

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 14/02905/PP

Planning Hierarchy: Local Application

Applicant: Mr William McDonald

Proposal: Demolition of existing nursing home and erection of replacement nursing home

Site Address: Lochside Nursing Home, Shandon, Helensburgh

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Demolition of existing nursing home;
- Erection of replacement nursing home
- Improvement of existing access;
- Formation of 19 parking spaces.

(ii) Other specified operations

- Connection to existing public main;
 - Connection to existing public sewer.
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(B) RECOMMENDATION:

It is recommended that, subject to a discretionary local hearing being held in advance of determination of the application, planning permission be granted as a 'minor departure' to Policy LDP DM 1 subject to the conditions and reasons listed overleaf.

(C) HISTORY:

99/00749/DET - Extensions and alterations to nursing home (Approved 19/07/1999)
02/01827/DET Erection of Dayroom Extension (approved 10/01/2003)
08/02175/DET Mixed use development of a 51 bed nursing home and 18 flatted dwellings (Withdrawn 12/09/2012)

(D) CONSULTATIONS:

SEPA	06.02.2015	No objection subject to advice re freeboard and finished floor levels.
Roads Engineer	10.02.2015 16.04.2015 and 21.10.2015	No objections subject to provision of sightlines, parking and a footway to be provided from the west bound bus stop to the new nursing home.
Public Protection	05.05.2015	No objections. Premises should comply with Food Hygiene Regulations.
Drainage/Flooding	10.06.2015	Final Floor Level to be at least 5.37mAOD. Flood resistance measures should provide an overall level of protection of 5.97mAOD.
Rhu & Shandon Community Council	03.02.2015, 16.04.2015 and 23.10.2015	See below

R&S CC would like to encourage this development as we believe it will result in an improved facility for the area, as well as continuing employment for the staff. However, this must not be at the expense of introducing an inappropriate or poorly designed building into the attractive setting of the Gareloch east bank.

The scale and height of the proposed new building seem out of proportion with the setting and overly intrusive into the surroundings. Changes to the height and the overall finish and appearance might improve the overall impact.

We have yet to see any montages or drawings indicating the appearance when approaching along the A814 and fear these might be particularly intrusive relative to the current development.

Parking does not meet the normal requirements for this scale of development. It does not seem logical that the site can be assigned for parking yet be available for future development. Given the nature of the A814 it is critical that roadside parking be completely avoided – possibly double yellow lines along the road from the bus stop to the south and for some 100 metres to the north.

Of considerable concern is the road access. Currently this is extremely awkward, particularly for vehicles turning in from the south, or turning out to go south and also because the driveway drops away sharply from the road and traffic approaching from the south appears over the brow of a hill. The recent submission from the Roads Department quotes the preferred splay visibility as 136m which is achievable looking north but is reduced to 63m when looking south, albeit if the distance from the road is reduced to 2.5m the 136m can be achieved. The speed survey conducted in January

2013, indicated the mean number of vehicles per day was 7447 with peak traffic flows between 7 and 9 in the morning and between 4 and 5 in the afternoon, coinciding with peak access and egress from the nursing home. The Roads Department's submission accepts that 15% of those cars travel at above 54 mph despite a 50mph speed limit. Traffic travelling north is known to infringe the double white lines coming down the hill meaning that vehicles turning out to go south can be particularly vulnerable. Whilst we recognise that the proposals are better than the existing situation R&S CC nevertheless have trouble in accepting the Roads Department willingness to compromise on the preferred design parameters and would suggest that they be asked to re-visit this decision.

The drawings do not specifically state the overall building height but it has been estimated by scaling the drawings as approximately 20m AOD. Compared with the original submission which was estimated as approximately 18m this is a move in the wrong direction. For comparison the existing lodge building has been estimated as having a maximum ridge height of approximately 10m AOD and nestles well below the ridge between it and the A814. The highest point of the ridge of the proposed building will be some 10-12m above the A814 road level. The proposed building is some 67m long so it will clearly be a massive building right on the shore of the Gareloch.

The scale and height of the proposed new building seem out of proportion with the setting and overly intrusive into the surrounding. The building will be highly visible and will intrude into the landscape from both the north and south approaches along the A814 as well as from all over the loch, a popular sailing locale, and from the peninsula. The failure of the Developer to provide montages to illustrate the impact of the building on its setting is a disappointment

The final finish to the building is not specified but is unlikely to materially ameliorate the impact it will have on its setting in the Gareloch landscape.

It is noted that there will be considerable but unquantified excavation at the south end of the site to accommodate the new building. The effect of this on the ridge behind is unclear.

It appears that mature trees will be felled to accommodate the new building thus reducing the amount of natural screening currently available.

R&S CC is concerned that approving the construction of a building of this height and scale right on the water's edge will provide a precedent not only for further development on this site but for other potential development sites around the Gareloch.

