

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**

Erection of new sheltered housing of 37 units

**Address**

Westbay  
34 Albert Road  
Broughty Ferry  
Dundee

**Applicant**

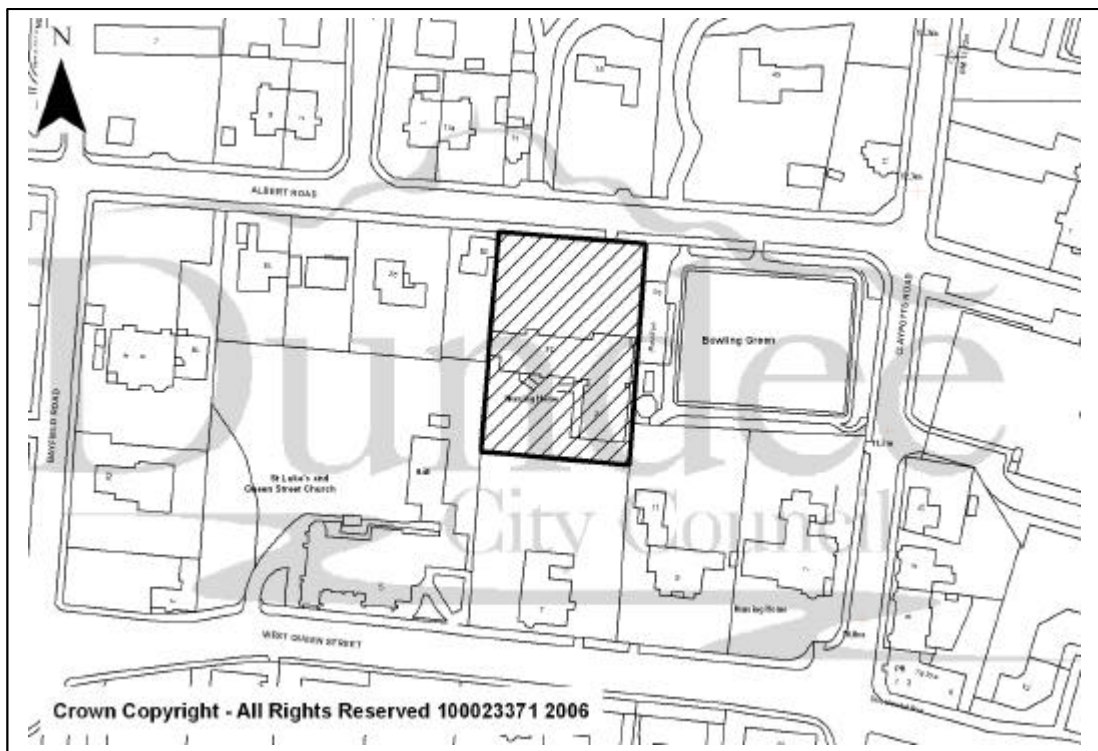
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**Registered** 24 Jan 2007

**Case Officer** C Walker



## Flats Proposed for Former Nursing Home Site

The erection of new sheltered housing of 37 units is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed building represents an overdevelopment of the site to the detriment of the amenities of neighbours and contrary to the provisions of the adopted Local Plan. The design and scale of the development and the loss of trees and shrubs would detract from the character and appearance of the Grove Conservation Area. The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to erect a 3 storey block of 37 flats on the site of the former Westbay nursing home. The proposal is described by the applicants as a sheltered housing development.
- The proposed building occupies a substantial footprint, is 3 storeys high and close to the western and southern site boundaries. The site is in the Grove Conservation Area.
- Policies 1, 10, 15 and 61 of the Dundee Local Plan Review 2005 are relevant to the determination of this application.
- Four letters of objection were received stating concerns about overlooking and loss of light, overdevelopment of the site, insufficient parking provision, the design of the building and loss of trees and shrubs.
- The proposed building represents an overdevelopment of the site to the detriment of the amenities of neighbours and contrary to the provisions of the adopted Local Plan. The design and scale of the development and the loss of trees and shrubs would detract from the character and appearance of the Grove Conservation Area.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a 3 storey block of 37 flats on the site following demolition of all the existing buildings. The proposal is described by the applicants as a sheltered housing development although each flat is self contained, 21 having 1 bedroom and the remaining 16 having 2 bedrooms. All the flats except the 4 above the common room have small patios or balconies. A communal lounge of some 150 sq metres is proposed at ground floor level.

