

KEY INFORMATION

Ward Coldside

Proposal

Erection of 31 bed residential care home with access and parking

Address

78 Rosebank Street
Dundee
DD3 6PG

Applicant

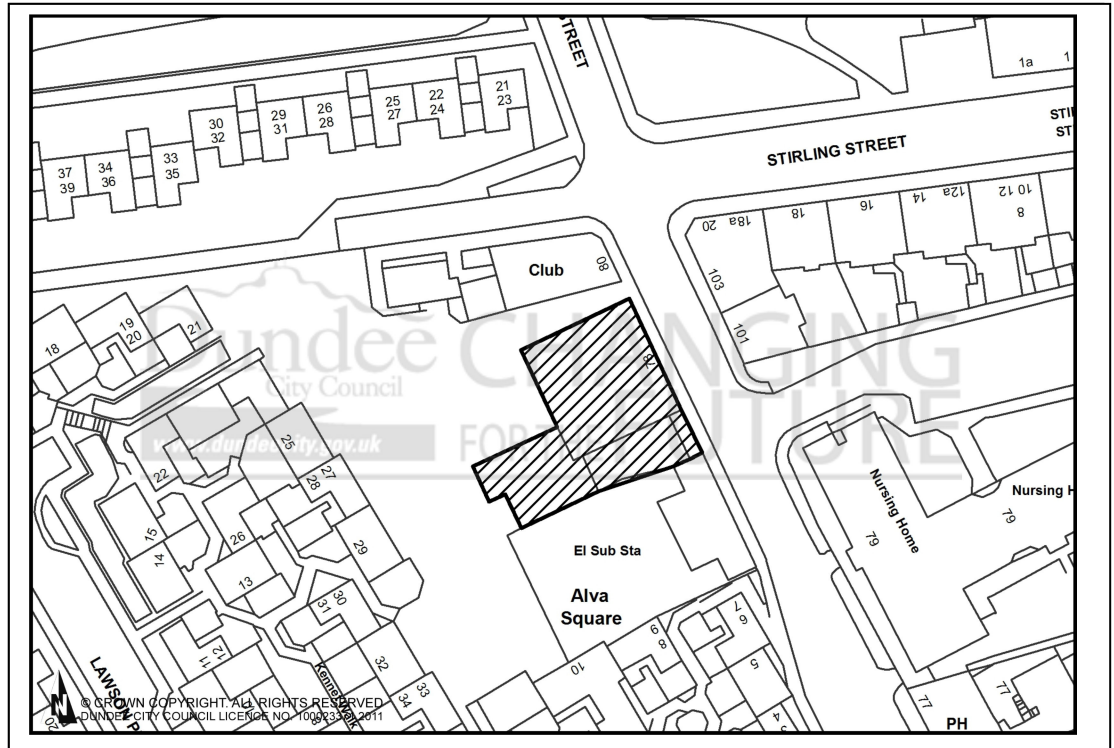
Mr David Fyffe
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DD8 2TP

Agent

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Registered 11 Feb 2011

Case Officer Eve Young



Residential Care Home at Rosebank Street

The erection of 31 bed residential care home with access and parking is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

