

City Chambers
DUNDEE
DD1 3BY

7th August, 2026

Dear Colleague

You are requested to attend a MEETING of the **PLANNING COMMITTEE** to be held remotely on Monday, 17th August, 2026 at 5.00 pm.

Members of the Press or Public wishing to join the meeting should contact Committee Services on telephone (01382) 434205 by Friday 14th August, 2026.

Yours faithfully

GREGORY COLGAN

Chief Executive

AGENDA OF BUSINESS

1 DECLARATION OF INTEREST

Members are reminded that, in terms of The Councillors Code, it is their responsibility to make decisions about whether to declare an interest in any item on this agenda and whether to take part in any discussions or voting.

This will include all interests, whether or not entered on your Register of Interests, which would reasonably be regarded as so significant that they are likely to prejudice your discussion or decision-making.

2 DEPUTATIONS

- (a) 26/00204/FULL – PROPOSED 80 BED CARE HOME (AMENDMENT TO 22/00302/FULL) TO INCREASE THE NUMBER OF BEDROOMS WITHIN THE CARE HOME) – BLACKNESS NURSERY, PERTH ROAD, DUNDEE – FOR SIMPLY UK

A request has been made for a deputation to address the Committee in support of the abovementioned application which is recommended for approval.

- (b) 26/00371/S42 - SECTION 42 APPLICATION TO EXTEND THE TIME PERIOD FOR IMPLEMENTATION OF PLANNING PERMISSION 24/00415/FULM FOR THE ERECTION OF PURPOSE-BUILT STUDENT ACCOMMODATION BY 18 MONTHS - LAND AT 56 BARRACK STREET, DUNDEE – FOR PROSPECT CAPITAL LIMITED AND ORCHID STUDENT HOLDINGS LTD

A request has been made for a deputation to address the Committee in support of the abovementioned application which is recommended for refusal.

3 PLANNING APPLICATIONS

(Copy enclosed).

4 PLANNING APPEAL DECISION (AN26-2026)

PLANNING APPLICATION 24/00813/FULM: LAND NORTH OF FAIRFIELD PARK, PITKERRO ROAD, DUNDEE

Planning application 24/00813/FULM sought planning permission for the construction of a 49.99MW Battery Energy Storage System with associated works. The application was refused by the Planning Committee at its meeting on 18th August 2025 for the following reasons:

- 1 The proposed development fails to comply with LDP Policy 45 – Energy Generating Facilities which directs such development to sites within the allocated Principal and General Economic Development Areas as defined on the LDP Proposals Map. There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.
- 2 The proposed development fails to comply with NPF4 Policy 22a – Flood Risk and Water Management as the site is located within an area which is at high risk of fluvial flooding and the operational justification for the development being 920m away from the nearest sub-station is not accepted. There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.
- 3 The proposed development fails to comply with NPF4 Policy 11c – Energy as the proposal fails to provide a robust demonstration of how net economic impact and socio-economic benefits will be maximised.
- 4 The proposed development fails to comply with NPF4 Policy 11e, viii – Energy as the proposal does not adequately demonstrate that flood risk has been fully assessed or appropriately mitigated and the development has the potential to generate an increased discharge of surface water to the Dighty. Furthermore, the development fails to demonstrate that the water environment would be adequately safeguarded from potential pollution risks.
- 5 The proposed development fails to comply with NPF4 Policy 22c – Flood Risk and Water Management as the applicant has failed demonstrate that the proposals will not increase the risk of surface water flooding, nor do the proposals manage rain and surface water flooding through an appropriate SUDS design. There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.
- 6 The proposed development fails to comply with NPF4 Policy 26 – Business and Industry as the BESS is an industrial use and is not located within an area allocated for business or industrial use as defined within the Dundee Local Development Plan Proposals Map. The applicant has failed demonstrate that there are no sequentially preferable sites which are allocated within the LDP. There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.
- 7 The proposed development fails to comply with LDP Policy 36 – Flood Risk Management as the proposals are located in an area at high risk of fluvial flooding and the development will result in a land use which is more vulnerable to flooding than the existing use of the site. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
- 8 The proposed development fails to comply with LDP Policy 37 – Sustainable Drainage Systems as the proposals fail to demonstrate sufficient management of rain and surface water flooding through an appropriate SUDS design. There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.
- 9 The proposed development fails to comply with LDP Policy 38 – Protecting and Improving the Water Environment as the proposal fails to demonstrate that there is an appropriately sized buffer zone between the development and the watercourse. The development therefore has the potential to compromise the objectives of the Water Framework Directive (2000/60/EC).

There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.

- 10 The proposal fails to comply with LDP Policy 33 - Local Nature Conservation Designations as there is potential for pollutants to enter the water environment during an incident, which could impact on the conservation interests associated with The Dighty and Longhaugh Quarry Locally Important Nature Conservation (LINC) sites. Furthermore, the applicant has not demonstrated that there are no other suitable sites that could accommodate the development. There are no material considerations of sufficient weight which justify the approval of planning permission contrary to the requirements of the Development Plan.

The applicant submitted an appeal to the Directorate of Planning and Environmental Appeals (reference PPA-180-2077). The Reporter appointed by Scottish Ministers to consider this appeal issued the decision on 29 June 2026. The Reporter DISMISSED the appeal and REFUSED planning permission.

The full appeal decision can be accessed via:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=127919>

The determining issues in the appeal were flood risk and surface water management; safeguarding of the water environment; the principle of development at the site having regard to Development Plan allocations and alternative site selection; and the potential effects on biodiversity and nearby Local Nature Conservation Sites.

The Reporter concluded that insufficient evidence had been provided to justify the site's location within an area of flood risk; demonstrate appropriate drainage and pollution control measures; establish the absence of suitable alternative sites; or demonstrate that impacts on the Dighty Burn and associated nature conservation interests would be adequately addressed.

The Reporter found that the proposal did not accord with the Development Plan and that there were no material considerations that justified granting planning permission contrary to the requirements of the Development Plan.

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Planning Applications

Reports by Head of Planning & Economic Development to the Planning Committee

Item No	Case No/Ward	Location	Page
1	26/00204/FULL W03-West End	Blackness Nursery, Perth Road, Dundee	1
2	26/00336/FULL W03-West End	7 Osborne Place, Dundee, DD2 1BE	33
3	26/00371/S42 W05-Maryfield	Land at 56 Barrack Street, Dundee	45

Members may be aware that in making any determination under Planning Legislation, it shall be made in accordance with The Development Plan, unless material planning considerations indicate otherwise. NB: Background papers relating to these reports comprise letters of objection, correspondence with the applicants and/or their agents, comments from consultees and the Development Plan and other policy documents referred to.

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Proposed 80 Bed Care Home (Amendment Of 22/00302/FULL To Increase Number Of Bedrooms Within The Care Home)

KEY INFORMATION

Ward West End

Address
Blackness Nursery
Perth Road
Dundee

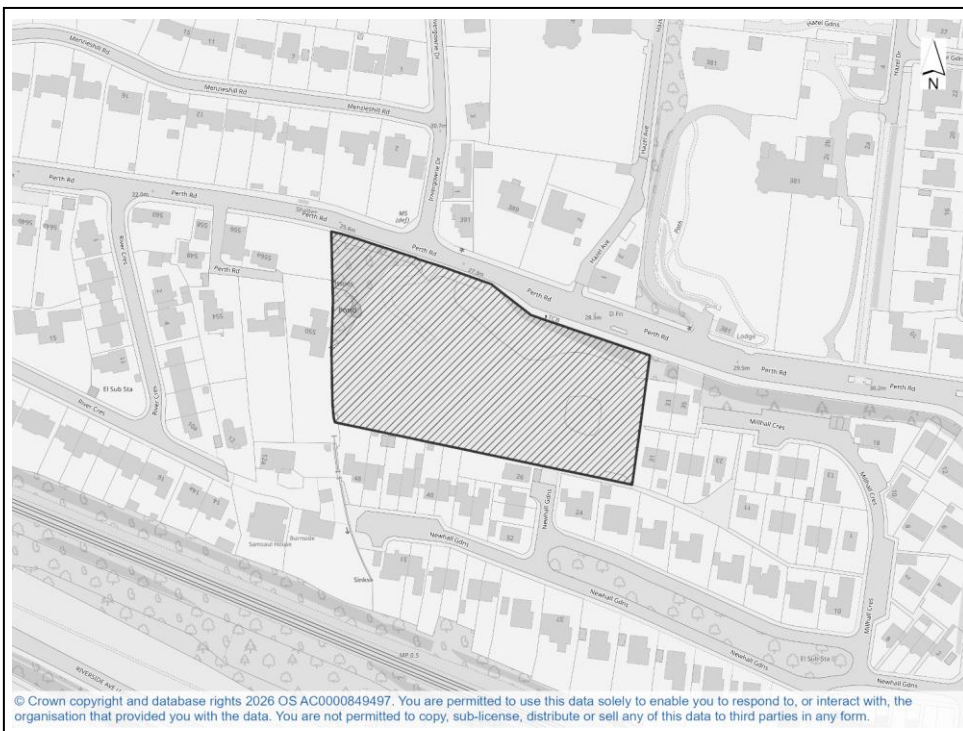
Applicant
Simply UK

Agent
Wellwood Leslie Architect

Validated 11 May 2026

Report by Head of Planning & Economic Development

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the erection of a care home with 80-bedrooms.
- There is an existing planning permission 22/00302/FULL for a 60-bed care home and a block of assisted living accommodation with 17 rooms; associated vehicle access onto Perth Road; landscaping, and drainage provision. This planning application seeks to alter the approved care home to increase the number of bedrooms in the care home element from 60 to 80. All other elements of the development, including assisted living accommodation, access road and landscaping are to be formed as the per the existing planning permission which was granted under 23/00302/FULL.
- As the principle of the erection of a care home has been accepted in the granting of the existing planning permission for the development, the planning authority should consider in particular the impact in planning terms of the change of the design and the increase in the number of bedrooms of the care home which is the subject of this planning application
- The statutory neighbour notification process was undertaken. Six letters of objection were received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six 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=TCKFB9GCJU400>

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.