The applicants state that the accommodation would be privately owned by the occupants but has been designed for use by elderly people, with a member of staff on duty supported by a care line for 24 hour emergency service. 1 flat would be for guest use and communal facilities would include a common room as well as laundry and refuse facilities and maintained private gardens.

The proposed building occupies a substantial footprint of some 935 sq metres (some 38% of the site area). It is proposed to form a parking area of some 16 spaces within the grounds to the front of the building occupying a further 585 sq. metres. Other than incidental strips of ground around the building of no more than 4 metres in width, the only substantial area of open ground is some 475 sq. metres (19% of the site area) in extent to the south east of the building. Altogether buildings and hard standings occupy some 62% of the site area.

The proposed building occupies most of the western half of the site with a spur projecting towards the eastern boundary. It is within 3 metres of the western site boundary and 4 metres of the southern site boundary. It is designed with a mansard roof to reduce the impact of the third storey and proposed finishing materials include the reuse of natural stone on the entrance elevation, buff render walls and a roof of brown tiles.

A Planning Statement has been submitted by the applicants which states that the former nursing home (Westbay) was a substantial facility occupying most of the site and employing 51 staff for 24 hour working. It states that the proposed

new building will provide a greater separation distance from the bowling club to the east and the house to the west, is of similar footprint to the existing building (including permitted extensions) and will be lower in height than the existing building. It states that parking provision at 16 spaces is equal to that in other similar developments and greater than the 10 spaces for the nursing home which it states involved a greater parking need. It states that the design and finishes of the building and the landscaping of the site are sympathetic to the character of the area and that windows and balconies are oriented to avoid overlooking of adjoining houses.

In response to the Council's concerns about the proposed development the applicants have written to indicate that they are prepared to amend the window detail for those units closest to the house to the west, that they would accept a planning condition restricting the use of the building to restrict mainstream flatted accommodation and have submitted information on parking for other sheltered flatted developments indicating similar or lesser levels of parking provision than that currently proposed.



## SITE DESCRIPTION

The site comprises the former Westbay Nursing Home which was recently destroyed by fire. The buildings are still standing but are in a semi derelict condition with much of the roof missing and the site is fenced off. When it operated as a nursing home it had 32 bedrooms occupied by 34 residents. The original villa sat in the centre of the site but it had been much extended with large 2 storey extensions on the east and west elevations so that the resulting building is a large L shaped structure covering much of the rear of the site. To the rear there was a garden and drying area enclosed by the buildings and to the

front there was a landscaped garden, drying area and parking area.

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

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

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 2005

The site is in an existing housing area and Policy 1 seeks to protect residential amenity. Policy 4 sets out standards for new housing development.

Policy 10 sets out standards for what are termed "Non-Mainstream Residential Uses" including sheltered housing, residential and nursing homes and housing for people with special needs.

Policy 15 on garden ground development is applicable.

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

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

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

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

## Non Statutory Statements of Council Policy

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

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

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

There is an accompanying application for conservation area consent to demolish all the buildings on the site, the report on which appears elsewhere in this Agenda - application 07/00100/CON refers.

## PUBLIC PARTICIPATION

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

Three letters were received from the occupiers of nearby dwellings concerned about overlooking and loss of light, overdevelopment of the site with insufficient parking for residents and visitors (particularly since Albert Road is already congested) and the loss of trees and shrubs.

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

## CONSULTATIONS

Broughty Ferry Community Council objected to the proposed development stating concerns that the amenities of neighbours would be adversely affected by virtue of design, overlooking and increased traffic movement, that the location of the car park would detract from the appearance of the area, that there is insufficient amenity space for the

residents, that demolition of all the original sandstone villa should be resisted and that the proposal neither preserves nor enhances the character of the conservation area.

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

## OBSERVATIONS

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

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

### The Development Plan

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

Policy 1 states that 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.

It is considered that issues of design, layout, parking and traffic movement issues are relevant in this case. These issues are considered in more detail in the assessment of the development against Policies 10 and 15 of the Plan.

