Tayside to the Scottish Government. The Scottish Government has advertised the draft Order that members of the public may comment on up to 6 January 2010. If any objections are made to the Order, and if these objections are not withdrawn, the draft order will be subject of a public inquiry. If no objections to the Order are made or all initial objections are withdrawn, then the Scottish Ministers can then confirm the Order. Perth and Kinross Council have made no objection to the Order; however precise details of the new path will be required to be submitted to the Council prior to its implementation.

Air Quality

- 40 Natural gas is proposed as the principal heat-generating source for all the new facilities, with Class D oil available as a back-up fuel in the event of a loss of supply of natural gas to the site. There is therefore no likely impact on air quality as a result of the proposed heat sources.

Noise nuisance

- 41 Condition 12 of the extant outline consent sought to restrict the level of noise arising from inside new buildings to below noise rating 35 during daytime (0700-2300) and 25 during night-time (2300-0700). The applicant has indicated that these levels are achievable. A condition will be attached to the consent to ensure that these levels are adhered to.

Residential Amenity

- 42 The two principal conflicts with residential amenity are the relationship of the proposed new facilities to the existing properties along Gannochy Road, and the potential light spillage arising from the location of the new junction on Muirhall Road. The new buildings have been purposely located away from the northern boundary of the site, with the closest building at this area approx 57 metres from the northern boundary and 30 metres from the eastern boundary. I consider these distances to negate any potential for overlooking to occur, and with appropriate new landscaping, I consider there to be limited potential for an adverse impact on the amenity of the properties to the northern part of the site.
- 43 Concern has been raised by a local resident regarding potential light nuisance from vehicular traffic leaving the site from the new junction proposed for Muirhall Road. The new junction arrangement has been designed to minimise the potential impact on the affected properties and this, coupled by the fact that the property is almost 60 metres away from the junction itself, I consider that whilst some light spillage may occur this would not be unacceptable in an urban situation.

Impact on Trees

- 44 As part of the proposal, a number of mature trees are proposed to be removed. The Council's Tree & Woodland Officer has been in discussions with the applicant at an early stage and has accepted the removal of the trees proposed. All trees which are to be retained will be protected by stout fencing during the course of construction.

Landscaping

- 45 As part of the proposals a 1:1000 landscape plan has been submitted as well as a landscape appendix in the design statement. The overall landscape proposals are acceptable, however further details at a more specific scale will be sought from the applicant through a condition on any consent issued.
- 46 One area of concern at the outline stage was the proposed landscaping along the north western boundary of the site. A condition on the outline consent sought to ensure that a 25m landscape strip would be provided as part of any detailed proposals. The buildings at this part of the site are in excess of 57m from the rear boundaries of the properties along Gannochy Road, with a series of structured gardens in between the two and new planting (ranging from 10-20m in depth) proposed immediately adjacent to the north eastern boundary. I therefore consider the requirement for a 25m landscaped area to have been complied with, and will seek to ensure that the planting along the boundary is an appropriate mix that will provide the necessary visual barrier without affecting the existing residential properties by necessarily blocking sunlight in the future.

Biodiversity Issues

- 47 There is no record or evidence of bats within the MRH grounds or within any of the buildings, however some of the existing buildings (some of which are to be demolished) and mature trees could provide a suitable habitat for bats. Bats are protected species under European legislation. An appropriate suspensive condition shall therefore be attached to any consent to ensure that appropriate surveys are completed prior to any demolitions / removals.

Road Related Matters

Traffic Concerns

- 48 Several concerns have been listed in the representations regarding the potential increase in vehicular movements along Muirhall Road, which may have an adverse impact on the amenity of the area and potentially compromise vehicular and pedestrian safety. As part of this application, the applicant has referred specifically to the Transport Assessment which was originally submitted as part of the outline applications and is still relevant. The Transport Assessment was scoped to cover the local road network, and include assessment of all modes of transport (private car, public transport, walking & cycling). The conclusions of the Transport Assessment were accepted by the

Council as Roads Authority at the time of the outline application and this remains the case.

Improvements to Lochie Brae/Gannochy Road/Muirhall Road Junction

- 49 As part of the proposal, improvements are to be made to the existing junction of Lochie Brae/Gannochy Road/Muirhall Road. Precise details of the improvements (including timescales for implementation) are to be submitted to the Council as Roads Authority prior to the completion of the development.