Given the R&S CC view that the facility of a care home is appropriate on this site, and it provides local employment, we do not wish to see the business leave, but we do think that, as presented, this building is too big and too intrusive. We would suggest that if a building on this site were limited to two floors it would nestle below the background ridge and look far more in keeping with its surroundings.

Considering the above we feel that the following policies of Argyll and Bute Council have not been complied with:

- a. Within the LDP, Key Objective E requires development "To ensure the outstanding quality of the natural, historic and cultural environment is protected, conserved and enhanced"
- b. LDP STRAT 1, (h), (i) require conservation and enhancement of the natural and built environment and respect to the landscape character of an area.

- c. LDP 3 B(i), C, does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design
- d. SG LDP ENV 14: Argyll and Bute Council will consider landscape impact when assessing development proposals, and will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape
- e. LDP 4, SG LDP CST 1, C: It will not have a significant adverse impact, either individually or cumulatively, on the natural, built or cultural heritage and amenity value of the area and is compatible with Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and, D) The location, scale and design are such that it will not have an unacceptable impact, either individually or cumulatively, on the landscape and seascape character of the coast.
- f. LDP 9, A, B, C: design of developments and structures shall be compatible with the surroundings. Particular attention shall be given to massing, form and design details, etc.

In summary, R&S CC do not believe their concerns about scale and height, and impact on the adjacent landscape setting, have been addressed in the amended design and feel that the application as presented should be refused as it clearly does not comply with Argyll & Bute development policies.

Development Policy Officer 03.11.15

Nursing Homes fall in to use class 8 – residential institutions which sits between class 9 – houses and class 7 hotels and hostels. LDP and Supplementary Guidance Policy does not provide a policy specifically covering residential institutions. However, in terms of the physical characteristics of the proposed building the use is more akin to that of a hotel than a dwelling house; the nursing home comprising 68 en-suite bedrooms and ancillary facilities such as lounges and dining rooms. Applying this criteria the proposed development would be ‘large scale’ (over 60 letting units) whereas the existing facility would be ‘medium scale’ (11 to 60 letting units).

Policy LDP DM 1 is intended to set the general principle for the scales of new development in each of the development management zones, it is intended to help guide larger scales of new development primarily to larger key settlements. The policy requires assessment against all other relevant policies of the Local Development Plan and Supplementary Guidance which enable an overall assessment of the effect of the proposals on the area. Where these prove acceptable there would be justification to approve this as a ‘minor departure’ to the Plan. This is particularly the case, given the special circumstances of the application, as it relates to an existing care home which requires improved facilities to meet modern care home standards, and which requires additional accommodation in order to maintain economic viability.

(E) PUBLICITY:

Listed Building/Development in Conservation Area Advert - Application affecting the setting of a listed building (expired 19/02/2015)

(F) REPRESENTATIONS:

Thirty four e-mails and letters of objection have been received together with one e-mail of support.

Objectors

Carolyn Rudram, 21 Queens Point, Shandon, Helensburgh (e-mail dated 24 October 2015)

Jim Duncan, Shoreacres, Rhu (e-mail dated 25 October 2015)

Jack Rudram, 21 Queens Point, Shandon, Helensburgh (e-mail dated 25 October 2015)

Mr T C Lamb, Rhu Cottage, Ferry Road, Rhu, Helensburgh (e-mail dated 25 October 2015)

Gayle Rudram, 21 Queens Point, Shandon, Helensburgh (e-mail dated 26 October 2015)

Peter Knox (e-mail dated 26 October 2015)

Ian Irving, 2 Broomfield Gardens, Shandon (e-mail dated 26 October 2015)

Peter and Alison Elias, 1 Queens Point, Shandon (e-mail dated 26 October 2015)

Morgan Gladden, 7 Broomfield Gardens, Shandon (letter dated 26 October 2015)

Robert Gladden, 7 Broomfield Gardens, Shandon (letter dated 26 October 2015)

Elizabeth Gladden, 7 Broomfield Gardens, Shandon (letter dated 26 October 2015)

Michael Gladden, 7 Broomfield Gardens, Shandon (letter dated 26 October 2015)

Jean Cook (e-mail dated 26 October 2015)

Mrs Kirsteen Young, Croy, Shandon (e-mail dated 27 October 2015)

John Young, Croy, Shandon (e-mail dated 27 October 2015)

Fiona Baker, Hillcroft, Station Road, Rhu (e-mail dated 25 October 2015)

L J Duncan, Shoreacres, Artarman Road, Rhu (e-mail dated 26 October 2015)

Nicola Morrison, Smugglers View, The Waterfront, Pier Road Rhu (e-mail dated 25 October 2015)

John McGowan, Lagbuie, Shandon (e-mail dated 25 October 2015)

