

KEY INFORMATION

Ward Lochee

Proposal

Erection of residential care facilities comprising of 21 assisted flats, 1 twin room, 91 single rooms with ancillary facilities, access and parking

Address

Land to South of Beechwood Park
Kings Cross Road
Dundee

Applicant

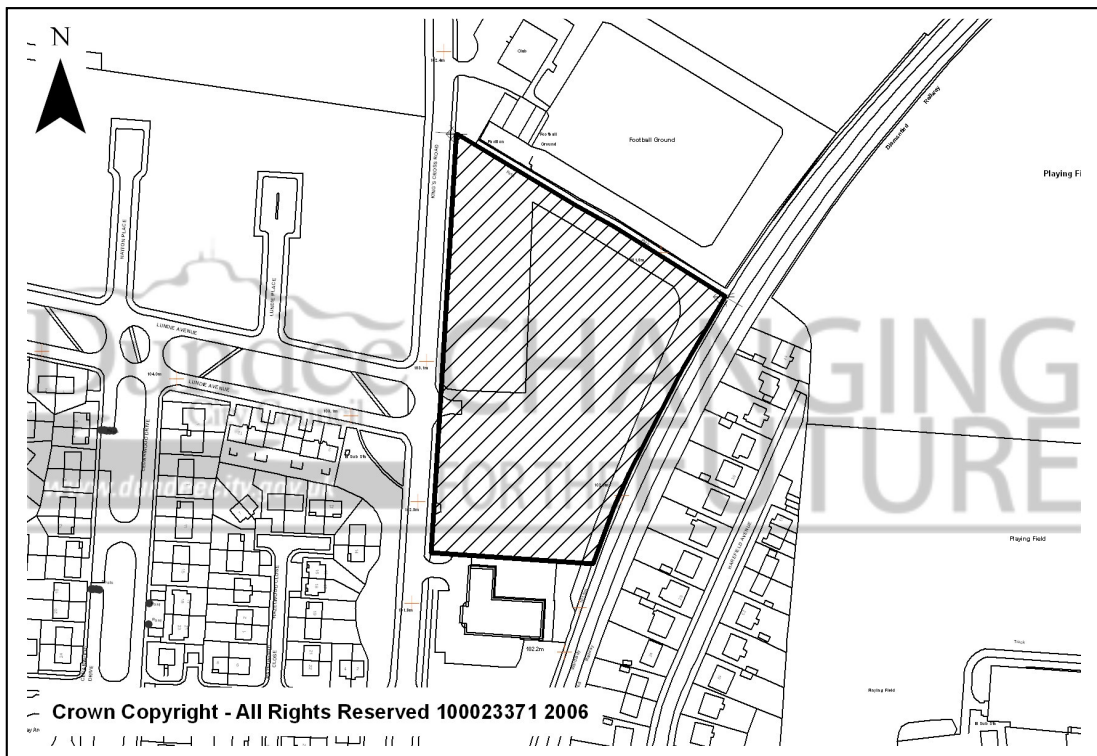
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Agent

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Registered 27 Mar 2009

Case Officer Eve Jones



Proposed Residential Care Facility in Kings Cross Road

The erection of a residential care facility is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation.

RECOMMENDATION

The development will provide residential accommodation with care of varying degrees according to individual needs. The use complies with Policy 1; meets the criteria in Policy 10 for Non-Mainstream Housing and protects trees under Policy 72. The application is Recommended for APPROVAL subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the development of a residential care facility comprising 21 assisted flats with a warden, residential care accommodation of 30 rooms for the elderly and 62 bedrooms in a number of smaller linked facilities for the accommodation and treatment of a wide range of user groups. The buildings have shared central facilities and the site has a new access and 73 parking spaces. It is anticipated that approximately 40 staff will be on site at any one time.
- The development has been designed to reflect a residential rather than an institutional character with buildings predominantly two storey and constructed with render walls and concrete tiled roofs with timber detailing. The layout creates a number of small, enclosed, sunny courtyards which will benefit both users able to access these spaces and those whose rooms will overlook them.
- This is a large, flat, almost rectangular site on the east side of Kings Cross Road with significant trees along the north and north east boundaries. Kings Cross Road is a busy local distributor road which provides access to the nearby Kingsway.
- Dundee Local Plan 2005: Policy 1 - Vibrant and Sustainable Communities; Policy 10 - Non-Mainstream Residential Uses and Policy 72 - Trees and Urban Woodland are relevant and the development complies with their requirements.
- There were no objections.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the development of a residential care facility comprising 21 assisted flats, 1 twin and 91 single rooms with ancillary facilities, access and parking. The development will be in the form of a detached two storey block of flats and a linked series of buildings of mainly two storeys with a central section of three storeys.

