

**KEY INFORMATION**

**Ward** The Ferry

**Proposal**

Demolition of Existing Building and Redevelopment of Site with 12 Flats

**Address**

Westbay  
34 Albert Road  
Broughty Ferry

**Applicant**

Alan Hunter  
83 Morningside Drive  
Edinburgh  
EH10 5NJ

**Agent**

Sir Frank Mears Associates Ltd  
24 Minto Street  
Edinburgh  
EH9 1SB

**Registered** 18 Jan 2008

**Case Officer** C Walker



## Proposed Housing Development at Former Westbay Nursing Home

The demolition of an existing building and the redevelopment of the site with 12 flats is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is of satisfactory design in terms of its impact on the Grove Conservation Area, is not detrimental to the amenities of neighbours and there are material considerations that justify the provision of flats on the site contrary to the provisions of the adopted Local Plan. The application is recommended for **APPROVAL subject to conditions**.

**SUMMARY OF REPORT**

- Planning permission is sought to erect a block of 12 flats on the site in a two and a half storey building designed as a large villa.
- The site comprises the former Westbay Nursing Home which was recently destroyed by fire. It lies in the Grove Conservation Area.
- Policies 4, 15, 55 and 61 of the Dundee Local Plan Review 2005 are relevant.
- 3 letters were received from neighbours and 1 from the Community Council who raise issues about traffic and parking, overlooking, adverse visual impact, retention of trees and shrubs and salvage of materials.
- The proposed development is of satisfactory design in terms of its impact on the Grove Conservation Area, is not detrimental to the amenities of neighbours and there are material considerations that justify the provision of flats on the site contrary to the provisions of the adopted Local Plan.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a block of 12 flats on the site following demolition of all the existing buildings. The new building will have 3 levels of accommodation housed in a two and a half storey building (the entire third floor level being accommodated within the roofspace).

The proposed building is designed as a large villa with a central symmetrical section sitting in the centre of the site and 2 wings on either side extending in a southerly direction. It is designed in a traditional style with rendered walls, pitched slated roofs, traditional dormers and multi paned windows with a vertical emphasis. The applicant states that it is intended to reuse stone from the demolished building.

All the flats are generously proportioned with 3 bedrooms each. Windows are configured and positioned to minimise overlooking of adjoining properties. It is proposed to form 18 parking spaces in the garden ground to the front of the site, retaining as much of the existing trees and shrubs as possible. The rear garden area, amounting to some 650m<sup>2</sup>, is laid out as private amenity ground for this development.

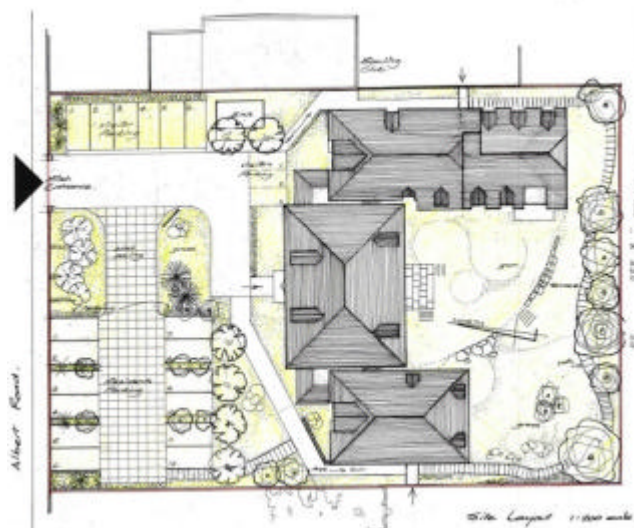
The proposed building occupies a footprint of some 655m<sup>2</sup> (some 26.5% of the site area). Altogether buildings and hard standings (principally the car parking area) occupy some 55% of the site area.

A Planning Statement has been submitted by the applicants. It seeks to justify the provision of flats on the site by stating that this will provide housing choice in the area while maintaining the residential character of Albert Road and will provide a development consistent with the character of the conservation area. It states that the design of the development seeks to replicate that of a large traditional villa with appropriate finishing materials and that this takes into account views expressed by the Reporter who dealt with the previous appeal. It points out that the flats are generously sized (between 90 and 100m<sup>2</sup>) and all will have an attractive outlook. It also states that care has been taken to ensure that there is no unreasonable impact on neighbours, that adequate

provision is made for parking and that the development will be as sustainable as possible.

