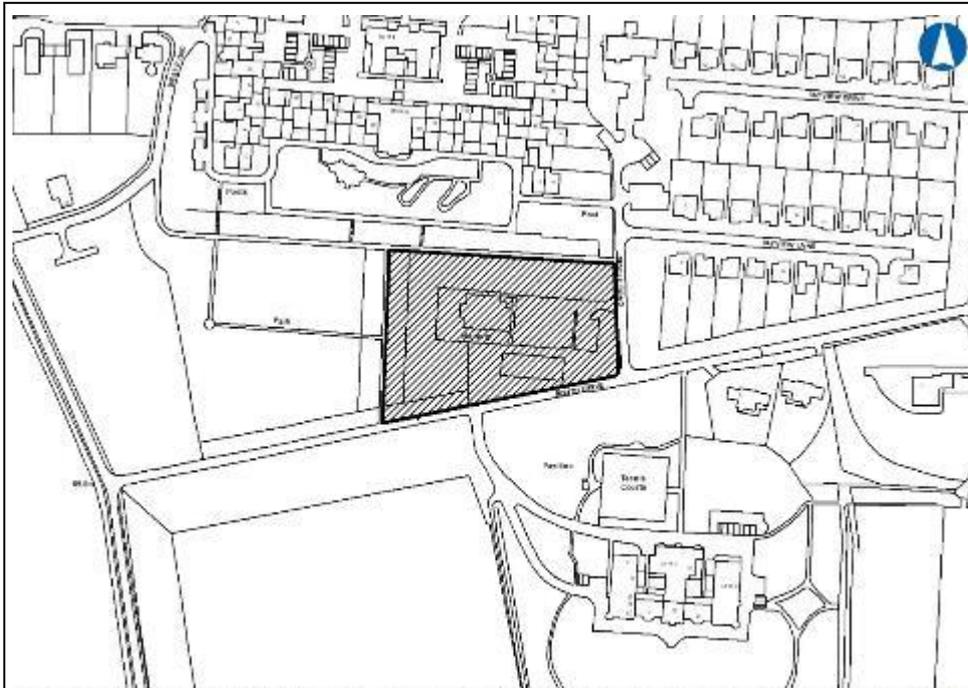


Erection of Residential Care Home, Middle Road, Liff

KEY INFORMATION

Ward Lochee
Address
 3 Middle Road, Liff, Dundee
Applicant
 Liff Care Development Ltd
Agent
 Siobhan Davitt
 ADP Architecture
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Registered 4 March 2020
**Report by Head of Planning
 & Economic Development**
Contact: Craig Swankie



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SUMMARY OF REPORT

- Planning permission is sought for the erection of a residential care home with associated infrastructure including car park, landscaping and drainage on land at West Green Park.
- The application is in accordance with the Development Plan.
- In total, 27 letters were received objecting to the proposal, including letters from West Green Park Residents & Proprietors Association and the Western Gateway Community Committee. The letters of objection raise concerns with the scale of the proposed development and additional traffic that will be generated.
- One letter of support was received from Dundee Civic Trust.
- During consideration of the proposals, the applicant has amended the scale and form of the care home to reflect concerns raised by local residents in relation to the height and form of the building. Supporting information including a Transport Statement and Transport Report have been provided which demonstrate the level of traffic generated by the care home will be similar to that of the existing nursery.
- In accordance with Dundee City Council's scheme of delegation, Committee this application is to be determined by the Development Management Committee as more than 6 valid objections have been received.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=Q6F55QGCIL800&activeTab=summary>

RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of a residential care facility which would accommodate up to 70 residents. The care facility would include resident areas such as lounges, dining rooms, activity spaces and courtyard gardens. In addition to resident areas a reception desk, office and meeting spaces are proposed for staff.
- 1.2 Following demolition of the existing children's nursery building the proposed three storey care home would be constructed within the west of the site. The building has been designed to provide views to the east and west of the site whilst providing enclosed south facing private amenity space towards the centre of the development. The design of the building would be based on a 'U' shaped plan form, with the main body of the building running to the north, east and west. The proposed building is of a modern appearance in terms of design, with finish materials to include buff facing brick, zinc seam roof and black windows and doors. The main entrance to the care home would be located within the east of the building, with the main lobby and reception fronting onto the car park and Middle Road.
- 1.3 The proposal would cater for three groups of elderly residents, with varying needs including 24 hour care; 24 hour nursing care; and residents with care requirements associated with dementia. Accommodation within the development comprises of rooms within two wings which run north to south within the site, the rooms include bedroom and bathroom facilities. Recreational rooms and lounge spaces are proposed within the centre of the building, and external amenity spaces including a resident's garden are proposed within the centre and west of the site. The external amenity spaces include seating and planting which will be accessible to residents. In addition to residents' facilities, towards the centre and rear (north) of the building are kitchen facilities, staff offices and plant rooms.
- 1.4 The applicant proposes to utilise the existing site access onto Middle Road, which would serve the proposed care home and provide access to the 35 space car park.
- 1.5 The applicant has submitted the following in support of the application:
 - Planning Statement;
 - Design Statement;
 - Geo-Environmental Report - Desk Study;
 - Drainage Assessment;
 - Energy Statement;
 - Transport Statement;
 - Flood Risk Assessment;
 - Ecological Appraisal Report; and
 - Tree Survey Report and Landscaping Plan.