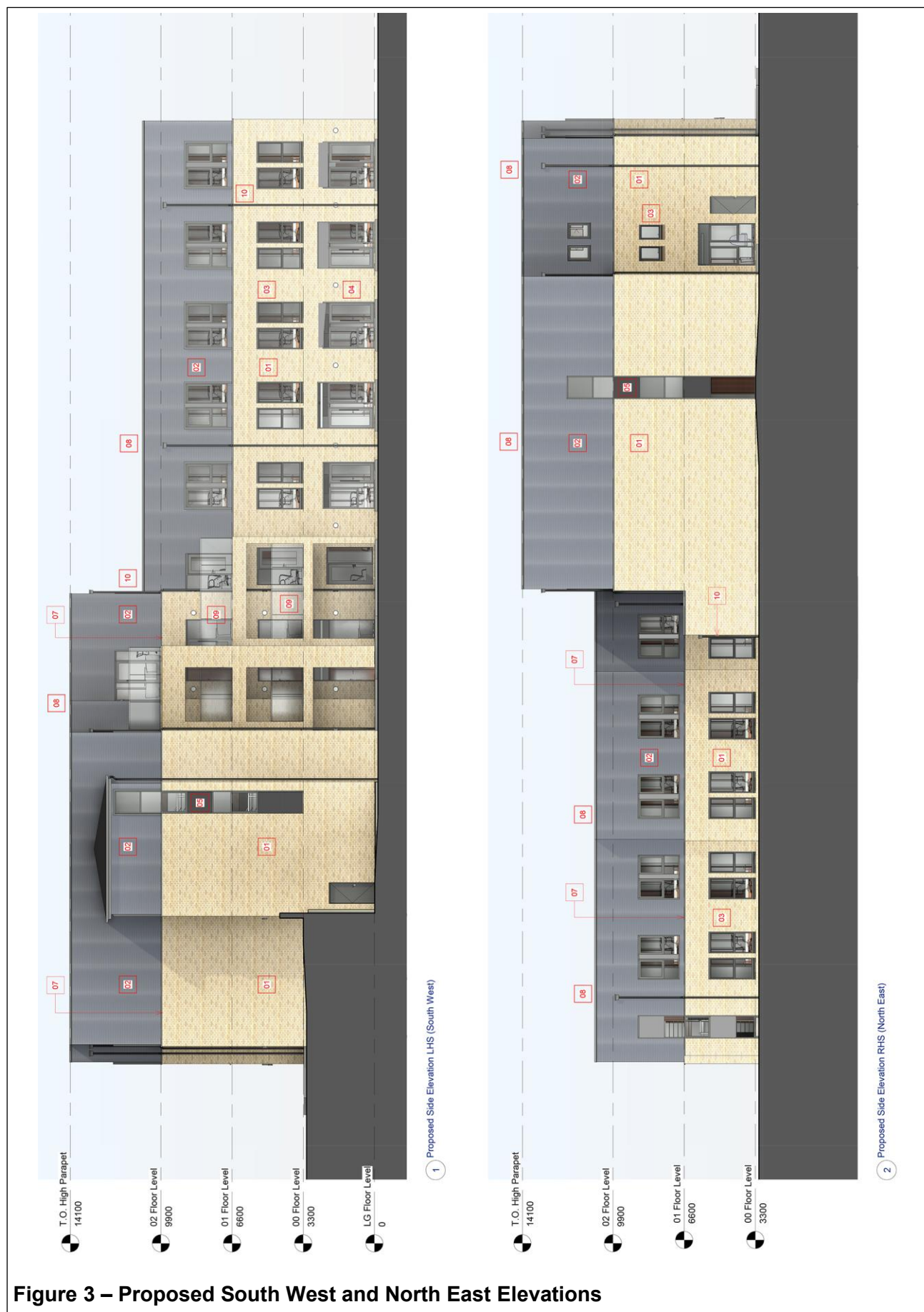
1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission 22/00302/FULL for a residential care complex comprising a 60-bed care home and 17 assisted living units with associated access, parking, landscaping and infrastructure work was granted by the Planning Committee in October 2022. That development could be progressed by the applicant as the suspensive planning conditions have been addressed.
- 1.2 This planning application seeks to amend the previously approved care home element of that permission to increase the number of bedrooms from 60 to 80. All other elements of the existing planning permission 22/00302/FULL, including assisted living units and access road, will be progressed as per the existing planning permission.
- 1.3 The proposed care home is of a size, form and finish which is in keeping with that of the previously approved care home. To accommodate 20 additional bedrooms the internal layout of the building has been altered, and new bedrooms are to be formed within a lower ground floor. The proposed 80 bed care home will provide specialist respite, dementia, palliative, convalescence and nursing care to residents. The building is three storeys high to the north elevation towards Perth Road, and four storeys to the south, the increase in height to this side is accommodated due to the sloping nature of the site. The building will provide accommodation within south and west wings, with communal facilities to the centre of the building and service areas within the east. The proposed accommodation within each wing includes bedrooms with en-suite bathrooms and lounges/dining rooms. The communal areas include amenity spaces as well as dining facilities, games room, hair salon and cinema. Service areas include laundry room, kitchen and plant room. Proposed finish materials include buff facing brick to external walls, with the top floor to be finished in slate grey cladding.
- 1.4 An increase in on site parking from 36 to 39 spaces is proposed, along with cycle storage and waste storage areas. To the southwest of the care home, landscaped garden ground is proposed which would be accessible to residents, and to the north-west further areas of landscaping are proposed. The garden ground and landscaped areas will include a mix of retained trees and new trees, along with shrubs and wildflower meadow planting.
- 1.5 The applicant has submitted the following in support of the application:
 - Planning Statement;
 - Design and Access Statement;
 - Flood Risk Assessment;
 - Drainage Strategy;
 - Biodiversity Enhancement and Invasive Species
 - Ecological Survey; and
 - Noise Impact Assessment.





Figure 2 – Proposed South East and North West Elevations



2 SITE DESCRIPTION

- 2.1 The application site measures 1.1 hectares and is located on the south side of Perth Road, at the junction with Invergowrie Drive.
- 2.2 The site has been vacant for over 20 years and was formerly a garden centre/plant nursery. 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, a small stream and small pond is located towards the western edge of the site.
- 2.3 Surrounding land uses are primarily residential comprising a mixture of house types.



Figure 4: View of Site From Perth Road



Figure 5: View of Site From Perth Road

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

Policy 1: Tackling the climate and nature crises
Policy 2: Climate mitigation and adaptation
Policy 3: Biodiversity
Policy 4: Natural places
Policy 6: Forestry, woodland and trees
Policy 9: Brownfield, vacant and derelict land and empty buildings
Policy 12: Zero waste
Policy 13: Sustainable transport
Policy 14: Design, quality and place
Policy 15: Local living and 20-minute neighbourhoods
Policy 16: Quality homes
Policy 19: Heating and cooling
Policy 22: Flood risk and water management
Policy 23: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)

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 55: Dundee Airport
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 following which 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 detached two-storey dwelling houses was approved, subject to conditions in June 2019.
- 4.5 Planning application 22/00302/FULL for the erection of a residential care complex including a care home and assisted living units was approved, subject to conditions in October 2022.

