

KEY INFORMATION

Ward The Ferry

Proposal

Change of use from private dwelling house to residence for dependant young adult care.

Address

11 Deepdale Place
Broughty Ferry
Dundee

Applicant

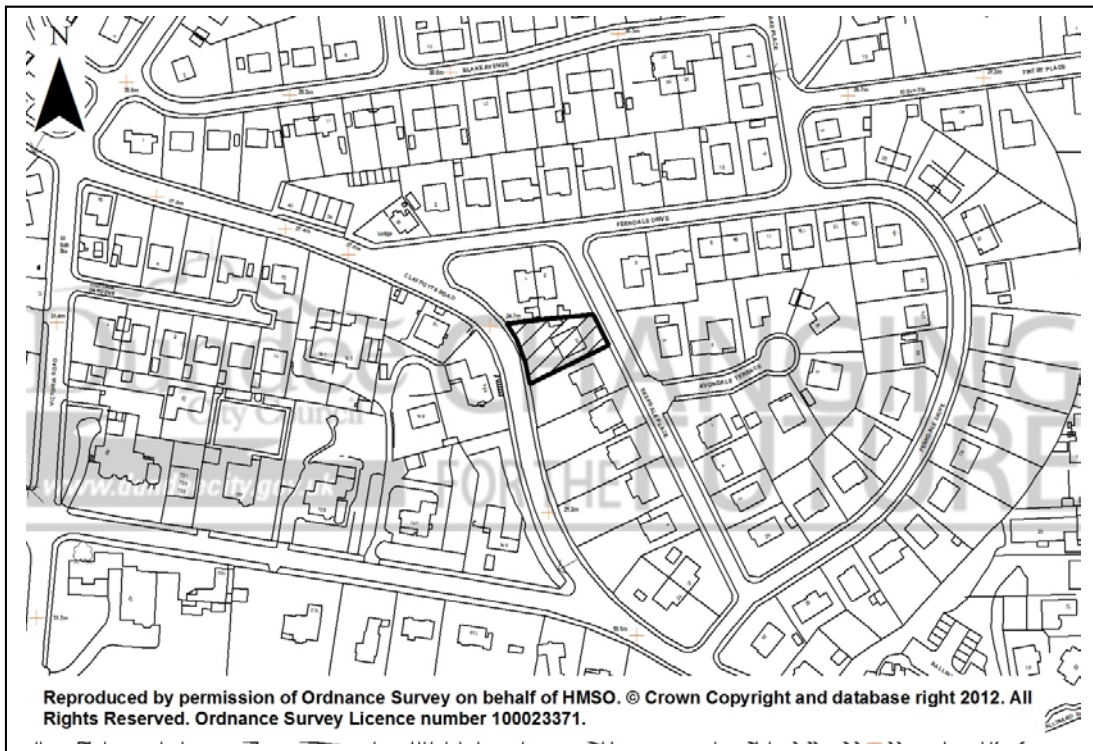
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Agent

The Charlton Smith
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Registered 27 Nov 2012

Case Officer



4 Person Care Facility at Deepdale Place

The Change of use from private dwelling house to residence for dependent young adult care is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The proposals comply with the requirements of the Development Plan. There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission. It is therefore recommended that the application is **APPROVED** subject to conditions

SUMMARY OF REPORT

- This application seeks planning permission to change the use from private dwelling house (Class 9) to residence for dependent young adult care (Class 8).
- The proposal falls to be considered under Policy 10 (Non-Mainstream Residential Uses) of the Dundee Local Plan Review 2005 and complies with this policy.
- Neighbour notification was carried out and 19 valid letters of objection were received.
- In accordance with the Council's mandatory scheme of delegation this application requires to be reported to the Development Management Committee for determination as 19 valid letters of objection have been received from neighbouring residents and the application is recommended for approval.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks planning permission to change the use from private dwelling house (Class 9) to residence for dependent young adult care (Class 8). The property will accommodate up to four young adults who are moving out of fostering or children's residential care situations, which cease once age 18 is attained and need to acquire independent living skills. It is the provision of care for the residents on a 24 hour basis that results in the requirement for a planning application for a change of use.