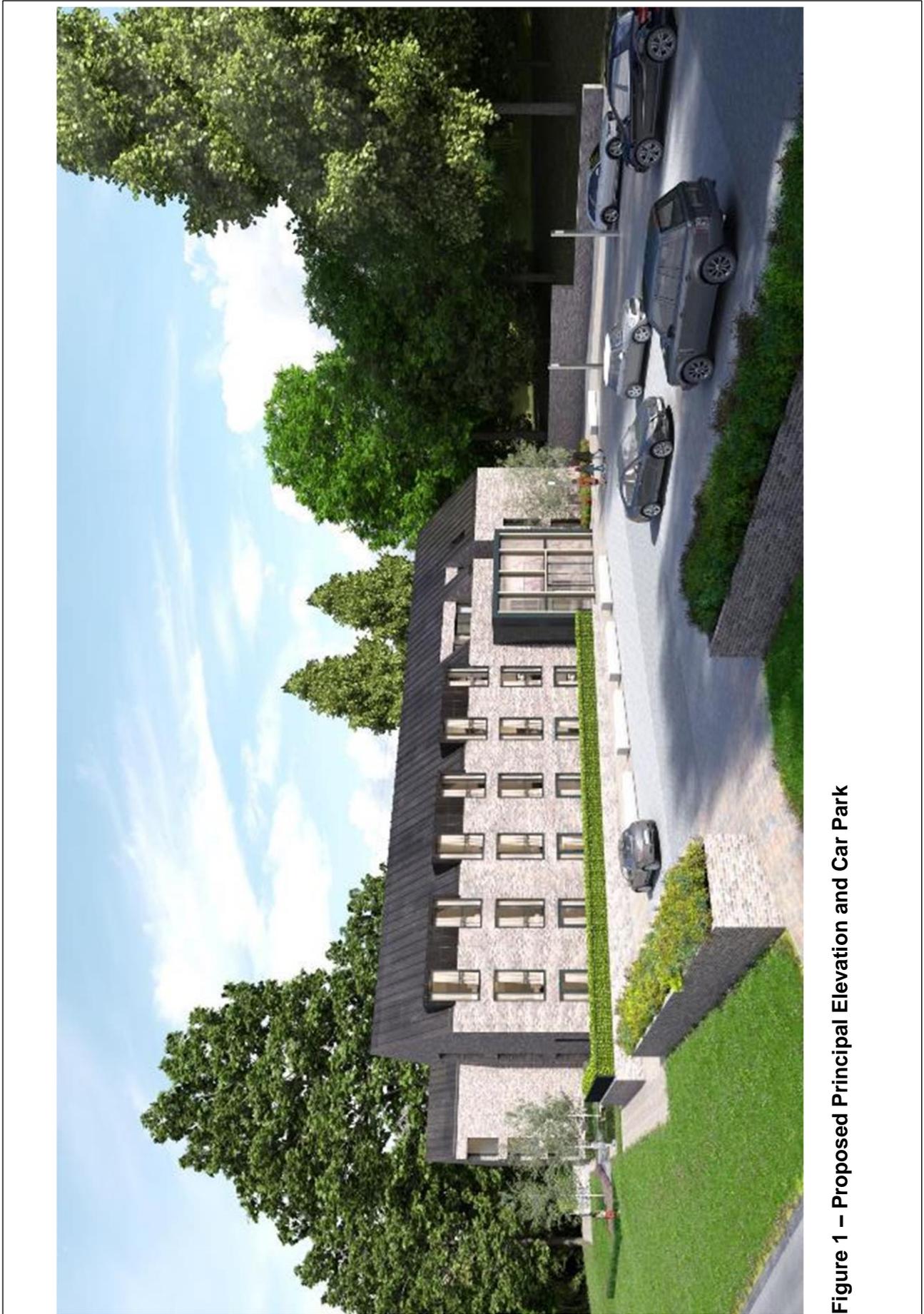


Figure 1 – Proposed Principal Elevation and Car Park



Figure 2 – Proposed Residential Care Home

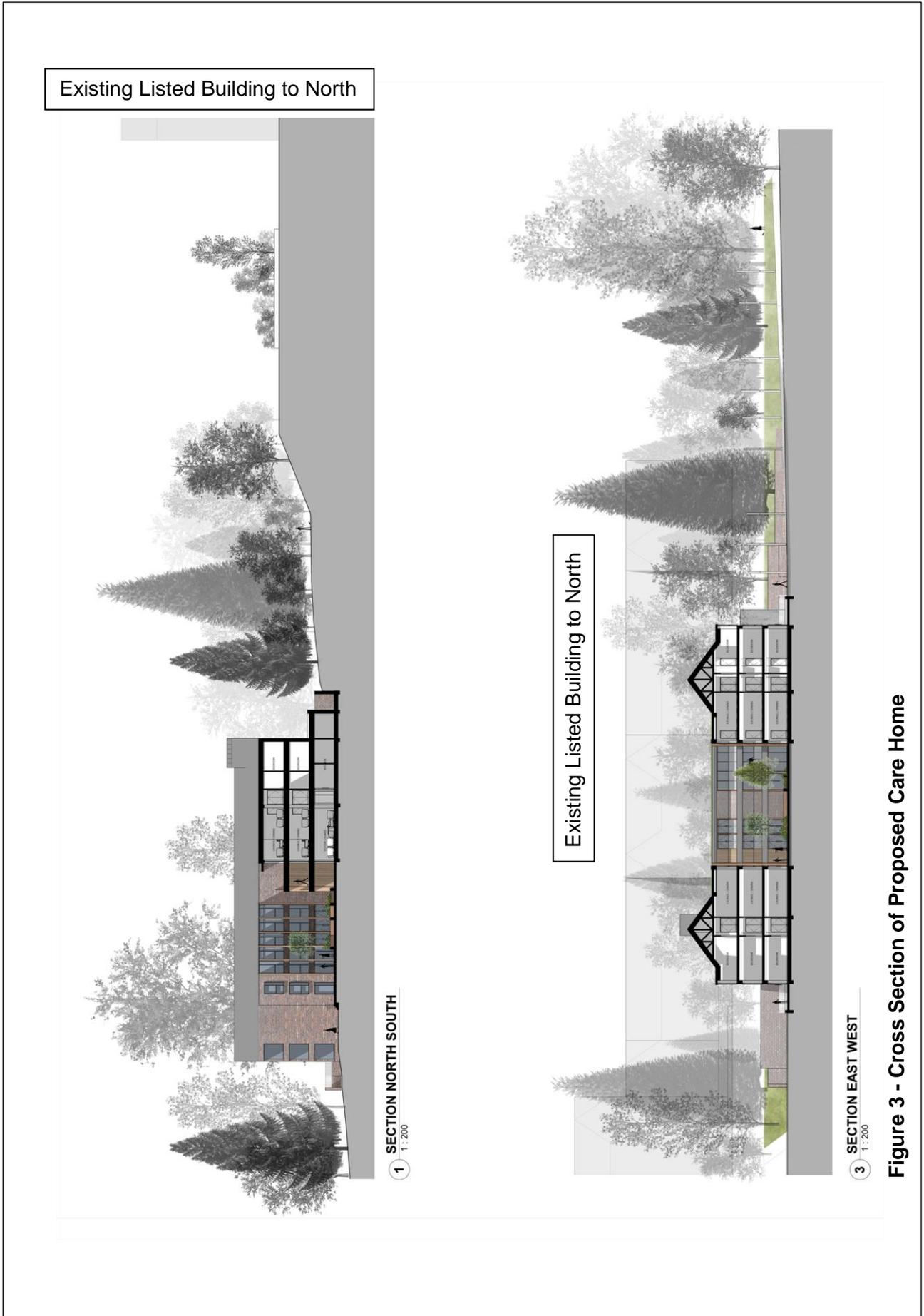


Figure 3 - Cross Section of Proposed Care Home

2 SITE DESCRIPTION

- 2.1 The site is located on the west side of Middle Road, within West Green Park. It is an area of brownfield land which presently contains a children's nursery and associated car park with mature trees and landscaping. The nursery is contained within a single storey building within the west of the site, with a car park to the east. The site which has a slight south facing slope features mature trees to the north that provide a backdrop to the development when viewed from South Drive.
- 2.2 To the north of the site is a group of mature trees and a steep rising slope with the former Royal Dundee Liff Hospital beyond. The former hospital is a category B listed building which contains residential flats. To the south of the site is the category B listed Gowrie House which contains townhouses. To the east of the site are residential properties on Tayview Lane and to the west is an area of open space and mature trees with Dykes of Gray Road beyond. The surrounding area contains a number of residential properties within West Green Park and the wider Western Gateway. The area retains a rural character with woodland and agricultural land within the wider area.
- 2.3 Although the existing children's nursery building would be demolished it is understood that the nursery is to relocate to a new purpose-built facility within Dykes of Gray.



Figure 4 – View of Site from South Drive



Figure 5 – View of Site from North

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

TAYPlan 2016-2036

Policy 1: Location Priorities

Policy 2: Shaping Better Quality Places

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 14: Residential Accommodation for Particular Needs

Policy 34: Protected Species

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 There is no relevant planning history.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 In total 27 letters of objection were received, including representations from West Green Park Residents and Proprietors Association and the Western Gateway Community Committee, raising the following material considerations:

- detrimental visual impact by virtue of scale and design, with the proposed development being an inappropriate development within West Green Park.
- detrimental impact on surrounding houses and open spaces by virtue of increased noise and loss of privacy associated with additional residents/staff and delivery vehicles
- detrimental impacts of increased traffic on road safety and insufficient public transport provision;
- drainage and water supply;
- impact on wildlife and existing trees; and

- concerns were also raised in relation to the notification of neighbours beyond the statutory requirements and loss of views. However, these are not valid material planning considerations.
- 5.3 One letter of support was received from Dundee Civic Trust, who state they support the proposed development subject to landscaping and the provision of public art.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **The Head of Neighbourhood Services** has commented on the following matters:

Greenspace Team – has reviewed the submitted tree survey, ecological appraisal and bat report. The submitted reports are acceptable subject to the recommendations of the reports being implemented. It is recommended the provision of detailed landscaping plans and the implementation of the planting be controlled by condition.

- 6.2 **The Head of Community Safety and Protection** has commented on the following matters:

Contaminated Land – has no objection to the proposal. A preliminary risk assessment has been submitted and reviewed. Conditions are recommended should planning permission be granted. These relate to the completion of the investigation as proposed in the risk assessment and the submission and implementation of a remediation strategy if required.