Proposed New Muirhall Road Junction

- 50 As part of the proposal, a Site Access Feasibility Study (SAFS) has been carried out by the applicant using the data collected as part of the Transport Assessment. The aim of the SAFS was to determine the most suitable access arrangement for the new hospital facilities. The SAFS investigated, firstly considered potential locations for the new access from Gannochy Road, from fields from the A94 or from Muirhall Road. The SAFS discounted Gannochy Road on the grounds that there was limited opportunity to build an entirely new junction due to a) existing residential properties and b) the Community Council's desire to remove traffic from Gannochy Road. A new access from the fields adjacent to the A94 was discounted largely due to ownership issues.
- 51 The SAFS concluded the most suitable location for a new access point was from Muirhall Road, due to the fact that there was land available, no tree cover, there was an existing break in the perimeter wall and good visibility in both directions. With Muirhall Road the preferred location, the SAFS then investigated four different options for an access arrangement, namely a priority junction, a ghost island, a roundabout or traffic signals. The conclusion of the assessment was that a priority junction was deemed the most appropriate access arrangement. It is the opinion of the Council as Roads Authority, that the proposed location and type of junction proposed are the most suitable for this development.

Surface Water Drainage

- 52 It is proposed that surface water run off will be attenuated to green field run off using hydrobrakes and temporary stored in a combination of proprietary modular storage tanks, filter / carrier trenches and detention basins before being discharged to the water course adjacent to the northern boundary. Precise details of the final surface water drainage scheme will be submitted to the Council for prior approval in consultation with SEPA.

Retention of the football pitch

- 53 A new football pitch is to be implemented to the east of its current location. A legal agreement was signed, as part of the outline consent, which will ensure that the new pitch will be constructed, commissioned and put into use as soon as it is practicable after the existing football pitch is taken out of use.

Impact on the Setting of the Main Listed Building

- 54 The proposal has been based around two key elements, the clinical and mental health care aspirations and secondly, the understanding of the sites setting, which included consideration of the impact on the setting of the main Listed Building which dominates the site. The applicant has reached a balance between the two, with the setting of the main Listed Building (and others listed by virtue of being within its curtilage) generally being respected by the design and layout of the new facilities. Historic Scotland has raised no objection to the impact of the new hospital on the Listed Building

Proposed Demolition of Echo & Birnam Wards

- 55 As part of the proposals, it is proposed to demolish the two villas which flank the chapel building. As stated previously, the two villa buildings are listed by virtue of being within the curtilage of the main listed building since 1948. The Scottish Historic Environmental Policy 2008 (para 3.50) clearly outlines the circumstances when the demolition of a Listed Building can be supported. These include,

- the building is not of special interest; or
- the building is incapable of repair; or
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

- 56 It is the opinion of both the Council officers and Historic Scotland that both the villas are of special interest, and it could be argued that they have more architectural merit than the detached chapel which they flank. The supporting information which has been submitted by the applicant does not contain sufficient detail, or sufficient factual and / or analytical evidence to clearly demonstrate that one or more of the above tests have been satisfied or that every effort has been made to find a way of retaining these Listing Buildings by finding a suitable use.

- 57 As the removal of the two villas does not intrinsically effect the physical delivery of the new facilities as a whole, it is recommended that the demolition of the villas be omitted from the approved scheme, and that the sister application for Listed Building Consent for their demolition be refused by the Committee.

Risk Appraisal

- 58 During the determination of the 2006 outline consent, considerable debate occurred regarding the perceived risk to the public as a result of the proposed new secure units. As a consequence of this, a risk appraisal was included as one of the reserved matters.

- 59 As part of this proposal, a risk appraisal has been submitted to the Council by Dr Tom White, the clinical lead for MRH to help demonstrate the level of security which MRH operates under. Security at MRH would be made up of three components, physical, relational and procedural security. In essence this means that the buildings (existing and proposed) should support the safe management of patients, staff should have the requisite skills to assess and manage risk and procedures are in place to ensure that patient assessment is systematic. All three components of security are contained within the National Forensic Managed Care Network “Medium Secure Standards” and also the Royal College of Psychiatry Quality Improvement Group “National Standards for Medium Secure Services”. The Secure Care Clinic at MRH is aware of both sets of standards in relation to all three components of security.