The two storey, accommodation with care building comprises 15 single and 6 two bedrooms flats with associated communal day facilities, laundry etc. This building accommodates a residential care warden.

The two storey residential care accommodation provides 29 single bedrooms and 1 twin bedroom and provides assisted living for the elderly. It shares facilities with and is directly linked to the main building.

The main residential care building is predominantly two storey with a central third storey for services. It provides a total of 62 single en-suite bedrooms in a number of smaller linked facilities for the accommodation and treatment of a wide range of user groups.

Access will be taken from a specific location on Kings Cross Road to serve the 73 parking spaces including 11 disabled bays which will be provided. There is also an identified parking space for service vehicles close to the access to the kitchen and a separate waste, refuse and maintenance building close to the main vehicle access. There will be landscaped gardens incorporating the mature trees to the north and north east of the site which are protected by a Tree Preservation Order. A tree survey has been submitted which proposes the removal of 18 of the 67 trees, partly to accommodate the access and buildings but also for good arboricultural reasons to reduce overcrowding or because trees are damaged or diseased.

The buildings have been designed to provide six distinct but adjoining "domestic scale" buildings which enclose a series of landscaped

courtyard spaces linked by pathways. The buildings are set back from Kings Cross Road and there is informal garden space around the north and east side of the site where the majority of the mature trees will be retained.

The proposed materials are render with concrete tiles and cedar timber detailing.

It is anticipated that approximately 40 staff will be on site at any one time.



SITE DESCRIPTION

This is a large, flat, almost rectangular site on the east side of Kings Cross Road with significant trees along the north and north east boundaries. It has a high stone wall on the north separating it from a local football ground with the B & Q superstore beyond that. The stone wall to the east



abuts the Miley Nature Reserve with well established housing beyond. To the south is a recently developed veterinary surgery and beyond that there is a small residential care unit currently under construction. To the west is the former Beechwood housing

area which has been redeveloped for new housing with an area of open land identified for industrial development. Kings Cross Road is a busy local distributor road which provides access to the nearby Kingsway.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 1 - Vibrant and Sustainable Communities.

Policy 10 - Non-Mainstream Residential Uses.

Policy 72 - Trees and Urban Woodland.

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

The following sustainability policy implication arises from this application:

Policy 5 : Built Environment - the issue is discussed in greater detail below.

SITE HISTORY

The site was the subject of five planning applications for an all weather football complex between February 1998 and July 2002. One application was approved on appeal but the permission expired, a further appeal was refused in March 2002. Unauthorised works to try to implement the appeal approval resulted in an Enforcement Notice and the appeal lodged against that notice was

also dismissed. The site owner then removed the unauthorised developments and restored the site.

07/00459/OUT Outline planning consent was granted by the Development Quality Committee on 19 November 2007 for a retirement complex with a number of residential care units, associated facilities, access and parking. The application was approved subject to a number of conditions.

PUBLIC PARTICIPATION

The proposed development has been the subject of statutory neighbour notification. There were no objections.

CONSULTATIONS

The developer has been in discussions with Scottish Water to agree an acceptable solution for the surface water drainage of the site.

The Head of Environmental Health and Trading Standards indicates that there is the potential for noise nuisance from mechanical and electrical plant associated with the development and an appropriate condition to control any potential noise is requested if the application is recommended for approval.

The Head of Environmental Health and Trading Standards advises that the submitted Phase 1 Geo-environmental Desk Study is satisfactory and that appropriate conditions to carry out site investigations and submit a verification report as per the Study are recommended if the application is recommended for approval.