Noise – has no objection to the proposal. Due to the site's location within a residential area conditions are recommended should planning permission be granted. These conditions relate to the control of noise levels associated with plant equipment at the site and the restriction of hours during which delivery vehicles can visit the site.

- 6.3 **Scottish Water** - has no objection to the proposal.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

TAYPLAN 2016 – 2036

- 7.2 **Policy 1: Location Priorities** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region, and that the re-use of previously developed land and buildings should be priorities; Dundee's core area is identified as a Tier 1 principal settlement.

- 7.3 The proposed residential care home would be located on the north west of the city, in an area with a mixed rural and residential character. The proposal would ensure the re-use of a brownfield site which is within proximity to residential properties at West Green Park and the wider Western Gateway. The siting of the care home within the north west of the city would contribute to the range of facilities within the Western Gateway.
- 7.4 **The proposal would therefore satisfy Policy 1.**
- 7.5 **Policy 2: Shaping Better Quality Places** - Policy 2 seeks to deliver better quality and distinctive places through the arrangement, layout, design, density and mix of developments in the local design contexts with consideration for development to achieve lifetime communities, are accessible, resilient and resource efficient
- 7.6 The proposal for a residential care home to provide for up to 70 residents would support the provision of residential care within the north west of the city. The proposal would also contribute to the range of development and community services within West Green Park and the wider Western Gateway area. The proposed layout and vehicular routes maintain the existing layout and form of the site and support the retention of mature trees within the site. The proposal includes areas of open space and landscaping throughout the development contributing to the wider green network within the area. The proposal would facilitate the continued use of a brownfield site within West Green Park following the relocation of the existing nursery in a manner which has no significant impact on the character, setting or layout of the surrounding area.
- 7.7 **The proposal would therefore satisfy Policy 2.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.8 **Policy 1: High Quality Design and Placemaking** – all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.9 The building has been designed to ensure high quality frontages are provided to the south, east and west of the site where the building is clearly visible from surrounding roads and footpaths. The design includes areas of glazing to the main entrance and upper floors, a brick finish to external walls, recessed elements which provide visual interest and a U-shaped building form which ensures rooms and garden areas benefit from direct sunlight whilst providing privacy. The building design has been carefully considered to ensure it is of a scale and massing similar to a two storey building, with maximum ridge height of 13.5 metres. The scale of the three storey elements is therefore appropriate to the local streetscape and reflects the scale of the former Liff Hospital to the north and Gowrie House to the south of the site. The existing trees and slope to the north of the site support the proposal's integration into the local streetscape. As there would be 50 metres separation between the proposed care home and residential dwellings within the former Liff Hospital to the north of the site, there would be no significant overshadowing or overlooking impacts on surrounding properties.
- 7.10 The proposed building would be of modern design, with a range of finish materials which includes a mix of warm tone and grey masonry, aluminium double glazed windows and a

pitched roof finished in grey zinc. The masonry would include light and dark finishes, which together with full height windows and recessed areas would provide visual interest. The provision of high quality finish materials ensures the proposals contribute positively to the local streetscape and maintain the character of the local area.

