

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: 10/01251/PP

Planning Hierarchy: Local

Applicant: NHS Highland

Proposal: Formation of level platform to site a stand-by generator

Site Address: Victoria Hospital, High Street, Rothesay

DECISION ROUTE

(i) **Local Government (Scotland) Act 1973**

(A) THE APPLICATION

(i) **Development Requiring Express Planning Permission**

- Formation of steps and a level platform to site a transportable generator

(ii) **Other specified operations**

- None
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons attached.

(C) HISTORY:

Planning Permission (ref: 92/00250/DET) granted on 28th April 1992 for the replacement of a ramp and alterations at the hospital.

Planning Permission (ref: 97/00993/DET) granted on 11th July 1997 for an extension to the hospital.

Planning Permission (ref: 07/01447/DET) granted on 1st October 2007 for the erection of a temporary modular building to the rear of the hospital.

Planning Permission (ref: 09/01666/PP) granted on 13th January 2010 for the installation of two windows at the north end of the hospital.

(D) CONSULTATIONS:

Environmental Health Officer (memo dated 24th September 2010)

Recommends that a condition should be attached which requires additional sound measures to be undertaken to ensure that calculated noise levels arising from the operation of the generator should not increase pre-determined ambient background noise levels by more than 3 dB at the nearest noise-sensitive property.

(E) PUBLICITY:

Article 9 neighbour notification procedure (closing date 1st September 2010) and Regulation 20 Advert (closing date 10th September 2010).

(F) REPRESENTATIONS:

(i) Representations:

Objection has been raised from the following:

Owner/Occupier (petition dated 2nd September 2010), 9 Wallace Avenue, Rothesay

Owner/Occupier (petition dated 2nd September 2010), 11 Wallace Avenue, Rothesay

Mrs B Slaven (petition and emails dated 15th August 2010 and 2nd September 2010), 13 Wallace Avenue, Rothesay

Alice Colman and T Colman (petition dated 2nd September 2010), 15 Wallace Avenue, Rothesay

Janice Fleming and K Fleming (petition dated 2nd September 2010), 17 Wallace Avenue, Rothesay

Owners/Occupiers (petition dated 2nd September 2010), 21 Wallace Avenue, Rothesay

William Dickson (petition dated 2nd September 2010), 23 Wallace Avenue, Rothesay

Owner/Occupier (petition dated 2nd September 2010), 25 Wallace Avenue, Rothesay

(ii) Summary of Representations received:

- i. The installation of a generator will result in unacceptable noise levels in a very quiet residential area particularly in the evenings.

Comment: This issue is addressed in Annex A below.

- ii. The generator will only be used for standby purposes but the hospital can often be without power for several hours.

Comment: This comment is acknowledged and the running times of the generator are given in Section G (iv) below.

- iii. The generator will produce 76db at 1m distance, when you consider 85db is an extremely noisy workplace environment which would require users to wear protective ear equipment, then clearly 76db would be unacceptable in a quiet residential area.

Comment: This issue is addressed in Annex A below.

- iv. Given the amount of ground available on which to site the generator, there must be more suitable locations which would cause little disruption and noise pollution to the residents of Wallace Avenue.

Comment: The Council is in the position of having to determine the application on the basis of the site that has been identified and applied for.

- v. The weather here predominately comes from the West, so fume and noise emissions are going to pollute Wallace Avenue.

Comment: This issue is addressed in Annex A below.

(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) Supporting Information**

In a letter dated 25th June 2010, David Ross (Service Planning Manager of NHS Highland) has stated that the generator will be utilised as follows:

Weekly on Thursdays – It will run 10 to 15 minutes during the working day.

4-6 Weekly on Thursdays – It will be run for four hours in the morning.

Annually – it will be run for up to four hours on a weekday.

Other than the above occasions, the generator will only be run during times of power outage at the hospital.

- (v) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
-

(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 Structure Plan 2002

STRAT DC 1 – Development within the Settlements

Argyll & Bute Local Plan 2009

LP ENV 10 seeks to resist development within Areas of Panoramic Quality where its scale, location or design will have a significant adverse effect on the character of the landscape.

LP ENV 19 '*Development Layout, Setting & Design*' requires developers to execute a high standard of setting, layout and design where new developments are proposed.