## SITE DESCRIPTION

The site comprises the former Westbay Nursing Home which was recently destroyed by fire. The buildings are still standing but are in a semi derelict condition with much of the roof missing and the site is fenced off.



When it operated as a nursing home it had 32 bedrooms occupied by 34 residents. The original villa sat in the centre of the site but it had been much extended with large 2 storey extensions on the east and west elevations so that the resulting building is a large L shaped structure covering much of the rear of the site. To the rear there was a garden and drying area enclosed by the buildings and to the front there was a landscaped garden, drying area and parking area.



The surrounding area is predominantly residential in character. To the east is the Broughty Ferry bowling club and to the west is a detached single storey dwelling. To the south west is St Lukes and Queen Street Church. To the south and south east are large villas on Dundee Road and the house to the south east is a listed building. To the north, on the opposite side of Albert Road are houses.

The general pattern of development in the surrounding area is typified by large stone villas with some more modern infill housing. This area is designated as part of the Grove Conservation Area.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

### Dundee Local Plan Review 2005

The site is in an existing housing area and Policy 4 sets out standards for new housing development.

Policy 15 on garden ground development is applicable.

Policy 55 of the Plan emphasizes the importance of design quality in new developments.

The site is also within the Grove Conservation Area and Policy 61 requires all development proposals to preserve or enhance the character of the surrounding area.

### Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

### Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

There is an extensive planning history relating to the former nursing home including an unimplemented permission granted on appeal in 2005 to erect a single storey 10 bedroom extension to the rear of the building - application 04/00549/FUL refers.

An application for planning permission for a 3 storey block of 37 flats in the form of sheltered housing was refused by the Council in April 2007 on grounds of its poor design and excessive scale, impact on neighbours, lack of parking provision and contravention of Local Plan policy - application 07/00055/FUL refers. This refusal was subsequently appealed and the appeal was dismissed in August 2007.

An accompanying application for conservation area consent to demolish all the buildings on the site was approved by the Council in June 2007 - application 07/00100/CON refers.

There is a current application to extend the bowling club premises on the site to the east the Report on which is contained elsewhere in this Agenda (application 07/00611/FUL refers).

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as affecting the setting of the conservation area and as contravening the Local Plan.

3 letters were received from the occupiers of nearby dwellings. 2 object to the proposed development stating concerns about traffic and parking, overlooking, adverse visual impact and proximity to boundaries limiting access for fire services. Suggestions are made that the existing buildings should be retained and that the building line should be advanced to the north. The third letter is one of representation seeking a minor relocation of the parking area and the retention of trees and shrubs.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

## CONSULTATIONS

Broughty Ferry Community Council has made representations on the proposed development. They state that flats are acceptable although townhouses might be preferable, that the privacy of neighbours should be respected, that trees should be retained and that the use of stone and slate from the existing buildings should be maximised.

A copy of this letter is available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

The Head of Environmental Health and Trading Standards has stated that given the close proximity of the proposed flats to the bowling clubhouse and the proposals to extend that building, that should the application be supported a suspensive condition should be imposed requiring a Noise Impact Assessment to be submitted and its recommendations implemented.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

### The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 4 sets out standards for new housing development. The application site is defined as falling within a suburban area and the Appendix 1 standards contain a presumption against flats at this location. The development contravenes this section of the policy. In other respects the development is fully compliant with the standards for flats in terms of number of bedrooms, parking provision and garden ground.

Policy 15 on Garden Ground Development sets out criteria, and

those relevant to the current application are as follows:

- a the proposal is of high quality design and uses materials appropriate to its surroundings. In this case it is considered that the design of the proposed building is of a satisfactory standard. Although it is a large building, use of the roofspace for accommodation and using the slope of the site ensures that it appears as a large villa, extended over time. Although a modern design would also have been considered acceptable at this location, the use of traditional detailing and materials (including reclaimed materials from the existing buildings) will help integrate the building into its surroundings.
- b the total footprint of new buildings does not exceed one and a half times the footprint of the original main house unless there has already been development within the garden ground exceeding this limit and where further development would not detrimentally affect the appearance and character as now exists. In this case although the footprint of the proposed building exceeds one and a half times that of the original villa, this figure has already been exceeded by the existing development on the site. The footprint of the proposed development is identical to that of the existing buildings on the site but in addition if account is taken of an unexpired approval of a 10 bedroom extension to the nursing home, the proposal has a significantly smaller footprint. It is therefore the case that the proposed development would not detrimentally affect the appearance and character as now exists.
- c notwithstanding the above, the final proportion of ground covered by buildings, hard-standings, garages etc must not amount to more than 40% of the original house and garden with at least 60% cultivatable garden ground. In this case site coverage at 55% meets this standard.
- d prevailing densities in the area are respected. In this case it is considered that taking into

account the existing development on the site, prevailing densities are respected.