Policy 4 sets out standards for new housing development and Policy 10 sets out standards for Non-Mainstream Residential Uses. The applicant states that the proposed development is for sheltered housing so it falls to be assessed principally under Policy 10. That policy contains criteria which must be met by these developments 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; and

- b the site is well located to give access to a range of local services and facilities and is accessible by public transport; and
- c it will not lead to an excessive concentration of non-mainstream residential uses to the detriment of the character of the particular area; and
- 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; and
- e appropriate amenity space is provided in a sheltered, private location that is sunny for most of the day; and
- f the design reflects the scale, massing and materials of adjacent buildings.

In terms of criteria (a) it is considered that the proposed development will adversely impact on the amenities of neighbours by reason of design, overshadowing, overlooking and parking. Matters of design will be considered in more detail in the assessment of the development against Policy 15 of the Local Plan. The proposed 3 storey building is very large and occupies a significant portion of the site. It would be constructed within 3 metres of the western site boundary and 4 metres of the southern site boundary with windows and balconies on the west elevation and windows on the south elevation. This would result in significant overlooking and overshadowing of the private garden of the single storey house to the west of the site and the garden ground to the rear of houses at 7/7a and 9 West Queen Street to the south and south east. It would also significantly overlook and overshadow the grounds attached to St Lukes and Queen Street Church to the south west of the site.

Furthermore it is considered that such overlooking would be significantly worse than that currently experienced since the existing buildings currently have blank elevations where they come close to the western and southern boundaries and overshadowing of properties to the west would be significantly worse because of the extensive 3 storey height of the building along this boundary. Any

lessening of overshadowing of the gardens to the rear of the houses to the south and south east would be counteracted by the significant loss of privacy.

In terms of parking, it is considered that the level of provision is well below that required and that overspill parking would significantly impact on the amenities of local residents (this point is developed in more detail under point (d) below).

In terms of criteria (b) and (c) it is considered that the site is well located in terms of access to services and facilities and that given that the previous use was as a nursing home that it will not lead to an excessive concentration of non mainstream residential uses in this location.

In terms of criteria (d) it is considered that the level of car parking provision is inadequate. A total of 37 flats are proposed which would normally attract a parking provision of at least 37 spaces (in fact standard flatted developments at this location should provide 150% parking), even if no requirement was made for staff or visitor parking. Whilst in certain instances non mainstream housing may attract a lesser provision of car parking, in this case all the flats will be self contained and sold to owner occupiers. It can reasonably be expected that most, if not all purchasers, will be car owners.

It is proposed to provide 16 spaces to serve the development, less than 1 space per 2 flats. The size of the proposed building is such that there is no opportunity to extend the area of parking provision, which already occupies the entire site frontage. In addition there are significant parking difficulties on Albert Road, mainly due to the proximity of the site to the bowling club and Grove Academy further to the east. Although the site is reasonably accessible, it is not right in the heart of the Broughty Ferry district centre so it can be anticipated that the future residents of the flats will remain car dependent. Even if it could be demonstrated that less than 100% parking should be provided, it is considered that 16 spaces falls far short of the likely parking generated by the development.

In terms of criteria (e) it is considered that taking into account the size of the flats and the fact that almost every unit has a balcony or patio, that the extent

of the amenity area is satisfactory, and that it will provide adequate privacy and sunlight.

In terms of criteria (f) it is considered that design of the development does not reflect the scale, massing and materials of adjacent buildings. this point is developed further in the assessment of the development against Policy 15 of the Plan below.

It is concluded that the development does not comply with subsections (a), (d) and (f) of Policy 10.

Policy 15 on Garden Ground Development sets out criteria which must be met as follows:

- a the proposal is of high quality design and uses materials appropriate to its surroundings. In this case it is considered that the design of the proposed building comes across as a large block of flats with standard detailing in terms of its elevations. The use of reclaimed natural stone will enhance the northern elevation, but otherwise the finishing materials of buff render walls and a roof of brown tiles are typical of a standard suburban block of flats. It is considered that for a building of this size and scale that an exceptional design treatment would be necessary to integrate in into its surroundings and that this is not achieved by the current proposal.
- b the total footprint of new buildings does not exceed one and a half times the footprint of the original main house unless there has already been development within the garden ground exceeding this limit and where further development would not detrimentally affect the appearance and character as now exists. In this case the footprint of the proposed building is some three and a half times that of the original villa. It is accepted that since then the original villa has been much extended but even taking those extensions into account, the footprint of the proposed development is almost one and a half times that of the existing building on the site. Even if account is taken of an unexpired approval of a 10 bedroom extension, the proposal still has a larger footprint, although only by some 70 sq. metres. However

when the footprint of the proposed building is combined with the fact that it is 3 storeys over its entire height, its impact will be significantly greater than that of the original buildings.