A Supporting Planning Report has been submitted along with the application, part of which provides the following details of the proposed use:

- There will be a maximum of 4 young adults with learning disabilities living in the property as their home.
- Two or three carers will be on duty during the day depending on the needs of the young adults, from 08:00 to 22:00 hours. A night duty carer will be in situ from 22:00 to 08:00 hours.
- The activities will be as per any household, college courses, shopping, cooking, housework, social outings and activities that suit the needs of each individual.
- The residents will be supervised and accompanied on outings, when required and always while at home, but will also be encouraged

to become independent. For instance they will be helped to learn to travel independently using bus passes.

- It is anticipated that no more than 3 vehicles will be parked at any one time and there is space within



the property for those vehicles to park. These spaces will be for carers and visitors.

- The building offers four bedrooms as well as living accommodation,

the verge of fully independent living, the annex can be deployed, instead as a unit where the young person can practise independent living skills but still be supervised from the linked house.

SITE DESCRIPTION

The application site is located to the west side of Deepdale Place, Broughty Ferry. The property is a one and a half storey detached bungalow set within a plot with an overall size of approximately 780sqm. The rear garden slopes down towards the west of the site. The house is currently a four to five bedroom dwelling. Four bedrooms are located in the main house and the fifth is provided by a linked studio annex.

There is off street parking for at least three vehicles and on street parking is also available. This is a fairly quiet street in a residential area with a mixture of house types and styles. Although the surrounding area is predominantly residential in nature there is local shopping provision in Claypotts Road to the North West of the site.



kitchen and bathrooms in the main building, which meets the needs of four young adults. The linked annex will serve as an office during the daytime for care staff and at night it will provide the sleeping/resting accommodation, bathroom and kitchen facilities for the night time duty carer. Should there be a young adult who is on

POLICY BACKGROUND

TAYplan Strategic Development Plan 2012-2032

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

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 10: Non-Mainstream Residential Uses.

Proposed Dundee Local Development Plan

The following policies are of relevance:

Policy 13: Residential Accommodation for Particular Needs

Scottish Planning Policy, 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

Planning permission was granted in 2008 for the demolition of an existing garage and the erection of an extension which contained a bedroom/en-suite and kitchen (08/00003/FUL). The decision was subject to an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 which restricted occupancy of the building to direct members of the family occupying 11 Deepdale Place, Broughty Ferry. The rationale behind the Section 75 obligation was to prohibit the sale or lease of the Granny Annexe separately from the main residential accommodation. It was considered that the occupation of the annexe building as a separate dwelling unit from the main house at 11 Deepdale Place would be unacceptable in terms of overdevelopment of the plot in relation to prevailing densities in this area and the inadequate provision of garden ground.

The current proposal to provide a residence for dependent young adult care will ensure the occupancy of the main residential accommodation and annexe as a single unit and therefore if planning permission was granted there would not be a requirement to modify this obligation.



PUBLIC PARTICIPATION

The Statutory Neighbour Notification was carried out and as a result 19 valid letters of objection have been received from neighbouring residents on the grounds of road safety, parking, visual and residential amenity, fear of anti-social behaviour, suitability of property, amenity space and Development Plan policies.

Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

CONSULTATIONS

No adverse comments were received from any of the consultees.

OBSERVATIONS

Statutory Requirements

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 other 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.

Non-mainstream residential uses are important in providing the full range of living choices within the City and are critical in meeting the housing needs of particular groups in society. Such uses

include sheltered housing, residential and nursing homes and housing for people with special needs. Policy 10 (Non Mainstream Residential Uses) of the Dundee Local Plan Review 2005 supports proposals for the development of non-mainstream residential uses on the provision that the following criteria can be met:

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 proposals relate to an existing property on site, as no external extensions or alterations are proposed there will be no detriment to the amenity of neighbours by virtue of design, overshadowing or overlooking. In terms of car parking the property benefits from an existing gravel driveway which provides adequate off street parking to accommodate the needs of the proposed use. The agent has indicated that, should it be required in the future, an additional parking area could be provided by the removal of the small lawn area to the front of the dwelling.

b The site is well located to give access to a range of local services and facilities and is accessible by public transport.