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 six letters of objection were received. The letters raised the following material considerations:
- detrimental impact on wildlife including bats and loss of trees;
 - 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 and proposed on-site parking provision is insufficient
 - concerns ground contamination within the site creates a safety risk; and
 - insufficient drainage and sewer capacity for the proposed development.
- 5.3 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 The following consultee comments were received;
- 6.2 **Highlands and Islands Airports Limited** – no objection to the proposed development.
- 6.3 **The Head of Environment** – has recommended planning conditions in relation to tree planting and provision of landscaping and biodiversity enhancements.
- 6.4 **The Head of Sustainable Transport and Roads** – has no objection to the proposed development, subject to recommended conditions.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

The provisions of the National Planning Framework 4 relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

- 7.2 **NPF4 Policy 23c: Health and safety** - states development proposals for health and social care facilities and infrastructure will be supported.
- 7.3 **NPF4 Policy 16c: Quality homes** – states that development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i self-provided homes;
 - ii accessible, adaptable and wheelchair accessible homes;
 - iii build to rent;
 - iv affordable homes;
 - v a range of size of homes such as those for larger families;
 - vi homes for older people, including supported accommodation, care homes and sheltered housing; and
 - vii homes for people undertaking further and higher education; and viii. homes for other specialist groups such as service personnel.
- 7.4 The proposed addition of 20 bedrooms falls within NPF4 Policy 16c,vi as homes for older people, including supported accommodation, care homes and sheltered housing. There is therefore a presumption in favour of the development under the provisions of NPF4 Policy 16c, vi.
- 7.5 **The proposal complies with NPF4 Policy 23c and NPF 4 Policy 16c.**
- 7.6 **LDP 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.

7.7 In respect of the above Criteria 1 - 6:

- 1 The proposal seeks to increase the number of bedrooms within the care home to 80 bedrooms. The main private amenity area within the site is located to the southwest of the proposed care home. The proposed amenity space provides approximately 800 square metres of useable, accessible garden ground for residents, with footpaths and areas of lawn and planting. 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 ensure there is no significant overshadowing from existing houses or the proposed development.

Further amenity spaces are proposed within the site, including to the north-west of the care home. These areas provide more than 1,000 square metres of landscaped garden ground with trees, pond, planting and wildflower meadows. To the north and south of the proposed building, 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 600 square metres of greenspace, and while 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 building is of a height and form which is appropriate within this sloping site. It is acknowledged the proposed care home is 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 building and neighbouring houses. Trees within the site, and planting towards site boundaries will support the integration of the proposed building within the streetscape. The proposed finish materials, including buff brick and slate grey cladding, are considered to be of high quality and complementary to the surrounding area.

In terms of neighbours, the site is bound 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 accommodation would be located 15 metres from houses to the west of the site, and over 18 metres from houses to the south. Due to the location and position of the neighbouring houses and design of the proposed development, there are no windows of

habitable rooms within 18 metres of windows of the neighbouring houses. Screening is to be provided at the car park to ensure there is no direct overlooking of garden ground. A roof terrace towards the centre of the care home building is more than 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, and along the access road onto Perth Road. The proposals to introduce a further 20 bedrooms would not result in any significant increase in traffic on local roads, and sufficient on-site parking is proposed to ensure there would be no significant increase in on street parking pressures in the local area. The layout of the care home ensures residential rooms are provided with a high-quality outlook. The position of the main entrance and service areas towards the centre of the site ensure 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 and 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 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 Glamis 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, with services to Ninewells, the city centre and Barnhill. These stops typically have three services an hour during the day Monday to Saturday, with a less frequent service on Sundays. There is a shared use cycle route to the east and west of the site linking Perth Road to the Green Circular on Riverside Avenue.
- 5 The applicant proposes 39 car parking spaces within the site, which provides sufficient space for staff and visitor vehicles.

7.8 The proposed care home 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 80-bedroom care home is acceptable in principle and would not lead to an excessive concentration of non-mainstream residential uses within the local area.

7.9 Lastly, LDP Policy 14 states that conditions should be attached to ensure that the development does not change into mainstream residential accommodation without full assessment. While 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.

- 7.10 **The proposal is in accordance with LDP Policy 14, subject to conditions.**
- 7.11 **NPF4 Policy 9a: Brownfield, vacant and derelict land** - states development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.12 The proposal is for a development within a vacant, brownfield site. The proposed development would be contained within an established residential area and is an appropriate, sustainable re-use of the site. As set out in the assessment above, there will be landscaped areas, pond, wildflower meadows and trees integrated into the landscaping of the site. A condition is recommended to ensure that the biodiversity and landscaping measures proposed are implemented.
- 7.13 **The proposal is in accordance with NPF4 Policy 9a subject to condition.**

Design

- 7.14 **NPF4 Policy 14a: Design, quality and place** - states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- 7.15 **NPF4 Policy 14b** - states development proposals will be supported where they are consistent with the 6 qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.
- 7.16 **LDP Policy 1: High-Quality Design and Placemaking** - states 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 places in accordance with the guidance provided in Appendix 1.
- 7.17 The proposed care home is of a size, form and finish which is largely in keeping with that of the care home approved under planning application 22/00302/FULL. To accommodate 20 additional bedrooms the internal layout of the building has been altered, and new bedrooms are to be formed within a lower ground floor. The position of the building within the site remains as previously approved. The overall height of the building is increased by 1.4 metres. No additional floors are proposed.
- 7.18 With regard to the character and amenity of the application site and Perth Road, the scale, massing and design of the proposed care home is such that the proposal will integrate into the existing streetscape. The height and form of the proposed building reflect 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 Harris Academy and the Invercarse Hotel. The proposal is 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.
- 7.19 The proposal would result in a distinctive development which respects the existing building lines and street pattern. The proposed finished materials, L-shaped form of the building and

glazed main entrance provide visual interest and ensures the buildings have active frontages. The location of windows and access location ensures there would be no significant impact on privacy within neighbouring buildings.

- 7.20 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 proposal contributes positively to the local streetscape and maintains the character of neighbouring buildings. The applicant has proposed materials including buff brick masonry and slate grey which are acceptable and would create a development which maintains the character and quality of development in the local area.
- 7.21 The proposed ground floor of the care home would contain reception and amenity spaces including lounges, dining areas and a hairdresser 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.
- 7.22 A 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 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.
- 7.23 With regard to the six qualities of successful place:
- 1 Healthy – the proposed development includes access routes and paths within the site which are safe and welcoming. Greenspaces are to be provided within the site, and the development would contribute to walkable neighbourhoods. The development will be accessible and inclusive, create a sense of community and re-activate a vacant brownfield site.
 - 2 Pleasant – 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.
 - 3 Connected – the proposed care home would connect to existing footpaths to the north on Perth Road, ensuring integration into the surrounding footpath network. This enables access to surrounding residential areas, local services, cycle routes and open spaces. The site also benefits from access to public transport links including bus stops on Perth Road. 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.
 - 4 Distinctive - the development comprises a residential care home to be sited within the west of a wider development of a residential care complex. The complex will include assisted living accommodation with associated gardens, 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 would be contained within a three and four storey building, to be set within a sloping site. The building 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.

- 5 Sustainable – this site contains vacant brownfield land which has been unoccupied for over 20 years. The proposed development would integrate with the mix of development within this developed urban area. The proposal has been designed to include energy efficient materials and low carbon technologies which reduce heat loss and emissions. The site is in a highly accessible location, supporting access to local services and facilities within the surrounding area.
- 6 Adaptable – the care home has been designed to meet current standards with regard to residential care homes, including the provision of a range of amenities for residents and facilities for staff. The care home responds to social priorities through the provision of a care facility within an established residential area supporting ease of access for staff and family of residents. The site would be managed and maintained by the care home ensuring continuous upkeep.

7.24 The proposal meets the six qualities of successful places as required by NPF4 Policy 14 and LDP Appendix 1.

7.25 The proposed residential care home would contribute to the range, size and types of development within the west of the city. The alterations proposed to provide 20 additional bedrooms within the building has no detrimental impact on the design or layout of the proposed development. The building is of a height and massing which integrates with the form of this sloping application site and would contribute to the character and appearance of the surrounding area.

7.26 The proposal is in accordance with NPF4 Policy 14a and b and LDP Policy 1.

7.27 **NPF4 Policy 12a: Zero waste-** states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

7.28 **NPF4 Policy 12c** - states that development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

- i provision to maximise waste reduction and waste separation at source;
- ii and measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

7.29 **LDP Policy 44: Waste Management Requirements for Development** - states 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 be prepared and used during the construction of major developments.

7.30 The proposed 80 bed care home will have a bin storage area to the east elevation of the building towards the centre of the site. The proposed bin storage area is of a size and form which can accommodate bins required for waste separation and the collection of recyclables in line with the waste hierarchy. Waste collection vehicles will access the storage area via the

proposed access road onto Perth Road. Space is provided within the site for the safe removal of waste.