- 7.11 The building has been designed around a sheltered internal courtyard, with bedrooms facing inwards towards the courtyard garden. To the south, east and west of the building further enclosed garden spaces are proposed which are overlooked by bedrooms. The enclosed nature of the open spaces ensures they are private in nature and are safe and accessible for residents. Further landscaping areas to the south of the building and car park contribute to the appearance of the proposals and visual amenity of the wider streetscape.
- 7.12 Within the site, sustainable drainage provision would be provided by surface water storage cells below the car park. The applicant has provided detailed plans and calculations for the proposed drainage systems which demonstrate an acceptable solution would be provided.
- 7.13 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the six qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive - a Design Statement has been submitted which addresses the design, access and development concepts of the proposed care home. The building would be 3 storeys in height, with a single storey element to the north elevation. The building would be finished in a range of modern materials, with colours to reflect buildings within the surrounding area. The variety and form of finish materials will contribute positively to and add interest to the development. It is proposed to retain existing trees as well as incorporate new landscaping within the development. The access road from Middle Road would be retained, and areas of open space towards the site's boundary are to be retained. The proposal responds positively and sensitively to the character of the area as the density of development does not overdevelop the site and retains areas of open space and woodland which respect the landscape and open space surroundings.

Safe and Pleasant – the residential care home is to be sited within the centre west of the site with trees and landscaping forming the outer boundaries. The site is bound by South Drive to the south and Middle Road to the east where vehicle access will be taken. The proposals would connect to the existing road and path network linking the development to the surrounding area. There are to be areas of greenspace within the site and there are pedestrian links to the surrounding open space. These spaces will benefit from natural surveillance due to the location of windows on the proposed care home. The proposal will create a vibrant and attractive place.

Easy to Move Around and Beyond – the proposed development would connect to an existing footpath to the east of the site, ensuring sensitive integration into surrounding area. This provides access to open space outwith the site and public transport links, as bus stops are located 250 metres to the north of the site on North Road. Vehicle access is to be taken from the existing vehicle entrance. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – the proposal would utilise the existing entrance onto Middle Road to the east of the site. The main entrance of the proposal would be located within the east elevation, fronting onto the car park. Areas surrounding the care home and car park are to be landscaped, and mature trees within the north of the site will be retained ensuring the character of the site is maintained. The proposed footpaths within the site and connections to the surrounding area will be safe and welcoming in nature. The proposal positively promotes wayfinding and a sense of orientation.

Adaptable – this site is brownfield land which presently contains a nursery and car park. The nursery is vacating the site following the construction of new premises to the south west. The proposed care home would be a positive addition to the mix of development within the Western Gateway Area, which includes a mix of commercial units which are under construction or have planning permission that will serve local residents. Green space is to be incorporated within the development with links to the wider areas of open space.

Resource Efficient – an Energy Statement has been submitted. The proposal has been designed to include energy efficient materials which minimise heat loss and contribute to the sustainability of the proposed care home. In addition, the orientation of the proposed care home, site layout, use of renewable resources and the use of energy efficient internal and external fittings have all been proposed. Green infrastructure will be provided as part of the proposal.

7.14 **The proposal meets the requirements of Appendix 1.**

7.15 **Policy 1** - the proposed residential care home provides a facility within the Western Gateway which contributes to the range of types and size of services within the area, which will make a positive contribution to the residential areas within the northwest of the city. The design and layout of the building has been amended during consideration of the application to minimise the height and massing of the development. The site layout has been sensitively considered to ensure that the impact on existing trees is minimised, mitigation measures will be implemented and compensatory planting is proposed. The care home has been designed to provide a visually attractive development with a good quality finish which will contribute positively to the character and appearance of the surrounding area. The proposal will be well connected and have green infrastructure.

7.16 **The proposal is in accordance with Policy 1.**

7.17 **Policy 2: Public Art Contribution** – all developments in Dundee with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.

7.18 The applicant states a scheme of public art is to be provided, however full details have not been submitted as part of the application. Therefore, it is recommended that the details and public art project is secured by condition.

7.19 **The proposal is in accordance with Policy 2, subject to a condition.**

7.20 **Policy 14: Residential Accommodation for Particular Needs** –states development of residential accommodation for particular needs such as the elderly will be supported where:

- 1 a high-quality residential environment will be created with appropriate amenity space provided for the scale of development, in a sheltered, private location that is not overshadowed for most of the day;
- 2 the design reflects the scale, massing and materials of adjacent buildings and does not impact adversely on the amenity of neighbours by virtue of layout, overshadowing, overlooking, parking and traffic movement, noise or smell;
- 3 the site is well connected to a range of local services and facilities in the surrounding area;
- 4 the site is accessible by public transport and by other modes of travel as well as by the private car;