Douglas Prophet, 3 Smiddy Court, Garelochhead (e-mail dated 25 October 2015)

Alistair Moore, Smugglers View, Pier Road Rhu (e-mail dated 25 October 2015)

Rodney Snook, Shanton Cottage, Shanton Road, Rhu (e-mail dated 25 October 2015)

M Stewart, 1 Pier Road Rhu (letter dated 26 October 2015)

Alison McGall, 1 Pier Road Rhu (letter dated 26 October 2015)

Robert D'Arcy, 225 East Clyde Street, Helensburgh (letter dated 26 October 2015)

Moyra Conner (e-mail dated 25 October 2015)

Margaret J P Pollock-Morris, 4 Cumberland Road, Rhu (e-mail dated 25 October 2015)

Brian Fleming, Abergare, Rhu Point, Rhu (e-mail dated 25 October 2015)

Ruth Chappell, Abergare, Rhu Point, Rhu (e-mail dated 25 October 2015)

Mary Jackson, Ingleby Green, Artarman Road, Rhu (e-mail dated 25 October 2015)

Craig Jackson, Ingleby Green, Artarman Road, Rhu (e-mail dated 25 October 2015)

Andrew Nicholson JP, Torwood Cottage, Armadale Road, Rhu (e-mail dated 24 October 2015)

Bryan Wright, 15 Queenspoint, Shandon (e-mail dated 25 October 2015)

Christopher Lowe, 10 Broomfield Gardens, Shandon (e-mail dated 01 November 2015)

Summarised grounds of objection:

- Support expressed for the objection lodged by the Rhu & Shandon Community Council.

Comment: Noted.

- We believe the scale and mass of the new building is inappropriate for the location. It will be visible from all over the loch and from the Peninsula as well as creating a large visual intrusion on the approach along the A814, particularly from the north. The scale of the development should be reduced so that it blends better into the surrounding landscape.

Comment: See my assessment below

- Especially concerned about the very poor access to and from this site onto the A814 and that junction's dangerously poor sight lines onto a fast section of main road. Do not believe that the access limitations of this site make it suitable for such a major development that will inevitably create a large increase in vehicle movements. We have already witnessed some alarming accident near misses at the current care home, delivery trucks reversing 'blind' out onto the A814 due to there being insufficient manoeuvring room on the site, delivery trucks parked off the premises on the main road half blocking the north bound carriageway of the A814, staff and visitors' cars parked on the verge of the A814 as there were no available parking spaces left on the site. The latter two cases obviously further reducing the sight lines and creating new blind spots. The very poor access is an accident waiting to happen.

Comment: The Area Roads Manager has no objections subject to sightline improvements.

- Object to giving blanket approval for the development of an unspecified nature on the large cleared area when the existing Victorian building is demolished. It is unlikely this will be a Nursing Home related since it makes no economic or commercial sense to have the Nursing Home split in to two separate buildings.

Comment: There is no blanket approval for the proposed cleared area. Any proposed future development will require a separate application for planning permission.

- The plans for the new building show it very close to the upper beach in an area indicating incursion into the banking where there is a very significant stance of Japanese Knotweed.

Comment: There will be incursion in to the banking at the east end of the site which should have a marginal positive impact in integrating the new build in to the site. There is a legal obligation on developers not to allow the spread of Japanese Knotweed. Knotweed is an invasive, non-native species. Its movement and transfer are a matter specifically for SEPA and the Police and are primarily dealt with under the Wildlife and Countryside Act 1981. In this case, if Members are minded to approve the application, an appropriate condition can be attached to the consent.

- Building another storey will not help flooding

Comment: See my assessment.

- Insufficient time has been allocated for public comment/objections following amended plans being made public.

Comment: The application was received on 3 December 2014 and validated on 8 January 2015 but no objections were received other than from Rhu and Shandon Community Council. Amended plans have now been submitted and third parties have had the chance to comment on them prior to the matter being considered by Members.

- Why not use and develop the old Cairndhu building returning it to its former glory and protecting it from further decay. It has been a care home before and has a stunning location with a large floor area.

Comment: An application has been submitted for the redevelopment of the Lochside Care Home and requires to be judged on its merits against development plan policy and other material considerations. Therefore, in normal circumstances, the issue of Cairndhu or other properties would not be a material consideration in the determination of this application. However, Policy SG LDP CST 1 states that applications for coastal development on land will only be supported where it can be demonstrated, inter alia, that a coastal location is essential to the development and that there is no viable alternative site outwith the coastal zone. As such other properties/land are a material consideration. The applicant has advised that Cairndhu, which is listed, and another property Balvaird, both in Helensburgh, are not within his ownership. Moreover, it was considered difficult and not economically viable to upgrade them to modern regulatory requirements. Redeveloping Lochside is considered the most practical option.

