Abstract: This report deals with planning application No. 07/00062/FUL for alterations and extension to Nursing Home at Braehill Lodge, 2 Balmachie Road, Carnoustie for Mr & Mrs Rowe. This application is recommended for approval.

1 INTRODUCTION

1.1 Full planning permission is sought for alterations and extension to an existing nursing home at Braehill Lodge, 2 Balmachie Road, Carnoustie.

1.2 Braehill Lodge is a large two storey property set back approximately 60 metres to the west of Balmachie Road. Braehill Lodge has previously been extended with large single storey bedroom wings to the side and rear. Access is by means of a long driveway which runs parallel to the boundaries of adjacent residential properties to the north and the driveway serving 32 Balmachie Road to the south. The parking and turning area associated with the nursing home is located to the front of the property with a garden area located to the side of the building. Residential properties bound the site to the north, east and west and along part of the southern boundary. The remainder of the southern boundary comprises a steeply sloping area of ground which contains a number of mature trees and extends between the site and Braehead to the south.

1.3 The development proposed includes a two storey extension at the southwest corner of the building linking to an existing single storey wing. Part of the existing single storey wing to the west will also be increased to two storeys. The land to the southwest of the building is sloping and part of the extension will be cantilevered over the sloping ground. It is proposed to reconfigure the fire escape to the rear of the building and also reconfigure paths to create an undercover area between the fire escape and the rear/side of the building. Bedroom accommodation is proposed at first floor level above the undercover area at the northeast corner of the original building. A total of 15 new bedrooms will be created as a result of the proposals (4 on the lower floor and 11 on the upper floor). New ensuite facilities will also be created for a number of the bedrooms of the ground floor along with an improved lounge area. All the new bedrooms on the first floor will have en suite facilities.

1.4 Roofs to the proposed extensions are to be low profile formed in single ply membrane with applied standing seams in light grey. Rendered wall finishes are proposed in white, light grey and light red with areas of facing brick in light grey to match the existing building. One tree will require to be felled as a result of the extension to the front of the building.
2 RELEVANT PLANNING HISTORY

2.1 Planning permission for a similar scale and form of extension to that proposed by the current application was previously approved in 2003 (Application No. 03/00464/FUL refers). This permission has never been implemented.

3 APPLICANT’S CASE

3.1 In response to concerns raised in a letter of representation from the occupier of a property to the north of the site the applicants agent has highlighted the following points:-

• the extensions adjacent to the north boundary are single storey and contain no windows facing the objectors property.

• the back door of the nursing home and the lighting at the back door is 25 metres from the objectors property.

• the objectors property is not affected by the proposals which are desperately needed to give residents the facilities demanded by authorities, society and market forces.

4 CONSULTATIONS

4.1 The Head of Roads, the Head of Environmental and Consumer Protection and Scottish Water all have no objection to the application.

4.2 The Care Commission has also been consulted and has offered no objection.

5 LETTERS OF REPRESENTATION

5.1 Three letters of representation have been received and are appended to this report. The main areas of concern relate to the following issues:-

• Car parking provision – The Head of Roads has assessed the level of car parking provision and has confirmed that this is acceptable.

• Design of proposed extension

• Provision of garden ground

• Impact on residential amenity

The above matters are considered in Section 6: Planning Considerations.

6 PLANNING CONSIDERATIONS

6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
6.2 In this case the development comprises: -

- Dundee and Angus Structure Plan (Approved 2002);
- Angus Local Plan (Adopted 2000)

The Development Plan is current and up-to-date and in this respect merits considerable weight in the determination of the proposal.

6.3 Although the Development Plan is current and up-to-date, Angus Council has been undertaking a review and roll forward of the ALP and the Finalised Angus Local Plan Review (2005) (FALPR) was approved by Angus Council at their meeting on 15 December 2004. The FALPR establishes policies and proposals for the period to 2011, taking into account the guidance from the DASP. Although not yet part of the statutory Development Plan the FALPR (including Committee approved modifications) has reached the stage where it is a material consideration to be taken into account in the determination of this planning application. In this report policies of the FALPR have been referred to when the said policy is materially different to the ALP to the extent that, as a consequence the recommendation contained within this report has been substantially influenced.

6.4 The determining issues in this case are whether:-

- the proposal complies with Development Plan policy;
- there are any other material considerations.

6.5 The area proposed for development is not specifically allocated for any use but is within the defined built up area of Carnoustie and is therefore covered by Policy ENV5 which states:-

**Policy ENV 5: Development in Existing Built-Up Areas**

Within defined development boundaries planning applications for new development on sites not identified on the inset Proposals Maps will only be permitted where the proposals accord with the Development Strategy and other policies of the Local Plan. Proposals leading to significant loss of amenity and character of the surrounding area will not be permitted.