- 5 appropriate car parking provision is made relative to the needs of occupants, visitors and support staff; and
 - 6 it will not lead to an excessive concentration of non-mainstream residential uses to the detriment of the character of the particular area.
- 7.21 Conditions may be applied to permissions to ensure that they do not change into mainstream residential accommodation without an assessment that they can meet the necessary requirements in terms of design and layout in Policy 10 and Appendix 4.
- 7.22 1) The main private amenity areas within the proposed site layout are located towards the centre and south west of the proposed care home. The proposed enclosed amenity spaces measure 290m² and comprise seating, garden spaces, lawn and planting which are enclosed on all sides to create sheltered outdoor amenity spaces. Whilst the amenity spaces are bound by a three storey building and walls the spaces provided are useable and south facing ensuring there would be no significant impact on the amenity of the open space in terms of significant overshadowing. There is a sufficient level of openness at the amenity spaces to ensure the sun reaches the gardens as it moves from east to west.
- 7.23 In addition to the enclosed amenity spaces, the south of the site contains 400m² of amenity space comprising lawn and trees providing space for walking/recreation and contributes to the amenity of the site. To the north of the site an area of mature trees measuring 540m² is to be retained. Whilst this area would not be accessible to residents, it does contribute significantly to the amenity of the proposed development.
- 7.24 With approximately 290m² of private amenity space and further useable outdoor amenity space to be provided within the site, the proposal would provide a high-quality residential environment.
- 7.25 2) The proposed building would be predominantly three storeys in height with a single storey element to the north elevation. Whilst the proposed building would be of medium scale, it would be a similar height to the former Liff Hospital to the north, which sits above the application site. In addition, the area surrounding the site contains a number of different building sizes and types which range from detached houses to large listed buildings of two and three storeys. The scale and massing of the proposed building, being smaller in height than the former Liff Hospital, would not look out of context in such a location. The proposed finish materials include mixed brick and aluminium framed windows which are generally considered to be of high quality and complimentary to the surrounding area.
- 7.26 In terms of neighbours, the proposed care home would be to the south of former Liff Hospital, to the west of an area of open space, east of existing residential houses and north of South Drive. The proposed care home would be located 70 metres away from houses. Due to the location and position of neighbouring houses, there are no window to window distance concerns. The car park and access would be located to the east of the site as existing. The proposals would result in traffic on local roads. However, the applicant has provided a transport statement which demonstrates traffic associated with the proposed development would not be significant, and that vehicle trips would be fewer in number at peak times compared to the existing use as a nursery. The proposed car park provides sufficient space for staff and visitors to the care home, ensuring the proposed development would not result in any requirement for on street parking in the local area.
- 7.27 The layout of the building with residential rooms towards the centre of the building and office and kitchen areas within the north ensures there would be no detrimental impact on the amenity of residents or any existing dwellings by virtue of noise. Areas of the proposals which would generate noise such as plant rooms and the car park are located within the north and

east of the site. The level of noise associated with the plant room and car park would not result in any detrimental impact on surrounding residential developments.

- 7.28 With regard to Criteria 3, 4 and 5 the proposal is located within a semi-rural area surrounded by residential development, mature trees and agricultural land. Provision of shops and services within the Western Gateway are located 750 metres to the south of the site. Whilst some of these sites remain under construction and await tenants, provision of local services is to be provided within the local area. A Transport Statement and supporting statement been submitted. The findings of the Transport Statement have been reviewed by Dundee City Council Roads Officers and are accepted. Bus stops on North Road to the north of site are served by services into the city centre. The applicant proposes a 35 space car park which provides sufficient space for staff and visitor vehicles. This is a connected site with connections to public transport and provision for sustainable transport modes including bicycles and electric vehicles.
- 7.29 6) The proposed care home would not significantly alter the character of West Green Park or the wider area. The application site has been occupied for a number of years and the proposed use maintains the layout, access and mature trees within the site. The proposed three storey building is larger than the existing single storey building. However, the surrounding area contains residential uses with a range of building types and sizes, including the former Liff Hospital which contains two and three storey elements and sits above the application site. There are no care home or non-mainstream residential uses in the local area, and the proposed care home would not result in an excessive concentration of such uses in the area.
- 7.30 Lastly, Policy 14 states that conditions should be attached to ensure that the development does not change into mainstream residential accommodation without full assessment. Whilst such a change would require planning permission in this case, a condition is attached to ensure that the development remains as care home within Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
- 7.31 **The proposal meets Policy 14.**
- 7.32 **Policy 34: Protected Species** – states development proposals which are likely to have a significant effect on a European protected species will not be supported unless:
- 1 there is no satisfactory alternative; and
 - 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.
- 7.33 Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported. Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.
- 7.34 The applicant has submitted an Ecological Assessment. This identified that the application site and woodland located within, whilst of important landscape value, does not provide a significant local or regional habitat for wildlife due to the site's semi-urban setting. The proposed care home would therefore not impact upon any habitat which is of rare or notable

quality. New tree and shrub planting can be designed and managed for biodiversity enhancement, and existing trees within the site will require to be protected during construction.

- 7.35 In relation to protected species the assessment found no evidence of badgers, and considers there is little likelihood of the species using the site. No further inspections/surveys for badgers are required before development starts on the land, but it is recommended a precautionary approach is adopted during construction, to safeguard small mammals that might access the site.
- 7.36 With regard to bats, there are roost opportunities within the existing nursery building and trees within the site. To confirm if any bats are present within the site prior to any demolition of existing buildings or tree works, further investigation of potential roosting sites prior to will be controlled by condition. To support bats, which are known to be present in the wider area the Head of Environment recommends bat boxes be provided within the surrounding woodland. The provision of bat boxes can be controlled by condition.
- 7.37 No red squirrels were identified during the survey; however, evidence of squirrels foraging was found at woodland within the site. The proposed development would have no significant impacts on red squirrels, with mature trees to be retained within the site. The Ecological Assessment recommends nest boxes and feeders be provided where appropriate. The provision of nest boxes and feeders can be controlled by condition.
- 7.38 There is potential for bird nesting in the mature trees within the site. Whilst no further survey work is necessary, site preparation and clearance work should be undertaken outside the bird nesting season.
- 7.39 To ensure the proposed development will have no detrimental impact on any protected species, conditions should be attached to require the implementation of the recommendations of the Ecological Assessment and those of the Head of Environmental Management should Members be minded to grant planning permission for the development.
- 7.40 **The proposal is in accordance with Policy 34, subject to conditions.**
- 7.41 **Policy 35: Trees and Urban Woodland** – the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the Council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.
- 7.42 A Phase 2 Tree Report and a proposed Landscaping Plan have been submitted with the application. The Report recognises that there are a variety of trees within the site, including a number of Scots Pine and Norway Spruce. The Report outlines that 77 individual trees were surveyed for the proposed development. The majority of the trees are in in good condition or fair condition. The report recommends 4 trees be removed as they are dead, decaying or unviable. Mitigation measures are recommended which include replanting, the provision of landscaping and installation of protective fencing during construction.
- 7.43 The recommendations of the tree report are supported, and the proposed landscaping is acceptable in principle. It is recommended that the undertaking of tree works in accordance with the recommendations of the tree report, and implementation of landscaping within the site be controlled by condition.
- 7.44 **The proposal is in accordance with Policy 35, subject to conditions.**