- c notwithstanding the above, the final proportion of ground covered by buildings, hard-standings, garages etc. must not amount to more than 40% of the original house and garden with at least 60% cultivatable garden ground. In this case site coverage at 39% just meets this standard.
- d prevailing densities in the area are respected. In this case it is considered that the large new building proposed does not in any respect reflect prevailing densities, even taking into account the existing development on the site.
- e no new building is proposed in front of the main elevation of the original house; extensions exceeding 20% of the volume of the original building will only be acceptable if designed in such a way as to appear independent and linked discreetly to the original house.
- f prominent frontages and elevations of architectural character on the original house will remain largely intact. These sections (e) and (f) are not applicable as it is proposed to demolish the original villa.
- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls. In this case the access proposals are satisfactory.
- h a full tree survey is submitted along with the planning application to enable a comprehensive landscape assessment to be undertaken. Ultimately, the need to retain existing trees and landscape features may override the above criteria. In this case a tree survey has not been provided but the proposed development and parking area will result in the removal of almost all the trees and shrubs on the site.
- i where development is permitted, new tree planting and landscaping will be required which should reflect, and where appropriate enhance, the character and stature

of that already existing. The proposed planting proposals do not provide detail of where the various species would be planted or what sizes would be planted.

It is concluded that the development does not comply with subsections (a), (b), (d) and (h) of Policy 15.

In terms of Policy 55, for the reasons set out in the assessment of the development against Policy 15(a) of the Plan, it is considered that the design of the development is not is appropriate quality for this prominent site in the Grove Conservation Area.

Finally in terms of Policy 61, again for the reasons set out in the assessment of the development against Policy 15(a), (b) and (h) of the Plan, it is considered that the design of the development is not is appropriate quality for this prominent site in the Grove Conservation Area. Of particular importance is the removal of most of the trees and shrubs from the front garden area to erect the new building and to form the parking area. The character of the Grove Conservation area is largely formed by detached stone villas set in extensive landscaped gardens. At present, despite the fact that the original villa has been significantly extended, the site still bears the hallmarks of a villa set in garden ground. The proposed new planting will take some time to mature and the loss of front garden and its replacement with car parking will detract from the visual amenity of the Grove Conservation Area.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan, namely Policies 1,10,15,55 and 61 of the adopted Local Plan.

### Other Material Considerations

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

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

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

character and appearance of the Grove Conservation Area.

(B) The Concerns of Neighbours and the Community Council

The objectors and the Community Council have stated concerns about overlooking and loss of light, overdevelopment of the site with insufficient parking for residents and visitors, the loss of trees and shrubs, the design of the building, the quality of the amenity space and the demolition of the original villa.

All these issues other than the demolition of the original building have been considered in the assessment of the development against Policies 1,10, 55 and 61 of the Local Plan. The views of the objectors on these issues (other than the matter of amenity space provided within the development) are supported and it has been concluded that the development contravenes the Local Plan and the statutory requirements in these respects. The matter of the demolition of the original villa is considered in the accompanying application for conservation area consent to demolish that building.

(C) The Applicants Planning Statement

A Planning Statement has been submitted by the applicants which states that the former nursing home (Westbay) was a substantial facility occupying most of the site and employing 51 staff for 24 hour working.

The Councils records (from information provided by the applicant) indicate that it was a 32 bedroom facility with 34 residents. From frequent visits to the site it was observed that parking levels were very low, in the order of 3 to 4 cars on site at any one time. This probably reflected the fact that none of the residents had cars at the site and levels of car ownership for the staff were low. It is not accepted that the parking demand for the former nursing home was greater than that likely to be generated by the current proposals.