- 7.31 **The proposal complies with NPF4 Policy 12a and LDP Policy 44.**
- 7.32 **LDP Policy 2: Public Art Contribution** - states 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.
- 7.33 The applicant proposes public art features towards the site entrance onto Perth Road, comprising recessed wall and railings with ornamental planting. This is acceptable in principle. Full details of the artwork and a timescale for implementation require to be agreed. This is proposed to be secured by condition.
- 7.34 **The proposal complies with LDP Policy 2, subject to a condition.**
- 7.35 **LDP Policy 55: Dundee Airport** – states new developments in the vicinity of Dundee Airport will be required to be designed to comply with airport safety requirements. Developments which increase risk to airport safety will not be permitted.
- 7.36 The proposed care home is sited 450 metres north of Dundee Airport and is to include solar panels within its roof. The applicant has submitted a glint and glare assessment which considers any impacts of the proposed development may have on aircraft safety.
- 7.37 The assessment indicates that the proposed development would not introduce any unacceptable impact towards light sensitive receptors at Dundee Airport and as such, no mitigation is required. The report has been reviewed by Highlands and Islands Airports Limited who have no objection. The proposed care home and solar panels within the roof would have no impact on airport safety requirements.
- 7.38 **The proposal complies with LDP Policy 55.**

Biodiversity and Wildlife

- 7.39 **NPF4 Policy 3a: Biodiversity** - states that development proposals will contribute to the enhancement of biodiversity including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- 7.40 An Ecological Survey, Biodiversity Enhancement and Invasive Species Assessment and Biodiversity Enhancement Plan have been submitted.
- 7.41 With regard to habitat, the submitted reports acknowledge 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. Trees have been removed from the site in recent years. To mitigate for this loss, new tree and shrub planting which is designed and managed for biodiversity enhancement will require to be provided.
- 7.42 In relation to wildlife, the site has been surveyed and no evidence of badgers or small mammals using the land was found. It is considered there is little likelihood of those species using the site, and no further inspections/surveys are recommended. However, the survey recommends a precautionary approach is adopted during construction to safeguard any small mammals that might access the site.

- 7.43 The site is considered to contain no roosting opportunities for bats. However, there is potential for bats to forage within the site. There is potential for bird nesting in the semi-natural habitats including trees on site. It is recommended any clearance works be undertaken outside the bird nesting season, that planting be provided which supports biodiversity and that bird and bat boxes be installed on site.
- 7.44 The submitted reports demonstrate the proposed development would have no significant impact on protected species or ecology within the site. The applicant has proposed biodiversity enhancement and landscaping plans which demonstrate appropriate measures can be provided to both enhance the biodiversity value of the site and mitigate for tree loss. It is recommended the provision of planting, and its maintenance along with the provision of biodiversity enhancement measures including installation of bird and bat boxes be controlled by condition.
- 7.45 **The proposal complies with NPF4 Policy 3a, subject to a condition.**
- 7.46 **NPF4 Policy 4f: Natural places** - states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- 7.47 **LDP Policy 34: Protected Species** - states 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.

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.

- 7.48 An Ecology Survey was submitted with the application. This sets out that there will be no impact on red squirrel, otter, pine marten or badgers, but precautionary measures should be put in place to safeguard small mammal species during construction. The site is considered to contain no roosting opportunities for bats and limited foraging opportunities. However, there is potential for bird nesting. Any site clearance works should be undertaken out with the bird nesting season. If any works are progressed during the nesting season, a survey will be required.
- 7.49 The Ecology Survey recommends new planting along with bat and bird boxes be provided to ensure there is no significant impact on protected species or ecology within the site. The

implementation of these recommendations can be controlled by condition in the interest of protecting species and enhancing biodiversity.

- 7.50 **The proposal complies with NPF4 Policy 4f and LDP Policy 34, subject to conditions.**
- 7.51 **NPF4 Policy 6a: Forestry, Woodland and Trees** - states development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 7.52 **LDP Policy 35: Trees and Urban Woodland** - states 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.
- 7.53 Trees within the application site are subject to Tree Preservation Order 02/2001. The site contains a range of tree types including Sycamore, Ash and Cherry. Since the approval of planning application 22/00302/FULL, the applicant has undertaken works to remove over 10 trees and cut back areas of overgrown planting. The site retains several mature trees and areas of overgrown planting at present.
- 7.54 An Arboricultural Impact Assessment is submitted with the application. The report confirms most trees remaining within the site are to be retained. The report recommends the removal of a further four trees. The trees are category U, being of low quality and value and either uprooted or within proximity to the burn within the site which has impacted on growth. The remaining trees within the site, which includes Category A, B and C trees are to be retained. To mitigate for the loss of trees within the site, including trees felled to date and the further trees proposed within this application, the applicant proposes a range of new planting and the protection of trees within the site.
- 7.55 The site layout is sensitive to mature trees and supports retention of existing landscaping. The proposed landscaping includes the planting of 84 trees and a range of other shrubs which are appropriate species for this site.
- 7.56 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.

- 7.57 **The proposal complies with NPF4 Policy 6a and LDP Policy 35, subject to a condition.**

Transportation and Local Living

- 7.58 **NPF4 Policy 13b: Sustainable transport** - states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii will be accessible by public transport, ideally supporting the use of existing services;

- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii adequately mitigate any impact on local public access routes.

- 7.59 The applicant seeks to increase the number of bedrooms within the care home from 60 to 80. There would be up to 30 members of staff working within the care home and 39 onsite parking spaces are proposed.
- 7.60 The proposed care home would be connected to Perth Road via a new access road and footpath designed to DCC specifications, ensuring safe access for walking, wheeling, cycling and road vehicles. The connection to Perth Road provides links to a range of walking, wheeling and cycling networks within the surrounding area. The proposal complies with criterion i.
- 7.61 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. Bus services into the city centre provide links to a range of local and long-distance services, as well as Dundee Railway Station supporting integrated journeys. Secure cycle storage for staff and visitors is to be provided within the site. The proposal will be accessible by a range of sustainable transport options. The development is therefore in compliance with criterion ii, ii and iii.
- 7.62 The development will provide active EV charging points within the car park, along with infrastructure to provide additional charging points in future. The provision of full details of the charging points can be secured through the building standards process. The proposal complies with criterion iv.
- 7.63 Full details of the location and form of external cycle storage have been provided. The applicant has demonstrated that suitable cycle parking will be provided on site for staff and visitors of the care home. It is recommended the installation of the proposed cycle parking prior to the occupation of the care home be secured through a planning condition. The proposal complies with criterion v.
- 7.64 The layout of roads and footpaths within the site will provide safe access to vehicles, pedestrians and cyclists. Minor alterations to the existing footpath and vehicle access on Perth Road are proposed. The applicant has submitted details which demonstrate the works can be completed to Dundee City Council standards. Planning conditions are recommended in relation to the full details of the roads and footpaths within the site being agreed with the Council. The nature and scale of the proposed road layout are such that vehicles cannot travel at significant speed. The proposal complies with criterion vi.

7.65 As discussed above the development will be accessible and promote ease of movement for residents, staff and visitors. The increase in bedrooms to 80 would no result in any significant increase in travel demand to the site, with sufficient capacity within the site and surrounding road network to accommodate the development. Planning conditions are recommended in relation to matters including the provision of cycle storage and forming the vehicle access onto Perth Road in line with DCC standards. The proposal complies with criterion vii and viii.

7.66 **The proposal complies with NPF4 Policy 13b.**

7.67 **LDP Policy 54: Safe and Sustainable Transport** – states 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. 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.

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

7.68 A variety of options for transportation are available to the site given the proximity to a bus stop and walking and cycling routes. The proposal complies with criterion 1.

7.69 The proposal incorporates opportunities for cycling and walking. The proposal complies with criterion 2.

7.70 There is a bus stop within 400m of all parts of the site which complies with criterion 3.

7.71 The Transport Statement considers the future impacts of the proposed care home on the surrounding road network. The statement demonstrates a care home of this size would have no detrimental impact on the local road network or road safety.

7.72 For this type of development, criterion 5 would mainly be concerned with waste access. Refuse vehicles will be able to enter and exit the site. The proposal complies with criterion 5.

- 7.73 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.
- 7.74 The Transport Statement includes a summary of public transport provision. It is recommended that the implementation of a detailed, up to date Travel Plan is secured by condition in order to comply with criterion 7.
- 7.75 **The proposal complies with NPF4 Policy 13b and LDP Policy 54, subject to conditions.**
- 7.76 **LDP Policy 56 Parking** - states 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. Residential developments should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas. 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 parking with changing facilities should be provided for employees.
- 7.77 The proposed development would provide 39 parking spaces, including seven disabled bays and three bays served by EV charging points. The Dundee Streets Ahead document requires nursing homes to provide 1 space per 6 residents plus 1 space per 2 staff members. To meet this requirement 14 spaces will be required for residents and 15 spaces for the up to 30 members of staff that would be on site. Therefore, a total of 29 parking spaces must be provided for the care home.
- 7.78 The parking spaces are to be shared with 17 assisted living accommodation units to the east, as planning application 22/00302/FULL. The Dundee Streets ahead document requires 1 space per 2 dwellings, therefore 9 spaces are required for the assisted living accommodation. With 29 spaces required for the care home and 9 for the assisted living accommodation, the provision of 39 spaces within the site addresses Dundee Streets Ahead requirements. The proposed parking provision is sufficient and would have no detrimental impact on existing parking provision within the surrounding area.
- 7.79 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. Therefore, the appropriate provision for this development is 8 spaces for the residential care home.
- 7.80 The proposal includes the provision of two cycle storage areas. A covered, secure cycle storage area with space for 8 cycles is to be provided within centre of the site, to the east of the care home. A second cycle storage area with space for a further 8 cycles is proposed to the north of the access road, adjacent to the main entrance of the care home. These spaces would be open in nature and for public use.
- 7.81 The proposal includes suitable provision of both covered secure cycle parking and accessible cycle parking for use by staff, residents and visitors in easily accessible locations. This will support the use of active travel and ensure sufficient on-site cycle parking is provided. Staff changing facilities are provided within each floor of the proposed care home.
- 7.82 It is recommended full details of the cycle storage and its implementation prior to occupation of the development is controlled by condition.
- 7.83 The proposal is in accordance with LDP Policy 56, subject to a condition.

