

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 20 JUNE 2017

PLANNING APPLICATION – 23 HOLYROOD STREET, CARNOUSTIE

GRID REF: 356298 : 734998

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract:

This report deals with planning application No 17/00385/FULL for the change of use from class 9 to class 8 to provide respite accommodation for adults with learning disabilities at 23 Holyrood Street, Carnoustie, DD7 6HF by Tus Nua Care Services Ltd. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 The applicant seeks full planning permission for the change of use of an existing house to respite accommodation for adults with learning disabilities.

3.2 The application site measures approximately 440sqm and is located on the eastern side of Holyrood Street. Residential properties bound the site to the north and south, with allotments bounding the site to the east. An existing detached 1.5 storey dwellinghouse and single garage are located on the site. The site has an existing driveway that provides access onto Holyrood Street. The boundary treatments consist of existing low stone walls and fencing. A location plan is provided at Appendix 1 below.

3.3 The application seeks to change the use of the existing residential property (Class 9: Houses) to accommodation which would provide respite for adults with learning disabilities (Class 8: Residential Institutions). This application does not involve any alteration to the exterior of the building and the layout provided shows that the building has 5 bedrooms and associated facilities.

3.4 The application has not been subject of variation.

3.5 This application requires to be determined by the Development Standards Committee due to the recommendation of approval, where the proposal has attracted more than 5 objections.

4. RELEVANT PLANNING HISTORY

4.1 Planning application reference 16/00699/FULL for 'Proposed Dormer Extension and Rooflight Installation to Form Additional Bedroom and Shower Room at First Floor Level' at the property was approved on 28 October 2016.

5. APPLICANT'S CASE

A Supporting Statement was submitted which can be viewed on the Council's [Public Access](#) system but is summarised as follows:

- Tus Nua Care Service Limited is regulated and inspected by the Care Inspectorate and are an approved provider for Angus Council Health and Social Care Partnership;
- The respite home is for adults who usually live with families and when these carers require time off the respite service will give the carer the time they need;
- The proposal would provide a homely environment for short breaks between 1 and 14 days with a maximum of 4 service users at any one time;
- The property would function as a regular family home;
- Care would be provided with a minimum of 2 support workers during the day (7am – 10pm) and 1 sleep in support worker (10pm – 7am);
- Not anticipated that there will be care managers or health professionals visiting the house except under emergencies;
- Currently have a garage and space on the driveway for parking. Room on street in front of house for additional car parking and usually only one car parked at premises overnight.

6. CONSULTATIONS

- 6.1 **Angus Council Roads** – offers no objection to the proposal.
- 6.2 **Scottish Water** – there was no response from this consultee at the time of report preparation.
- 6.3 **Community Council** – there was no response from this consultee at the time of report preparation.
- 6.4 **Angus Council Environmental Health** – offers no objections or comments to the proposal.

7. REPRESENTATIONS

- 7.1 Eight letters of representation have been received objecting to the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's [Public Access](#) website.
- 7.2 The main points of objection are as follows:

- **Proposed business in residential area;**
- **Traffic and parking impacts;**
- **Social and amenity impacts;**
- **Operations / management issues;**
- **Increased visitor movements to and from site.**

These matters will be addressed under Planning Considerations below. Other matters raised include:

- **Works already undertaken** – planning permission was granted for alterations to the building in 2016 as noted above. It is understood that those works have been undertaken but that is not a breach of planning control.
- **Council social care policy considerations** - this is not a material planning consideration.
- **Origin of staff – are they local employees** – this is not a material planning consideration. In relation to staff parking the Roads Service has offered no objection.
- **Grant payment to applicant** – this is not a material planning consideration.
- **Skip location/ litter from works** - issues regarding previous skip locations and litter from works being undertaken are not a material planning consideration.

8. PLANNING CONSIDERATIONS

- 8.1 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.
- 8.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
 - Angus Local Development Plan (ALDP) (Adopted 2016)
- 8.3 The development plan policies relevant to consideration of this application are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.4 Policy DS1 of the ALDP identifies development boundaries for towns and, amongst other things, states that proposals for sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP. The application site lies within the development boundary of Carnoustie and is not allocated or otherwise identified for development.
- 8.5 Policy TC2 deals with proposals for residential developments and this includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes. The policy requires proposals to be compatible with current and proposed land uses in the area. In that respect the site is located in a predominantly residential area although there are leisure/recreational facilities, a church, and nursing homes in the wider area. A residential home providing respite accommodation is broadly compatible with uses in the surrounding area. Third parties raise concern regarding the operation of a business in a residential area but the use proposed is residential in nature and one that is generally appropriate in residential areas. There are other examples of larger residential homes operating within the general area.
- 8.6 Policy TC2 also requires proposals to provide a satisfactory residential environment for future occupants and to ensure that there are no unacceptable impacts on surrounding amenity. Policy DS4 indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the amenity or environment of existing or future occupiers of adjoining or nearby property. Third parties have expressed concern regarding potential amenity impacts associated with the proposed use including additional activity, noise, presence of strangers and traffic/parking impacts. The property enjoys a reasonable level of privacy and has an existing garden area which is of reasonable size for the level of accommodation provided. There are no surrounding uses that are likely to cause significant adverse impacts on prospective residents. The property has potential to offer a good residential environment.
- 8.7 In terms of impacts on existing residents and the amenity of the area, the daily movement and activity associated with the proposed use may vary from that of a mainstream house. However, the scale of the use proposed is naturally limited by the size of the existing dwelling (5 bedroomed property). Generally two staff members would be present (one during night time hours) with four resident service users. Holyrood Street is a through road and the comings and goings associated with the number of staff and residents (and potential visitors) are unlikely to be so significant as to seriously affect amenity of occupants of neighbouring or nearby property. The concerns raised regarding possible noise, behavioural issues and the temporary nature of occupation are noted but there are other examples of care home accommodation being located within residential areas without significant detriment to the amenity of neighbours. This proposal relates to the change of use of a single property and it is unlikely to significantly affect the social fabric of the area. Concerns regarding parking provision and increased traffic are noted but as indicated above the Roads Service has offered no objection to the application. A condition is proposed that requires the retention of two off-street car parking spaces but there is unrestricted on-street parking in the area.
- 8.8 The proposal would not impact on the built or natural environment and does not give rise to any significant issues in terms of infrastructure provision. It does not give rise to any conflict with other relevant policy considerations.

