

Retirement Home Development

KEY INFORMATION

Ward Maryfield

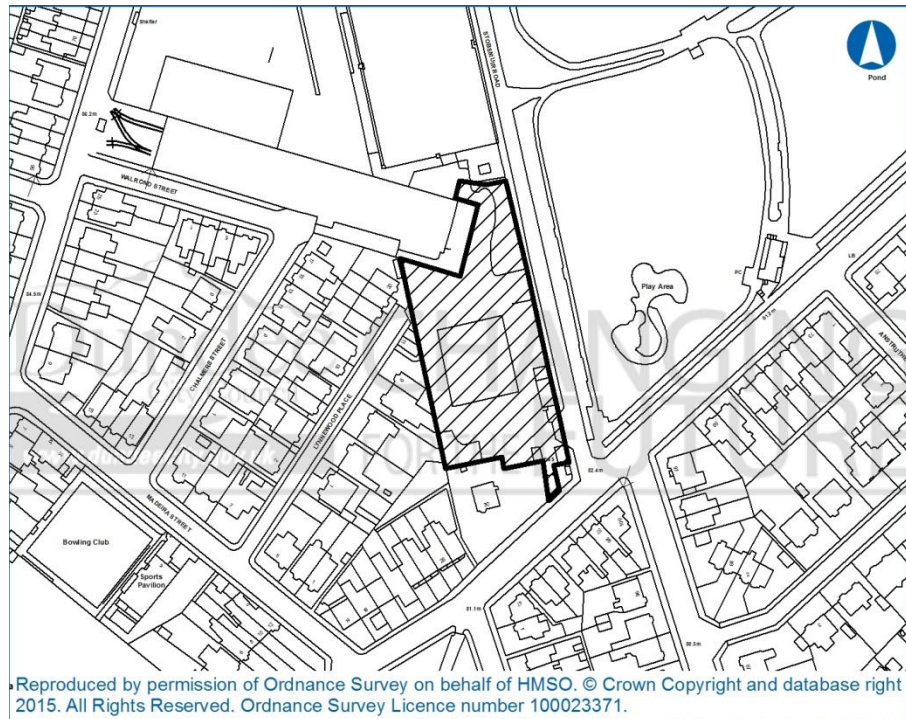
Address
Scottish Water Depot
Stobsmuir Road, Dundee

Applicant
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Retirement Lifestyles Ltd
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Registered 16 Sep 2015

Case Officer S Dorward



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SUMMARY OF REPORT

- Planning permission is sought for the redevelopment of the former Scottish Water depot to form 41 sheltered accommodation apartments, intended as retirement homes, with landscaped gardens and car parking.
- Policies 7, 8, 9, 13, 35, 42, 45, 47, 50 and 55 of the Adopted Dundee Local Development Plan (2014) are relevant to the determination of the application.
- The statutory neighbour notification procedure was undertaken, objections have been received from twelve neighbours to the application site, raising issues with regard to visual amenity, residential amenity, road safety and compliance with the development plan.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as more than 6 valid written objections have been received within the specified timescale and also at the request of an elected member.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NUIJUSGC0AX00>.

RECOMMENDATION

The application complies with Policies 7, 24, 38, 45 and 57 of the Dundee Local Development Plan and also with PAN1, PAN 33 and national planning guidance for development within a conservation area. The proposal also satisfies the statutory requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would warrant the refusal of planning permission. Therefore, the application is recommended for APPROVAL subject to conditions in relation to contamination, tree protection, external finish details and provision of parking to adopted standards.

