

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: 10/00685/LBC
 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.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 2 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.
- 3 Of relevance to this application are
 - Paragraphs 110 -124 : Historic Environment
 - Paragraphs 113 -114: Listed Buildings
- 4 **Scottish Historic Environment Policy (SHEP):-** sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.
- 5 Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998).

DEVELOPMENT PLAN

- 6 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

- 7 The principle relevant policies are in summary: -
- 8 **Sustainable Communities Policy 9:-**
This 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.
- 9 **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 **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

- 11 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.

SITE HISTORY

- 12 Planning application 09/00434/FUL and Listed Building Application 09/00435/LBC were submitted to the planning service for consideration on the 16 March 2009. After undertaking a site visit and assessing the plans concerns regarding both applications were highlighted to the agent and the applications were withdrawn to allow amendments to occur.
- 13 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

14 **Scottish Water**:- No objection.

REPRESENTATIONS

15 None.

ADDITIONAL STATEMENTS

16	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

- 17 This report deals with the assessment of proposed alterations and extension to Luncarty House a Category C(s) Listed Building. A separate planning application has been submitted which is assessed under application 10/0688/FLL.
- 18 In accordance with Regulation 5 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 the Listed Building application has been advertised in the Local Press, Edinburgh Gazette and a site notice was posted on the 29 April 2010.
- 19 The determining issues in this case are:- the statutory requirement under Section 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the planning authority 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; whether the proposal complies with development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy. The planning application for these works under Ref: 10/00688/FLL is included elsewhere on this agenda.

Impact on the setting of the Listed Building:

- 20 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.

- 21 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.
- 22 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.

Design of the extension:

- 23 The agent has provided a supporting statement with the application which highlights the process undertaken in the design of the development. I am therefore content that the extension is acceptable in terms of layout, massing and design.
- 24 I do however have concerns with the proposed solar panels which are located on the extension roof. In this instance I consider this element should be deleted from the scheme which can be controlled by a suitably worded condition.

Impact on Internal Alterations:

- 25 The internal alterations remove partition walls that were not original to the Listed Building. This is considered to be a significant improvement and returns them closer to the original form which is supported in supplementary planning guidance. It is necessary to condition internal works to ensure the retention of architectural mouldings and detailing.

LEGAL AGREEMENTS

- 26 None required

DIRECTION BY SCOTTISH MINISTERS

- 27 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

- 28 Taking the above into account I consider that the proposed alterations and extension to Luncarty house comply with the requirements set out in legislation to preserve the special architectural historic interest which the building possesses. Additionally I do consider it to comply with Policy 77 of the Perth Area Local Plan 1995 which has a presumption in favour of consent for development involving the sympathetic restoration of Listed Buildings. I have

taken account of advice contained within Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998) and Scottish Governments Scottish Planning Policy and find no reason to refuse the application. Overall the proposal is acceptable and it is recommended 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 Precautions shall be taken to secure and protect the interior features of Luncarty House against accidental loss or damage, or theft during the building work. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Council. Particular regard should be given to the existing chimneypieces, door sets and ornamental mouldings.
- 4 All new partitions shall be scribed around the existing ornamental mouldings all to the reasonable satisfaction of the Planning Authority.
- 5 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
- 6 Samples of the proposed external finishing materials to be used shall be submitted for the written approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation of the building.
- 7 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.

REASON:

- 1 In accordance with the terms of Section 16 of the Planning (Listed Buildings and Conservation Areas) (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.
- 3-6 In order to safeguard the special architectural or historic character of the building.
- 7 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.

B JUSTIFICATION

- 1 It is considered the proposal complies with the adopted Perth Area Local Plan 1995, in particular policy 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 Planning Consent has been granted for these works

Background Papers: None

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Date: 24 June 2010

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Perth & Kinross Council Development Control Committee: 7th July 2010 10/00685/LBC Luncarty House



