

Proposed Residential Care Complex including a Care Home and Assisted Living Units

KEY INFORMATION

Ward West End

Address

Blackness Nursery
Perth Road
Dundee

Applicant

Mr Scott Kearns - Simply UK

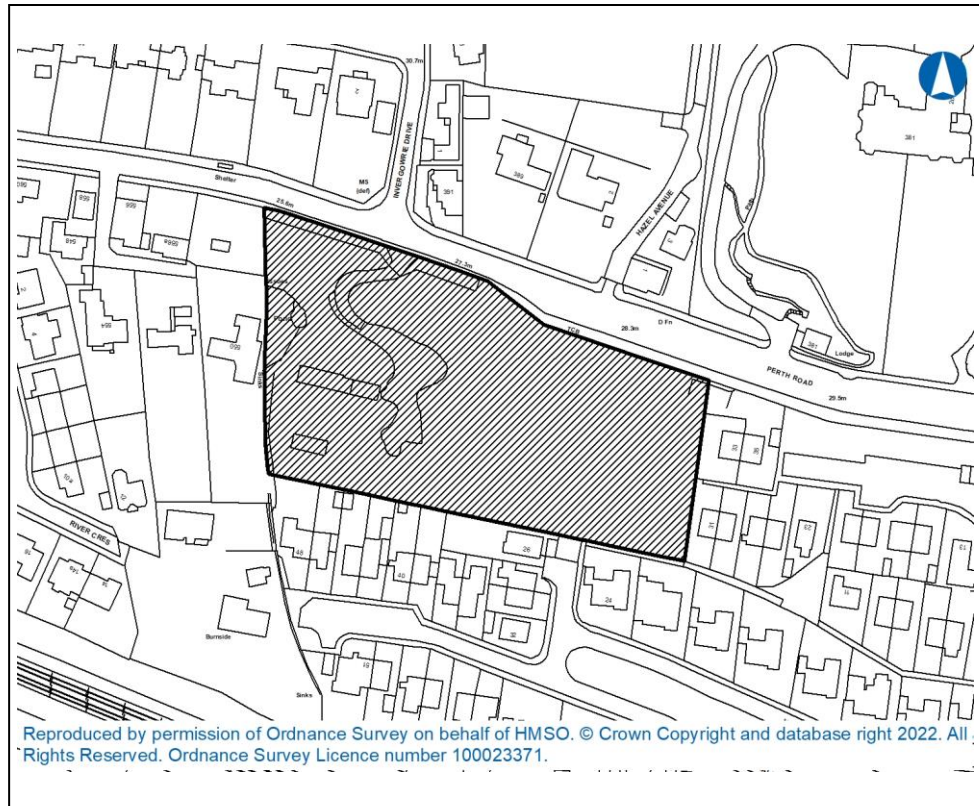
Agent

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Registered: 6 May 2022

**Report by Head of Planning
& Economic Development**

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the erection of a care complex comprising a 60-bed care home facility over three storeys within the west of the site, and 17 bedroom block of assisted living accommodation over 2 and 3 storeys within the east of the site. The proposals include the formation of a vehicle access onto Perth Road, landscaping and drainage provision within the site.
- The application is in accordance with the Development Plan.
- In total, 20 letters were received objecting to the proposal. The objections raised concerns with matters including access, overlooking, cycle parking provision and landscaping. One letter of support and one letter of neutral representation were also received.
- Supporting information including a Planning Statement, Transport Statement, Flood Risk Assessment and Noise Impact Assessment have been provided with the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as more than 6 objections have been received and the application is recommended for approval.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=RBGPIWGCJ3500>

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 care complex comprising a 60-bed care home facility within the west of the site, and 17 bedroom block of assisted living accommodation within the east of the site.
- 1.2 The proposed care home will provide specialist respite, dementia, palliative, convalescence and nursing care. The three storey building will provide residential accommodation within south and west wings, and communal facilities towards the centre of the building. The proposed accommodation within each wing includes bedrooms with en-suite bathrooms and lounges/dining rooms. The communal areas towards the centre of the building include communal and amenity spaces and will also provide dining facilities, games room, hair salon and cinema. Service areas including laundry and plant rooms are located on the east elevation.
- 1.3 The main entrance to the care home is located on the north elevation, towards the road access onto Perth Road. Finish materials include slate grey cladding to the upper floor, with buff brick to lower floors. Windows, doors and rainwater goods are to be UPVC finished in anthracite grey. The form of the building provides enclosure to outdoor amenity space to the south west of the building, for the use of residents.
- 1.4 The assisted living accommodation which is proposed to the east of the care home will provide 17 units within a two and three storey building. Each unit will contain an open plan living/dining/kitchen area, bedroom(s) and bathroom. An activity room at ground floor level and an outdoor terrace at second floor level are proposed. Residents of the assisted living units would benefit from access to the communal facilities within the care home and access to external amenity areas within the site, some of which are accessible directly from ground floor units. Residents will be supported by care staff at all times. Externally, the proposed building would be finished in slate grey cladding to the upper floor, with buff brick to lower floors as the associated care home.
- 1.5 A total of 35 car parking spaces are proposed towards the centre of the site, along with cycle storage and waste storage areas. Within the east and west of the site, landscaped garden areas are proposed which will be accessible to residents. The garden areas will retain some of the existing trees and incorporate a range of new trees, shrubs and wildflower meadow planting.
- 1.6 The applicant has submitted the following in support of the application:
 - Planning Statement;
 - Design and Access Statement;
 - Transport Statement;
 - Flood Risk Assessment;
 - Drainage Strategy;
 - Ecological Assessment; and
 - Noise Impact Assessment.





Figure 2 – Proposed Elevations – Residential Care Home



Figure 3 – Proposed Elevations - Assisted Living Accommodation



Figure 4 – Proposed Development

2 SITE DESCRIPTION

2.1 The application site which measures 1.1 hectares is located on the south side of Perth Road, at the junction with Invergowrie Drive.

- 2.2 The site which has been vacant for over 20 years was formerly a garden centre/nursery currently contains a range of trees and shrubs. The site, which slopes southwards towards Newhall Gardens is rectangular in form and contains a number of trees protected by a Tree Preservation Order. There is an existing vehicle access into the site from Perth Road within the north of the site, and a small stream and small pond towards the western edge of the site.
- 2.3 Surrounding land uses are primarily residential comprising a mixture of house types.