1 DESCRIPTION OF PROPOSAL

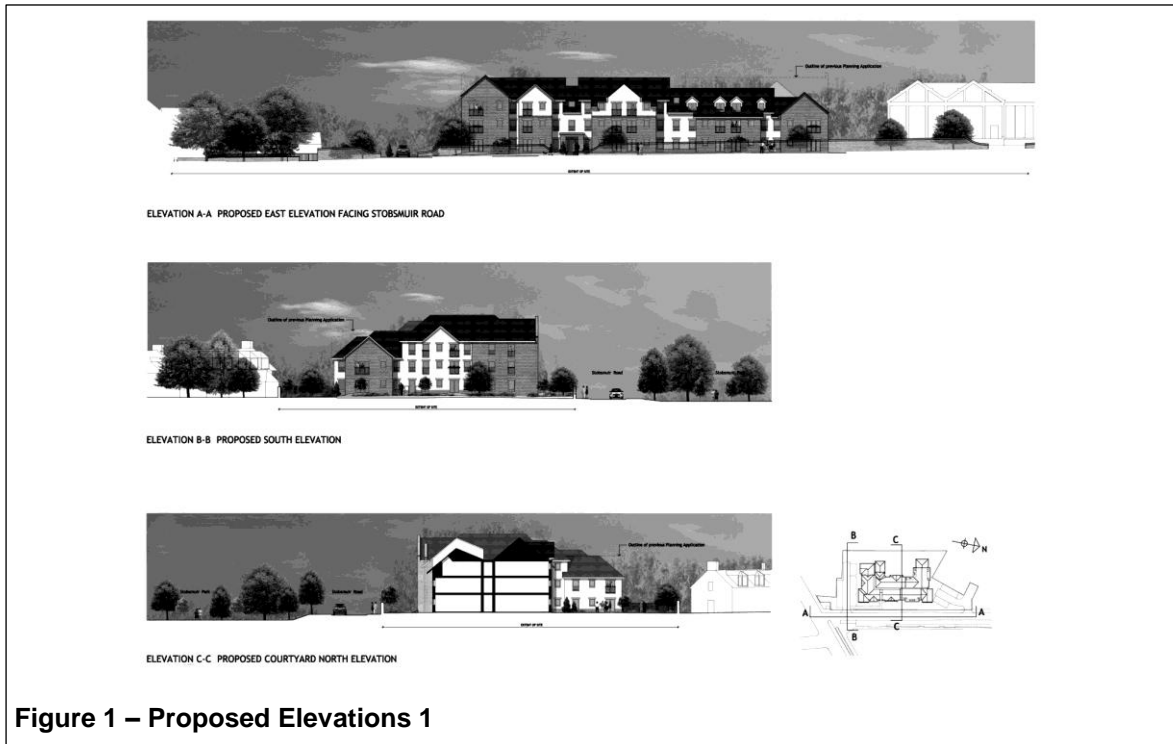


Figure 1 – Proposed Elevations 1

- 1.1 The application seeks planning permission for the redevelopment of the former Scottish Water depot to form 41 sheltered accommodation apartments, intended as retirement homes, with landscaped gardens and car parking. The building is proposed with a footprint of approximately 1,487m², with pitched roofs to a maximum height of approximately 12.3 metres. External finishes are proposed as textured brown Anstone and off-white painted wet