- e no new building is proposed in front of the main elevation of the original house; extensions exceeding 20% of the volume of the original building will only be acceptable if designed in such a way as to appear independent and linked discreetly to the original house.
- f prominent frontages and elevations of architectural character on the original house will remain largely intact. These sections (e) and (f) are not applicable as it is proposed to demolish the original villa.
- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls. In this case the access proposals are satisfactory.
- h a full tree survey is submitted along with the planning application to enable a comprehensive landscape assessment to be undertaken. Ultimately, the need to retain existing trees and landscape features may override the above criteria. In this case information on the existing trees has been provided and the proposed development and parking area will result in the retention of most of the trees and shrubs on the site.
- i where development is permitted, new tree planting and landscaping will be required which should reflect, and where appropriate enhance, the character and stature of that already existing. The proposed planting proposals achieve this aim.

It is concluded that the development complies with Policy 15.

In terms of Policy 55, for the reasons set out in the assessment of the development against Policy 15(a) of the Plan, it is considered that the design of the development is of an appropriate quality for this prominent site in the Grove Conservation Area.

Finally in terms of Policy 61, again for the reasons set out in the assessment of the development against Policy 15 of the Plan, it is considered that the design of the development is of an

appropriate quality for this prominent site in the Grove Conservation Area. Indeed although the original stone villa is attractive, the large modern extensions to the east and west of it detract from its character and appearance and that of the Grove Conservation Area. It is considered that the proposed development will serve to enhance the visual amenity of the conservation area and that the retention of the stone boundary wall and most of the trees and shrubs at the front of the site will help to overcome any negative impacts of the proposed parking area.

It is concluded from the foregoing that the proposal does not comply with Policy 4 of the adopted Local Plan because it involves the provision of flats on the site.

### Other Material Considerations

The other material considerations to be taken into account are as follows:

#### **(A) The Statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997**

This requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As explained above in the context of the assessment of the proposal under Policy 61 of the adopted Local Plan, it is considered that the proposed development will preserve and enhance the character and appearance of the Grove Conservation Area.

#### **(B) Contravention of Policy 4**

Policy 4 anticipates the construction of houses rather than flats on a site such as this. The stated exceptions in the policy refer to site planning briefs and the conversion of buildings of merit, neither of which apply in this case. However it is considered that there are material considerations which justify a departure from the presumption against flats in this instance and these are:

- i The existing development on the site is not particularly attractive, involving overextension of the original stone villa. The situation has greatly worsened now that the buildings have been damaged by fire and the site has lain derelict for some time. The proposed development is of a satisfactory design and would

make a positive contribution to the visual amenity of the Grove Conservation Area. If a flatted development were not permitted, then it unlikely that a small number of houses would be developed with the likelihood of the site remaining derelict for the foreseeable future.

- ii The character of the Grove Conservation Area is formed by large villas set in substantial gardens. The proposed development follows this pattern whereas a housing development involving 3 or 4 units would introduce a suburban style layout which would be out of character with the appearance of the conservation area.
- iii Although the site is characterised as "suburban" in the Local Plan, it is close to central Broughty Ferry and within walking distance of the district centre. It is considered that this is a site where a flatted solution would be appropriate. In addition the Local Plan would accept flats on this site if it could be achieved through the conversion of the existing buildings but this is no longer possible due to the extent of damage which has occurred.
- iv The recent appeal decision on the site, whilst refusing permission for 37 sheltered flats, considered that a flatted building would be appropriate on this site.
- v Finally whilst concerns that the approval of this application might set a precedent for other flatted developments are valid, it is considered that this would not be the case here due to the unique circumstances where the existing buildings on the site are substantial and where their conversion potential has been removed through fire damage.

It is considered that in these circumstances there are material considerations that justify the approval of the application contrary to Policy 4 of the adopted Local Plan.

#### **(C) The Concerns of Neighbours and the Community Council**

The neighbours and the Community Council have raised issues about traffic and parking, overlooking, adverse visual impact, reuse of stone and slate,

retention of landscaping and proximity of buildings to the site boundaries limiting access for fire services. Suggestions are made that the existing buildings should be retained and that the building line should be advanced to the north.