- 7.45 **Policy 36: Flood Risk Management** – states within Low to Medium Risk Areas with a 1 in 1000 to 1 in 200 year annual probability of flooding will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range or where the nature of the development or local circumstances indicates heightened risk. These areas are generally not suitable for essential civil infrastructure. Where such infrastructure must be located in these areas, it should be capable of remaining operational and accessible during extreme flooding events.
- 7.46 A Flood Risk Assessment and Drainage Assessment have been submitted which consider the proposed flood risk arising from the discharge of surface water into the surrounding water environment. The proposed care home and associated drainage provision has been designed to the 1 in 1000 year storm + 35% allowance for climate change.
- 7.47 The flood risk assessment demonstrates that through the restriction of runoff rates from the site the proposed care home would not be at risk from flooding, and would not increase the flood risk within the surrounding area.
- 7.48 It is recommended that conditions are used to ensure that the development is in accordance with the approved Flood Risk Assessment and Drainage Strategy, and that Dundee City Council Compliance and Independent Check Certification be provided in order to ensure that the proposal does not have a detrimental impact on the application site or within the surrounding area.
- 7.49 **The proposal is in accordance with Policy 36, subject to conditions.**
- 7.50 **Policy 37: Sustainable Drainage Systems** - surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200 year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.
- 7.51 A Drainage Layout and supporting information including drainage calculations have been submitted. The drainage scheme proposed, which includes on site storage of surface water with controlled discharge into surrounding watercourses to the east of the site has been reviewed by Dundee City Council Engineers. The proposal is considered acceptable and it has been demonstrated that an acceptable drainage solution can be achieved. Conditions are recommended to ensure that the drainage details as agreed are implemented in the interest of flood protection.
- 7.52 The proposed SUDS layout is acceptable and it is recommended that conditions are attached should planning permission be granted to ensure the drainage system is implemented in accordance with the approved details.
- 7.53 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.54 **Policy 39: Environmental Protection** – all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an

extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

- 7.55 The proposed residential care home would be located within a site at West Green Park, with a number of residential properties within the surrounding area. The nature of the proposed use, being a residential care home, would not generate a significant level of noise. However, there would be noise associated with traffic attending the site and plant or machinery associated with operation of the care home.
- 7.56 With regard to traffic noise, there would be staff vehicles and delivery/waste management vehicles attending the site during the day. To ensure there is no detrimental impact on residential amenity associated with deliveries to the site during the evening and night time period, a condition is recommended restricting delivery times to daytime only. The level of traffic and associated noise would not be significant within an established residential area, and would not result in an adverse impact on residential amenity with the nearest dwellings 50 metres from the site.
- 7.57 There would be a small number of vehicle movements associated with staff shift changes during the evening and night time periods, but there would not be a significant level of noise associated with this. The movement of staff and vehicles during the night time period along Middle Road/South Drive would not have any significant impact on residential amenity within West Green Park.
- 7.58 In relation to plant and machinery, the proposed care home will require plant to provide heating and operate facilities including a kitchen. The Head of Community Safety and Protection has recommended that noise associated with plant and machinery is controlled by condition to ensure there is no impact upon neighbouring residential areas by virtue of noise disturbance. Subject to a condition, the level of noise associated with plant and machinery would be appropriate within this residential area and have no detrimental impact on neighbouring residents.
- 7.59 It is considered that the proposed development would not result in significant detrimental noise, vibration, odour, emissions to air, dust or light pollution.
- 7.60 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.61 **Policy 41: Land Contamination** – development of potentially contaminated or statutorily identified contaminated land will be considered where:
- 1 a site investigation is submitted establishing the nature and extent of contamination; and
 - 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.
- 7.62 A Preliminary Risk Assessment has been submitted as part of the application. The Head of Community Safety and Protection has reviewed the report and recommended planning conditions should planning permission be granted. These relate to the completion of the investigation and risk assessment as detailed in the submitted study, and the provision of verification reports.
- 7.63 **The proposal is in accordance with Policy 41, subject to conditions.**

- 7.64 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.
- 7.65 A bin storage area is provided within the north of the site, with direct access to a loading area where refuse vehicles will be able to safely remove waste. The proposed bin storage area and associated vehicle access demonstrates that this site can accommodate sufficient space for waste separation and the collection of recyclables.
- 7.66 **The proposal is in accordance with Policy 44.**
- 7.67 **Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted with applications that are Major planning applications or are within locations identified within the Scotland's Heat Map or the City's Heat Strategy as close to significant heat supply or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.
- 7.68 The application site lies out with the heat demand clusters of the Local Development Plan. Given the time frame for the development and occupation of the proposed residential care home it is not possible/viable for the development to be linked to the emerging heat network. Notwithstanding this, the type of development proposed with centralised heating facilities would be suitable for connection to a heat network in future should such infrastructure be progressed.
- 7.69 Consideration has been given to the viability of creating a heat network within the local area, and there is potential for the development to connect in to any future offsite heat network should infrastructure be progressed.
- 7.70 **The proposal is in accordance with Policy 46.**
- 7.71 **Policy 48: Low and Zero Carbon Technology in New Development** - proposals for all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.
- 7.72 An Energy Statement has been submitted with the application. It outlines that the proposal has been designed to include energy efficiency measures to reduce heat loss and energy consumption within the building. Materials, building ventilation, heating and energy production from solar panels have been considered and appropriate internal and external fittings have been proposed. The statement demonstrates that through the use of suitable building fabrics and solar panels the development as a whole will meet the required standards and supports the use of low carbon technologies. A detailed full report will be submitted at the Building Control stage.
- 7.73 **The proposal is in accordance with Policy 48.**
- 7.74 **Policy 54: Safe and Sustainable Transport** - all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

7.75 Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the Council considers that the development will generate significant travel.

7.76 Walking and cycling routes should be fully useable prior to the first occupation of a new development.

7.77 A Transport Statement and supporting statement been submitted. The findings of the Transport Statement have been reviewed by Dundee City Council Roads Officers and are accepted. The statement demonstrates that no general road safety issues would arise.