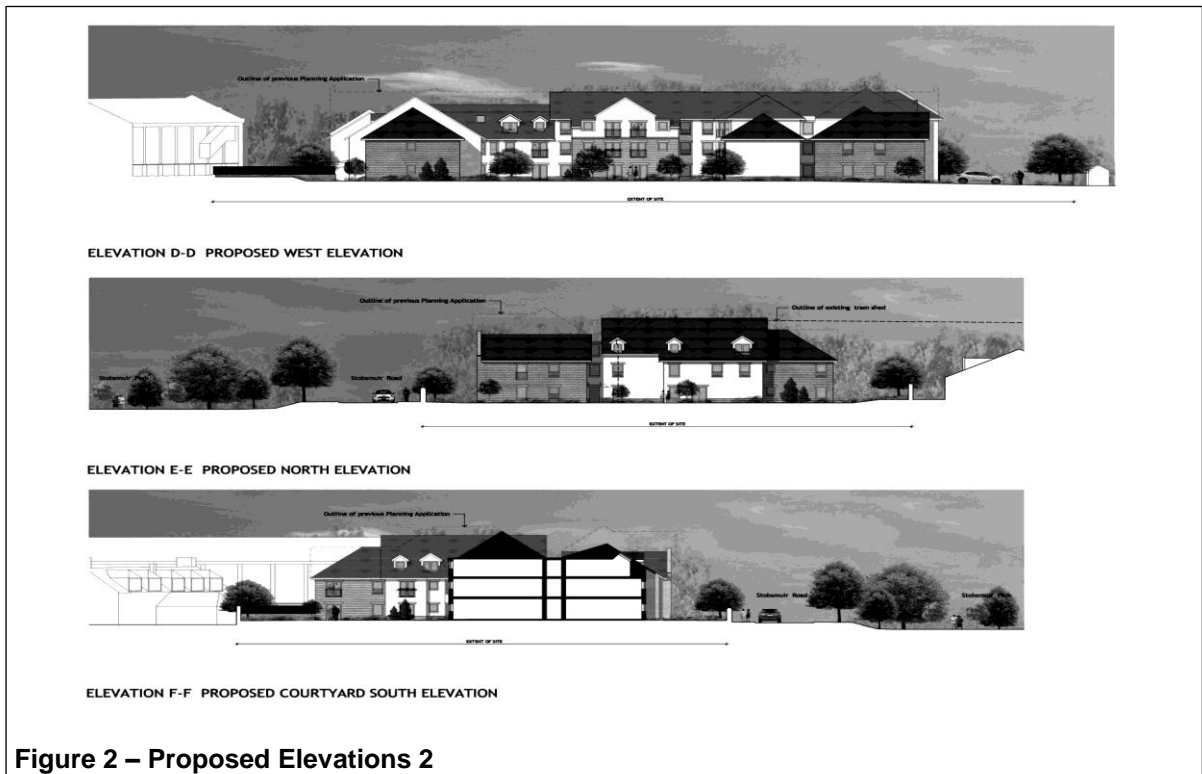


Figure 2 – Proposed Elevations 2

dash render, with smooth buff coloured stone cast window surrounds; a natural slate roof, white painted timber windows, black UPVC rainwater goods and black painted steel Juliette balconies to windows on the first and second floors. A total of 29 car parking spaces are proposed, of which 4 would be accessible spaces, detailed landscaping plans have also been submitted.

- 1.2 The design of the building has been revised former proposals to reduce the overall height of the development by approximately 1.2 metres, also reducing the proposals from 3 storeys to 2 at the extremities of the building where it is adjacent to the existing housing at Lynnewood Place and the existing transport depot. The plans also show a reduction from 43 apartments to 41, external finishes changed to natural slate and white painted timber from concrete roof tiles and UPVC windows. Alterations have also been made to the existing stone boundary wall to show a curved entrance with a less angular finish.
- 1.3 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee as 12 valid letters of objection have been received and at the request of an elected member.

2 SITE DESCRIPTION



- 2.1 The application site measures approximately 4,584m² and relates to a former Scottish Water depot on Stobsmuir Road, situated within Maryfield Conservation Area as per the Adopted Dundee Local Development Plan (2014). The site is immediately adjacent to the category B listed transport depot, built in 1901 as a long single storey brick built former tram depot and in close proximity to Stobsmuir Ponds. Existing boundary treatment consists of coped stone walls, the existing former Scottish Water depot is located centrally to the site and is brick built with a pitched corrugated metal roof.

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design
Policy 8: Housing Land Release
Policy 9: Design of New Housing
Policy 13: Residential Accommodation for Particular Needs
Policy 35: Protected Species
Policy 42: Sustainable Drainage Systems
Policy 45: Land Contamination
Policy 47: Environmental Protection
Policy 50: Development in Conservation Areas
Policy 55: Accessibility of New Developments

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Scottish Planning Policy (2014)
Scottish Historic Environment Policy (2011)
PAN 1: Planning and Noise (2011)
PAN 33: Development of Contaminated Land (2000)

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Planning application 15/00334/FULL and conservation area consent application 15/00335/CON for the proposed demolition of the former Scottish Water depot and redevelopment of the site to provide 43 sheltered accommodation apartments, landscaping and car parking facilities were both withdrawn in September 2015, to allow amendments to be made to the proposals.
- 4.2 Conservation area consent application 15/00661/CON is currently under consideration.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the planning application was advertised in the Dundee Evening Telegraph. Twelve letters of objection have been received from neighbours to the application site, raising issues with regard to height, scale, design and finishes of the building, effect on conservation area and adjacent listed building, residential amenity in terms of overshadowing and overlooking, parking and road safety, and concerns that the development would be contrary to the adopted local plan.
- 5.2 Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

- 6.1 **The Head of Environmental Protection** – recommends that conditions are attached to any planning permission granted in order to restrict noise levels in relation to proposed individual heaters and boilers and to seek further details with regard to proposed ventilation systems. Conditions are also recommended in relation to contaminated land due to a former underground petrol tank and known leak within the vicinity of the site.