Supporter

Dave Whitham (e-mail dated 25 October 2015)

Summarised grounds of support:

- Would like you to note my support for this redevelopment.

Comment: Noted.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** No
- (iv) **A report on the impact of the proposed development** Yes - A flood risk assessment has been submitted.

Summary of main issues raised by each assessment/report

The flood risk assessment has identified measures to ensure that any flood risk is minimised.

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No
-

- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
-

- (J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity (i.e. biological diversity);

SG LDP ENV 6 Development Impact on Trees / Woodland;

SG LDP ENV 16(a) Development Impact on Listed Buildings;
SG LDP DEP 1 – Departures to the Local Development Plan
SG LDP LDP CST 1 Coastal Development;
SG LDP SERV 7 Flooding and Land Erosion – The Risk Framework for
Development;
SG LDP Climate Change;
SG LDP TRAN2 Development and Public Transport Accessibility;
SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes;
SG LDP TRAN 6 Vehicle Parking Provision
SG2 Sustainable Siting and Design Principles

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Scottish Planning Policy (SPP) (June 2014);
Scottish Historic Environment Policy 2014;
Applicant's Supporting Information;
Planning history;
Views of statutory and other consultees;
Representations; and
Argyll and Bute Sustainable Design Guidance, 2006

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): Yes

A total of 34 e-mails and letters of objection, plus one of support have been received together with an objection from Rhu and Shandon Community Council. On the basis of the number of third party representations received and the objection of the Community Council it is considered that a Hearing would give added value to the decision-making process.

(P) Assessment and summary of determining issues and material considerations

The site is located within the 'settlement' boundary for Shandon as defined by the Local Development Plan (LDP). It comprises the existing Lochside Care Home contained within a site which runs some 300 metres in length along the shore of the Gare Loch. The proposal is for the part demolition of the existing nursing home and the erection of a replacement home. Local Plan Policy LDP DM1 deals with development within the various management zones established by the plan. Within villages and minor settlements up to 'small scale' development on appropriate sites is supported. Related to

this is Policy LDP 3 which states that in all development management zones the Council will assess applications for planning permission with the aim of protecting, conserving and where possible enhancing the built, human and natural environment.

The LDP defines 'small scale' for various, but not all, types of development. With that in mind, and in the knowledge that the occupancy of this building will double, it is fair to regard the existing building as already being 'medium scale' and the proposal as being the equivalent of 'large scale' for the purposes of Policy LDP DM 1.

The existing building does not meet current care standards and would prove economically difficult to alter for modern use. It is of limited architectural merit and there are no objections in principle regarding its redevelopment, subject to a site based criteria assessment.

The key change will be the massing and scale of this development as compared with the existing building. The new build will be some 6 metres higher at its highest point than the existing home, and cross-sections indicate it sitting 6 to 7 metres higher at its highest point given the sloping nature of the ground. It is not within a conservation area but it does have a coastal location which presents some sensitivities in terms of scale given the frontage presented by the development to the water.

The building by virtue of its massing and scale will be more visible when viewed from adjoining properties and along the A814, primarily in terms of visibility of the top floor and the roof. This increase in scale has to be balanced against the applicant's desire to provide a modern nursing home which meets current standards. A 6 to 7 metre change in height will unavoidably impact on the locality. However, its impact will be reduced as the A814 sits at a higher level than the site, provides a significant degree of screening and backdropping and views from the road will be intermittent and fleeting. The nearest adjoining properties also sit higher some 60 metres away and it will be screened by some of the existing tree cover together with additional tree cover proposed by condition. It will also have a bigger impact when viewed across the Gareloch from the water and the opposite shore. However, the building will be set against a backdrop of trees, and this area of coast has a mix of development including the Naval Base, Blairvadach Outdoor Centre and modern housing development located directly across the road from the site. As such while the impact will be greater, it will not lead to an unacceptable impact, either individually or cumulatively, on the landscape and seascape character of the coast or on the adjoining properties or surrounding area.

It is considered that a 'minor departure' is warranted in this case in order to sustain the site for continued use for its existing purpose, to enable the accommodation to meet modern standards and to ensure that what will amount to a brownfield site following demolition of the existing building is developed in a manner which maximises its potential within the constraints imposed by its surroundings.

(Q) Is the proposal consistent with the Development Plan: No – minor departure

(R) Reasons why planning permission should be granted

The site is located within the 'settlement' boundary for Shandon as defined by the Local Development Plan (LDP). The existing building does not meet current care standards and would prove economically difficult to alter for modern use. It is of limited architectural merit and there are no objections in principle regarding its redevelopment. The proposal is for a contemporary design which will add to the variety of designs in the locality. There are no infrastructure constraints and the proposal will improve the viability of the existing business. Subject to muted finishes and additional landscaping, despite the increase in

the scale of the building, the development will be capable of being integrated with its existing setting and will not undermine unacceptably the character and appearance of the surrounding area including the setting of Blairvadach which is a Category B listed building.