It is considered that the proposal, which has been amended and reduced in scale and mass since the previous refusal, does not fully comply with the relevant policies in the Dundee Local Plan Review 2005. However, there are material considerations in support of the application. The objections from neighbours are not supported for the reasons given. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a 31 bedroom care home with service facilities on the ground floor and 4 floors of accommodation. Each floor will have a lounge with an accessible south facing balcony. Parking for 9 cars includes one disabled space.
- This is a large vacant building last used for car sales on the west side of Rosebank Street which is a busy one way street. There is a large electricity sub-station to the south and a private members social club to the north with housing forming the main use in the area.
- Dundee Local Plan 2005: Policy 1 - Vibrant and Sustainable Communities and Policy 10 - Non-mainstream Residential Uses apply.
- Planning permission was granted for the erection of 4 townhouses in January 2008 but planning permission was refused for the erection of a 40 bed, 5 storey high care home on 11 November 2011.
- Two objections and a petition with 37 signatures were received from neighbours. The grounds of objections are: height of building; loss of privacy; overshadowing; traffic and parking issues; loss of trees; increase in noise; enough care facilities in the area.
- 9 bedrooms have been removed following the refusal of the previous application and the west side of the site is now open, enclosed by a 1.8 metre high wall and only used for car parking. The design has been amended to address noise issues. The application does not comply with all of the relevant policies in the Dundee Local Plan Review 2005 as the building faces a tenement across the street but there are sufficiently strong material considerations to support the granting of planning permission.
- The objections from neighbours are not supported for the reasons given and additional required information can be the subject of appropriate conditions.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a 31 bedroom care home. It will have service facilities including kitchen, laundry, office and seminar room on the ground floor with 4 floors of accommodation above. Each floor of accommodation will have a lounge with an accessible balcony. Four top floor bedrooms will share two balconies set within the roof space. Parking will be provided for 9 cars including one disabled space. The building will occupy the eastern part of the site and the facing brick wall of the existing building will be capped around the rear boundary of the site at a height of 1.8 metres.

The building will be predominantly cream render with the southern section in blue cladding with a red detail panel. The blue will be repeated in the window detailing and the balconies will have blue tinted glass balustrades. The roof will be light grey composite cladding. The ground floor will have facing block and render walls with metal gates to the service entrance.

SITE DESCRIPTION

The site is currently occupied by a large vacant building last used for car sales on the west side of Rosebank Street which is a busy one way street, sloping uphill from Constitution Street to Kinghorne Road. There are tenemental houses to the east, a large electricity sub-station to the south, an open space/kick about area to the west and a private members social club to the north. There is housing to the south, west and north beyond the immediate neighbouring land. There are tall conifer trees to the west of the site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities.

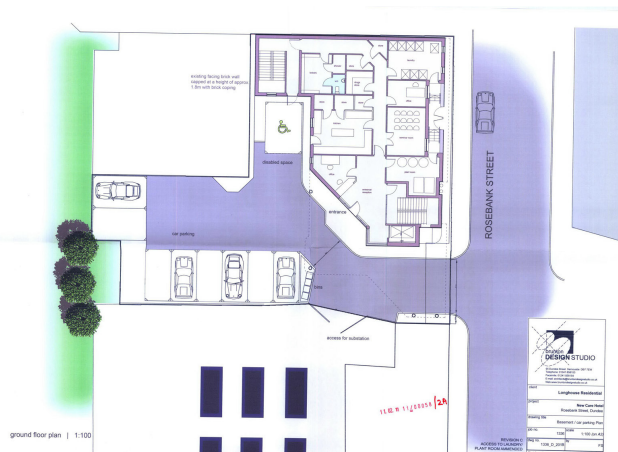
Dundee City Council Development Management Committee

Policy 10: Non-mainstream Residential Uses.

Policy 55: Urban Design.

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

The following applications are of relevance:



07/00580/FUL planning permission was granted for the erection of 4 townhouses by the Development Quality Committee on 21 January 2008.

10/00201/FULL planning permission was refused for the erection of a 40 bed, 5 storey high care home on 11 November 2011.

PUBLIC PARTICIPATION

The application was the subject of Statutory Neighbour Notification and was also advertised as a departure from the Development Plan.

The following public comments were received :

Two objections and a petition with 37 signatures were received from neighbours. The grounds of objections are: height of building; loss of privacy; overshadowing; traffic and parking issues; loss of trees which block noise from the sub station; increase in noise; enough care facilities in the area.

The objections will be considered in the Observations below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards accepts that as

Noise Impact Assessments (NIA) have been carried out for the two previous planning applications for residential use, that the submission of amending details to address the noise impact on occupants can be the subject of an appropriate condition.

The Head of Environmental Health and Trading Standards accepts that a Preliminary Risk Assessment report in respect of possible contaminated land has already been carried out for this site as part of an earlier application. The findings of that report are applicable to this proposed development and any remediation works required can be the subject of specific conditions.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

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

18 April 2011

Policy 10: Non-mainstream Residential Uses - the policy details criteria against which applications should be considered as follows:

- a a good quality residential environment will be created for residents and the proposal does not impact adversely on the amenity of neighbours by virtue of design, overshadowing, overlooking and parking.