7 DETERMINING ISSUES

- 7.1 **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.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** – of the Adopted Dundee Local Development Plan (2014) seeks that development must contribute positively to the quality of the surrounding built and natural environment, with reference to climate change mitigation and adaptation. All proposals should consider and respect site topography, contribute to a sense of identity, complement surroundings and respect the existing street scene.
- 7.3 In this instance, the proposed residential building would be located adjacent to existing residential land uses in an area identified for residential development. The proposal has been revised from the previous submission, to reduce the height of the building in closest proximity to the Maryfield Tram depot and to the existing residential development; it is now considered that there would be no detrimental impact on the category B listed building or on the adjacent housing in terms of residential amenity. The building now proposes the use of natural slate and timber windows and it is considered that these are of a high quality and would be complementary to the surrounding area. It is proposed to request further details of the proposed boundary treatment for prior approval, to ensure that the finishes would be appropriate and also to allow a potential pedestrian access to the site of the former tram depot. It is considered that the scale and design of the proposed apartment building would be complementary to the existing street scene and that the proposals would be an appropriate redevelopment of the site.
- 7.4 **With the addition of a planning condition in terms of the proposed boundary treatment, the proposals would comply with Policy 7.**
- 7.5 **Policy 8: Housing Land Release** - seeks to ensure that there is a 5 year effective supply of housing land maintained over the Plan period and that the sites allocated in Appendix 2 of the Adopted Local Development Plan shall not be developed for other uses; priority is given to the development of the allocated brownfield and greenfield sites. The principle of development is established as the application site is allocated as a housing site proposal, H20 Maryfield Depot, with an indicative capacity of 20 residential units. The current application proposes 41 retirement flats which is a substantial increase on the indicative capacity of 20 units, however, the figures in Appendix 2 are indicative, and as the proposal is

for sheltered accommodation (retirement homes), the proposal would be assessed against the requirements of Policy 13 (Residential Accommodation for Particular Needs) as discussed further below. It is considered that the principle of non-mainstream sheltered apartments has been strongly justified within the planning and design statements submitted in support of the application and that the proposal would support the housing strategy in Policy 8 that promotes the reuse of brownfield housing sites.

- 7.6 **It is therefore considered that the proposal would comply with the terms of Policy 8.**
- 7.7 **Policy 9: Design of New Housing** - of the Adopted Local Development Plan requires that proposals for new housing will need to ensure that the design and layout would respect and enhance the character of adjoining properties and the surrounding area, and ensure that there would be no detrimental impact upon parking, all in line with the guidelines advocated within Appendix 3 of the Local Development Plan. As stated above, the proposals are assessed under the terms of Policy 13 as opposed to Policy 9, which addresses mainstream housing, however, it should be noted that a planning condition would be required to ensure that the proposed development would not become mainstream accommodation, as when assessed against Appendix 3 Suburban Standards of the Local Development Plan, it is demonstrated that the proposal would not meet the requirements for mainstream flatted housing. A suitable planning condition is proposed.
- 7.8 **The proposal has not been assessed against the terms of Policy 9.**
- 7.9 Policy 13: Residential Accommodation (for Particular Needs) - supports the development of residential accommodation for particular needs such as the elderly, where a high quality residential environment would be created which would respect the design and residential amenity of adjacent buildings, would be well served in terms of accessibility and would not lead to an over concentration of non-mainstream residential uses within the locale.
- 7.10 In this instance, the planning statement submitted in support of the planning application has provided a strong justification for the proposed non-mainstream sheltered retirement apartments and has demonstrated that the proposal would be meeting a recognised local housing need as well as being proposed at a sustainable and accessible location that the Adopted Dundee Local Plan (2014) has allocated for housing. A high quality outdoor landscaped amenity area is proposed, which would be predominantly south west facing and therefore not overshadowed. The reduction in the mass of the building from the initial proposals ensures that there would be no adverse impact in terms of residential amenity to existing neighbouring properties, and it is considered that sufficient parking has been proposed given the proximity to public transport.
- 7.11 **The proposal satisfies Policy 35.**
- 7.12 **Policy 35: Protected Species** - states that development proposals which are likely to have a significant effect on a European protected species would not be supported unless there was no satisfactory alternative and the development would be required for reasons of overriding public interest. In this instance, an ecological desk study considered the site to be of relatively low ecological significance but identified that the buildings could be used by nesting birds and are likely to have potential to be used by roosting bats. An emergence survey was then undertaken for evidence of bats, which confirmed that although two species of bat were commuting across the site, no bat roosts are present. A condition is proposed to ensure that no works are undertaken during the bird nesting season (March to July inclusive); nesting birds are protected under the Wildlife and Countryside Act (1981).
- 7.13 **With the addition of a planning condition, it is considered that the proposal would satisfy Policy 35.**