Physical

- 60 The architecture of the proposed Joint Secure Clinic has been reviewed and overseen by the Security sub-group which brings together expertise from the State Hospital, Police Architectural Liaison Officer, NHS Tayside Management of Aggression Specialist, National Nurse Forensic Consultant, the local Police force in addition to Senior Clinical input from the current low secure service. The Preferred Bidder has had access to the architectural standards contained within both the Scottish and National Royal College of Psychiatrists Medium Secure Standards. Further more, the applicants intend to apply for “Secured by Design” which requires a two stage inspection, initially when plans are produced and secondly, once the building has been completed.

Relational

- 61 With regard to the appointment of staff with the relevant skills to assess and manage risk, the North of Scotland Planning Group has agreed to appoint all three Consultant Forensic Psychiatrists at least 18 months prior the unit opening. One of the Consultant Forensic Psychiatrists is already in post. The North of Scotland Forensic Network has organised training of risk assessment and risk management planning in conjunction with the Risk Management Authority and the National Forensic Managed Care Network to enhance the skill base of multi-agency practitioners throughout the North of Scotland.

Procedural

- 62 In relation to procedural security, there is Government guidance on the assessment and management of risk of high risk patients which will be applicable to the majority of the residents in the Joint Secure Clinic. The recommended vehicle to manage risk is the Enhanced Care Programme Approach and referral/or notification to multi-agency public protection arrangements (MAPPA). The Enhanced Care Programme Approach contains a contingency plan which is circulated to health and justice partners to ensure a quick and unequivocal response to deterioration in risk factors. The MAPPA system in NHS Tayside currently functions well. This process allows independent scrutiny of the risk management plan by Criminal Justice Social Work, Police and Child Protection Officers to ensure that all the necessary

steps have been taken to contain the risk towards the public. These specific risk assessment and management initiatives occur in the broader context of a clinical governance strategy agreed by the Regional Governance Group, based on the National Forensic Network Medium Secure Standards. The quality of care offered to patients in the regional unit will be subject to review, not only by the host Health Board, NHS Tayside, but also by Senior Clinicians/Planners in the five participating Health Boards. This dual scrutiny should ensure that the services are of the highest quality. The Project Team of the Secure Care Clinic has also been in close liaison with other medium secure services to ensure that admission criteria are the same throughout the medium secure estate in Scotland.

- 63 In summary, the buildings, staffing and processes for assessing and managing risk of the Secure Care Clinic will be underpinned by Scottish Forensic Network and Royal College of Psychiatrists (United Kingdom) Standards. The success in meeting these National Standards will be jointly scrutinised through governance arrangement within NHS Tayside and the North of Scotland Regional Governance Group.

Assessment of Matters specified in conditions attached to the Outline Consent (08/02078/OUT)

Condition 1 (Reserved Matters)

- 64 The majority of the reserved matters details have now been submitted; however it is recommended that despite the level of detail submitted as part of this application, further additional information concerning landscaping arrangements, contaminated land, surface water drainage and external finishes is required and must be submitted for the prior approval of the Council before work commences on site.

Conditions 2 & 3 (Timing)

- 65 Standard time conditions which are required to be adhered to.

Condition 4 (Indicative Plans Only)

- 66 It is recommended that this condition be discharged as the indicative plans and elevations submitted at the outline stage have now been superseded by the plans now submitted for approval.

Condition 5 (Right of Way)

- 67 It is recommended that this condition remain imposed to ensure that the right of way re-direction is implemented at the appropriate time.

Condition 6 (Single Storey Appearance Requirement)

- 68 It is recommended that this condition be discharged as it has been superseded by the details submitted as part of this planning application.

Condition 7 (All road related matters)

- 69 The layout submitted meets with the Councils standards in terms of access arrangements and parking standards.

Condition 8 (Green Travel Plan)

- 70 It is recommended that this condition be retained, as although information relating to the Green Travel Plan has been submitted to the Council, and is generally acceptable in principle, an approved Green Travel Plan can not be adopted until a detailed plan has been submitted to the Council by NHS Tayside.

Condition 9 (Surface Water)

- 71 It is recommended that this condition is not discharged until further information has been submitted to the Council and discussions with SEPA have been progressed.

Condition 10 (Landscape Strip)

- 72 It is recommended that this condition be discharged as it has been superseded by the details submitted.

Conditions 11, 12 & 13 (Residential Amenity)

- 73 It is recommended that these conditions remain imposed as they are prohibitive conditions which must be complied with in perpetuity.

Conditions 14 & 15 (Contaminated Land)

- 74 It is recommended that these conditions are not discharged until further information has been submitted to the Council.