The information provided on other facilities with very low levels of parking provision (typically 30% or less) does not state whether the accommodation is rented or owned, how far it is from public transport and other facilities, the level of care provided and the characteristics of the

residents in terms of age and disability. In the development currently proposed all the units are for sale and residents are likely to come from a local catchment where levels of car ownership are high. Although public transport and facilities are nearby, the situation is not comparable to a site within a town or district centre. Rather it is anticipated that levels of car ownership will be comparable to other recent flatted developments a similar distance from the centre of Broughty Ferry which typically are occupied by residents of retirement age.

The Statement says that the proposed new building will provide a greater separation distance from the bowling club to the east and the house to the west. Whilst this is correct, the impact of the proposed development on the house to the west will be much worse as it will have 3 storeys of overlooking balconies within three metres of its boundary for a 23 metre frontage compared with the existing situation where the nursing home has a 6.5 metres frontage 2 storey blank gable adjacent to the neighbours garden.

It states that the proposed development is of similar footprint to the existing building (including permitted extensions) and will be lower in height than the existing building. In fact the applicant previously stated in an appeal case that he did not intend to proceed with a new ground floor extension and even if he did, the footprint currently proposed would still be larger by some 70 sq. metres.

What is of greater significance is that the existing buildings provided 2 storeys of accommodation and not 3 as currently proposed and even if the existing buildings are higher than the proposed development, account needs to be taken of the fact that much of the existing buildings is at a lower level and that the proposed extension (which was not built but which has been included by the applicant as part of the footprint comparison) was to be single story only. From the applicants own figures, even if the permitted single storey extension is taken into account, the proposed development will have a volume exceeding existing and proposed buildings by over 17%.

Finally it states that the design and finishes of the building and the landscaping of the site are sympathetic to the character of the area and that windows and balconies are oriented to avoid overlooking of adjoining houses.

It is considered that the design and finishing materials are not of an acceptable quality for this location and that there will be unacceptable overlooking of adjoining properties. Even taking into account the offer to amend the window and balcony detail for those units closest to the house to the west, it is not considered that this is sufficient to overcome concerns about overlooking and overshadowing of neighbouring properties.

It is concluded from the foregoing that insufficient weight can be accorded to the applicants Planning Statement such as to justify the grant of planning permission. It is therefore recommended that planning permission be refused.

## Design

The design of the proposed building comes across as a large block of flats with standard detailing in terms of its elevations. The use of reclaimed natural stone will enhance the northern elevation, but otherwise the finishing materials of buff render walls and a roof of brown tiles are typical of a standard suburban block of flats. It is considered that for a building of this size and scale that an exceptional design treatment would be necessary to integrate in into its surroundings and that this is not achieved by the current proposal.

## CONCLUSION

The proposed building represents an overdevelopment of the site to the detriment of the amenities of neighbours and contrary to the provisions of the adopted Local Plan. The design and scale of the development and the loss of trees and shrubs would detract from the character and appearance of the Grove Conservation Area.

## RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

### Reasons

- 1 The proposed development is of a standard design and of a scale and massing that significantly departs from the prevailing density of development and these facts coupled with the removal of the front garden area and trees and shrubs to form car parking

would have a significant adverse impact on the character and appearance of this part of the Grove Conservation Area contrary to Policy 61 of the adopted Dundee Local Plan Review 2005 and the Statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- 2 The proposed development contravenes Policy 15 (a) of the adopted Dundee Local Plan Review 2005 because the design, massing and finishing materials of the proposed development are inappropriate for its surroundings, Policy 15 (b) because the footprint of the proposed buildings is excessive, Policy 15(d) because the development does not respect the prevailing densities in the area and Policy 15(h) because extensive removal of trees and shrubs is proposed. The failure to comply with these policies results in a development that runs counter to the aims of Policy 15 to protect the architectural appearance and landscape features of low density parts of the city.
- 3 The proposed development, and in particular the west facing balconies and south facing windows, would lead to unacceptable overlooking of adjoining properties and unacceptable overshadowing of the house and garden to the west contrary to Policies 1 and 10(a) of the adopted Dundee Local Plan Review 2005.
- 4 The level of car parking proposed for the development is insufficient and would lead to overspill parking on Albert Road to the detriment of the amenities of adjoining occupiers and contrary to Policies 1 and 10(d) of the adopted Dundee Local Plan Review 2005.