- 7.14 **Policy 42: Sustainable Drainage Systems** - of the Adopted Local Plan states that surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS), which should be designed so that in a 1 in 200 year rainstorm event, flooding would not be higher than 300mm below floor level. In this case, SUDS details have been provided which are largely satisfactory, however no allowance has been made for climate change. It is recommended that a condition is applied to any planning permission granted to require the submission of further evidence of Scottish Water technical approval to connect to the public sewer, and an additional condition to require finalised drainage proposals to be submitted for Dundee City Council records. Appropriate conditions have been proposed.
- 7.15 **With the addition of planning conditions the proposal would satisfy Policy 42.**
- 7.16 **Policy 45: Land Contamination** - requires that development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.17 In this case, an original 1,000 gallon petrol tank with a known leak is present, a site investigation report has been submitted and the Head of Environmental Protection considers that more consideration should be given to the potential impact of on-site fuel storage and leaks and how these should be addressed, following demolition of the remaining building. Appropriate planning conditions are therefore recommended.
- 7.18 **With the addition of appropriate planning conditions, the proposal would satisfy the terms of Policy 45.**
- 7.19 **Policy 47: Environmental Protection** - states that all new development that would generate noise, vibration or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.20 In this case, it is recommended by the Head of Environmental Protection that conditions are applied to any planning permission granted, as heaters and individual boilers are proposed as opposed to a large communal boiler/CHP system. Conditions are recommended to restrict noise levels and also to ensure that any ventilation systems installed would be effective and commensurate with the nature and scale of cooking to be undertaken.
- 7.21 **With the addition of appropriate conditions, the proposal would satisfy Policy 47.**
- 7.22 **Policy 50: Development in Conservation Areas** - expects that all development proposals will preserve or enhance the character of the surrounding area, retaining all features that contribute to the character and appearance of the conservation area.
- 7.23 It is considered in this case that the character and appearance of the conservation area would be preserved; the design and scale of the proposed building are considered to be appropriate to both the conservation area and the setting of the adjacent listed former tram depot. The external finishes now proposed and the landscaping treatment are also considered appropriate; a planning condition is proposed to seek further details of the proposed boundary treatment for prior approval by the planning authority, in the interests of design and accessibility.
- 7.24 **The proposal satisfies Policy 50.**

- 7.25 **Policy 55: Accessibility of New Developments** - of the Adopted Local Plan seeks that all development proposals that generate travel should be designed to be well served by all modes of transport, and requires proposals to link to walking, cycling and public transport networks, have no detrimental impact on the capacity of existing road networks and comply with Dundee City Council's road design standards.
- 7.26 In this instance, the proposed parking arrangements would meet required standards and conditions are proposed to any planning permission granted to ensure that details are acceptable in terms of vehicle access, vehicle and pedestrian safety, and surface water drainage.
- 7.27 **With the addition of appropriate planning conditions the proposal would comply with Policy 55.**
- 7.28 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

STATUTORY DUTY

- 7.29 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving listed buildings or their setting or any features of special architectural interest which they possess when determining applications for planning permission.
- 7.30 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.31 It is considered, for the reasons set out above that the proposed works comply with national planning guidance with regard to development affecting listed buildings and conservation areas. The proposals would preserve the setting of the listed building and the conservation area and the statutory duty set out in Sections 59 and 64 of the Act would therefore be satisfied by the approval of planning permission.

OTHER MATERIAL CONSIDERATIONS

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

A - VIEWS OF OBJECTORS

- 7.32 Twelve letters of objection have been received, raising issues in terms of the height, scale, design and finishes of the proposed building, potential effect on conservation area and adjacent listed building, residential amenity issues in terms of overshadowing and overlooking, parking and road safety, and concern that proposals are contrary to the local development plan.
- 7.33 The concerns of the objectors have been addressed in the assessment of the proposal against the requirements of the Development Plan above. It has been concluded that by virtue of scale, design, massing and finishing materials the proposals will not adversely impact on the amenity and environmental quality of neighbour properties, the character of the surrounding Maryfield Conservation Area or the setting of adjacent listed buildings.
- 7.34 The concerns of the objectors are not supported.

B - SCOTTISH PLANNING POLICY (2014) AND SCOTTISH HISTORIC ENVIRONMENT POLICY (2011)

- 7.35 These should be taken into account when determining applications for planning permission for development which may affect the historic environment. The SPP considers that the designation of a conservation area provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (ie does no harm) should be treated as one which preserves that character or appearance. Scottish Historic Environment Policy acknowledges that the protection of the historic environment is not about preventing change but seeking to ensure that where change is proposed, it is appropriate, carefully considered and if appropriate, reversible.
- 7.36 In this case, it is considered that the appearance of the conservation area would be improved and preserved, and that the proposed building and finishes would be appropriate to the character of the area. It is therefore concluded that the proposed works comply with national planning guidance with regard to development within a conservation area.