Condition 16 (Traffic Management)

- 75 It is recommended that this condition remains imposed as no details have been submitted in relation to a traffic management plan.

LEGAL AGREEMENTS

- 76 There are no legal agreements required prior to the issuing of the consent. An extant legal agreement is attached to the land concerning the relocation of the existing football pitch.

DIRECTION BY SCOTTISH MINISTERS

- 77 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

78 It is recommended that the Committee approve this application, subject to the conditions listed.

RECOMMENDATION

A Approve application for the subject to the following conditions:

- 1 The development shall be begun no later than two years from the date of this consent or five years from the date of the outline consent, whichever is the later.
- 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 A scheme to deal with contamination on the site shall be submitted to and approved in writing by the planning authority within 3 months from the date of the consent, unless otherwise agreed in writing by the Council. The scheme shall contain details of proposals to deal with contamination to include:
 - 1) the nature, extent and type(s) of contamination on the site
 - 2) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - 3) measures to deal with contamination during construction works
 - 4) condition of the site on completion of decontamination measures

Prior to the use of any of the buildings commencing, the measures to decontaminate the site as approved by the Council as planning authority shall be fully implemented.
- 4 A Traffic Management Plan, relating to construction traffic and site servicing traffic, shall be lodged within 3 months of the date of consent (unless otherwise agreed in writing by the Council as Planning Authority) for the prior approval in writing by the Council as Planning Authority.
- 5 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or 25 Noise Rating between 2300 and 0700 hours daily, within any nearby residential property, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve chart.
- 6 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained such that cooking odours are not exhausted into or escape into any nearby dwellings.

- 7 No part of the development shall be occupied until a Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
- 8 The Public Right of Way (CC39/28) must be diverted along the north eastern boundary of the application site prior to the commencement of the development, and a new path formed to satisfaction of the Council as Planning Authority. Precise details of the new path shall be submitted for the approval in writing by the Council as Planning Authority within 3 months of the date of the decision, unless otherwise agreed in writing by the Council as Planning Authority.
- 9 All trees which shown has been retained shall be adequately protected by stout fencing during the course of construction, to the satisfaction of the Council as Planning Authority.
- 10 Prior to any buildings being demolished or trees removed, a bat survey of the Murray Royal site shall be carried out by a suitability qualified consultant. The recommendations of the survey must be fully complied with, to the satisfaction of the Council as Planning Authority.
- 11 Within 3 months from the date of the decision precise details and samples of all external wall and roof finishes shall be submitted for the approval in writing by the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority.
- 12 The demolition of the two villas (Elcho and Birnam) is not approved.
- 13 Within 3 month from the date of decision, revised plans showing the retention of the two villas (Elcho and Birnam) shall be submitted for approval in writing by the Council as Planning Authority.
- 14 Within 6 months from the date of decision, a detailed landscaping and planting scheme shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full and thereafter retained in perpetuity, all to the satisfaction of the Council as Planning Authority.
- 15 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices. Precise details of the final surface water drainage system shall be submitted for the approval in writing by the Council as Planning Authority (in consultation with SEPA) within 6 months of the date of the decision.
- 16 Prior to any building being occupied, all matters regarding access, car parking and public transport facilities shall be in accordance with the requirements of

the Council as Roads Authority, and to the satisfaction of the Council as Planning Authority.

- 17 Within 6 months of the date of the decision, precise details (including timing) of the proposed improvements to the junction of Lochie Brae/Gannochy Road/Muirhall Road shall be submitted for the approval in writing by the Council as Planning Authority. The approved improvements must be fully implemented prior to the occupation of any building, to the satisfaction of the Council as Planning Authority.
- 18 The new priority junction arrangement shall be formed as per drawing No 60046519_M001.010_701 (dated 7.8.08), to the satisfaction of the Council as Planning Authority.