There is a Tree Preservation Order on the site and a report on the condition and future life of the trees has been submitted with recommendations for selective removal of trees, mainly on grounds of health and condition. The Forestry Officer seeks details of any proposed replacement planting.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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: Vibrant and Sustainable Communities - the City Council will promote vibrant communities,



encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect

on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

The proposed use is appropriate in this location which is at the interface between residential and commercial uses, is relatively close to the District Centre of Lochee and has good transportation links. This is a relatively busy local road giving access to the Kingsway but the use is unlikely to generate high volumes of traffic or intense peaks of traffic at specific times. A Transport Statement and a Safety Audit Report, Stage 2 Detailed Design, have been submitted in respect of the traffic impact and the proposed new access.

The proposal is for predominantly 2 storey buildings, approximately 18 metres at the closest to the eastern boundary wall at the Miley and approximately 53 metres at the closest to any of the houses on Harefield Road to the east. The nearest house to the west is approximately 43 metres from the buildings. There will be no impact on the privacy currently enjoyed by local residents and there is unlikely to be any noise impact. Any noise from mechanical or electrical plant can be the subject of an appropriate condition if Members are minded to approve the application.

It is considered that the proposed development as defined seeks to minimise the affect on the environmental quality enjoyed by local residents as required by Policy 1. Full compliance with Policy 1 will depend upon compliance with other policies in the Plan.

Policy 10: Non-Mainstream Residential Uses - proposals for the development of non-mainstream residential uses will be supported where:

- 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.

As detailed above, the proposal is for a residential care complex catering for a range of users from those requiring support to live in self contained flats to those requiring care and treatment.

The development is unlikely to adversely affect the amenity of neighbours (a); the site is well located (b); a good quality residential environment will be created with sheltered, private mainly sunny amenity space (a and e); the site can accommodate sufficient parking and has good public transport links (d) and there is not an excessive concentration of such uses to the detriment of the character of the area (c).

The adjacent buildings to the south are a new vets' surgery and a small residential care unit, currently under construction. The design and materials proposed complements these units and results in a domestic scale of buildings interspersed with courtyards that ensures the development does not appear to be institutional. It also complements the open aspect of the housing on the west side of Kings Cross Road.

Accordingly, it is considered that the proposal complies with Policy 10.

Policy 72: Trees and Urban Woodland

"New developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after

construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements."

The justification for the removal of 18 of the 67 trees is accepted subject to appropriate replacement tree planting. Further testing of another 9 older trees with basal damage is recommended to determine whether they have any underlying weaknesses which may prevent their retention close to the proposed buildings. The development of the site for larger buildings will ensure the retention of the trees which will complement their scale and setting and allow the development of an attractive amenity area. The proposal complies with Policy 72.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

The following sustainability policy implication arises from this application. Policy 5 : Built Environment. The proposal represents an acceptable use to regenerate this former housing site. The scale and nature of the buildings will ensure the retention of the majority of the trees which are locally important and are protected by a Tree Preservation Order.

A Transport Statement and a Safety Audit Report Stage 2 in respect of the proposed road access have been submitted. Alterations to Kings Cross Road are recommended relating to the relocation of the bus stop and the need to provide a refuge in the middle of the road to assist pedestrians to cross safely. Cycle parking within the site is also proposed in the Transport Statement. The recommendations can be the subject of appropriate conditions if Members are minded to approve the application.

It is concluded from the foregoing that the material considerations support the granting of planning permission in accordance with the provisions of the development plan.

Design

The development has been designed to reflect a residential or domestic character with buildings predominantly two storey and constructed with render walls and concrete tiled roofs with timber detailing. The layout creates a number of small, enclosed, sunny courtyards which will benefit both users able to access these spaces and those whose rooms will overlook them. Careful landscaping will enhance this layout.

CONCLUSION

The proposed range of buildings within this development will provide residential accommodation with care of varying degrees according to individual needs. The use complies with Policy 1 of the Dundee Local Plan and the development meets the criteria in Policy 10 for Non-Mainstream Housing. Trees within the Tree Preservation Order have been assessed and any tree removal has been justified with replacement planting elsewhere on the site.