6.6 The application is for the extension to a residential home and it is therefore required to be assessed against Policy H19 ‘Residential Homes’. Policy H19 states:-

**Policy H19: Residential Homes**

Development proposals to provide new or expanded residential homes will be considered on their individual merits taking into account:-

- compatibility with surrounding land uses;
- location within existing communities and accessibility for example to bus routes, footpaths, cycle routes and shops;
- adequate and safe pedestrian/cyclist and vehicular access;
- provision of sufficient off-street parking;
- availability for residents of adequate useable garden ground.
6.7 Advice Note 11: Residential Homes provides guidance on issues primarily relevant to consideration of application for new or extended residential homes. The current application is for an extension to a nursing home rather than a residential home; however, the guidance provided is also applicable to consideration for other types of homes, including nursing homes.

6.8 Policy H19 is applicable to proposals for new and extended residential homes. I consider that the proposed use is compatible with surrounding land uses, which are residential (criterion (a)). The proposal is for the extension of an existing nursing home. It is considered that the existing home is well located in terms of accessibility and services (criterion (b)). The Head of Roads has raised no objection to the access to parking arrangements proposed and as such the proposal is considered to be consistent with criteria (c) and (d).

6.9 Concerns are also raised in a letter of representation over the acceptability of the level of garden ground provided for residents. The main defined area of existing garden ground for residents is to the west side of the building although there are also seats positioned immediately to the front of the building for the use of residents. The main area of extension is proposed at the south west corner of the building with smaller extensions to the rear (north). The overall footprint of the building is not significantly changed by the proposals however and the existing ground to the north of the building is not currently useable garden ground. As such the current proposals do not result in the loss of a significant area of garden ground. It is proposed to create a new defined patio area for residents to the front of the property and create an additional garden area to the rear between the existing bedroom wings. I recognise that as a nursing home rather than residential home some residents may be unable to leave the building and overall it is considered that the level and quality of garden and seating provision for residents will be enhanced by the current proposal. The proposal is therefore considered to accord with criterion (e). The proposal is considered to be acceptable in terms of Policy H19.

6.10 Concerns have been raised regarding the appropriateness of the design of the extension proposed and the impact of the development on the amenity of an adjacent property to the north. Planning permission was previously granted for a similar scale of extension to that currently proposed in 2003. Given that the principle of the form of development proposed was previously acceptable I do not consider that there has been any significant change in circumstances since the previous application was considered. It is my opinion that the design currently proposed improves on the design of building which was previously approved and the current application offers an opportunity to provide an extension to the existing building which represents a higher quality of building to that previously approved.

6.11 With regard to the impact of the development on the property to the north, as noted by the applicant the main areas of extension in proximity to the northern boundary are single storey and do not contain any windows facing north. Concerns have been raised over the condition and appearance of the north elevation facing the objectors property. The appearance of this elevation will be significantly improved as a result of the removal of the existing fire escape and the proposed design of the new upper floor accommodation and reconfigured fire escape. One upper floor bedroom window faces north at the corner of the rear elevation however given the position of the window and the distance from the objectors property I do not consider that this gives rise to any privacy or amenity issues. Specific concerns have also been raised over
the use of the area to the north of the building by staff for smoking. It is recognised that this area is adjacent to the objectors garden area and while there is screening between the area currently used for smoking by staff, this area is being reconfigured as a result of the current proposals. In these circumstance it is considered reasonable to attach a condition requiring further details of a defined area for smokers, including any appropriate screening required, to be submitted. Similarly a condition is also proposed requiring details of any new external lighting of the area to the north of the building to be submitted to ensure that any proposals in this area do not adversely affect the amenity of the neighbouring property to the north.

6.12 Overall the proposal will result in the provision of a well designed extension providing additional bedrooms and significantly enhanced facilities for residents. The proposal does not conflict with the development strategy for Carnoustie and is consistent with the provisions of Policy ENV5 and H19 of the Angus Local Plan and Advice Note 11. There are no material considerations which would justify a refusal and as such the application is recommended for conditional approval.

7 HUMAN RIGHTS IMPLICATIONS

7.1 The recommendation in this Report for grant of full planning permission subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this Report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights is justified. The recommended conditions constitute a justified and proportionate control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant’s freedom to enjoy his property against the public interest an the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

8 RECOMMENDATION

8.1 It is recommended that the application be approved subject to the following conditions.

1 That the development hereby permitted shall be begun before the expiration of five years from the date of this permission.
   Reason: In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.

2 That no alterations or amendments be made to the details contained in the approved and docqueted plans unless so indicated by conditions attached to this consent or agreed in writing with the Planning Authority.
   Reason: For clarification purposes and for the avoidance of any possible misunderstanding.
3 That prior to commencement of development details of a defined external smoking area, including any screening, shall be submitted to and approved in writing by the Planning Authority. Thereafter the smoking area shall be implemented in accordance with approved details and maintained thereafter unless agreed in writing by the Planning Authority. 
Reason: In order that the amenity of nearby occupied premises shall be adequately safeguarded.

4 That prior to commencement of development details of all external lighting shall be submitted to and approved in writing by the Planning Authority. Thereafter the installation of lighting shall be implemented in accordance with approved details and maintained thereafter unless agreed in writing by the Planning Authority.
Reason: In order that the amenity of nearby occupied premises shall be adequately safeguarded.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

P&T/DS/IAL
28 August 2007

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Director of Infrastructure Services