(S) Reasoned justification for a departure to the provisions of the Development Plan

The LDP defines 'small scale' for various, but not all, types of development. No scale categories have been defined for residential institutions such as care homes and nursing homes. Accordingly, it is only possible to reach a judgement in terms of scale for the purposes of Policy LDP DM 1 on the basis of analogy and comparison with those types of development which are specifically defined in the plan for purposes of scale. Having regard to the existing and proposed occupancy it is fair to regard the existing building as already being 'medium scale' and the proposal as being the equivalent of 'large scale' for the purposes of Policy LDP DM 1. Although the site falls within the 'settlement' boundary, where redevelopment is appropriate on a like for like basis, or on the basis of a marginal increase in scale, the threshold for new development has nonetheless been set by the LDP at 'small scale', given the definition of Shandon as a 'minor settlement'. Accordingly the proposal to double the capacity of the home would represent a departure to the normal effect of LDP DM 1. However, the proposal is for a contemporary design which will add to the variety of designs in the locality. There are no infrastructure constraints and an enlarged facility will improve the viability of the existing business. It will retain and potentially increase the number of jobs in the area and contribute to the wider economy. Subject to muted finishes and additional landscaping, the development will be capable of being integrated with its existing setting and will not undermine unacceptably the character and appearance of the surrounding area including Blairvadach which is a Category B listed building. It is considered that a 'minor departure' is justified in this case in order to sustain the site for continued use for its existing purpose, to enable the accommodation to meet modern standards, and to ensure that what will amount to a brownfield site following demolition of the existing building is developed in a manner which maximises its potential within the constraints imposed by its surroundings.

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Howard Young

Date: 02/11/2015

Reviewing Officer: Richard Kerr

Date: 03/11/2015

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 14/02905/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 10/03/15 and the approved drawing reference numbers:

1032 100 Locality Plan,
1032 200 Site Layout as Existing
1032 400 Site Sections as Existing
1032 502 Elevations as Existing
1032 201 Rev B Site Layout as Proposed
1032 500 Rev C Elevations as proposed
1032 300 Rev A Ground Floor Plan as Proposed
1032 301 Rev A First Floor Plan as Proposed
1032 302 Rev A Second Floor Plan as Proposed

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings and in construction of hard standings/walls/fences has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

3. Visibility sightlines of 136 metres shall be provided in both directions from a point measured 2.5 metres back the edge of the carriageway at the centre point of the access prior to the nursing home hereby approved becoming operational. These visibility splays shall be cleared of all obstructions over 1.05 metres in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over 1.05 metres in height in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

4. Notwithstanding Condition 3 above, a separate visibility sightline of 60 metres shall be provided to the east from a point measured 4.5 metres back the edge of the carriageway at the centre point of the access prior to the nursing home hereby approved being occupied. This visibility splay shall be cleared of all obstructions over 1.05 metres in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over 1.05 metres in height in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

5. Prior to the nursing home hereby approved being completed or brought in to use a footway link will be provided along the grass verge from the existing westbound bus stop to the replacement nursing home as shown on drawing number 1032 201 Rev B.

Reason: In the interests of road safety.

6. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earth mounding, and shall ensure:

(a) Completion of the scheme during the planting season next following the completion of the building or such other date as may be agreed in writing with the Planning Authority;

(b) The maintenance of the landscaped areas for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to integrate the development into its surroundings.

7. The final floor level shall be at least 5.37mAOD. Details of flood resistance measures to be used to provide an overall level of protection of 5.97mAOD shall be submitted to and approved in writing by the Planning Authority prior to works commencing on site and shall be implemented prior to the first occupation of the development hereby approved.

Reason: In order to prevent the site from being flooded.

8. Prior to the commencement of development, the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply and public sewer.

Reason: In the interests of public health and to ensure the availability of an adequate water supply and drainage system to serve the proposed development.

9. Before any works are undertaken, the site must be surveyed for the presence of Japanese Knotweed and a copy of this survey sent to the Planning Authority. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to and approved by the Planning Authority prior to the commencement of work on site, and the approved scheme shall be implemented prior to the commencement of the use of the building.

Reason: To prevent the spread and transfer of Knotweed.

Note: The developer should be aware that that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 metres beyond this. Therefore, the survey required by this condition must also note any knotweed adjoining the site.

Notes to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning

Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.

- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- A Roads Construction Consent will be required to form the new vehicle access and footway link from the existing bus stop.
- Please note the advice in the letter from SEPA dated 6 February 2015 (enclosed).
- The Council's Public Protection Service advises that the premises will have to comply fully with the Food Hygiene (Scotland) Regulations 2006 and as such detailed plans for the kitchen will require to be submitted to and approved by them prior to the commencement of development.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 14/02905/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the ‘settlement’ boundary for Shandon as defined by the Local Development Plan (LDP). It comprises the existing Lochside Care Home contained within a site which runs some 300 metres in length along the shore of the Gare Loch and is some 40 metres wide at the north end reducing to 5 metres at the southern end of the site. It is bounded to the west by the Gare Loch, to the north and east by the A814 and to the south by Blairvadach Outdoor Centre. Local Plan Policy LDP DM1 deals with development within the various management zones established by the plan. Within villages and minor settlements up to ‘small scale’ development on appropriate sites is supported. Related to this is Policy LDP 3 which states that in all development management zones the Council will assess applications for planning permission with the aim of protecting, conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported, *inter alia*, where it does not:

- protect, conserve or enhance the established character and local distinctiveness of the landscape and seascape in terms of its location, form and design, and;
- protect, conserve or where possible enhanced the established character of the built environment in terms of its location, scale, form and design.
- development proposals are also expected to be consistent with all other LDP policies and Supplementary Guidance (SG) which provides the mechanism for the delivery of this policy. The relevant policy assessment is set out below under the stated headings.

The LDP defines ‘small scale’ for various, but not all, types of development. No scale categories have been defined for residential institutions such as care homes and nursing homes. Accordingly, it is only possible to reach a judgement in terms of scale for the purposes of Policy LDP DM 1 on the basis of analogy and comparison with those types of development which are specifically defined in the plan for purposes of scale. The development is a residential form of development but does not fall within the scale definition applicable to dwellings, which defines ‘small scale’ as being up to 5 units. The form of development as a large multi-occupancy building has some similarities with say a hotel, which would fall within the tourism category, where ‘small scale’ is defined as up to ten letting units.

With that in mind, and in the knowledge that the occupancy of this building will double, it is fair to regard the existing building as already being ‘medium scale’ and the proposal as being the equivalent of ‘large scale’ for the purposes of Policy LDP DM 1. Although the site falls within the ‘settlement’ boundary, where redevelopment is appropriate on a like for like basis or on the basis of a marginal increase in scale, the threshold for new development has nonetheless been set by the LDP at ‘small scale’, given the definition of Shandon as a ‘minor settlement’. Therefore, the proposal to double the capacity of the home would represent a departure to the normal effect of LDP DM 1. It is considered that a ‘minor departure’ is warranted in this case in order to sustain the site for continued use for its existing purpose, to enable the accommodation to meet modern standards and to ensure that what will amount to a brownfield site following demolition of the existing building is developed in a manner which maximises its potential within the constraints imposed by its surroundings.

B. Location, Nature and Design of Proposed Development

The proposal is for the part demolition of the existing nursing home and the erection of a replacement home. Lochside Care Home currently has 32 single rooms and 4 shared rooms of which 20 have ensuite WC. The agents have advised that due to its age it is no longer 'fit for purpose' and have proposed demolition and a new build comprising a three and a half storey building with 68 ensuite rooms.

The existing nursing home is set in grounds hosting a number of mature trees and shrubs. The ground is fairly level for most of the site, and then slopes steeply upwards to the A814 which is around 4 metres higher in parts. The proposed building would be built on part of the demolished home with the remaining part of the existing home retained for current customers and then redeveloped at a later date. There is substantial tree cover between in the existing building and the A814 in the summer months and only part of the buildings is visible. However, in the winter months, when the trees lose their leaves, the buildings are more visible and this will be exacerbated by the proposed new building part of which will sit above some of the tree cover, whilst the rest will be below the tree line.

The existing building is some 90 metres long and its roofline is varied combining two storey, but mostly single storey elements. At its highest point the existing building is approximately 9 metres high. This equates to approximately 12.1AOD and the single storey element is approximately 8.4AOD. The proposed new building would have a footprint of approximately 3000 square metres and would be 3½ storey's high. It is of modern design and would consist of a central block some 15 metres high (18.6AOD) and two wings approximately 13.5 metres high. These blocks would be roughly rectangular in plan each with a combination of pitched, hipped and flat roofs. It would be finished in smooth render, blockwork, aluminium, facing brick and a concrete tiled roof. The block is some 67 metres in length and would include bedrooms and associated facilities including a kitchen, café, cinema, day rooms and laundry room.

The policy background is set out in Section J above. Within the LDP, Key Objective E requires development "To ensure the outstanding quality of the natural, historic and cultural environment is protected, conserved and enhanced". Policy LDP DM1 states that encouragement will be given to sustainable forms of development. LDP STRAT 1 requires conservation and enhancement of the natural and built environment and respect to the landscape character of an area. Policy LDP 3 aims to protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design. Policy LDP 4 supports onshore proposals for sustainable development of our coastal zone. Policy LDP 9 requires that design of developments and structures shall be compatible with the surroundings. Particular attention shall be given to massing, form and design details. The location, scale and design are such that it should not have an unacceptable impact, either individually or cumulatively, on the landscape and seascape character of the coast.