7.84 **NPF4 Policy 15a: Local Living and 20-minute neighbourhoods** - states development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets; and
- affordable and accessible housing options, ability to age in place and housing diversity.

7.85 The principle of a care home within this site is established through the existing planning permission 22/00302/FULL. The application site could accommodate a development of a scale, form and density which contributes positively to the settlement pattern, connectivity and character of Perth Road and the surrounding area.

7.86 Footpaths are provided on Perth Road, which provide connections between the site and surrounding residential areas, shops, services, open spaces and public transport links. The development will both provide access to and create employment opportunities and provide a social care facility within an established community.

7.87 Overall, the proposed development is well connected to surrounding facilities and services by new and existing footpaths and roads. The development would be sited within an established residential part of the city and would have access to shops and services in support of the principles of local living.

7.88 **The proposal is in accordance with NPF4 Policy 15a.**

Sustainable Drainage Provision and Flood Risk

7.89 **NPF4 Policy 22c: Flood risk and water management** - states development proposals will:

- not increase the risk of surface water flooding to others, or itself be at risk;
- manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue/green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
- seek to minimise the area of impermeable surface.

- 7.90 **LDP Policy 37: Sustainable Drainage Systems** - states 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.
- 7.91 A Drainage Strategy, including proposed drainage plans and calculations is submitted with the planning application. The applicant has been in discussion with Dundee City Council regarding drainage proposals for the site. As there is limited capacity within the existing surface water drainage system in the surrounding area, drainage proposals will require to demonstrate surface water can be managed on site.
- 7.92 The applicant has submitted proposals for an infiltration system which would see surface water stored on site before being discharged at a controlled rate. This could be to the watercourse to the south-west of the site, with water then flowing to a soakaway on Riverside Avenue.
- 7.93 This proposed drainage strategy has been reviewed by Dundee City Council's City Engineer. The route of the proposed drainage system would address concerns with additional surface water entering drainage systems on Newhall Gardens. The soakaway adjacent to Riverside Avenue could 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.
- 7.94 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 on-site 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.
- 7.95 NPF4 Policy 22d: states that development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- 7.96 It is submitted that the site will be connected to the public water mains.
- 7.97 **The proposal complies with NPF4 Policy 22c and d and LDP Policy 37, subject to conditions.**
- 7.98 **LDP Policy 36: Flood Risk Management** - Low to Medium Risk Areas of the Local Development states 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 event.

- 7.99 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 200 year plus climate change event, with potential for water to flow into the site from the north. The development has been designed to ensure water is routed through the site and 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.
- 7.100 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. 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 secured by condition.
- 7.101 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.
- 7.102 **The proposal can satisfy NPF4 Policy 22a and LDP Policy 36, subject to conditions.**

Environmental Health and Ground Contamination

- 7.103 **NPF4 Policy 23e: Health and safety** - states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.104 **LDP Policy 39: Environmental Protection** - states 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.
- 7.105 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 previously approved care home as approved under 22/00302/FULL included a Noise Impact Assessment which identified a requirement for noise mitigation measures. The applicant has submitted an updated Noise Impact Assessment (NIA) with the current application which assesses the impact of the changes to the development due to the increase in bedroom numbers from 60 to 80.
- 7.106 There is a continued requirement for mitigation measures to be provided to meet internal noise levels, including closed windows with trickle ventilation. Enclosures are required in locations where plant equipment is proposed to ensure noise levels meet target criteria. 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.
- 7.107 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.

- 7.108 Subject to the implementation of mitigation measures identified within the NIA and controlling of maximum noise levels associated with plant equipment the development would have no detrimental impact on residential amenity. These matters can be controlled by condition.
- 7.109 **The proposal complies with NPF4 Policy 23e and LDP Policy 39, subject to conditions.**
- 7.110 **NPF4 Policy 9c: Brownfield, vacant and derelict land and empty buildings** - where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 7.111 **LDP Policy 41: Land Contamination** - states development of potentially contaminated or statutorily identified contaminated land will be considered where:
- a site investigation is submitted establishing the nature and extent of contamination; and
 - 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.
- 7.112 The brownfield site is presently in an unkempt state with grass, shrubs and trees occupying much of the site. The applicant has submitted a Site Investigation Report which considers the application site and scope for contamination to be present.
- 7.113 The report and its conclusions are supported in principle. However, updates are required along with a finalised remediation strategy.
- 7.114 It is recommended planning conditions are attached to any planning permission granted in relation to the completion of an updated site investigation and provision of a remediation strategy prior to any works on site.
- 7.115 **The proposal complies with NPF4 Policy 9c and LDP Policy 41, subject to a condition.**

Climate Change and Low Carbon Technologies

- 7.116 **NPF4 Policy 1: Tackling the climate and nature crises** - states when considering all development proposals, significant weight will be given to the global climate and nature crises.
- 7.117 Through the assessment of this planning application consideration has been given to the global climate and nature crises. The assessment of the proposal against policies relating to biodiversity, transport, waste, flooding and drainage considers the local level effects of the development.
- 7.118 The proposal includes the erection of a care home within a brownfield site in the west of the city. The site has an existing planning permission 22/00302/FULL for a care home and assisted living accommodation and would support the re-use of a vacant site within an established residential area.
- 7.119 The proposed care home would include insulation and low carbon technologies to current building standards. The development would be connected to the surrounding area by existing roads and the footpath networks which support the use of active travel. The proposal will

integrate with existing development and not result in any accumulative impact on the wider environment.

- 7.120 The proposals include biodiversity enhancements. The development would be constructed to modern building standard requirements and is in an accessible location.
- 7.121 **The proposal complies with NPF4 Policy 1.**
- 7.122 **NPF4 Policy 2a: Climate mitigation and adaptation** - states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- 7.123 **NPF4 Policy 2b:** states that development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.124 **LDP Policy 48: Low and Zero Carbon Technology in New Development** - states 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.
- 7.125 An Energy and Sustainability Report has been submitted with the application. The statement outlines proposals for the use of sustainable and energy efficient materials and technologies within the building. This includes the building being designed and constructed to exceed building regulations regarding energy efficiency, and through the use of air source heat pumps and solar panels. The submitted report outlines how the development would provide sustainable, low carbon solutions to heating and energy provision.
- 7.126 The proposal is acceptable, with a detailed energy strategy to be progressed at the building warrant stage. Through compliance with building regulations, the proposal would meet the requirements of LDP Policy 48 and would minimise greenhouse gas emissions.
- 7.127 In respect of part b) of NPF4 Policy 2 and adapting to climate change risks, a flood risk assessment and drainage proposals have been submitted with the application. These reports consider future flood risks and the impacts of climate change. Through the provision of a sustainable drainage system, the proposals would adapt to current and future risks from climate change.
- 7.128 **The proposal complies with NPF4 Policy 2 and LDP Policy 48, subject to a condition.**
- 7.129 **LDP Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement requires 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.
- 7.130 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.

- 7.131 While 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.
- 7.132 **The proposal complies with LDP Policy 46.**
- 7.133 **NPF4 Policy 19f: Heating and cooling** – states that development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.
- 7.134 The sustainability statement submitted with the application advises that consideration has been given to construction materials and low carbon technologies which maximise the energy efficiency of the development.
- 7.135 It is proposed to provide solar panels and air source heat pumps within the development to support the long-term sustainability of the building. A number of the resident rooms will be within the south facing elevation, and the building will be constructed to current building standards with regard to insulation and use of low carbon technologies.
- 7.136 **The proposal complies with NPF4 Policy 19f.**
- 7.137 **It is concluded that the proposal accords with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – Letters of Representation

- 7.139 Six letters were received objecting to the proposal. The objections raised the following valid material grounds:
- 7.140 Objection - detrimental impact on wildlife including bats and loss of trees.
- 7.141 Response – The applicant has provided supporting information including an Ecology Survey, Biodiversity Enhancement and Invasive Species Report and Arboricultural Impact Assessment with the application. As considered under NPF4 Policy 3a and 4f, the proposal would have no significant impact on wildlife or protected species subject to any site clearance works being undertaken out with the bird breeding season. The proposal includes the retention of a number of trees within the site, along with the provision of new planting and biodiversity enhancement measures including installation of bird and bat boxes. The provision of planting and biodiversity enhancement measures can be controlled by condition to ensure the development contributes to biodiversity within the site. The submitted information demonstrates there would be no detrimental impact on wildlife, no significant tree loss and suitable new planting is proposed.
- 7.142 Objection - development is of a scale and form which is not in keeping with the local area.
- 7.143 Response – The additional bedrooms are formed through the amendment of the layout of the ground, first and second floors as well as the extension of the lower ground floor. The proposed building is in keeping with the scale and form of the previously approved care home as approved under planning permission 22/00302/FULL. No additional floors are proposed.

