

KEY INFORMATION

Ward Tay Bridges

Proposal

Two Storey extension to nursing home

Address

55 Magdalen Yard Road
Dundee
DD1 4LQ

Applicant

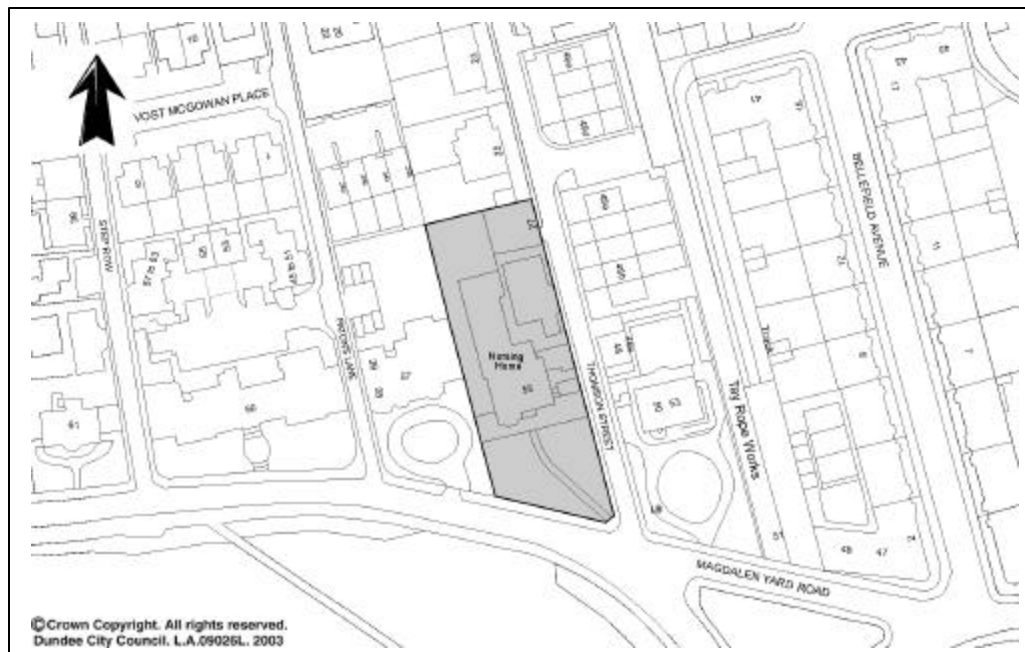
Mr E Findlay
55 Magdalen Yard Road
Dundee
DD1 4LQ

Agent

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30 South Tay Street
Dundee
DD1 1PD

Registered 8 July 2004

Case Officer J Robertson



Extension to Nursing Home Proposed in Magdalen Yard Road

A Two storey extension to a nursing home is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.** Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered not to contravene the policies of the development plan. The material considerations weigh in favour of the proposed development with the sole exception of the letter of objection which raises issues which are not considered individually or together to carry sufficient weight to warrant refusal of the application.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a two-storey extension at 55 Magdalen Yard Road, Dundee.
- The proposed development raises issues for consideration in terms of the Built Environment Policies of the Dundee Local Plan and Policies 15, 55 and 61 of the Finalised Dundee Local Plan Review.
- One letter of objection was received from a resident to the west of the site raising concerns with regards to tree felling and lopping.
- The proposed development is considered not to contravene the Housing and Built Environment Policies of the Dundee Local Plan and Policies 10, 15, 55 and 61 of the Finalised Dundee Local Plan Review. It is considered that the concern raised by the objector is of insufficient weight to warrant refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a two-storey extension to a nursing home at 55 Magdalen Yard Road, Dundee. The extension will provide 11 additional en-suite bedrooms, lounge area, dining room and other associated facilities. The extension will be finished in dry dash render and facing brick base course, with second hand slate on the roof to match the existing extension on the rear of the property. The eastern most section of the extension will be single storey in order to retain the existing building line on Thomson Street.

SITE DESCRIPTION

The application site is located on the north side of Magdalen Yard Road with Thomson Street to the east and Patons Lane to the west. The application property incorporates two parts; the original Category B Listed villa built in 1840 and a modern extension to the rear. The site is located within the West End Lanes Conservation Area. There is a large area of garden ground to the front of the property and a small area to the northwest of the property. There are two redundant buildings within the northeast section of the site, which will be demolished as a result of this proposal.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Housing Policy H12, Residential Homes and Nursing Homes - seeks to ensure extensions should have appropriate parking and open space.