Figure 5 – Application Site Viewed from Perth Road



Figure 6 – Application Site Viewed from Perth Road

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

Policy 1: Location Priorities

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 40: Air Quality

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

Policy 56: Parking

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 Planning application 06/00015/FULL for the erection of 20 dwelling houses and associated access road was refused in December 2006. The applicant subsequently appealed this decision and following review planning permission was approved by the Reporter in September 2007.
- 4.2 Planning application 12/00396/FULL for the variation of Condition 1 of Planning Permission 06/00015/FUL to allow additional time for development to commence was approved in October 2013.
- 4.3 Planning application 14/00628/FULL for the variation of Condition 1 of Planning Permission 06/00015/FUL to allow additional time for the development to commence was approved in December 2014.
- 4.4 Planning application 17/00507/FULL for the erection of 10 no detached two storey dwelling houses was approved, subject to conditions in June 2019.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken.
- 5.2 In total 20 letters of objection were received. The letters raised the following material considerations:
- insufficient cycle facilities provided for staff and visitors, and no spaces for “non-standard” cycle vehicles;
 - detrimental impact on wildlife including bats and loss of trees;
 - concerns noise and light pollution will impact on residential amenity;
 - concerns proposals will increase flood risk;
 - development is of a scale and form which is not in keeping with the local area;
 - development will result in overlooking and overshadowing of surrounding houses and garden ground;
 - proposed access onto Perth Road raises road safety concerns;
 - boundary and land ownership;
 - car park capacity; and
 - insufficient sewer capacity for the proposed development.
- 5.3 One neutral letter of representation was received, which considers the proposed use to be appropriate for this site. The representation considers elements of the submitted reports including tree survey and flood risk assessment. It requests that boundary locations and fencing are carefully considered.
- 5.4 One letter of support was received, welcoming the proposed development within a site which has been vacant for some time.
- 5.5 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** has commented on the following matters:
- Air Quality** – has no objection to the proposed development, subject to details of the heat systems for each building being submitted for prior approval to ensure appropriate plant equipment and associated flues are provided in the interest of air quality.
- Contaminated Land** – has no objection to the proposed development. A preliminary risk assessment has been submitted and reviewed. Conditions are recommended should planning permission be granted.
- Noise** – has no objection to the proposed development. A Noise Impact Assessment has been submitted to assess noise from traffic on Perth Road and plant equipment associated

with the proposed care home and assisted living accommodation. Conditions are recommended should planning permission be granted in relation to further assessment of road traffic and plant noise, the provision of noise mitigation measures and control of the hours during which delivery vehicles can visit the site.

6.2 **The Head of Environment** –commented on the following matters:

Greenspace – has no objection to the proposals and supports the proposed landscaping. It is recommended that planning conditions are attached should permission be granted in relation to the implementation of tree protection measures during construction works and an invasive species management plan.

6.3 **Scottish Water** – has no objection to the proposals. Scottish Water confirm the site could be served by water from Clatto Water Treatment Works, and there is sufficient capacity within existing foul water infrastructure to serve the proposed development.

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 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 development would be located within an established residential area within the west of the city. The proposal would ensure the re-use of a vacant site and contribute to the range of residential care facilities within the city.

7.4 **The proposal would therefore satisfy Policy 1.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

7.5 **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 6 qualities of successful place in accordance with the guidance provided in Appendix 1.

- 7.6 With regard to the character and amenity of the application site and Perth Road, the scale, massing and design of the proposed development is such that the proposal will integrate into the existing streetscape. The height and form of the proposed building reflects the sloping nature of the site, and would contribute to the range of building forms in the local area which includes houses as well as large buildings including Harris Academy and Invercarse Hotel. The proposals are considered to be an acceptable scale of development in this location, which reflects the size of the application site and range of building types and forms along Perth Road.
- 7.7 The proposal would result in a distinctive development which respects the existing building lines and street pattern, and brings a long-standing vacant site back into use. The provision of recessed elements, stepped building form and glazed main entrance provide visual interest and ensures the buildings provide high quality and active frontages. The location of windows and access location ensures there would be no significant impact on privacy within neighbouring buildings.
- 7.8 Due to the location of the development on Perth Road, within a site which is visible from the surrounding area, the provision of high-quality materials is essential to ensure the proposals contribute positively to the local streetscape and maintain the character of neighbouring buildings. The applicant has proposed materials including buff brick masonry and anthracite grey cladding which are acceptable and would create a development which maintains the character and quality of development in the local area.
- 7.9 The proposed ground floor of the care home would contain reception and amenity spaces including lounges, dining areas and hairdressers for residents. The proposal would see servicing areas located to the east of the building, along with cycle storage areas. Safe pedestrian access is provided from the surrounding streets and there is public transport provision in the surrounding area with bus stops on Perth Road. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.10 A significant number of trees towards the site boundaries are to be retained, and new planting provided. The proposal would contribute to the visual amenity of the site through the provision of high-quality finish materials and landscaping. As the proposed buildings are set away from site boundaries, there would be no significant impact on neighbouring properties in terms of overbearing or overshadowing impacts.
- 7.11 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the 6 qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive - the development comprises two buildings, a residential care home and residential assisted living accommodation with associated access, parking and landscaping. A Design Statement has been submitted which addresses the design, access and development concepts of the proposed development.

The proposed residential care home and assisted living accommodation would be contained within 2 buildings, set within a sloping site. The buildings would be finished in a range of modern materials, including masonry and cladding in colours which reflect buildings within the surrounding area. The variety and form of finish materials will contribute positively to and add interest to the development. The proposal responds positively to the character of the area and form of the application site within this established residential area.

Safe and Pleasant – the proposed development is to be sited on the south side of Perth Road. The site is bound by Perth Road and footpaths to the north, and existing houses to the south, east and west. The proposals would connect to the existing road and path network linking the development to the surrounding area. The proposal will create a vibrant and attractive place.

Easy to Move Around and Beyond – the proposed development would connect to existing footpaths to the north on Perth Road, ensuring integration into the surrounding footpath network. This ensures access to surrounding residential areas, local services, cycle routes and open spaces within the wider area. The site also benefits from access to public transport links including bus stops on Perth Road within 200 metres of the proposed development. Access for service vehicles is to be taken from Perth Road. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – the main frontage of the care home is to the north elevation, towards Perth Road and the vehicle access into the site. The proposals would provide vehicle and pedestrian access onto Perth Road, providing connections to surrounding areas and positively promoting wayfinding and a sense of orientation.