As assessed under NPF4 Policy 14 and LDP Policy 1 the building is of a scale, form and finish which is appropriate to this site and the surrounding area.

- 7.144 Objection - development will result in overlooking and overshadowing of surrounding houses and garden ground.
- 7.145 Response – The design of the proposed care home has been considered by the applicant to ensure all windows of habitable rooms are over 18 metres from neighbouring houses, and areas towards the site's boundary including the car park feature screening to ensure there is no direct overlooking of neighbouring garden ground to the south of the site. With regard to overshadowing, there will be overshadowing associated with the proposed care home 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.
- 7.146 Objection - the proposed onsite parking provision is insufficient and proposed access onto Perth Road raises road safety concerns.
- 7.147 Response - As assessed under NPF4 Policy 13b and LDP Policies 54 and 56, 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 Council specifications. This will ensure a safe access is formed, with sufficient vehicle visibility when entering Perth Road.
- 7.148 Objection - concerns ground contamination within the site creates a safety risk.
- 7.149 Response – The potential for ground contamination within the site has been considered by the applicant and reviewed within a submitted site investigation report. The investigation found potential contaminants including lead and zinc within the site, as well as a requirement for ground gas protection measures to be provided. The report recommends the removal of on-site contaminants and provision of protection measures during construction of the building. The removal of contaminants will improve the quality and safety of the site, and measures are to be included within the development to address any future risks. The provision of a detailed remediation strategy, and submission of verification reporting to demonstrate all required measures have been implemented is to be controlled by condition.
- 7.150 Objection - insufficient drainage and sewer capacity for the proposed development.
- 7.151 Response – concerns were raised that there is insufficient sewer capacity for the proposed development within the surrounding area, including existing sewers on Newhall Gardens. The capacity of the existing combined surface water and foul water systems has been considered. The applicant has submitted 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. Regarding foul water, the proposed development could connect to an existing Scottish Water sewer within the site. The provision of full details of the drainage scheme for approval, and thereafter its implementation and maintenance can be controlled by condition.
- 7.152 The matters raised in objections have been fully considered. It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.

B – Planning Permission 22/00302/FULL

- 7.153 Planning permission 22/00302/FULL for a residential care complex comprising a 60-bed care home and 17 assisted living units with associated access, parking, landscaping and infrastructure work was granted in October 2022. That development could be progressed by the applicant as the suspensive planning conditions have been addressed.
- 7.154 The existing planning permission is a material consideration which supports the approval of the proposed 80 bedroom development, as the principle of a residential care facility within this site is established.
- 7.155 **It is concluded that there are no material considerations which would justify refusal of planning permission contrary to the development plan.**

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** – 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.
 - 2 **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.
 - 3 **Condition** - development shall not begin until an updated site investigation and remediation scheme are submitted to and approved in writing by the planning authority. The scheme 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 demonstration of the durability and expected life-span of the remediation
 - iv measures to deal with contamination during construction works, including management of dust, odours and other emissions.
 - v 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.

- 4 **Condition** – prior to occupation of any of the rooms within the development, the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation scheme 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.

- 5 **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

- 6 **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.

- 7 **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.

- 8 **Condition** – prior to occupation of any of the rooms within the development, the mitigation measures outlined in the Noise Impact Assessment produced by RMP entitled "Blackness Nursery Site, Perth Road, Dundee, dated 22 June 2026" including Appendix A, shall be implemented in full. Should any amendments be proposed to the specified plant noise and car park mitigation measures, a revised NNIA shall be submitted to the Planning Authority for approval prior to construction and thereafter implemented in accordance with the approved scheme.

Reason - in the interests of protecting residential amenity.

- 9 **Condition** – the total noise from all mechanical and electrical plant/services shall not exceed NR 35 as measured 1 metre external to the facade of existing adjacent residential accommodation.

Reason - in the interests of protecting residential amenity.

- 10 **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.

- 11 **Condition** - the cycle storage provision, as illustrated on drawing "Proposed Site Plan" dated 27 March 2026, and detailed on drawings "Visitor Cycle Store – Non Secure" dated 27 March 2026 and "Staff Cycle Store – Secure" dated 27 March 2026 shall be formed and implemented prior to occupation of the residential care facility hereby approved.

Reason - in the interests of sustainable travel measures.

- 12 **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.

- 13 **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.

- 14 **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.

- 15 **Condition** - the biodiversity enhancement measures and associated maintenance schedule, as outlined in Blackness Care Home, Dundee – Biodiversity Enhancement Plan, dated March 2026 shall be implemented in full as part of the development.

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

- 16 **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 facility 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.

- 17 **Condition** – the recommendations laid out in Section 5. and Section 6. of the "Updated Ecology Survey" dated 27 March 2026 by Skorpa Ecology 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.

- 18 **Condition** – all planting and landscaping work as illustrated on drawing “Landscape Layout” dated 18 March 2026, shall be implemented on site prior to first occupation of the residential care facility hereby approved. Thereafter, the planting shall be maintained as outlined in Planting Notes & Landscape Maintenance and Management Proposals dated March 2026. 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.

- 19 **Condition** - prior to the commencement of any development, any site scraping or entry of construction traffic, full details of tree protection fencing in accordance with BS5837:2012 shall be submitted to the council for approval. Thereafter, the agreed fencing shall be erected on site in the agreed positions 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 Council 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.

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

External Alterations and Erection of Extension to Provide Ancillary Accommodation

KEY INFORMATION

Ward (West End)

Address

7 Osborne Place

Applicant

Mrs Frances Dreyer

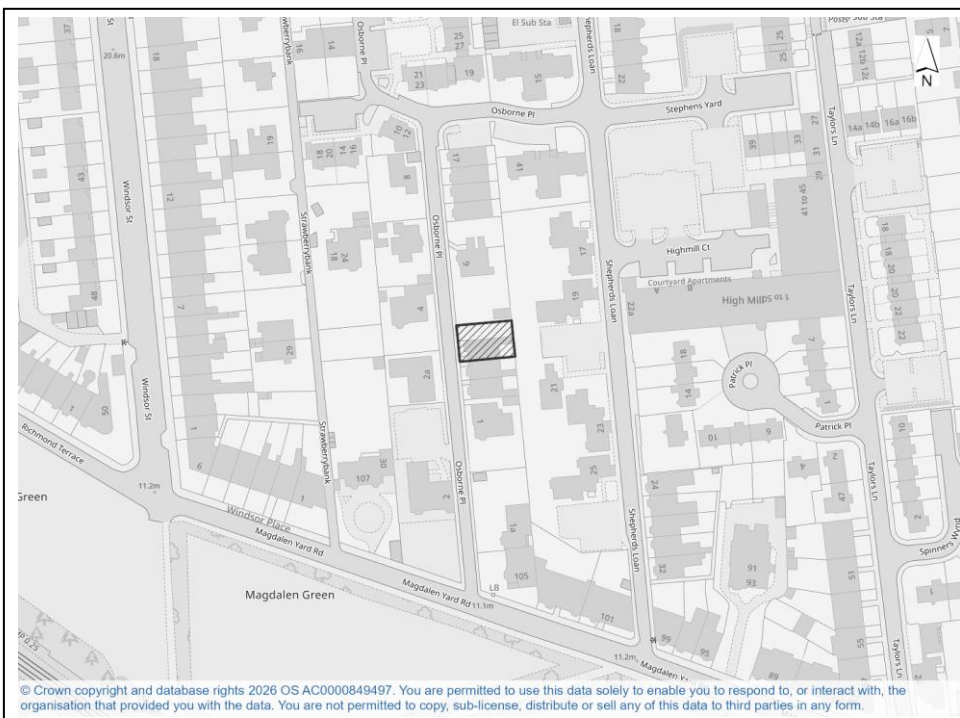
Agent

Andrew Taylor
125 Architects

Validated: 1 June 2026

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

Contact: Siobhan Johnson



SUMMARY OF REPORT

- Planning permission is sought for a single storey extension on the north elevation and alterations to the rear elevation and a previous extension.
- The application is fully in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. No letters of objection have been received.
- In accordance with Dundee City Council's Discretionary Scheme of Delegation in relation to Development Management, this application requires to be determined by the Planning Committee, as it has been submitted by, or on behalf of an Officer of the Council involved in the statutory planning process.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=TFYC5OGCLAN00>

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 The proposed single-storey extension would be located on the north elevation of the house. It would measure 8.5 metres in length x 4.8 metres in width and would provide a bedroom, shower room, and open-plan kitchen/living area. A recessed outdoor area and patio would be formed on the front, west elevation, providing access to a patio and the existing garden. The extension would be finished in white render and horizontal timber cladding, with a black standing-seam metal mono-pitched roof and aluminium framed windows and doors. The west elevation would be fully glazed, incorporating a matt black three-panel sliding door set and a separate access door. Two windows would be installed on the east elevation. The north elevation would remain blank.
- 1.2 The extension would be connected to the existing house through an existing cupboard which would be opened on the north elevation of the house.
- 1.3 Alterations to the existing house include the installation of a new glazed door in place of an existing window on the rear elevation. Within an existing extension situated to the rear of the house, new windows and a door are proposed within the existing openings. In addition, an existing door would be removed with the opening rendered to match existing.