7.78 In respect of the above Criteria 1-7:

- 1 The proposal would incorporate and be connected to the existing footpath network within West Green Park and core path networks to the east and west of the site. Bus stops are located within 400m of the site on North Road and secure cycle storage is proposed within the north of the site in an accessible location. It is acknowledged that the proposal is located within a semi-rural area where access travel is prominently by private car. However, the proposed development is to include sustainable transport infrastructure and connections to surrounding footpaths which help to reduce the reliance on the private car.
- 2 The proposed development will include connections to existing footpaths which provide safe and convenient connections to the wider footpath network at West Green Park. It is acknowledged that to connect to the DCC Core Path network to the north and west of the site, there are instances where sections of footpath are not provided or roads require to be crossed. Whilst continuous footpath connections would be preferable, the existing connections to surrounding roads and footpaths provide an appropriate and safe link for pedestrians. Roads around the application site are also safe and lit, and suitable for cyclists. Bus services which provide access to the city centre can be accessed at North Road/Tayview Road and secure cycle parking is proposed within the site. The proposed development would provide a direct connection to the existing footpath and Middle Road to the east of the site, ensuring safe and convenient links to the adjacent walking and cycling networks are provided.

- 3 Existing roads and footpaths connect the site to North Road, where bus services are available 400 metres to the north of the site within a 10 minute walk from all parts of the development. As the proposed development would generate trips associated with staff and visitors, the development would support and improve the viability of providing further bus services to the local area, and contribute to the viability of providing bus services to the wider Western Gateway.
 - 4 A Transport Statement has been submitted as part of the application and following review by DCC Roads Engineers the findings of the Assessment have been accepted. Up to 109 vehicle trips would be made to the care home per day. This is considered to be similar to the number of vehicle movements per day to the existing nursery. The primary difference between the two uses is the distribution of the trips. Nursery trips are concentrated around the morning peak when staff arrive and pupils are dropped off (peak at 08:00 to 09:00) and then again in the evening peak (17:00 to 18:00) when pupils are picked up and staff finish up for the day. A care home has a more balanced profile over the working day (07:00 to 19:00) with on average 5 vehicles per hour arriving at and leaving from the site (approximately 1 every 12 minutes). The morning peak vehicle movements at the proposed care home would see between 9 and 14 vehicles enter/exit the site. This compares to between 35 and 47 movements associated with the nursery at this peak time. This level and distribution of vehicle movements is considered acceptable in terms of road safety and the impact on the local road network. The vehicle access provides safe vehicle entrance to the site, and roads leading to the proposed care home have capacity to cater for the development and associated traffic.
 - 5 Within the north west of the proposed car park, space is provided for the loading and unloading of delivery vehicles, road freight and waste management vehicles. The proposed provision is safe and accessible.
 - 6 The proposal meets DCC standards and conditions are recommended to ensure that details are submitted to and agreed by the Council as Planning and as Roads Authority.
 - 7 A condition is recommended to ensure that a Travel Plan is in place and agreed by the Council prior to the occupation of the first property.
- 7.79 It is considered that appropriate sustainable travel methods are included within the development. Bus stops are located 400 metres to the north of the site local amenities are being development approximately 750m to south west of the site within the Western Gateway residential development.
- 7.80 **The proposal is in accordance with Policy 54, subject to conditions.**
- 7.81 **It is concluded that the proposal is in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.83 In total 27 letters were received objecting to the proposal. The objections raised the following valid material grounds:
- detrimental visual impact by virtue of scale and design, with the proposed development being an inappropriate development within West Green Park;

- detrimental impact on surrounding houses and open spaces by virtue of increased noise and loss of privacy associated with additional residents/staff and delivery vehicles;
- detrimental impacts of increased traffic on road safety and insufficient public transport provision;
- drainage and water supply;;
- impact on wildlife and existing trees; and
- concerns were also raised in relation to the notification of neighbours beyond the statutory requirements and loss of views. However, these are not valid material planning considerations.

The grounds of objection are considered and assessed as follows:

- 7.84 **Objection** – the proposal would have a detrimental visual impact by virtue of scale and design, with the proposed scale of the care home being inappropriate to the character of West Green Park.
- 7.85 **Response** – the proposed care home is of a medium scale; however, it is within an area of West Green Park which is characterised by large detached buildings surrounded by open spaces and trees. The proposed development would contribute to, and retain this character through the provision of a single building surrounding by planting and open spaces. There are a variety of building and house types within the surrounding area which contribute positively to the character of West Green Park. The size, scale and form of the proposed development would not overdevelop the site and the layout has been influenced by the existing site form and protection of trees to minimise the need for tree felling. The applicant has made amendments to the proposals to reduce the scale of the proposed care home, and provided a range of application drawings, including elevations and site graphics which illustrate that the care home will sensitively integrate into the site. The design, density and layout has been assessed against Policies 1 and 10 of the Local Development Plan and is considered to comply.
- 7.86 **Objection** – detrimental impact on surrounding houses and open spaces by virtue of increased noise and loss of privacy associated with additional residents/staff and delivery vehicles
- 7.87 **Response** – the proposal is not located directly next to any residential properties. The closest residential properties are to the north of the site within Former Liff Hospital, which are at least 50m away. The proposal would also not result in any significant increase in noise or activity when compared to the sites existing use as a children’s nursery.
- 7.88 It is recommended delivery times and noise levels associated with plant and machinery are controlled by condition to ensure residential amenity is protected, particularly during night time hours where deliveries will not be permitted. Subject to planning conditions, due to the separation distance, the change in site levels and the presence of trees and open space which separates the site from residential properties, it is not considered that there would be detrimental visual, privacy or noise amenity impact on neighbours.
- 7.89 **Objection** – detrimental impacts of increased traffic on road safety and insufficient public transport provision.
- 7.90 **Response** – the proposal is for a 70-bedroom residential care home, there will be traffic associated with the development associated with staff, visitors and delivery/service vehicles.

As assessed in the Policy 54 policy assessment, a Transport Statement and supporting information has been submitted and its findings accepted. Up to 109 vehicle trips would be made to the care home per day, this is considered to be in keeping with the number of vehicle movements per day to the existing nursery. The main difference between the two uses is the distribution of the trips. The morning peak at the proposed care home would see between 9 and 14 vehicles enter/exit the site, compared to between 35 and 47 movements associated with the nursery. Traffic flow associated with the care home will be more evenly spread throughout the day when compared the nursery use.