Adaptable – this site contains vacant brownfield land which has been unoccupied for over 20 years. The proposed development would be a positive addition to the west of the city and mix of development within the surrounding area, which includes a range of residential developments.

Resource Efficient – a Planning Statement and Design and Access Statement have been submitted. The proposal has been designed to include energy efficient materials and low carbon technologies which reduce heat loss and emissions.

7.12 The proposal meets the requirements of Appendix 1.

7.13 The proposed development of residential care and assisted living accommodation would contribute to the range, size and types of development within the west of the city. The design and layout of the proposed development has been considered to ensure the buildings are of a height and massing which integrates with the form of the application site. The proposed buildings have been designed to provide a visually attractive development with a good quality finish which will contribute to the character and appearance of the surrounding area.

7.14 The proposal is in accordance with Policy 1.

7.15 **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.

7.16 The applicant has stated a scheme of public art is to be provided, but the location and form of the proposal has not yet been progressed. It is recommended that the details and implementation of a public art project be secured by condition.

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

7.18 **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.

Conditions may be applied to permissions to ensure that they do not change into mainstream residential accommodation without an assessment to demonstrate that they can meet the necessary requirements in terms of design and layout in Policy 10 and Appendix 4.

7.19 In respect of the above Criteria 1 - 6:

- 1 The main private amenity area within the proposed site is located to the south west of the proposed care home. The proposed amenity space provides approximately 550m² of useable, accessible garden ground for residents, with footpath, lawn, planting, pergola and seating area. The amenity space is enclosed to the north and east by the proposed care home and due to its location within sloping land towards the south of the site it benefits from sufficient openness to ensure the sun reaches the gardens as it moves from east to west. The design and form of the garden ensures there is no significant overshadowing from existing houses or the proposed development.

Further amenity spaces are proposed within the site, to the north west of the care home and east of the assisted living accommodation. These areas provide in excess of 1,000m² of accessible landscaped garden ground with trees, pond, planting and wildflower meadows. To the north and south of the proposed buildings towards the site boundaries, further areas of landscaping and greenspace are proposed, including areas of lawn and trees. These areas towards the site boundaries would provide a further 600m² of greenspace, and whilst not directly accessible to residents, would contribute to the character and amenity of the proposed development.

With secure gardens to be provided for residents and areas of greenspace and planting retained within the site, the development would provide a high-quality residential environment.

- 2 The proposed buildings are of a height and form which is appropriate within this sloping site. It is acknowledged the proposed buildings are of a greater massing and scale than residential buildings within the immediate surrounding area. However, the site is of a size and form which can accommodate the proposed development within the south facing slope and associated amenity spaces provide separation between the new buildings and neighbouring houses. Trees within the site, and planting towards site boundaries will further support the integration of the proposed buildings within the local streetscape. The wider streetscape and areas around Perth Road contain a range of different building sizes and types, and the scale and massing of the proposed care home would not look out of context in such a location. The proposed finish materials including buff brick and cladding are generally considered to be of high quality and complementary to the surrounding area.

In terms of neighbours, the site is neighboured by residential development to the south, east and west. The north of site is bound by Perth Road with houses beyond. The proposed care home and assisted living accommodation would be located over 18 metres from houses to the east and west of the site. To the south of the site, a dwelling is located within 18 metres of the proposed assisted living accommodation. Due to the location and position of this neighbouring house and design of the proposed development, there are no windows of habitable rooms within 18 metres of windows of the neighbouring house.

Screening is to be provided at the car park and the roof terrace of the assisted living accommodation to ensure there is no direct overlooking of garden ground from these raised areas. A roof terrace towards the centre of the care home building is in excess of 30 metres from the site boundaries, and would not afford any direct overlooking of neighbouring garden ground. Garden ground of houses on the north side of Newhall Gardens are within 18 metres of the south wing of the care home. The care home has been designed with no windows of habitable rooms on this elevation to ensure there is no direct overlooking of garden ground.

Car parking spaces are proposed towards the centre of the site, along the access road which utilises an existing access location onto Perth Road within the site's north boundary. The proposals would not result in any significant increase in traffic on local roads and sufficient onsite parking is proposed to ensure there would be no significant increase in on street parking pressures in the local area. The layout of both buildings, with residential rooms within the main south/west wings of the care home and towards the east and west elevations of the assisted living accommodation ensures residents are provided with high quality outlooks. The position of entrances and plant rooms towards the centre of the buildings ensures there would be no detrimental impact on existing dwellings by virtue of noise. The proposals would be affected by road noise to the north of the site, and from noise associated with plant equipment related to heating and cooking. The submitted noise impact assessment identifies mitigation measures such as enhanced glazing and acoustic fencing. The implementation of the required noise mitigation measures will be controlled by condition to ensure internal noise levels are at an acceptable level for a residential development. The level of noise associated with mechanical plant such as ventilation systems, and delivery times can be controlled by condition to ensure residents and neighbours are not impacted by noise from kitchen equipment or during night time hours. Subject to conditions, the level of noise associated with the proposed care home would not result in any significant impact on residential amenity.

- 3 The site is well connected to a range of local services and facilities due to its location on Perth Road with shops and services to the east of the site along Perth Road, and to the north on Glamis Road.
- 4 The site is accessible by public transport with bus stops within walking distance of the site on Perth Road and further stops on Blackness Road which are served by frequent services between the city centre, Perth Road and Ninewells Hospital. Buses serve the stop outside the site on Perth Road between 0602 and 2338, with services up to every 14 minutes during weekdays. There are also shared use cycle routes to the east and west of the site linking Perth Road to the Green Circular route on Riverside Avenue.
- 5 The applicant proposes 35 car parking spaces within the site, which provides sufficient space for staff and visitor vehicles.
- 6 The proposed care home and assisted living accommodation would not significantly alter the character of Perth Road or the wider area. The application site has been unoccupied for over 20 years, and is located within an established residential area. There are no other care homes within the immediate local area, with Riverside View Care Home 0.9 miles and Menzieshill House 1.4 miles from the site. The proposed 60-bedroom care home and 17 bedroom assisted living accommodation would be acceptable in this location, and would not lead to an excessive concentration of non-mainstream residential uses within the local area. The proposed development would contribute to the character of the area and wider streetscape through the development of a long-term unoccupied site. Therefore, the principle of a care facility at this site is acceptable and the proposals would not result in an excessive concentration of such uses in the area.