Parking provision at 150% is fully compliant with the standards set out in the Local Plan and it is considered that the level of traffic generated by 12 flats is acceptable and will not lead to any unacceptable impacts in terms of traffic congestion or safety. The site was last used as a 32 bedroom nursing home which would have generated a similar level of traffic.

Although concerns about overlooking have been raised, the development has been designed to avoid any unreasonable impacts. The existing buildings contain a large number of north, south and east facing windows and the proposed development has been designed to ensure that there are no directly overlooking windows.

For the reasons set out in the assessment of the development against Policy 15(a) of the Plan, it is considered that the design of the development is of an appropriate quality for this prominent site in the Grove Conservation Area. Consent has already been granted to demolish the existing buildings on the site (which have been substantially damaged by fire) and the development incorporates the reuse of salvaged stone and slate.

Much of the existing landscaping on the site will be retained and new planting will enhance its appearance. Matters of fire safety are not relevant to the determination of this application although these can be taken into account should a building warrant be applied for. Finally the proximity of the building to the site boundaries and the building line are similar to that of the existing buildings on the site and given that there will be no unacceptable overlooking or overshadowing, it is considered that the development is satisfactory in these regards.

#### **(D) The Relationship with the proposals to Extend the Bowling Club premises**

The proposed development is just 2 metres from proposals to extend the bowling club premises to the east. This raises issues in terms of

residential amenity and in particular overshadowing and noise disturbance. In terms of overshadowing, 8 windows on the proposed development will be directly affected by the bowling club extension. However 2 of these windows light a stairwell, 4 light bathrooms and the remaining 2 light small kitchens. The kitchens affected are small and all flats have separate lounges. It is considered that whilst the relationship between the 2 buildings is not ideal, no significant windows are affected. In terms of noise, the Head of Environmental Health and Trading Standards has requested a suspensive planning condition requiring a Noise Impact Assessment to be submitted to resolve any potential problems. It is considered that in these circumstances a satisfactory relationship between the 2 buildings can be achieved.

#### **(E) The Applicants Planning Statement**

The points raised in this submission and in particular the justification for flats have been taken into account and it has been accepted that flats can be approved on the site contrary to Policy 4 of the Local Plan.

It is concluded from the foregoing that there are sufficient material considerations to justify the grant of planning permission contrary to Policy 4 of the adopted Local Plan and that the concerns of the objectors are not sufficient to justify refusal of planning permission.

#### **Design**

The proposed building is designed as a large villa with a central symmetrical section sitting in the centre of the site and 2 wings on either side extending in a southerly direction. It is designed in a traditional style with rendered walls, pitched slated roofs, traditional dormers and multi paned windows with a vertical emphasis. The parking area is screened by existing and new planting. It is considered that the proposed development will serve to enhance the visual amenity of the conservation area.

#### **CONCLUSION**

The proposed development is of satisfactory design in terms of its impact on the Grove Conservation Area, is not detrimental to the amenities of neighbours and there are

material considerations that justify the provision of flats on the site contrary to the provisions of the adopted Local Plan.

#### **RECOMMENDATION**

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples. In particular the walls shall be finished in reclaimed stone and wet dash harl and the roofs in slate.
- 3 Details of the reuse of stone and slate from the existing buildings on the site in the new development shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 A Noise Impact Assessment shall be submitted to the Council for approval before any development is commenced. This assessment shall consider noise break out from the bowling club premises to the east both as existing and as proposed to be extended and shall set out any measures required to ensure that any potential noise is not detrimental to the amenities of the future occupiers of the proposed development. The recommendations of the approved Noise Impact Assessment shall be fully implemented prior to the occupation of any of the flats.
- 5 Details of the protection of existing trees and shrubs and the landscaping of the site shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. Any trees or shrubs removed, dying, being

severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

- 6 Details of the proposed windows on the development shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 7 The sill heights of the first floor south facing windows on the east range of the development shall be no lower than 1.6 metres above first floor level.
- 8 Details of the provision of facilities for recycling bins as well as general waste bins shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 In the interests of sustainability and to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 To ensure that there is no adverse impact on the amenities of the occupiers of the proposed flats.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 6 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 7 To prevent unacceptable overlooking of the gardens of the dwellings to the south of the site

in the interests of residential amenity.

- 8 In order to make provision for recycling facilities at this site.