To the north west of the site, on Claypotts Road, there is local shopping provision which includes a Co-operative supermarket and video rental store. The town centre facilities and services of Broughty Ferry are readily accessible on foot and several local bus services are available from nearby bus stops on Claypotts Road to access all the facilities of the Dundee City Centre and beyond, including Ninewells Hospital. The property therefore is considered to have ready access to the full range of educational, medical, shopping and entertainment facilities that these young adults require.

c It will not lead to an excessive concentration of non-mainstream residential uses to the detriment of the character of the particular area.

If approved, this shall be the only non-mainstream residential use within the locale therefore no excessive concentration shall take place.

- 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.

Parking for approximately three vehicles is available within the curtilage of the dwelling, with the potential to increase this provision should more space be required in the future. Given the scale and nature of the proposals the existing provision is considered to be acceptable. The property is located within walking distance of several bus stops on Claypotts Road allowing the residents, visitors and staff to utilise public transport to access the local services and facilities within Broughty Ferry and the wider Dundee city.

- e Appropriate amenity space is provided in a sheltered, private location that is sunny for most of the day.

The property benefits from a west facing rear garden which provides private amenity space and drying area, with gravelled terrace and shrubs, slabbed patio and lawn, amounting to approximately 345sqm.

- f The design reflects the scale, massing and materials of adjacent buildings.

The proposals relate to an existing property where no external alterations or extensions are proposed, therefore this element of the policy is not considered to be relevant to this application.

Taking the above into consideration, it is considered that the application fully meets the criteria set out within Policy 10 of the Dundee Local Plan Review 2005.

It is therefore concluded, in this instance, that the application is in accordance with the terms of the Development Plan.

Other Material Considerations

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

A - Proposed Dundee Local Development Plan

Policy 13 (Residential Accommodation for Particular Needs) replicates the policies of the adopted local plan therefore for the same reasons the proposed development satisfies the requirements of the Proposed Dundee Local Development Plan.

B - Views of Objectors

Nineteen valid letters of objection have been received from neighbouring residents. The concerns raised relate to:

Road Safety:

- Increased traffic movement.
- Bottleneck of traffic flows.
- Vehicular traffic volumes - traffic already an issue as a result of the growth of Forthill Primary School, the relocation of Eastern Primary School and the provision of enhanced sports facilities at Grove High School.
- High volume of through traffic from Ferndale Drive to avoid "suicidal" junction with Claypotts/Strathern Road.
- Traffic movement in area is complex.
- Speed of traffic on Claypotts Roads makes it difficult to cross to and from bus stops.
- Pedestrian traffic volumes – additional on street parking would make route less pedestrian safe especially for school children.

The form and location of the existing vehicular access is sufficient to ensure that vehicles entering and exiting the application site can do so without impacting on the level of road and pedestrian safety. In addition, the number of vehicles entering and exiting the application site will not be so significant as to adversely impact on road safety; the proposals would be similar to that associated with a private dwellinghouse of this size. In this

instance the concerns of the objectors are not supported.

Parking:

- Insufficient parking.
- Historic problem with large number of vehicles operating from this property.
- Parked vehicles on street at the locus of the steep hill cause conflict with vehicles travelling in the opposite direction at the blind crest.

As discussed above parking for approximately three vehicles is available within the curtilage of the dwelling. Given the scale and nature of the proposals this is considered to be acceptable. In this instance the concerns of the objectors are not supported.

Visual Amenity:

- Previous demolition of the boundary wall to accommodate additional vehicles has had a detrimental effect on the visual consistency of the area. Any further widening and the use of the entire "front" garden for car parking would be unacceptable.

These works do not form part of this application and as such these concerns are not considered relevant to the determination of this application. In this instance the concerns of the objectors are not supported.

Residential Amenity:

- Increased noise and disturbances.
- Privacy between gardens of neighbouring properties.
- Increased litter
- Health Concerns – increased exhaust fumes from additional traffic.
- Adverse effect on property prices.

It is considered that the impact of day to day noise of the residential property or privacy between garden areas will not be so significant as to refuse planning permission.

The proposals would be similar to that associated with a private dwellinghouse where the property is serviced by the Council's Environment Department; along with the additional benefit of 24 hour supervision by care

staff there is no reason to anticipate any litter problem.