Built Environment Policy BE1, Design Quality - expects the highest quality of composition and design in all new developments and its careful integration with its surroundings.

Built Environment Policy BE4, Development in Garden Ground - sets out criteria for consideration of new development

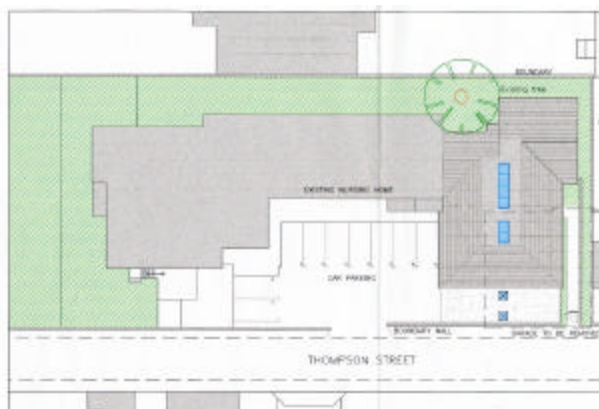
Built Environment Policy BE11, Development in Conservation Areas, all development proposals will be expected to complement and enhance the character of the surrounding area.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:



Policy 10: Non-Mainstream Residential Use

Policy 15: Development in Garden Ground

Policy 55: Urban Design

Policy 61: Development in Conservation Areas

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

LOCAL AGENDA 21

Key Theme 13 is relevant to this proposal and seeks to ensure places; spaces and objects combine meaning and beauty with utility. It is considered that the proposed development seeks to achieve the aims set out within this key theme.

SITE HISTORY

87/12503/D - Change of use from private house and doctors surgery to residential retirement home, 55 Magdalen Yard Road - Approved with conditions- 13/07/1987

87/12673/D - Conversion and extension to nursing home, 55 Magdalen Yard Road - Application went to appeal and was upheld - 23/11/87

PUBLIC PARTICIPATION

The applicants carried out statutory neighbour notification and the application was advertised in the "Dundee Courier and Advertiser" on the 21 July 2004 as affecting the setting of Conservation Area and Listed Building, and on the 28 July as a potential departure from the development plan. One letter of objection was received from a neighbour to the west of the site raising concerns with regards to the impact on the natural environment through the felling or lopping of a mature evergreen tree on the boundary of the site.

Copies of the letter of objection are available in the Members Lounges and the issue raised are addressed in the 'Observations' section of this report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that subject to a condition covering levels of mechanical and electrical noise he had no objection to the proposed development.

The Council's Forestry Officer supports the removal of the mature evergreen to the west of the site given existing root damage and subsequent damage as a result of future development, and has recommended that a suitable replacement is planted.

No adverse comments were received from any of the other consultees.

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

Also in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, under Section 59 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. And in accordance with Section 64 the Council is required to have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is for the erection of a two-storey extension on the rear elevation of the existing property. One letter of objection was received from a neighbour to the west of the site raising concerns with regards to impact on an existing tree.

The Development Plan

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

Housing Policy H12: Residential Homes and Nursing Homes, seeks to ensure that extensions have appropriate parking and open space. The policy requires that one car parking space is provided per 6 residents, one space per resident staff member and one space provided for a non-resident staff member. At present approximately 3 car parking spaces are used by staff at any one time. None of the residents within the nursing home use the car parking spaces provided therefore there are 6 spaces available for visitor parking. It has been indicated that the number of spaces provided within the car park is in excess of the number of

spaces used by staff and visitors at any one time. It would therefore be appropriate to determine that the additional bed spaces plus additional staff are unlikely to put excessive pressure on the existing parking provision. In addition there is a public car park close to the nursing home as well as bus routes along Magdalen Yard Road and Perth Road, which service the property.