- 7.20 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.
- 7.21 **The proposal is in accordance with Policy 14, subject to conditions.**
- 7.22 **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.
- 7.23 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.
- 7.24 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.
- 7.25 An Ecological Assessment was submitted with the application. With regard to habitat, the report acknowledges there will be some loss of low-grade habitat during construction. This loss can be mitigated through the creation of garden habitat and tree and shrub planting. The grounds of the home would be more biodiverse than the habitats they replace. New tree and shrub planting will be designed and managed for biodiversity enhancement, incorporating floribundant species and bio-retentive planting where necessary.
- 7.26 In relation to wildlife, the site has been surveyed and no evidence of badgers or small mammal using the land were found. It is considered there is little likelihood of the species using the site, and no further inspections/surveys are recommended. The report does however recommend a precautionary approach is adopted during construction, to safeguard any small mammals that might access the site.
- 7.27 The site is considered to contain no roosting opportunities for bats and limited forage opportunities will be affected by the proposed development. There is potential for bird nesting in the semi-natural habitats including trees on site. A bird nesting survey will be required should any clearance works be undertaken during the nesting season.
- 7.28 The submitted Ecological Assessment demonstrates the proposed development would have no significant impact on protected species or ecology within the site. It is recommended the provision of high-quality planting, and its maintenance along with the installation of bird and bat boxes be controlled by condition in the interest of biodiversity.
- 7.29 **The proposal is in accordance with Policy 34.**
- 7.30 **Policy 35: Trees and Urban Woodland** - 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.

- 7.31 Trees within the application site are subject of Tree Preservation Orders 02/2001. The site contains a range of tree types including Cypress, Ash and Cherry. A Tree Survey was submitted with the application and the report confirms most trees on site are to be retained. As part of the development a total of 11 trees within the site are to be felled. This includes 7 trees to accommodate the proposed buildings and access road, and 4 trees which are in poor condition. Of the 7 trees being felled to accommodate the building, 6 are category C trees being of low quality and value. One category B tree towards the centre of the site will be lost. To mitigate for the loss of trees within the site, the applicant proposes a range of new planting and the protection of trees within the site that are to be retained.
- 7.32 The Head of Environment has reviewed the Arboricultural Impact Assessment and proposed landscaping plans. The site layout is considered to be sensitive to mature trees and supports retention of a range of existing landscaping. The proposed landscaping includes the planting of around 80 trees and a range of other shrubs which are of appropriate species for this site.
- 7.33 To protect trees within the site during construction, tree protection measures will require to be implemented. Invasive species have been identified on site including skunk cabbage and giant rhubarb which will require to be removed. It is recommended these matters, including provision of a tree protection plan and invasive species management plan are controlled by condition.
- 7.34 **The proposal is in accordance with Policy 35, subject to conditions.**
- 7.35 **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.
- 7.36 A Flood Risk Assessment has been submitted which considers the proposed development is at little to no risk of flooding of fluvial flooding from the spring fed burn which runs through the west of the site. The site is at risk of surface water flooding during a 1 in 1000-year event, with potential for water to flow into the site from the north. The development has been designed to ensure it does not increase flood risk within the site or surrounding area during any such event, and floor levels have been considered to minimise the risk of internal flooding.
- 7.37 The flood risk assessment considers that appropriate drainage design, with discharge to the Scottish Water system, will be required to ensure the development is not at risk from flooding, and does not increase the risk of flooding within the surrounding area. The applicant has been in discussion with Dundee City Council and Scottish Water in relation to the drainage proposals, which are considered under Policy 37. Initial proposals for discharge into sewers to the south of the site were not supported, however amended plans have been submitted which show the site can be drained in a manner which does not create a flood risk. The provision of a surface water drainage scheme which ensures water is discharged at a controlled rate is to be controlled by condition.
- 7.38 In summary, subject to appropriate drainage infrastructure, the proposed development would not be at risk from flooding, and would not increase the risk of flooding in the surrounding area.
- 7.39 **The proposal is in accordance with Policy 36.**

- 7.40 **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.
- 7.41 A Drainage Strategy, including proposed drainage plans and calculations was submitted with the planning application. The applicant initially proposed on-site storage of surface water followed by discharge into existing drainage systems on Newhall Gardens. As there is limited capacity within the existing system, the proposal raised flood risk concerns. Following further consideration of the proposals, and discussions between the applicant, Scottish Water and Dundee City Council engineer's an alternative proposal has been submitted. The amended plans demonstrate there are engineering solutions which would see surface water stored within the site before being discharge at a controlled rate. This could be to watercourse to the south west of the site, with water then flowing to a soakaway on Riverside Avenue.
- 7.42 This proposed drainage strategy has been reviewed by Dundee City Council's engineers. The route of the proposed drainage system addresses previous concerns of additional surface water entering drainage systems on Newhall Gardens. The soakaway adjacent to Riverside Avenue is to be altered to include an overflow pipe connection to take excess water to the existing combined sewer overflow further west on Riverside Avenue, alleviating concerns that the development would increase surface water flooding in the local area.
- 7.43 The proposed calculations and sewer route are acceptable in principle, subject to technical details being agreed with Scottish Water and Dundee City Council. The applicant has demonstrated there are engineering solutions which provide onsite storage and controlled discharge of surface water in a sustainable manner. Planning conditions are recommended to ensure these details are agreed, and a drainage system implemented in the interest of flood protection.
- 7.44 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.45 **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.
- 7.46 The proposed care home includes kitchen, bathroom, plant and waste storage areas. Due to the nature of the development, there will be a requirement for deliveries to the site. The applicant has submitted a Noise Impact Assessment (NIA) which considers plant and road traffic noise. The Head of Community Safety and Protection has reviewed the NIA and provided comment.
- 7.47 The NIA identifies a requirement for mitigation measures to be provided to meet internal noise levels, including closed windows with trickle ventilation. The minimum performance of the glazing and ventilators required to meet internal noise criteria have been detailed, but is applicable to road traffic noise only. Noise associated with plant equipment also requires to

be considered, specific details of this equipment have not yet been confirmed. Should the sound power levels of the selected plant exceed the limits included in the report, acoustic treatments such as attenuators or noise barriers, may be required.