The proposal is for a relatively small care home in an accessible location within the Inner City, close to services and public transport.

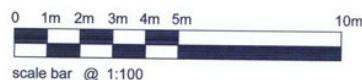
The accommodation is on 4 floors, 3 of 9 rooms with 4 rooms in the roof space. All floors have their own lounge and south facing balcony with two additional small balconies shared by the 4 rooms on the top floor. The majority of bedrooms face either east or west with only 3 facing south towards the sub station some 19.5 metres away. There is a blank wall to the north elevation to minimise any noise impact from the adjacent social club. It is considered that the scale and nature of the proposals provides a good quality residential environment.

The issue of noise from the social club to the north and the sub station to the south has been addressed in previous Noise Impact Assessments (NIA) which concluded that residential uses of the site was acceptable subject to specific recommendations relating to the technical specifications of window frames, glazing, ventilators etc to minimise noise transference. The wall to the north facing the social club has no bedroom windows. The amended layout of the block removes that part of the building which directly overlooked the sub station to the south and also locates the lounges at the southern end of the building results in most windows facing east or west to reduce noise impact.

The building occupies the eastern part of the site, parallel to Rosebank Street and occupies a very similar footprint to the tenement building on the opposite side of the street. The building has the appearance of a block of modern flats similar in scale and mass to the tenements opposite. This is a mixed area where there is low rise housing to the north, west and south but higher tenements and flatted properties to the east. The footprint of the building has been reduced from



first, second & third floor plan | 1:100



the previous proposals which occupied most of the site. It is considered that the design does not adversely affect the amenity of neighbours.

The proposed building will cast a shadow on the existing tenement on Rosebank Street from mid afternoon. The building will not

overshadow housing to the south. Housing to the west is 30 metres from the building and will not be overshadowed to any significant degree.

The facing windows of the bedrooms will be approximately 12 metres from the facing windows of the existing tenement to the east. but the lounges are located at the southern end of the building and face the gap between the tenement and the nursing home to the south. The minimum distance between facing windows of residential properties in the Appendix 1 to Policy 4 is 18 metres.

Whilst this development is for non mainstream housing, it is considered that this minimum of 18 metres should be achieved where specific circumstances allow. The proposal will result in some overlooking of these flats.

The nearest houses to the west are approximately 30 metres away from the proposed building and those to the south are approximately 25 metres away across the sub station. Both areas of housing are beyond the 18 metre minimum which is applied to facing windows elsewhere in the Local Plan to retain privacy.

The development has 9 parking spaces, including one disabled space, which meets the requirements for a residential facility of this type. The site is close to public transport services.

It is considered that the scale and nature of the proposals provides a good quality residential environment, meets the criteria detailed above but does result in overlooking of properties to the east.

- b the site is well located to give access to a range of local services and facilities and is accessible by public transport." The site is close to the Hilltown District Centre services and public transport.

- c it will not lead to an excessive concentration of non-mainstream residential uses to the detriment of the character of the particular area." There is an existing care home on the east side of Rosebank Street and sheltered housing nearby. There is no significant difference between sheltered housing and mainstream housing in terms of its contribution to the character of an area. The site is well located to access services and be accessible to staff and visitors. It is considered that the proposed development of a care facility will not be detrimental to the character of the area.
- d appropriate car parking provision is made relative to the needs of occupants, visitors and any support staff. In determining appropriate provision the availability of public transport and proximity of local services and facilities will be considered." As noted above the site is well located and sufficient parking is provided on site.
- e appropriate amenity space is provided in a sheltered, private location that is sunny for most of the day." As noted, each floor has a south facing balcony accessed from the lounge and screened from Rosebank Street.
- f the design reflects the scale, massing and materials of adjacent buildings." These matters have been addressed above.

It is concluded that the proposed development meets all of the criteria in Policy 10 other than overlooking to flats on the east side of Rosebank Street.

Policy 1: Vibrant and Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell."

The proposal provides a residential care home in an acceptable location close to services and public transport.