C - PAN 1: NOISE AND PLANNING (2011)

- 7.37 This considers that site selection, development design, and conditions attached to a planning permission can play a part in preventing, controlling and mitigating the effects of noise; it is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. Mitigation measures advocated include limiting operational hours and restricting activities, balancing any implications for the operational capacity of a business. In this case it is considered that the restrictions imposed by the planning conditions proposed would mitigate the effects of noise to achieve a satisfactory level of residential amenity.

D - PAN 33: DEVELOPMENT OF CONTAMINATED LAND (2000)

- 7.38 This stresses the need to ensure that land is made suitable for the proposed new use and that this is the responsibility of the Planning Authority. PAN33 advocates that issues of contaminated land should be pursued through the planning process where planning permission is granted for the redevelopment of contaminated land. Applicants are encouraged to include suitable remediation measures as part of their proposals which can be controlled through the imposition of suitable conditions. The imposition of conditions to further evaluate any risk from contamination and to ensure that suitable remediation measures would be applied if necessary would alleviate any concerns in relation to ground contamination.
- 7.39 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Details of the proposed vehicle accesses will be submitted for the prior agreement of Dundee City Council as Planning Authority, prior to any works starting on site; the accesses must be formed and constructed to Dundee City Council standards and specifications.
 - 2 A footway must be provided to Dundee City Council specifications ex adverso the site. Details of the footway must be agreed prior to any works on site.
 - 3 Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.
 - 4 The hard surface within the curtilage should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
 - 5 The applicant must provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority.
 - 6 Development shall not begin until the contaminated land risk assessment is completed and, a remediation strategy to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site;
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - iii measures to deal with contamination during construction works, in particular any underground tanks and associated pipework that may remain on site; and
 - iv verification of the condition of the site on completion of decontamination measures.
 - 7 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.
 - 8 The total noise from the mechanical and electrical plant/services shall not exceed NR45, during daytime, and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of any adjacent residential property. Furthermore, this total noise shall not exceed NR25 within any adjoining residential property. NR45 is applicable for the period 07.00 to 23.00 hours, and NR35 and NR25 are applicable for 23.00 to 07.00 hours.
 - 9 Before any works start on site, details for an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be submitted for the prior

approval of Dundee City Council as Planning Authority. Thereafter any ventilation system will be installed, operated and maintained in accordance with the agreed details.

- 10 Prior to commencement of work on site, evidence of Scottish Water Technical Approval/Approval To Connect to the Public Sewer shall be submitted for the prior approval of Dundee City Council as Planning Authority.
- 11 Finalised drainage proposals including drawings, calculations and modelling outputs to be submitted to Dundee City Council for written approval before any works start on site.
- 12 Before any works start on site, details in relation to the proposed boundary treatment, including the provision of a pedestrian access to the north of the site adjacent to the former tram depot shall be submitted to Dundee City Council for written approval. Thereafter the development shall be carried out in accordance with the details approved by this condition unless changes are subsequently agreed in writing with this planning authority
- 13 No works shall be undertaken during the active bird breeding season, between the 1 March and 31 July in any year.
- 14 The site shall be restricted to a use as a residential care home within Class 8 of the Schedule of the Town and Country Planning (Use Classes)(Scotland) Order 1997.

REASONS

- 1 In the interests of vehicle and pedestrian safety.
- 2 In the interests of pedestrian safety.
- 3 In the interests of vehicle and pedestrian safety.
- 4 To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.
- 5 To ensure an appropriate and publicly maintainable system is provided.
- 6 To evaluate the risk from any potential contamination and ensure that any proposed remediation strategy is suitable.
- 7 To ensure that any contamination in the site is dealt with.
- 8 In the interests of residential amenity and the quiet enjoyment of the neighbourhood.
- 9 In the interests of residential amenity.
- 10 To ensure that an adequate check has been carried out and certified in line with Dundee City Council Certification of SUDS guidance.
- 11 In order to keep records and to ensure there is no increase to the discharge of surface water and potential pollutants to the public sewer or where applicable a nearby watercourse, to the detriment of existing and proposed properties, infrastructure, and the water quality of any watercourse, and to ensure that any proposed SUDS features have a satisfactory visual appearance.
- 12 To reserve the rights of the Planning Authority with respect to these details.

- 13 In order to comply with the provisions of the Wildlife and Countryside Act (1981).
- 14 In order to retain proper control over the use of the property.