- 7.48 The NIA suggests external amenity spaces could meet noise criteria within some areas but would exceed guidelines within parts of the site including areas to the north of the proposed buildings. The NIA considers there is sufficient space in the outdoor amenity area for residents to use quieter sections within the centre and south of the site. Following review of the NIA, the Head of Community Safety and Protection has recommended a revised NIA be submitted to confirm noise levels within all external amenity spaces, and to include details of mitigation measures required to ensure these areas achieve acceptable noise levels. It is recommended the provision of a revised NIA and implementation of any required mitigation measures be controlled by condition to ensure all useable amenity spaces achieve acceptable noise levels.
- 7.49 Finally, the assessment of the predicted car-park noise on the existing residential properties to the south of the site indicates the need for mitigation measures to be introduced in order to meet set criteria, and provides details of a solid timber barrier along part of the southern boundary that when included, will ensure that noise criteria is met.
- 7.50 It is recommended the provision of a revised NIA and implementation of any identified mitigation measures be controlled by condition.
- 7.51 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.52 **Policy 40: Air Quality** - states there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.53 The entire city is an Air Quality Management Area (AQMA) for nitrogen dioxide (annual and hourly mean objectives) and particulate matter (PM10) (annual mean objective). The proposed development will require to provide heating to two buildings, details of the plant equipment to be used have not been confirmed by the applicant.
- 7.54 The Head of Community Safety and Protection has been consulted and requested the submission of full details of the system and fuel type for prior approval be controlled by condition.
- 7.55 Subject to appropriate plant and fuels being used, the proposed development would have no detrimental impact on local air quality.
- 7.56 **The proposal satisfies Policy 40, subject to a condition.**
- 7.57 **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.
- 7.58 A Phase 1 Desk Study has been submitted as part of the application. The Head of Community Safety and Protection has reviewed the report and supports the conclusions, subject to further

details being provided including a justified sampling strategy for the environmental site investigation.

- 7.59 It is recommended planning conditions be attached to any planning permission granted in relation to the completion of further investigation work and provision of further information for approval prior to any works on site.
- 7.60 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.61 **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. The policy also requires site waste management plans to be prepared and used during the construction of major developments.
- 7.62 The proposed care home and assisted living accommodation will be provided with a bin storage area, towards the centre of the site on the east elevation of the care home. The proposed bin storage area is of a size and form which can accommodate sufficient space for waste separation and the collection of recyclables. The storage area will be accessible from an access onto Perth Road. The application site contains direct access to a loading area where refuse vehicles will be able to safely remove waste.
- 7.63 **The proposal is in accordance with Policy 44.**
- 7.64 **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.
- 7.65 The application site lies within the west of the city, and to the south of an existing heat network at Ninewells Hospital. Given the time frame for the development and distance from Ninewells Hospital, it is not viable for the proposal to be linked to this heat network and associated infrastructure at this time. 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.
- 7.66 Whilst a viable connection to an existing heat network is not available at present, plant rooms are located within the site which could accommodate future infrastructure. The proposal therefore has potential to connect into a heat network in future without any significant on-site works being required.
- 7.67 **The proposal is in accordance with Policy 46.**
- 7.68 **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.
- 7.69 The submitted design statement highlights elements of the development which seek to minimise emission and support the use of low carbon technologies. This includes the use of

energy efficient fabrics within the development that have a high thermal performance, use of low carbon technologies and sanitary systems which minimise water use.

7.70 It is recommended the provision of a detailed Sustainability Statement, which demonstrates the proposed buildings comply with the requirements of Building Standards and details the renewable technologies are to be provided be controlled by condition.

7.71 **The proposal is in accordance with Policy 48, subject to a condition.**

7.72 **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.

7.73 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, 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.

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

7.74 A Transport Statement and Planning Statement have been submitted. The findings of the Transport Statement have been reviewed by Dundee City Council Roads Officers and are accepted.

7.75 In respect of the above Criteria 1 - 7:

- 1 The proposal would incorporate and be connected to the existing footpath network on Perth Road and surrounding streets. Bus stops are located within 250m of the site and secure cycle storage is proposed within the site. The proposal would be located within an accessible location, in close proximity to sustainable transport infrastructure which help 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 within the west of the city. Direct pedestrian access is provided onto Perth Road and cycle storage areas are to be

provided within the site. Streets in the vicinity of the development are suitable for use by pedestrians, being lit and being pedestrianised or having footways contiguous to the carriageway. There are signed cycle routes to the east of the site on Hazel Drive and south on Riverside Drive, which provide links to National Cycle Route 77 and wider area including the city centre, Riverside Nature Park and shops and services on Perth Road. The surrounding footpath and cycle path networks include crossing points which connect the site to Dundee Green Circular.

- 3 The site is well served by public transport, with bus stops on Perth Road within 250 metres of the application site. These stops are served by local services towards Ninewells Hospital, Perth Road, the city centre and Barnhill, and longer distance services to Perth and Arbroath. Dundee railway station is 2.5 miles to the east of the site.
- 4 A Transport Assessment has been submitted as part of the application and following review by DCC Roads Engineers the findings of the Assessment have been accepted. The proposed parking provision is sufficient and would ensure there is no impact upon the parking needs of the local area or existing public parking provision. The existing site access is to be upgraded to serve the proposed development, and will provide safe access into the proposed development for staff, visitor, delivery and refuse vehicles. The form and layout of the development ensures the proposal would have no detrimental effect on the capacity or safe functioning of the existing road or rail networks.
- 5 The proposals include provision of safe and adequate access to delivery vehicles for loading and unloading within the service access to the north of the site.
- 6 The proposal requires minor alterations to the existing footpath and vehicle access on Perth Road. The applicant has submitted details which demonstrate the works can be completed to Dundee City Council standards.
- 7 The Transport Statement contains a summary of local public transport provision in support of the proposals, which demonstrate the proposal would be accessible, support the use of sustainable transport options and have no adverse impact on the surrounding road network. In support of the use of sustainable transport options, it is recommended the provision of a detailed Travel Plan to staff, residents and visitors of the proposed development is controlled by condition.