In terms of Supplementary guidance SG LDP ENV 6 presumes against development that would adversely impact on trees. SG LDP ENV 14 considers landscape impact when assessing development proposals and will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape. SG LDP CST 1 proposes that development should not have a significant adverse impact, either individually or cumulatively, on the natural, built or cultural heritage and amenity value of the area and is compatible with Policy LDP 3. Finally, SG LDP SERV 7 relates to development that may be liable to flooding. Supplementary Guidance has less weight in decision-making than that of adopted policy. It has been approved by the Council but has yet to be cleared by the Scottish Government for inclusion as part of the development plan.

The existing building does not meet current care standards and would prove economically difficult to alter for modern use. It is of limited architectural merit and there are no objections in principle regarding its redevelopment, subject to a site based criteria assessment.

The key change will be the massing and scale of this development as compared with the existing building. A number of designs have been muted and changes have been made to the plans as originally submitted. These changes were considered non-material as the essential form of the building comprising a central block and two wings remains unchanged. The existing building, whilst of limited architectural interest, is of a scale which sits comfortably within this elongated site. Currently it is some 9 metres high at its highest point. The new build will be some 6 metres higher at its highest point than the existing home, and cross-sections indicate it sitting 6 to 7 metres higher at its highest point given the sloping nature of the ground. It is not within a conservation area but it does have a coastal location which presents some sensitivities in terms of scale given the frontage presented by the development to the water.

Policy SG LDP CST 1 states that applications for coastal development on land will only be supported where it can be demonstrated, *inter alia*, that:

- A coastal location is essential to the development and that there is no viable alternative site outwith the coastal zone;
- The development is in a form, location and scale consistent with Policy LDP DM1;
- It will not have a significant adverse impact, either individually or cumulatively, on the natural, built or cultural heritage and amenity value of the area and is compatible with Policy LDP3 – Supporting the Protection, Conservation and Enhancement of our Environment.

The proposed building would be built on part of the demolished home with the remaining part of the existing home retained to continue to cater for current customers. This would allow for continuity for existing clients before any transfer to the new facility. As such and given the limited options for development nearby it is considered that this coastal location can be justified as a continuing site for the operation of a nursing home.

The building by virtue of its massing and scale will be more visible when viewed from adjoining properties and along the A814, primarily in terms of visibility of the top floor and the roof. This increase in scale has to be balanced against the applicant's desire to provide a modern nursing home which meets current standards. A 6 to 7 metre change in height will unavoidably impact on the locality. However, its impact will be reduced as the A814 sits at a higher level than the site, provides a significant degree of screening and backdropping and views from the road will be intermittent and fleeting. The nearest adjoining properties also sit higher some 60 metres away and it will be screened by some of the existing tree cover together with additional tree cover proposed by condition. It will also have a bigger impact when viewed across the Gareloch from the water and the opposite shore. However, the design is considered acceptable, the building will be set against a backdrop of trees, and this area of coast has a mix of development including the Naval Base, Blairvadach Outdoor Centre and modern housing development located directly across the road from the site. As such it is considered that while the impact will be greater, subject to muted finishes and additional landscaping, it will be capable of being integrated with its existing setting and will not lead to an unacceptable impact, either individually or cumulatively, on the landscape and seascape character of the coast or on the adjoining properties or surrounding area including Blairvadach which is a Category B listed building.

C. Drainage/Flooding/Infrastructure

Given the coastal location a Flood Risk Assessment has been submitted. Following discussions, the Drainage/Flooding Officer has no objections subject to a Final Floor Level to be at least 5.37mAOD with the inclusion of flood resistance measures that provide an overall level of protection of 5.97mAOD. This is covered by condition. SEPA has also indicated no objections. Connection is to the public water supply and sewage system.

D. Impact on Trees

The site is home to a number of mature trees and shrubs that play an important part in the character and appearance of the area. A plan has been included showing the location of the existing trees and the 2 trees that are required to be removed. The agent has indicated that the banking to the rear requires some excavation to accommodate the new building. Given that the height of the building is some 6 metres greater than existing, a strong boundary treatment will be important in softening the development. It is considered that there should be additional planting both to the rear of the proposed new building and on the loch side and this can be covered by an appropriate condition.