It is considered that the number of vehicles entering and exiting the application site will not be so significant as to adversely impact on health concerns

The effect on house prices is not a material planning considerations and as such has not been taken into account in the assessment of the proposals against the Development Plan.

Fear of Anti-Social Behaviour:

- This quiet residential area, peopled mainly by aged residents, does not appear to be ideal or suitable for the development of young dependent adults. Should this development be approved it would cause unnecessary friction if residents with “challenging behaviour” were introduced.
- Undesirable to subject the aged residents to the worry and disruption that could result if the application was approved.
- Elderly people living in fear.
- Young people should be living in a young community.
- Concern for grandchildren’s safety.
- Concerns over potential damage to properties.
- Lack of information available on what disabilities or needs these young people will have or what social and emotional problems may be encountered. As a result is it suitable for the business to be sited near two primary schools and a secondary school.
- If approved then the property could be sold onto other groups.

Members of the local community have genuine fears over anti-social or challenging behaviour on the part of the residents of this facility. Whilst these concerns are a material consideration the weight to be given to them needs to be tempered by the nature and scale of the proposed use. The nature and scale of the use involving a maximum of four residents who will be constantly supervised by at least one member of staff means that these fears are unlikely to be realised. In these circumstances the concerns of local residents are not supported.

Suitability of the Property:

- Houses/area not suitable for a business operation.
- The property does not meet the standards set out by the Care Commission or the Building (Scotland) Standards Regulations for a care home.
- Location on a steep hill and the sloping drive makes the property unsuitable for disabled people and wheelchair users.
- Property has small rooms which are unsuitable for its intended use.
- Risk of fire, how can the property be supervised if carer is in annex all night.

The suitability of the property as non-mainstream residential use has been assessed against Policy 10 of the Development Plan above. The proposals will be independently assessed by the Care Commission and the Council’s Building Standards department who will determine the suitability of the property for care home use. In this instance the concerns of the objectors are not supported.

Amenity Space:

- Garden offers little privacy and is subject to considerable road traffic noise.
- The property has a small garden, facing a busy main road, which is unsuitable for children to play in.
- Lack of boundary treatment onto Claypotts Road and between neighbouring properties makes the garden unsafe.

The suitability of the amenity space, which is an existing garden for a large family home, has been discussed in the assessment of the application under Policy 10 (Non-Mainstream Residential Uses) of the Development Plan above. The property benefits from a west facing rear garden which provides private amenity space and drying area, with gravelled terrace and shrubs, slabbed patio and lawn, amounting to approximately 345sqm. Privacy is not considered to be an issue therefore additional screening is not required.

In this instance the concerns of the objectors are not supported.

Development Plan Policies:

- Proposals fail to meet the requirements of policy 1 (Vibrant and Sustainable Communities) and policy 10 (Non-Mainstream Residential Uses) of the Development plan in terms of traffic movement issues, noise, public transport usage, lack of private amenity space and lack of access to local services.

It has been concluded from the assessment of the proposals against the requirements of the Development Plan that the application is in accordance with the terms of the Development Plan. Given that the application proposes a residential use within a residential area Policy 1 (Vibrant and Sustainable Communities) was not considered relevant in the determination of this application. In this instance the concerns of the objectors are not supported.

It is concluded that the material planning considerations which weigh against the proposal are not of sufficient weight to suggest that the Development Plan should not be accorded the priority which the statute has given it.

Design

As the proposal involves only a change to the use of the building design is not a pertinent issue in considering this application.

CONCLUSION

It is concluded from the foregoing that the application complies with the relevant policies of the Development Plan. There are no material considerations of sufficient strength to justify refusal of planning permission. Accordingly it is recommended that planning permission is granted subject to conditions.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following condition(s):-

- 1 The total number of residents at the care residence hereby approved shall not exceed four in total.

- 2 A minimum of three off-street parking spaces shall be provided within the curtilage of the site prior to the occupation of the premises and shall be maintained as such in perpetuity.

Reason(s)

- 1 The size and location of the premises means that this is the maximum number of residents that should be accommodated on the site without detriment to residential amenity.
- 2 In the interests of road safety and to protect the amenities of the occupiers of nearby properties.