Reasons:

- 1 The Planning Permission in Principle for this development lapses on the expiration of 2 years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In order to comply with PAN 33: Contaminated Land.
- 4 In the interest of proper site management.
- 5-6 In the interest of residential amenity.
- 7 In the interest of proper site management.
- 8 In ensure a replacement right of way is implemented to the Councils standards.
- 9 In the interest of visual amenity.
- 10 In order to protect a European protect species.
- 11 In the interest of visual amenity.
- 12 In order to protect the Listed Buildings.
- 13 In order to obtain an accurate set of approved plans.
- 14 In the interest of visual and residential amenity.
- 15 In the interest of proper site management.
- 16-18 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

B Justification

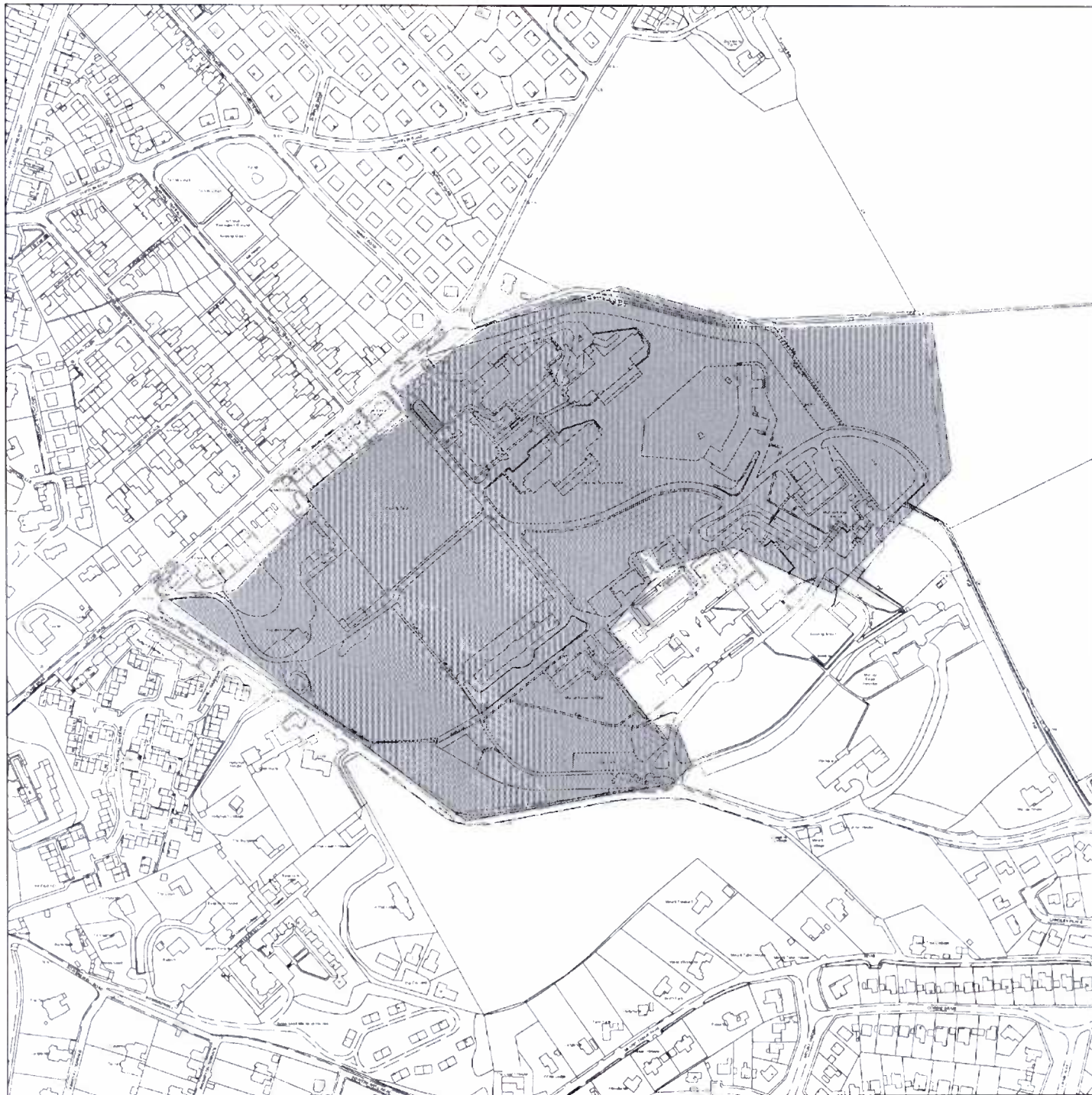
The details submitted are regarded as being in accordance with the terms of the outline consent and in accordance with the Development Plan.

Background Papers: Twelve letters of representation
Contact Officer: Andy Baxter Ext 75339
Date: 7 January 2010

Nick Brian
Development Quality Manager



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	23 December 2009
SLA Number	100013289