E. Road Network, Parking and Associated Transport Matters.

The existing care home is served by an existing access on to the A814. The proposal involves the upgrade of this access. A speed survey carried out indicates that the 85 percentile speed at this location was 54 mph; therefore a sightline of 136 metres in both directions would be required. This can be achieved in both directions at a distance 2.5 metres back from the edge of the carriageway, and to the north from a distance 4.5 metres back from the edge of the carriageway. However, due to the existing structural wall to the south, part of which requires to be retained, the north bound traffic sightline at 4.5 metres is restricted to approximately 63 metres. Unfortunately, as it is a retaining wall, it is not possible to remove the full length of the wall only a limited section. However, the applicant confirms that the section of wall required to be removed will be taken away. This situation is reflected in the two sightline conditions requested by the Area Roads Manager. These propose visibility sightlines of 136 metres provided in both directions from a point measured 2.5 metres back from the edge of the carriageway at the centre point of the access. To reflect the need to maintain part of the retaining wall yet also improve the existing access a separate condition requires a visibility sightline of 60 metres to be provided to the east from a point measured 4.5 metres back the edge of the carriageway at the centre point of the access. While it is not ideal to not achieve the full sightline the overall improvements to the access and the sightlines represent a significant upgrade on the existing access in mitigation for additional vehicle movements associated with a larger building. A new footway from the existing bus stop to the improved access will also be provided.

LDP supplementary guidance on parking provision requires an assessment by taking account of the staff members and the number of rooms within the care home. The proposed number of rooms and the number of staff (maximum level at peak period) would require a total of 27 car parking spaces. However, given the knowledge gained from operation of the existing care home, and further consideration of the timing of maximum staff numbers (peak period early morning) and the time of maximum visitor numbers (peak period mid-afternoon) the proposal to provide 17 car parking spaces would be more than sufficient to accommodate the demand. This is supported by the positive incentive scheme introduced by the care home management to encourage staff car sharing and with the knowledge that the vacant ground currently assigned for possible future development could be used as an over spill car park if needs be. As such the Area Roads Manager supports the development with the number of spaces detailed within the proposal. The above measures will ensure that no car parking occurs on the Main Road (A 814). Any decisions on any future proposals would be reflected on the experience gained from the operation of the development.

F. Economic Benefit

One of the central challenges facing Argyll and Bute is the delivery of sustainable long-term economic growth to support the retention and growth of the population. In this case the existing Nursing Home does not meet current care standards and would prove economically difficult to alter for modern use. It is of limited architectural merit and the proposed redevelopment will sustain the site for continued use for its existing purpose, to enable the accommodation to meet modern standards, and to ensure that what will amount to a brownfield site following demolition

of the existing building is developed in a manner which maximises its potential within the constraints imposed by its surroundings. As such it is considered that an enlarged facility will improve the viability of the business, retain and potentially increase the number of jobs in the area and contribute to the wider economy.

G. Conclusion.

It is concluded that this is a finely balanced decision, given that the massing and scale of the new building is significantly different to that of the existing care home. The existing building, whilst of limited architectural interest, is of a scale which sits comfortably within the site. Given the requirement to meet modern care home regulations including ensuite facilities the agents have advised that it is no longer 'fit for purpose' or economically viable in its current form.

The LDP defines 'small scale' for various, but not all, types of development. No scale categories have been defined for residential institutions such as care homes and nursing homes. Accordingly, it is only possible to reach a judgement in terms of scale for the purposes of Policy LDP DM 1 on the basis of analogy and comparison with those types of development which are specifically defined in the plan for purposes of scale. Having regard to the existing and proposed occupancy it is fair to regard the existing building as already being 'medium scale' and the proposal as being the equivalent of 'large scale' for the purposes of Policy LDP DM 1. Although the site falls within the 'settlement' boundary, where redevelopment is appropriate on a like for like basis, or on the basis of a marginal increase in scale, the threshold for new development has nonetheless been set by the LDP at 'small scale', given the definition of Shandon as a 'minor settlement', Accordingly the proposal to double the capacity of the home would represent a departure to the normal effect of Policy LDP DM 1.

The site is not within a conservation area, the nearest adjoining properties sit higher some 60 metres away, and the building will be partly screened by existing and additional tree cover proposed by condition. In addition, the design is considered acceptable and this area of coast has a mix of development including the Naval Base, Blairvadach Outdoor Centre and modern housing development located directly across the road from the site. As such it is considered that it will not have an unacceptable impact, either individually or cumulatively, on the landscape and seascape character of the coast or the adjoining area.

It is considered that a 'minor departure' is justified in this case in order to sustain the site for continued use for its existing purpose, to enable the accommodation to meet modern standards, and to ensure that what will amount to a brownfield site following demolition of the existing building is developed in a manner which maximises its potential within the constraints imposed by its surroundings. As such it is considered that an enlarged facility will improve the viability of the business, retain and potentially increase the number of jobs in the area and contribute to the wider economy. On this basis it is recommended for approval subject to the conditions and reasons listed.