LP BAD 1 seeks to ensure that developments do not have an unacceptable adverse effect on the amenity of neighbouring residents and that they include appropriate measures to reduce the impact on amenity.

(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.

Not applicable

(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): No

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

The proposal involves the siting of a generator to the rear of the Victoria Hospital, High Street, Rothesay. The generator would be sited on a level platform and would measure 2.3 metres in length x 1.12 metres in width x 1.6 metres in height. In terms of visual impact, the generator is unlikely to be visible from High Street but it will be easily viewed from Wallace Avenue, which runs in a north-south direction approximately 30 metres to the east of the site. However, given the expanse of the rear elevation of the hospital and the various rather simple functional elements of its design, it is not considered that the proposed generator would represent an unacceptable addition. It is proposed that a condition be attached in order that details can be provided of some form of screening around the generator which would further reduce any impact that it might have.

In terms of the effect of the generator on the residential amenity of the nearest properties, the Environmental Health Service have been investigating matters by taking into account the concerns of residents and the information on noise levels provided by the applicant. Subject to the condition recommended by the Environmental Health Service, it is considered that the proposal would not be of detriment to residential amenity.

On the basis of the foregoing, the proposal is considered to be acceptable and to accord with the relevant Development Plan policies.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with policies STRAT DC 1 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 10, LP ENV 14, LP ENV 19 and LP BAD 1 of the Argyll and Bute Local Plan (2009) and there are no other material considerations, including the views expressed by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

Not applicable

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

Author of Report: Steven Gove

Date: 30/9/2010

Reviewing Officer: David Eaglesham

Date: 30/9/2010

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01251/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997)

2. The development shall be implemented in accordance with the details specified on the approved drawings: Drawing Number. 10011 00A; Drawing Number. 10017 01D; Drawing Number. 10017 03M; Drawing Number. 10017 20; and Drawing Number. 10017 21A 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.

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

3. Additional sound reduction measures should be taken to ensure that calculated noise levels, arising from the operation of the generator, shall not increase pre-determined ambient background noise levels, as agreed with the Planning Authority, by more than 3dB at the nearest noise-sensitive property. All measurements shall be taken in accordance with BS 4142: 1997. Such measures shall include erecting a suitable barrier around the generator to reduce both sound transmission and the visual impact of the generator. A competent person such as a noise consultant must be appointed to identify suitable sound reduction measures.

The sound reduction measures that are agreed shall be implemented prior to the first operation of the generator.

Reason: In the interests of visual amenity and no such details having been submitted.

ANNEX A – RELATIVE TO APPLICATION NUMBER 10/01251/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposed generator will be located to the rear of the Victoria Hospital, which is situated within the 'settlement' of Rothesay, where policies seek to focus development.

B. Location, Nature and Design of Proposed Development

The proposal involves the siting of a stand-by generator to the rear of the Victoria Hospital, High Street, Rothesay. The generator would be sited on a level platform and would measure 2.3 metres in length x 1.12 metres in width x 1.6 metres in height. In terms of visual impact, the generator is unlikely to be visible from High Street but it will be easily viewed from Wallace Avenue, which runs in a north-south direction approximately 30 metres to the east of the site. However, given the expanse of the rear elevation of the hospital and the various rather simple functional elements of its design, it is not considered that the proposed generator would represent an unacceptable addition. It is proposed that a condition be attached in order that details can be provided of some form of screening around the generator which would further reduce any impact that it might have.

On the basis of the foregoing, it is considered that the proposal can be justified in terms of its 'neutral' impact upon visual amenity and is, therefore, in accordance with policies LP ENV 10 and LP ENV 19 of the Local Plan.

C. Residential amenity

Representations have been received from a total of eleven people, who have objected to the proposal on the basis that the proposed generator would produce unacceptable levels of noise and fumes to the detriment of their residential amenity. The proposal therefore requires to be considered in terms of whether it ought to be construed as a potential 'bad neighbour' in terms of local plan policy BAD 1

The Environmental Health Service has investigated the concerns of these local residents and has taken into account the information on noise levels provided by the applicant. On the basis that the generator will normally only run for brief periods for testing and that a condition has been recommended by Environmental Health requiring sound attenuation measures to be agreed and undertaken, the Department is not in a position to raise objections to the proposal.

On the basis of the foregoing, the proposal is considered to accord with policy LP BAD 1 of the Local Plan.