In terms of open space, there is small area of amenity space to the north west of the property, which will be removed for the proposed extension. This amenity space is on a higher ground level as the site rises to the north, it is therefore accessed by a number of steps, which consequently makes it inaccessible to many of the residents. The area is also surrounded by high boundary walls to the north and west and is therefore unlikely to provide the sunny outlook required by the policy. There is a large area of south facing garden ground to the front of the property. The mature planting on the boundaries of the front garden helps to provide some screening around the amenity area. It is considered that the loss of the small area of open space to the rear of the property would not be detrimental to the amenity of residents within the nursing home.

It is considered that the proposal does not contravene the provisions of Policy H12.

Policy BE1 Design quality, expects the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting and alignment, materials and landscaping. Infill development should relate closely to the established character of the surrounding area. The proposed two-storey extension will be finished in dry dash render and second hand slate to match the existing modern extension on the north elevation of the original house. The scale, form, siting and alignment reflect the existing extension. Therefore it is considered that there will be no significant detrimental effect on the design quality of the existing building and the surrounding area. It is considered that the proposed development is in accordance with Policy BE1.

Policy BE4 Development in garden ground, seeks to ensure that certain areas throughout the city whose unique character is provided by villas set in

large gardens with mature planting is maintained. However the original building has not been a private house since 1987, its previous use included a doctor's surgery. In addition there is an existing two-storey extension on the north elevation of the nursing home. Given that the original building has not been in use as a private house since 1987 and with the existing extension on the north elevation it is considered that this policy is not directly relevant to the proposed development in this instance.

Policy BE11 Development in conservation areas, all developments are required to complement and enhance the character of the area. The proposed extension is on the rear elevation of the original house and is therefore considered not to have a detrimental impact on the existing character. In order to build the proposed extension, two lockups on Thomson Street are to be demolished and a new pedestrian access formed. A new wall will be built up to match the existing eastern boundary stonewall. Given that the proposed finishing materials, scale and form match the existing extension it is considered that the proposal will not have a significant detrimental affect on the character of the existing building and surrounding area. It is considered that the proposal is in accordance with Policy BE11.

It is concluded from the foregoing that the proposal does not contravene with the policies of the development plan.

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 10 Non-Mainstream Residential Use, provides a criteria to consider good quality residential environment, access to local services concentration of non-mainstream use within a particular area, parking and public transport, amenity space and design. With reference to the issues addressed in Policy H12 with regards to open space, parking, accessibility and public transport and Policy BE1 in terms of design quality, it is considered that the proposal is in accordance with Policy 10.

Policy 15 Development in Garden Ground, with reference to the justification given for Policy BE4 of the Dundee Local Plan 1998 it is considered that Policy 15 is not directly relevant to the proposal in this instance.

Policy 55 Urban Design, for all new developments the emphasis will be on design quality. With reference to the reasons given for Policy BE1 of the Dundee Local Plan it is considered that the proposal is in accordance with Policy 55.

Policy 61 Development in Conservation Areas will be expected to preserve or enhance the character of the surrounding area. With reference to the reasons given for Policy BE11 of the Dundee Local Plan 1998 it is considered that the proposal is in accordance with Policy 61.

Objections

One letter of objection was received from a resident to the west of the application site raising concerns with regards to the felling and lopping of trees in particular the mature evergreen on the western boundary. The Council Forestry Officer determined that the mature evergreen tree had experienced significant root damage as a result of previous development. It was recommended that the tree should be removed and a suitable replacement planted which the applicant has agreed to. It is considered given the present condition of the tree and the subsequent recommended action that the objection is of insufficient weight to warrant refusal of the application.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

It is considered given the size, location and finishing materials of the proposed development that there would be no significant detriment visual impact on the existing building or the surrounding area.

CONCLUSION

The proposed development is considered not to contravene the

Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 10, 15, 55 and 61 of the Finalised Dundee Local Plan Review. It is considered that the concerns raised by the objector are of insufficient weight to warrant refusal of the application.

RECOMMENDATION

It is recommended that planning permission 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 Details of the proposed tree-planting scheme including, the timing of planting and maintenance shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 3 To the satisfaction of the Council, all trees and shrubs to be retained shall be fenced off as per British Standard 5837 before building operations begin or building material is brought onto the site and shall remain fenced off until the development hereby permitted is completed.
- 4 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.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the proposed landscape of the proposed development is to a satisfactory standard.
- 3 To protect those landscape features which are significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.

- 4 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.