- 8.9 The proposal provides for an activity that falls within Class 8 of the Use Classes Order. That Use Class includes other activities such as a residential school, training facility or hospital and those could be undertaken without the requirement for further planning permission. Such uses could give rise to different impacts than the respite accommodation that is proposed by this application. In these circumstances it is considered appropriate to attach a condition that prevents the property being used for any activity other than that approved, including any other activity within Use Class 8 unless otherwise approved by the Planning Authority.
- 8.10 The letters submitted in objection to the proposal by third parties have been taken into account in preparing this report. The operational and management issues associated with the proposed use that have been raised are not matters that can be controlled through the planning system. However, the use would be regulated through the Care Inspectorate. Correspondence between the applicant and third parties in the area is not a material planning consideration. Concerns that are raised regarding the manner in which works to the building have been undertaken are not relevant to this application which relates solely to change of use.
- 8.11 In conclusion, the proposal provides for change of use of an existing house to respite accommodation for adults with learning disabilities. The Council's land use planning policies seek to direct all forms of residential development to locations within development boundaries where an acceptable residential environment can be created and where there are no unacceptable amenity, environmental or infrastructure impacts. The building is located in a residential area and would provide a good standard of residential environment. The concerns raised by third parties are noted and conditions are proposed that seek to mitigate the impact of the development on the amenity of the area. The proposal complies with relevant development plan policy subject to the identified planning conditions. There are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of 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 conditions constitute a justified and proportional 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 and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that the application be approved for the following reason and subject to the following conditions:

Reason(s) for Approval:

The proposal complies with the relevant provisions of the development plan subject to the stated conditions. There are no material considerations that justify refusal of the application.

Conditions:

1. That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any Development Order, the building shall be used solely for the provision of respite accommodation for adults with learning disabilities and for no other purposes including any other purpose in Class 8 of the aforementioned Order, unless

otherwise through the grant of planning permission following the submission of an application of planning permission to the planning authority.

Reason: In order to prevent the use of the building for an alternative activity that could give rise to materially different impacts on the amenity of the area without full consideration of the acceptability of those impacts by the planning authority.

2. That the existing driveway between the garage and the public road shall be retained and made available for staff/visitor parking at all times.

Reason: In order to ensure the provision of off street car parking in the interests of amenity and road traffic safety.

**STEWART BALL
HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

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 a material extent in preparing the above report.

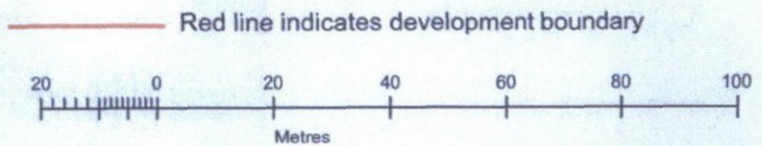
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DATE: 9 JUNE 2017

Appendix 1 : Location Plan
Appendix 2 : Relevant Development Plan Policies



OS Licence No
AR 154695



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Revision	Description	Date
Principle Copy / Copy of Principle Copy		
Signed <i>Wellwood Leslie</i> Date..... For Wellwood Leslie Architects		
<small>All works to be in accordance with the Building Regulations & Local Bye Laws. All dimensions to be checked by Contractors on site prior to construction. All new drainage to be laid to the satisfaction of the Drainage Inspector. All electrical works to be in accordance with current IEE Regulations.</small>		
DO NOT SCALE		

Client Mrs L Reid		
Project Proposed Alterations 23 Holyrood Street Carmouste Angus		
Drawing Title Site Location Plan		
Drawn I.K.H.	Checked date	App. date
Scale 1:1250	Date Aug 2016	Original sheet size A4
Job No. 3828	Dwg No. LP-01	Rev

Appendix 2 : Relevant Development Plan Policies

Angus Local Development Plan

Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.
- the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.