In respect of design and layout, the main issue is the reduced distance between facing windows of the proposed building and the existing tenement to the east. The design which locates the lounges to the southern end of the building seeks to minimise this impact as they face the gap between the tenement and the nursing home to the south. The building is approximately 30 metres from the housing to the west and approximately 25 metres from the housing to the south which is in excess of the minimum distances required elsewhere in the Plan. It is concluded that the development does seek to minimise the affect on the environmental quality enjoyed by local residents for this reason.

In respect of traffic movement issues, Rosebank Street is a one-way street, northwards, which has on-street parking restrictions. It forms part of the traffic circulation around the Hilltown District Centre and is a busy local road. Whilst on street servicing is not ideal, this is a one way street which can accommodate occasional deliveries. Subject to the provision of an acceptable access, the proposal is acceptable in traffic movement terms. The issue of parking has been addressed in the assessment of Policy 10.

The noise output from the proposed development is likely to be minimal given the nature of the use and the existing noise levels in the area.

The use should not affect local residents by reason of smell.

It is concluded that the proposed development meets the requirements of Policy 1 for the reasons given above. However Policy 1 also requires that applications comply with other policies in the Plan. As noted above, the application fails to meet one of the criteria in Policy 10. For this reason, the application fails to meet Policy 1.

Policy 55: Urban Design

"For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all."

The application site lies on the west side of a street which has very mixed characteristics from traditional tenements and industrial buildings to modern, low rise housing and open space formed by earlier demolition of dense tenements housing. The site is bounded to the south by a large sub station and to the north by a social club with a four storey tenement opposite. The proposed development seeks to replicate the streetscape of the Inner City by positioning the proposed building along the western side of Rosebank Street to maintain the urban building line. This is a situation which is very common in many parts of the City where flats face each other across the road. This also makes best use of the development site and does not create a narrow unusable area along the road frontage. The building does not need to be set back as there are no bedrooms on the ground floor which could be affected by noise from passing traffic.

It is concluded that the proposed development meets the requirements of Policy 55 to reflect and enhance historic street layouts.

It is concluded from the foregoing that the proposal does not comply with one requirement of Policy 10 and as a result does not comply with Policy 1. The application does comply with the other requirements of Policy 1 and with Policy 55. Accordingly, the application fails to comply with the Development Plan.

Other Material Considerations

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

Previous History - the scale of the proposed building has been reduced following the refusal of application 10/00201/FULL by the reduction of 9 bedrooms. The building has been reduced in height as the top floor rooms are set into the roof. In addition, the building previously occupied the whole of the site but now

the west side of the site is open, enclosed by a 1.8 metre high wall and only used for car parking. It is considered that this is a significant reduction in the scale and mass of the building which will reduce its impact particularly to the low rise housing west and south of the site. The changes to the building also result in the majority of the rooms facing east or west rather than some facing south over the adjacent sub station.

Design and Layout - the proximity of the proposed building to the tenement block to the east cannot easily be mitigated. The facing windows will be bedrooms with the lounges located to the south side of the building where the windows will face the gap between the tenemental flats and the nursing home. It is considered that within the Inner City, facing windows are very common and the need to maintain the building line and make best use of all development sites is sufficiently important to support the design and layout proposed.

Objections

Two objections and a petition with 37 signatures were received from neighbours in the surrounding residential developments.

The grounds of objections are: height of building; loss of privacy; overshadowing; traffic and parking issues; loss of trees which block noise from the sub station; increase in noise; enough care facilities in the area, poor quality of living environment for proposed residents.

The above issues have been addressed in some detail in the assessment of Policies 10 and 1 above. There are no objectors or signatories to the petition who live in the tenement to the east of the site which is affected by the development to a greater degree than the housing to the west and south.

The trees to the west of the site are not within the application site and the development does not propose the removal of these trees. Care facilities are subject to registration and control by the Care Commission and Policy 10 addressed the issue of excessive concentration of non mainstream housing.

For the reasons given the objections are not supported.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objectors such as to justify the refusal of planning permission and the material considerations of the improved design and layout and the provision of a small care home close to the services and facilities of the Hilltown are sufficient to justify the approval of the application contrary to the development plan.