7.76 It is considered that appropriate sustainable travel methods are included within the development. Bus stops are within walking distance of the site and existing footpaths provide access to sustainable transport options, surrounding residential streets and shops and services.

7.77 **The proposal is in accordance with Policy 54, subject to conditions.**

7.78 **Policy 56: Parking** – states for developments outwith the city centre all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. All new developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards. At places of employment covered secure cycle parking with changing facilities should be provided for employees.

7.79 The proposed development would provide 35 parking spaces, including four disabled bays and two bays served by EV charging points. As considered under Policy 54, the proposed parking provision is sufficient and would have no detrimental impact on existing parking provision within the surrounding area.

- 7.80 The Dundee Streets Ahead document sets the standards for cycle parking provision. This sets out an appropriate provision of one cycle space per 10 dwellings for staff and residents of nursing homes and sheltered housing. Therefore, the appropriate provision for this development is 6 spaces for the residential care home and 2 for the assisted living accommodation – a total of 8 secure and covered spaces.
- 7.81 The proposal includes the provision of a cycle storage area within centre of the site, to the east of the care home and west of the assisted living accommodation. The location of the proposed cycle storage, comprising covered cycle stands is considered acceptable for the use of staff. However, it is not secure in nature. Also, the proposed cycle store is adjacent to the car park but not located towards the main entrance of the building where visitors on foot or bicycle would enter the site. The provision of covered, secure cycle parking for staff, residents and visitors in easily accessible locations within the site would support the use of active travel and ensure sufficient on-site cycle parking is provided. It is recommended full details of the location, type and form of cycle storage be controlled by condition to ensure appropriate storage is provided. Staff changing facilities are provided within the ground floor of the proposed care home.
- 7.82 It is recommended full details of the form of cycle storage and its implementation prior to occupation of the development is controlled by condition.
- 7.83 **The proposal is in accordance with Policy 56, subject to a condition.**
- 7.84 **It is concluded that the proposal is in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – SUPPORTING STATEMENT

- 7.86 The applicant has submitted a planning statement in support of the application.
- 7.87 The applicant considers the proposal will provide residential care facility within an established residential area, generating up to 75 full and part-time jobs.
- 7.88 The supporting statement includes information on the proposed care home and assessment of long-term demand. During the period to 2043, the population of Dundee in the 64-75 and 75+ age groups are forecast to increase by 3.9% and 37% respectively. The projected increase in the elderly population within the Council Area provides a useful indicator of the growing need for additional special needs accommodation.
- 7.89 Following research by the applicant, 137,417 persons live within five miles of the proposed care home (catchment area) of which some 2.3% are within the 85+ age group. This results in a demand for some 804 registered bed spaces in the catchment area. At the present time there are only 750 registered bed spaces within 18 care homes. Of the 18 facilities referred to, 13 (510 bed spaces – 68%) were built in the 1980's/1990s with only 5 facilities (240 bed spaces – 32%) built since 2000. A significant proportion of the existing bed spaces therefore will not meet the emerging standards required by the Care Inspectorate for new care home facilities. There is therefore considered to be a need for the provision of new care home facilities which are compliant with emerging standards and expectations.
- 7.90 In addition to providing much needed bed spaces and associated facilities for those in need, the care home complex proposed on the application site will provide 75 new full time/part time employment opportunities. Whilst the proposal involves the erection of a building larger than

existing dwelling houses in its immediate vicinity, the perception of scale and massing have been significantly reduced through the sloping nature of the site and the introduction of architectural features and materials derived from an appreciation and analysis of the surrounding context.

7.91 The submitted supporting information demonstrates there is demand for additional care facilities within the city, and the proposed development would bring additional benefits in the form of employment and development of a long-standing vacant site.

B – REPRESENTATIONS

7.92 Twenty letters were received objecting to the proposal. The objections raised the following valid material grounds:

- insufficient cycle facilities provided for staff and visitors, and no spaces for “non-standard” cycle vehicles;
- detrimental impact on wildlife including bats and loss of trees;
- concerns noise and light pollution will impact on residential amenity;
- concerns proposals will increase flood risk;
- development is of a scale and form which is not in keeping with the local area;
- development will result in overlooking and overshadowing of surrounding houses and garden ground;
- proposed access onto Perth Road raises road safety concerns;
- boundary and Land Ownership;
- car Park Capacity; and
- insufficient Sewer Capacity for the proposed development.

7.93 These grounds of objection are considered and assessed as follows:

7.94 **Objection** - the proposed number of cycle storage spaces is insufficient and clarity is required on staff and visitors parking. There are no spaces for “non-standard” cycle vehicles and no proposals for cycle parking at the entrance to the care home.

7.95 **Response** – as discussed under the Policy 56 assessment earlier in this report the plans show cycle parking provision to the east of the care home. The location is considered appropriate for staff cycles, but does not provide covered, secure cycle storage for staff, residents and visitors to the site. To support the use of active travel, it is recommended the provision of full details of the location and form of cycle storage, for cycles and non-standard cycles, be controlled by condition.

7.96 **Objection** – the proposed development would have a detrimental impact on local wildlife including bats. Further surveys should be undertaken and support for wildlife, such as the provision of bat boxes, required as part of any development.

7.97 **Response** – the submitted Tree Report and Ecological Assessment have been reviewed, and comments provided by The Head of Neighbourhood Services. The Ecological Assessment is

based on a field survey undertaken in April 2022. The Assessment concludes there is no potential roosting sites for bats within the site, and no evidence of badgers using the site. No further surveys are therefore recommended. The findings of the report are supported by Greenspace officers within Neighbourhood Services. The proposed development has been sited to ensure the majority of trees on site are retained, and replanting is proposed as part of the development. This is considered further under Policy 35. The proposed landscaping would enhance biodiversity within the site, and the provision of bird and bat boxes can be controlled by condition to support wildlife.