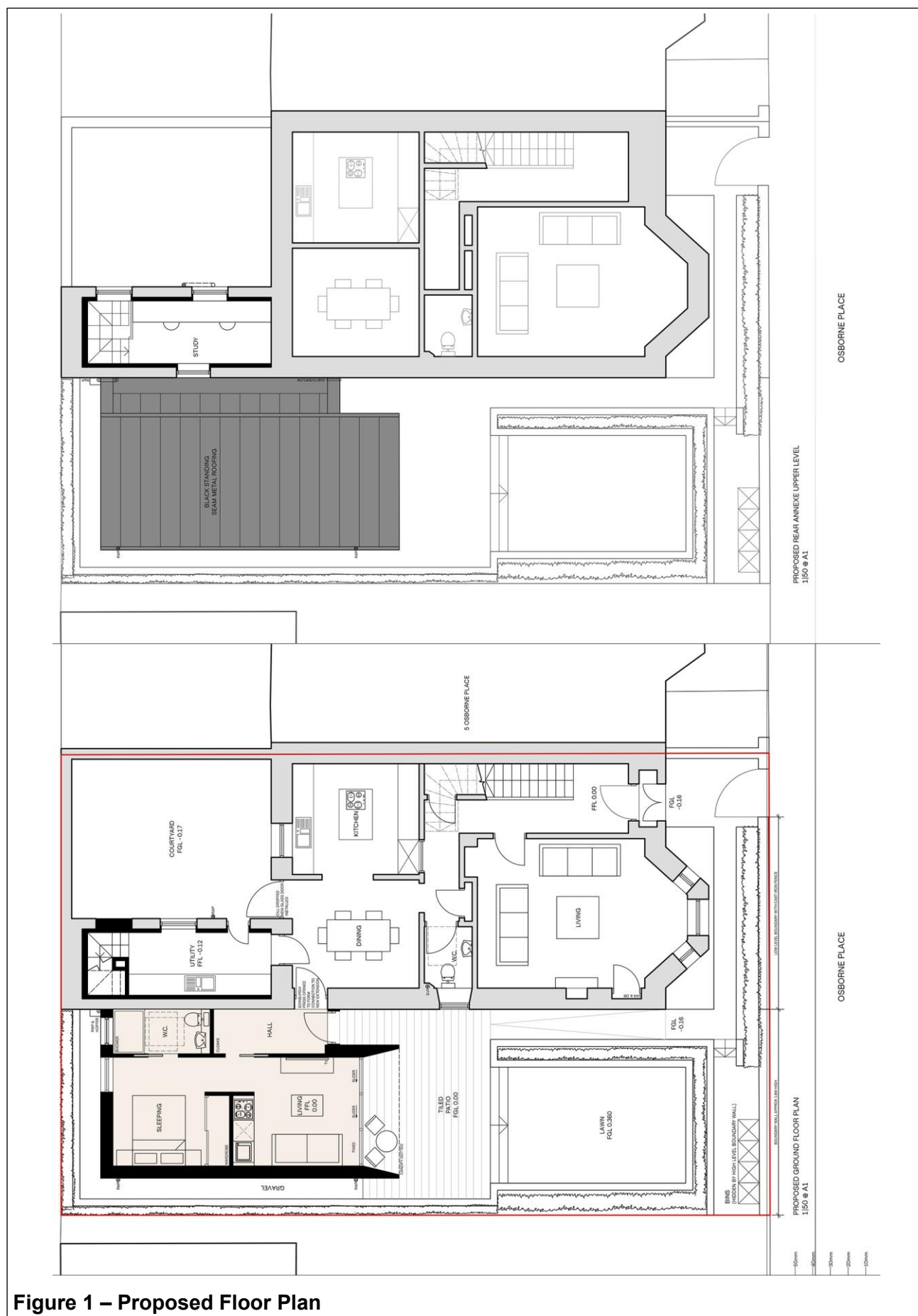
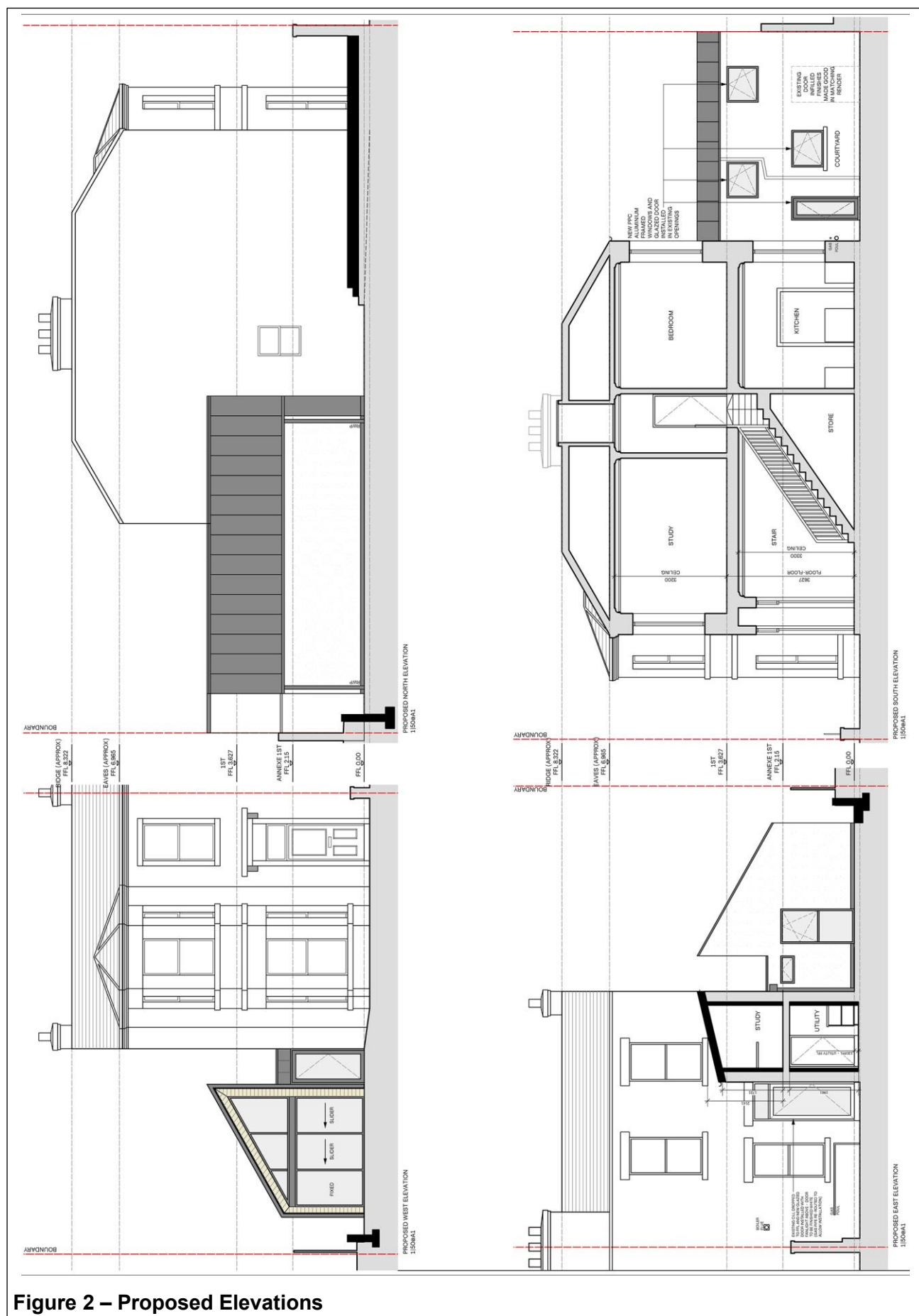


Figure 1 – Proposed Floor Plan



2 SITE DESCRIPTION

- 2.1 The application site is located to the east of Osborne Place within the West End Lanes Conservation Area. The property comprises an end terrace, traditional stone-built house of 2.5 storeys which has been historically extended to the rear. This historic extension accommodates a utility room, store and study. An internal courtyard is located to the rear of the house, with garden ground located to the north side of the house and a smaller garden to the front of the house fronting Osborne Place. Boundary treatments include a stone wall approximately 2 metres in height along the east and part of the western boundaries; a 1.8-metre-high timber close boarded fence along the north boundary, and a low stone wall and railings to the front of Osborne Place.