Design

The design issues have been addressed in the Observations and it was concluded that the design and layout make best use of the site and comply with Policy 55.

CONCLUSION

This site lies within the Inner City, close to the Hilltown District Centre and is an old, former industrial, premises which is now vacant but has been used for car sales. The surrounding uses are now predominantly residential, both mainstream housing and supported residential facilities of various types. The proposed small care home will provide 31 beds in an accessible location. It has been designed to address the local conditions of the electricity sub station to the south and the social club to the north. It is considered that the proposal, which has been amended and reduced in scale and mass since the previous refusal of planning permission does not fully comply with the relevant policies in the Dundee Local Plan Review 2005 but there are sufficient material considerations which support approval of the application. The objections from neighbours are not supported for the reasons given and additional information can be the subject of appropriate conditions.

RECOMMENDATION

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

- 1 Development shall not begin until a Preliminary Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved in writing by the planning authority.

The scheme shall contain details of proposals to deal with contamination to include:

- i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;
 - ii a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
 - iii measures to deal with contamination during construction works; and
 - iv verification sampling, testing, certification and monitoring of the site to demonstrate suitability for the proposed use on completion of remediation measures.
- 2 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.
 - 3 No development shall commence on site until full details of the proposed windows and ventilations systems are submitted in accordance with amendments to the Noise Impact Assessment dated 21 June 2010 previously submitted by the Charleton Smith Partnership in respect of development of this site.
 - 4 The care home shall not be occupied until the window and ventilation details as submitted in respect of Condition 03 are approved by the Planning Authority and it has been confirmed in writing that the equipment so approved has been installed. For the avoidance of doubt any window replaced or reglazed during the occupation of the building shall be carried out in accordance with the approved details.

- 5 Total noise from all mechanical and electrical services shall not exceed NR45 during the day and NR35 during the night as measure 1 metre external to the nearest noise sensitive residential property. For the avoidance of doubt, daytime shall be 0700 - 2300 hrs and night time shall be 2300 - 0700 hrs.
- 6 Before the care home is first occupied the car parking and manoeuvring areas indicated on the approved drawings shall be provided and thereafter kept available for use at all times.
- 7 Details of the proposed Type B vehicle access on to Rosebank Street must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications prior to the first use of the building hereby approved.
- 8 A footway must be provided and constructed to Dundee City Council standards and specifications ex adverso the site on to Rosebank Street. Details of the footway must be agreed prior to any works on site. Any existing accesses that are no longer required as part of the proposed development must be made good as footway, to Dundee City Council standards and specifications. Details of these alterations must be agreed prior to any works on site.
- 9 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.
- 10 The use of the care home hereby approved shall be restricted to a use within Class 8 "Residential Institutions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended".
- 11 Surface water from the proposed development shall be dealt with using Sustainable Urban Drainage System techniques as advocated in the SUDS Manual (CIRIA 697). Full details of the methods to be employed, including where appropriate

calculations, along with details of how these measures will be maintained, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site. Thereafter, all works approved by virtue of this submission shall be carried out in full. For the avoidance of doubt, all information submitted to the Council should comply with the adoptable standards of Scottish Water and SEPA.

- 12 Bin storage facilities shall be provided in accordance the requirements of the Waste Management Department prior to the first use of the premises hereby approved.

Reasons

- 1 To ensure that the application site can be developed in a satisfactory manner.
- 2 To ensure that the application site can be developed in a satisfactory manner.
- 3 In the interests of the amenities of the future occupants of the residential accommodation.
- 4 In the interests of the amenities of the future occupants of the residential accommodation.
- 5 In the interests of the amenities of the occupiers of nearby properties.
- 6 To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety.
- 7 To ensure the provision of a satisfactory access to serve the development in the interest of road safety.
- 8 In the interests of highway safety.
- 9 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 10 To ensure that, having regard to its location and the restricted parking and servicing facilities available, the site is not used in an over-intensive and inappropriate manner and to

protect the amenities of the occupiers of nearby properties.

- 11 To ensure that the application site can be developed in a satisfactory manner.
- 12 To ensure that the application site can be developed in a satisfactory manner.