- 7.98 **Objection** – the proposed development raises concerns in relation to noise and light pollution, which will impact on residential amenity.
- 7.99 **Response** – the submitted noise impact assessment notes potential noise sources include traffic on Perth Road and from plant equipment associated with the care home. As considered under Policy 39, the submitted NIA identified mitigation measures including acoustic fencing which will protect residents of the care home and surrounding houses from noise associated with the proposals. Planning conditions are recommended to ensure the noise impact assessment is reviewed when details of all plant equipment are known, and any required mitigation measures implemented prior to occupation of the care home and assisted living accommodation. The applicant has demonstrated noise can be sufficiently mitigated to ensure there is no significant impact on the amenity of neighbouring houses. With regard to lighting, the care home and assisted living accommodation are residential developments and would be lit in a manner which is appropriate for such a use. The level of lighting associated with each building would be such that there is no significant impact on the amenity of residents or neighbouring houses.
- 7.100 **Objection** - the proposed development raises concerns in relation to flood risk, with known drainage constraints in the surrounding area.
- 7.101 **Response** – the submitted flood risk assessment considers the proposed development and existing water sources within the site including a pond. The proposal would not increase the risk of flooding within the local area, subject to an appropriate drainage system being provided. Initial proposals for onsite storage of surface water and controlled discharge into existing drainage systems on Newhall Gardens were not supported as there is limited capacity within the existing systems. The applicant has subsequently submitted revised proposals following discussions with Council Engineers and Scottish Water. The amended proposals would see surface water from the site stored in underground attenuation tanks, before being discharged at a controlled rate into a water course to the south west of the site which then enters a soakaway on Riverside Drive. Water from this soakaway goes on to enter the River Tay. This proposal is acceptable in principle and would ensure surface water from the site does not enter existing systems on Newhall Gardens. Planning conditions are recommended to ensure full details are agreed with Scottish Water and Dundee City Council prior to any works on site.
- 7.102 **Objection** – the buildings proposed within the site are of a scale and form which is not in keeping with the local area.
- 7.103 **Response** – the scale and form of the development is considered under Policy 1. The building is of three storeys in height when viewed from the surrounding area, however the form of the development and integration into the sloping site minimises the massing of the building. The surrounding area, whilst primarily residential in character does contain a range of larger buildings including Invercarse Hotel, Harris Academy and 381 Perth Road. The provision of landscaping towards site boundaries and sensitive layout of the site ensures there is no significant impact on the character of the application site or wider Perth Road streetscape.
- 7.104 **Objection** – the proposals will result in overlooking and overshadowing of surrounding houses and garden ground.

- 7.105 **Response** – the design of the proposed care home and assisted living accommodation has been considered by the applicant to ensure all windows of habitable rooms are over 18 metres from neighbouring houses. Areas towards the site's boundary including the car park which is 8.5 metres and a roof terrace within the assisted living accommodation which is 15.0 metres from housing to the south of the site are to feature screening to ensure there is no direct overlooking of neighbouring garden ground. With regard to overshadowing, there will be overshadowing associated with the proposed buildings during the daytime period. However, due to the size of the site and form of the proposed buildings, overshadowing will primarily affect landscaped areas and car parking spaces within the north of the site. The proposal is sufficiently set back from site boundaries to ensure there is no significant impact on neighbouring properties, which at present are partially overshadowed by trees during morning or evening periods.
- 7.106 **Objection** – the proposal will increase traffic on Perth Road and the proposed entrance to the site raises road safety concerns.
- 7.107 **Response** – as considered under policy 54, the submitted transport statement demonstrates the proposed development would not generate a significant traffic demand or impact on road safety. The proposed parking provision is sufficient for the scale of development proposed, and the site is within a location which is accessible by sustainable transport options. The development would utilise an existing road access, which is to be upgraded to DCC specifications. This will ensure a safe access is formed, with sufficient vehicle visibility when entering Perth Road.
- 7.108 **Objection** – the sites west boundary does not clearly reflect land ownership, with a section of the site within the ownership of a neighbouring property.
- 7.109 **Response** – the applicant has stated within the submitted Land Ownership Certificate notice was served on relevant parties who own land which forms part of the application site. Land ownership, and development within these areas is a legal matter which will require to be addressed between the relevant parties.
- 7.110 **Objection** – the proposed parking provision of 35 spaces is inadequate and will result in existing on street parking issues being exacerbated.
- 7.111 **Response** – the applicant has submitted a transport statement and proposed plans which demonstrate the provision of 35 spaces will provide sufficient capacity for vehicles associated with staff, residents and visitors. The site is well served by public transport and is accessible to surrounding residential areas via existing roads and footpaths. Planning conditions in relation cycle parking provision and the implementation of a travel plan are recommended to minimise the need to travel to the site by private car. The Head of Sustainable Transport and Roads has reviewed the capacity of the car park and supports the provision of 35 spaces. The proposed car park will ensure there is space within the site for cars associated with the development, and existing parking pressures on Perth Road and areas surrounding Ninewells Hospital are not exacerbated by the development.
- 7.112 **Objection** – there is insufficient sewer capacity for the proposed development.
- 7.113 **Response** – concerns were raised that there is insufficient sewer capacity for the proposed development within the surrounding area, including existing sewers on Newhall Gardens. As considered under Policy 37, the capacity of the existing combined surface water and foul water systems have been considered. The applicant has submitted amended drainage proposals which demonstrate surface water from the site can be drained to a soakaway on Riverside Drive and does not enter any existing sewers on Newhall Gardens. With regard to foul water, the proposed development would connect to an existing Scottish Water sewer within the site.

Scottish Water has advised that there is sufficient capacity for a foul water connection to the local network.

- 7.114 The matters raised in objections have been fully considered. The applicant has demonstrated the building will have no significant impact on surrounding properties by virtue of overlooking/overshadowing and biodiversity enhancements are to be made. Matters related to drainage and cycle facilities can be addressed through the addition of planning conditions. Further information has been submitted which demonstrates appropriate drainage infrastructure can be provided to ensure there is no increase of flood risk at the site or within the surrounding area.
- 7.115 **Representation** - one neutral letter of representation was received. The representation supports the principle of development but notes elements of the submitted reports where further information or clarity is required. This includes site boundary positions, proposed planting, elements of the tree survey and transport statement.
- 7.116 **Response** – matters related to the tree survey, landscaping and ecology are considered within the report, and planning conditions are recommended to ensure details of tree protection and planting are agreed and implemented as part of the development. With regard to flood risk and drainage, consideration of the detailed proposals is ongoing. The submitted drainage strategy illustrates an appropriate solution can be found, subject to specific details being agreed with the Council and Scottish Water. Further queries specific to the development including site boundary locations have been raised with the applicant for their information.
- 7.117 **Letter of Support** - one letter of support was received, which welcomed the proposed development of this vacant site. The representation confirmed no comments are to be made on the design, but consideration could be given to moving the proposed car park away from the south boundary.
- 7.118 **Response** - during assessment of the proposals, the applicant has submitted amended plans which show the parking areas moved further into the site away from the south boundary, and confirm screening is to be provided.
- 7.119 **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 and assisted living accommodation 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** - the development hereby approved shall be restricted to a use as a residential care facility 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 use of the property.