- 7.91 Across a full day, the average number of vehicle trips to the proposed care home would be low, at 5 vehicles per hour. This level of traffic would not have any detrimental impact on road safety or residential amenity. The proposed access, and existing roads within the surrounding area provide safe access to the development from the wider area. It is acknowledged that there is limited access to the surrounding Core Path Network and that whilst there are bus stops to the north of the site, there are a limited number of services. Bus services within the western gateway area are under review with potential for improved services in future.
- 7.92 **Objection** – potential drainage and water supply issues
- 7.93 **Response** – representations raised concerns with water and drainage issues at the site, and noted that there are existing issues with drainage in the local area. The applicant proposes a connection to the existing water and foul networks, with surface water to be managed within an on-site sustainable drainage system. In regards to this, Scottish Water has been consulted and not objected. The applicant has confirmed discussions are on-going with Scottish Water to ensure there is available capacity for the proposed development. With regard to sections of the surrounding water network which are under private control, the applicant will require to agree connections with the relevant parties. The provision of suitable capacity for the residential care home is a matter for the applicant to agree with Scottish Water and those relevant parties.
- 7.94 As outlined previously and as assessed against Policy 36 and 37, the applicant has illustrated that an acceptable surface water drainage solution can be provided, and a Flood Risk Assessment has been submitted. Conditions are recommended to ensure that the proposal adequately addresses the approved and required drainage and flood management requirements. Subject to conditions, the proposed development would not result in any increase of flood risk at the site or downstream of the development.
- 7.95 **Objection** – detrimental impact on wildlife and existing trees;
- 7.96 **Response** – the impact of the proposal on wildlife and trees is as assessed against Policy 34 and Policy 35 of the LDP. The applicant has demonstrated that the proposed development would have no adverse impact on any protected species, and that measures to support wildlife will be included as part of the development. The proposal would retain a significant number of mature trees within the site, with 4 trees recommended for removal out of 77 trees within the site, and the proposed landscaping is considered to be acceptable.
- 7.97 Concerns were also raised in relation to the notification of neighbours beyond the statutory requirements and loss of views.
- 7.98 The neighbour notification process was undertaken as required. As neighbouring residential properties are over 20 metres from the site they were not notified by post. However, the application was advertised in the local press and representations were received from local residents and community groups. With regard to concerns in regarding a loss of view, these are not a material planning consideration. However, given the scale and form of the proposed

care home, to the south of mature trees the development would not have any significant adverse impact on views of the site from the surrounding area.

- 7.99 One letter of support was received from Dundee Civic Trust. The Civic Trust support the proposed development, subject to appropriate landscaping being provided within the site and public art forming part of the proposed care home. The applicant has submitted landscaping plans which are supported, the provision of planting within the site and works to existing trees can be controlled by condition. Similarly, it is recommended that details of the public art provision within the development are agreed by condition.
- 7.100 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.101 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application for a residential care home is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - 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 risks 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:
 - i the nature, extent and type(s) of contamination on the site;
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - iii measures to deal with contamination during construction works; and
 - iv verification of the condition of the site on completion of decontamination measures.

Reason – in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 2 **Condition** - before any unit is occupied the remediation strategy 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.

Reason - in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 3 **Condition** - prior to the commencement of work on site, details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.

Reason - in the interests of enhancing the amenity and environmental quality of the development

- 4 **Condition** – electric car charging points and covered and secure cycle parking shall be provided at a location and number to be approved by the Planning Authority prior to opening of the development.

Reason – in the interest of ensuring that provision is made for sustainable transport measures.

- 5 **Condition** - prior to occupation of the residential care home a Travel Plan must be in place and agreed with the Planning Authority, and this shall be distributed to staff, residents and visitors of the residential care home.

Reason – in the interests of promoting sustainable transport

- 6 **Condition** – prior to the commencement of any development, a scheme of landscaping and associated maintenance schedule shall be submitted to and approved by the Council. The landscaping proposals shall include indications of all existing trees and hedgerows on this land to be retained, together with full details of tree protection fencing to be provided during construction in accordance with BS5837:2012. Thereafter, the agreed landscaping shall be implemented prior to first occupation of the residential care home. 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.

Reason - to ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 7 **Condition** – the recommendations within the “Phase 2 Tree Report” dated February 2020 by Acorna Ecology Limited be fully implemented as part of the development.

Reason - in order to ensure the site is developed with due regard to any species on site.

- 8 **Condition** – the recommended mitigation measures laid out in section 8 within the Preliminary Ecological Appraisal dated February 2020 by Acorna Ecology Limited be fully implemented as part of the development.

Reason - in order to ensure the site is developed with due regard to any species on site.

- 9 **Condition** – prior to the commencement of development, full details of measures to support wildlife on site shall be submitted to the Council for written approval. This shall include details of the location and number of bat boxes, red squirrel feeders and red squirrel nest boxes to be provided. Thereafter, the agreed provision shall be installed on site prior to occupation of the care home hereby approved.

Reason - in order to ensure the site is developed with due regard to any species on site.

- 10 **Condition** – prior to any demolition works or felling of trees on site, the further bat survey work as recommended in the Preliminary Ecological Appraisal dated February 2020 by Acorna Ecology Ltd be carried out in full, and submitted to the Council for written approval. The recommendations of the further surveys undertaken in accordance with this condition shall be implemented in full prior to the commencement of any development on the site.

Reason - in order to ensure the site is developed with due regard and protection of trees and landscape.

- 11 **Condition** – prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

Reason - in the interests of sustainable drainage provision and flood protection.

- 12 **Condition** – prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

Reason - in the interests of flood protection.

- 13 **Condition** – prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason - in the interests of prevention and visual amenity.

- 14 **Condition** – prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

Reason - in the interests of flood protection.

- 15 **Condition** – the total noise from the mechanical and electrical plant/services shall not exceed NR35, during daytime, and shall not exceed NR30 during night-time, as measured

1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property.

NR35 is applicable for the period 0700 to 2300 hours and NR30 and NR25 are applicable for 2300 to 0700 hours.

Reason - in the interests of protecting residential amenity.

- 16 **Condition** – all servicing and deliveries, including loading, unloading or lay-up shall be between 08:00 to 18:00 hours Monday to Friday, Saturday 09:00 to 16:00 hours and Sunday 10:00 to 16:00.

Reason - in the interests of protecting residential amenity.

- 17 **Condition** – the development hereby approved shall be restricted to a use as a residential care home within Class 8 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended.

Reason - in order to retain proper control over the use of the property.