RECOMMENDATION

It is recommended that consent 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 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.
- 3 Development shall not begin until the investigation and risk assessment proposed in the submitted. Stage I Desk Study are completed and a remediation strategy to deal with 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:
 - a the nature, extent and type(s) of contamination on the site;

- b measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
- c measures to deal with contamination during construction works; and
- d verification of the condition of the site on completion of decontamination measures.
- 4 Before any unit is occupied, the remediation strategy required by Condition 03 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.
- 5 Prior to the commencement of development, tree protection fencing in accordance with BS 5837:2005 shall be erected on site in the positions shown on Plan ref: PL(00)05A. Three clear working days notice shall be given to the City Council of the erection of the tree fencing to allow the site to be inspected before any further works can commence.
- 6 No excavations, site works, trenches or channels shall be cut or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees by affecting their root structure
- 7 Prior to the commencement of development, full specifications of the proposed soft landscaping shall be submitted for approval and if approved, the works shall be carried out only in accordance with such approved details.
- 8 The landscaping scheme as detailed in condition 07 shall be fully implemented in accordance with the approved details within 6 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 9 The proposed residential care accommodation shall not be used for any purpose other than a purpose within Class 8 - Residential Institutions of the Schedule to the Town and Country Planning (Use Classes)(Scotland) order 1989 as amended or re-enacted, other than the occupation of one flat, for a resident warden, in the Accommodation with Care building.
- 10 Prior to the commencement of development, details of the proposed vehicle access must be agreed and the access must be formed and constructed to Dundee City Council specifications prior to the first use of any building on the site. Dropped kerbs shall be provided at locations to be agreed. Visibility splays shall be provided to each side of the proposed access with no trees, walls, fences, hedges or other obstructions within the splays. Costs associated with this work to be met fully by the developer.
- 11 Any existing accesses that are not required as part of this redevelopment should be made good by the developer, to Dundee City Council standards and specifications. Where damage is extensive, the footway must be fully resurfaced or reconstructed if necessary. Details should be submitted for approval prior to the commencement of any works and if approved, the works should be carried out in accordance with the approved details.
- 12 Before the any of the buildings is first occupied the car parking and manoeuvring areas indicated on the approved drawings shall be provided and thereafter kept available for use at all times.
- 13 Before the any of the buildings is first occupied the service area and associated building and enclosures indicated on the approved drawings shall be provided and thereafter kept available for use at all times.
- 14 The total noise from all mechanical and electrical plant shall not exceed NR35 as measured 1 metre external to the facade of adjacent residential accommodation.
- 15 Prior to the commencement of development, details of the proposed relocation of the existing bus stop on the west side of Kings Cross Road shall be agreed with Dundee City Council, Department of Planning & Transportation. The bus stop shall be relocated to the agreed position prior to the first occupation of any building. Costs associated with this work to be met fully by the developer.
- 16 Prior to the commencement of development, details of the proposed central pedestrian island in Kings Cross Road shall be agreed with Dundee City Council, Department of Planning & Transportation. The island shall be provided and dropped kerbs shall be formed on each side of Kings Cross Road prior to the first occupation of any building. Costs associated with this work to be met fully by the developer.
- 17 Storage facilities for 15 bicycles shall be provided on site prior to the first occupation of any building and details of the locations and cycle stand type must be submitted and agreed prior to the works being carried out.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 In the interests of the amenities of the future occupants of the residential accommodation.
- 4 In the interests of the amenities of the future occupants of the residential accommodation.
- 5 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory

- standard of appearance of the development.
- 6 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
 - 7 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
 - 8 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
 - 9 The site is intended to provide residential accommodation with varying degrees of care and the use of any of the buildings for Class 9 residential use would be likely to adversely affect the effective operation of the site by reason of increased traffic, parking needs, noise and pressure on use of open space. The applicant has confirmed the proposed use is defined as Class 8.
 - 10 In order to ensure the safe movement of vehicular traffic onto the public highway.
 - 11 In the interests of pedestrian safety.
 - 12 To ensure that adequate parking facilities are provided and maintained within the curtilage of the site in the interests of the free flow of traffic, highway safety and the amenities of the locality.
 - 13 In the interests of the amenities of the future occupants of the residential accommodation.
 - 14 In the interests of the amenities of the occupiers of nearby properties.
 - 15 In the interests of road safety and to comply with the submitted Stage 2 Safety Audit Report.
 - 16 In the interests of road and pedestrian safety and to comply with the submitted Stage 2 Safety Audit Report.
 - 17 To ensure the provision of secure and safe cycle parking in accordance with Dundee City Council guidelines.