- 2 **Condition** - development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and, if necessary; a remediation scheme to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with contamination to include:

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

Reason – in the interests of enhancing the amenity and environmental quality of the development.

- 3 **Condition** – before any building is occupied the remediation scheme 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 Council.

Reason – in the interests of enhancing the amenity and environmental quality of the development.

- 4 **Condition** - prior to commencement of any construction works, details of a scheme of public art 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 visual amenity and environmental quality of the development

- 5 **Condition** – prior to the commencement of any construction works, 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.

- 6 **Condition** – prior to the commencement of any construction works, 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 flood protection and visual amenity.

- 7 **Condition** – prior to commencement of any works on site, a review of the Noise Impact Assessment produced by CSP Acoustics LLP entitled “Noise Impact Assessment Proposed Care Home and Assisted Living Facilities, Perth Road, Dundee, prepared for: Simply UK Ref: 1720 001 AH V1.4 Date: 11 July 2022” shall be undertaken:

- a to assess the impact of the final selected mechanical and electrical plant on both the existing residents to the south of the site, and future residents of the development
- b to reassess the impact of road traffic noise on outdoor amenity areas to ensure, where practicable, that the criteria value of LAeq (16hrs) 50dBA is met. The upper criteria value of LAeq (16hrs) 55dBA must not be exceeded.

The report shall then be submitted to the Council for approval prior to any work commencing on site. Thereafter, any noise mitigation measures recommended in the reviewed Noise Impact Assessment shall be implemented in full and prior to occupation of any of the residential care facility hereby approved.

Reason - in the interests of protecting residential amenity.

- 8 **Condition** – the total noise from the mechanical and electrical plant/services shall not exceed Noise Rating (NR)45, during daytime, and shall not exceed NR35 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.

NR45 is applicable for the period 07:00 to 23:00 hours and NR35 and NR25 are applicable for 23:00 to 07:00 hours

Reason - in the interests of protecting residential amenity.

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

Reason - in the interests of protecting residential amenity.

- 10 **Condition** – prior to any construction works onsite, full details of the proposed means of providing heating (and/or additional standby/emergency power) to the buildings, including details of any flues or extracts or similar related works shall be submitted to and approved in writing by the planning authority. An air quality assessment may also be needed depending on the size, location and fuel type of any combustion appliances.

Reason - in the interests of protecting residential amenity.

- 11 **Condition** – a Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 48 of the Dundee Local Development Plan shall be submitted for the approval of the planning authority and the works shall be completed in accordance with the approved Statement.

Reason - in the interests of reducing carbon emissions associated with the proposed Development.

- 12 **Condition** - prior to the commencement of the development hereby approved, full details of cycle storage areas for staff, residents and visitors shall be submitted to the planning authority for agreement and approval. Thereafter, the cycle storage area shall be formed and implemented in accordance with the approved details prior to occupation of the residential care facility hereby approved, as required by Policy 56.

Reason - in the interests of sustainable travel measures.

- 13 **Condition** – prior to occupation of the residential care facility, 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 development hereby approved.

Reason – in the interest of encouraging the use of sustainable transport measures.

- 14 **Condition** – details of the proposed site access including proposed road markings must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications.

Reason – in the interests of vehicle and pedestrian safety.

- 15 **Condition** – any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 16 **Condition** - prior to the commencement of any works on site, full details of the provision of electric car charging points shall be submitted for the approval of Dundee City Council as planning authority. Thereafter the charging points shall be installed as per the agreed details.

Reason - in the interest of supporting the use of sustainable transport options.

- 17 **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 and bird boxes to be provided. Thereafter, the agreed provision shall be installed on site prior to first occupation of the residential care facility hereby approved.

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

- 18 **Condition** - prior to the commencement of development, a treatment plan for the management of invasive species on this site shall be submitted to the Council for written approval. The treatment plan must detail the measures required for the control/eradication of such plants including the frequency of treatment. The treatment plan must be implemented prior to the occupation of the residential care facilities hereby approved and apply for a period of at least 5 years. Thereafter, the site must adopt a maintenance plan should any invasive species continue to grow.

Reason - in order to ensure any invasive species present within the site are removed.

- 19 **Condition** – the recommendations laid out in section 5.0 of “Perth Road Dundee Ecological Assessment” report dated May 2022 by Nigel Rudd shall be fully implemented prior to completion of the development.

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

- 20 **Condition** – prior to the commencement of development, a landscape maintenance schedule shall be submitted to the Council for approval. Thereafter, all planting and landscaping works as illustrated on drawing “Landscape Planning Layout” dated 30 April 2022, shall be implemented on site prior to first occupation of the residential care facility hereby approved. All tree planting shall be carried out as per BS:8545:2014. 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 appropriate landscaping is provided within the site and that the character of the application site and the surrounding area is maintained.

- 21 **Condition** – prior to the commencement of any development, any site scraping or entry of construction traffic, tree protection fencing in accordance with BS5837:2012 shall be erected on site in the positions illustrated on Drawing 3: Tree Protection Plan dated 14 April 2022 within the submitted Arboricultural Impact Assessment. The fencing shall be erected under the supervision of the applicant's arboricultural consultant and to the satisfaction of the City Council. Such fencing shall be retained in place throughout the construction period and relocation of any fencing shall be agreed with the Forestry and Enforcement officers prior to any movement of the fencing.

Reason - to ensure protect trees are retained and that the character of the application site and the surrounding area is maintained.

- 22 **Condition** – the development hereby permitted shall be commenced within three years from the date of this permission.

Reason - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

Informatives

Breeding bird surveys will be required for vegetation removal between March and August.

A Vehicular Access (VA) application (found via the following link on DCC website: <http://www.dundee.gov.uk/citydevelopment/vehicularaccess>) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway. For further details please contact 01382 433341 or developmentroads@dundee.gov.uk