Figure 3 – North (Side) Elevation



Figure 4 – West (Front) Elevation

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 7: Historic assets and places

Policy 16: Quality homes

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 11: Householder Development

Policy 51: Development in Conservation Areas

Householder Development - Advice and Best Practice Supplementary Guidance

- 3.2 Statutory Planning Policy

The following statutory policies are relevant to this application:

Historic Environment Policy for Scotland (2019)

- 3.3 Non-Statutory Statements of Council Policy

West End Lanes Conservation Area Appraisal

4 SITE HISTORY

- 4.1 Planning permission (Application reference: 23/00252/FULL) for an extension to the north elevation was approved July 2023.
- 4.2 Planning permission (Application reference: 97/22977/D) for the conversion of a store to a sunroom was approved October 1997.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- No objections have been received.

6 CONSULTATIONS

- 6.1 No consultation responses have been received on the application.

7 DETERMINING ISSUES

- 7.1 Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission 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.

Principle of Development

NATIONAL PLANNING FRAMEWORK 4

- 7.2 **NPF4 Policy 16: Quality homes** – seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes.
- 7.3 Part g) states that householder development proposals will be supported where they:
- i do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- 7.4 In relation to criterion i), the proposed extension has a floor area of 38square metres and is therefore subservient to the parent property. The proposed extension set back from the principal elevation within the private garden area, ensuring the original house remains the dominant element within the streetscape. The proposed lean-to form, with a mono-pitched roof which reduces in height from 4.6 metres adjacent to the house to 2.3 metres minimises the visual scale and massing.
- 7.5 The extension is contemporary in design, utilising timber cladding, render and a standing-seam metal roof. These quality materials would complement the existing house. The extension would not have any adverse impact on the character or the environmental quality of the house and the surrounding area by virtue of size, design and materials.
- 7.6 As the extension is capable of being lived in independently, a condition is recommended to tie it to the parent property as it would not be a suitable standalone dwelling due to its scale and nature and its relationship with the house and shared garden facilities.
- 7.7 In relation to criterion ii), this is an end of terrace property. Immediately to the north is a driveway and parking area associated with the neighbouring house which is 17.7 metres from the proposed extension. Due to the distance between the house and the extension, the intervening driveway and a 1.8m fence along the north boundary, there will be no loss of daylight or overshadowing to neighbouring properties or any associated amenity area.
- 7.8 In terms of overlooking, although the front elevation of the extension would be fully glazed, there would be no direct overlooking to neighbouring properties within 18m of the site. Two windows proposed on the rear elevation will overlook the applicant's garden and a 2m high stone boundary wall. The north elevation would be blank. In the existing house, a new glass door is proposed in place of an existing window on the rear elevation. New openings within the existing house do not give rise to any overlooking issues.

- 7.9 **The proposal complies with NPF4 Policy 16g subject to condition.**
- 7.10 **LDP Policy 11: Householder Development** - is supportive of householder developments which do not adversely impact on the level of amenity afforded to existing and neighbouring properties. There are four criteria that all householder developments must adhere to in order to be supported. These are:
- 1 does not have a detrimental impact on the character or environmental quality of the house and the surrounding area by virtue of size, design and materials; and
 - 2 does not result in a significant loss of private/useable garden ground; and
 - 3 does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking; and
 - 4 does not have a significant adverse effect on the existing level of parking provision.
- 7.11 The preamble to LDP Policy 11 also states that householder developments should adhere to the guidance contained within the Dundee Local Development Plan Householder Development Supplementary Guidance (2019).
- 7.12 Criteria 1) and 3) of LDP Policy 11 substantively reiterate the requirements of NPF4 Policy 16g. For the reasons set out above, the proposal complies with these criteria. The remaining criteria are assessed below.
- 7.13 In terms of criterion 2), approximately 76sqm of usable garden ground would remain, including the patio area and the internal courtyard to the rear. This is comparable to the other properties within the street. The proposal complies with criterion 2.
- 7.14 In terms of criterion 4) there is no existing parking within the site which would be affected. There is on street parking which could be utilised. Due to the scale and nature of the proposed extension this would not have a significant impact.
- 7.15 The Dundee Local Development Plan Householder Development Supplementary Guidance advises that extensions should be: smaller in scale and not over dominate the existing house; no higher than existing house, but preferably lower; of a scale so there is no significant loss of garden ground; designed to have no significant detrimental impact on neighbouring properties by virtue of overshadowing, overlooking or having an overbearing impact; designed in a style and finish that complements the existing house and surrounding area.
- 7.16 The proposed single-storey extension is subordinate and lower than the existing house. It has been designed to respect and complement the character of the existing house and surrounding area.
- 7.17 **The proposal complies with the requirements of all four criteria of LDP Policy 11 and Householder Development Supplementary Guidance.**

Historic Environment

- 7.18 **NPF4 Policy 7: Historic assets and places** - seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

- 7.19 Part d: states development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i architectural and historic character of the area;
 - ii existing density, built form and layout; and
 - iii context and siting, quality of design and suitable materials.
- 7.20 **LDP Policy 51: Development in Conservation Areas** - states that within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the conservation area.
- 7.21 The application site is located within the West End Lanes Conservation Area. The proposed single-storey side extension would be set back from the principal elevation of the house by 10 metres and would not impact on the established building line of this traditional terrace. The proposed extension is contemporary in design, utilising materials that complement both the existing house and surrounding properties. It will read as a contemporary addition to a traditional building and will not detract from the historic character of the area. By virtue of its scale, design and location, the proposal would preserve the character and appearance of the conservation area.
- 7.22 **The application complies with Policy 7d of NPF4 and LDP Policy 51.**
- 7.23 **It is concluded from the foregoing that the application fully complies with the Development Plan.**

STATUTORY DUTIES

Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 as amended

- 7.24 Section 64 of the Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.25 For similar reasons to those explained above in the assessment of the application in accordance with NPF4 Policy 7d and LDP Policy 51, the development would not have any significant adverse impact on the character or appearance of the West End Lanes Conservation Area. The proposal satisfies the statutory obligations.

MATERIAL CONSIDERATIONS

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

A – NATIONAL POLICY AND GUIDANCE

- 7.27 Historic Environment Policy for Scotland (2019) should be taken into account when determining applications for development which may affect the historic environment. The Historic Environment Policy for Scotland sets out principles and policies for the recognition, care and sustainable management of the historic environment. It seeks to influence decision making that will be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes to society and the environment, and to achieve the best possible outcome for the historic environment, maximising its benefits.

- 7.28 For the reasons explained above, the application complies with the relevant national policy and guidance concerned with the historic environment, including the policies of the Historic Environment Policy Scotland.

B – WEST END LANES CONSERVATION AREA APPRAISAL

- 7.29 The Central Lanes character area provides the heart of the West End Lanes Conservation Area. It is epitomised by the long lanes that run from the north to south. The top of the lanes provides spectacular views of the Green and the River Tay, with viewpoints intermittently as you travel downhill nearer the Green. The area is dominated by narrow lanes lined with tall traditional buildings and high walls that encase modern developments.

As described above the proposed extension is set back from the principal elevation and will not detract from the traditional terrace or any views and viewpoints towards Magdalen Green and the Tay. The proposed extension is not at odds with the aims of the West End Lanes Conservation Area Appraisal.

C - DESIGN STATEMENT

- 7.30 The application is supported by a design statement which considers that the proposed development has been designed as a modest, contemporary and subordinate addition to the existing house. It concentrates change within the altered rear and garden context, limits physical intervention in the traditional fabric, and improves the usability and thermal performance of the existing rear extension and wider home. Its scale, siting, roof form and material approach have been developed to mediate between the existing rear extension and the north garden avoiding harm to neighbouring amenity whilst preserving the character and appearance of the West End Lanes Conservation Area.
- 7.31 It is agreed by virtue of its scale, design, siting and subordinate relationship to the existing house, the proposal would respect and complement the character of the property, preserve the character and appearance of the West End Lanes Conservation Area, and avoid adverse impacts on neighbouring amenity.
- 7.32 The Design Statement states that the extension is intended primarily for ancillary family accommodation. However, it may occasionally be used for short-term letting accommodation, subject to the necessary licensing requirements.
- 7.33 The recommended condition prevents the extension and self-contained accommodation from being occupied as a separate long-term residential unit. Should the duration, frequency or intensity of any short-term letting activity amount to a material change of use from the approved ancillary residential use, the prior written consent of the Planning Authority would be required.
- 7.34 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 single storey extension on the north elevation and external alterations to the existing house 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 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.

- 2 **Condition** - the extension hereby approved shall only be used for domestic purposes incidental and ancillary to the existing dwelling at 7 Osborne Place. At all times it shall be used for purposes incidental and ancillary to the use of the main dwelling and not used, let or otherwise disposed of as a separate unit of accommodation nor used for any other purpose.

Reason - to ensure an acceptable form of development in accordance with the applicant's/agent's submitted particulars and to retain control over the use of the site and to ensure that consideration can be given to the effects and impacts of uses other than that approved herewith.

Informative

Basic Radon Advisory Note (Class 2)

The site is within an area where basic radon protection measures should be installed as a matter of course in all new developments. This may include a suitable barrier membrane and ventilation. There is further information available at www.ukradon.org or the applicant may wish to discuss this with a Building Standards or Contaminated Land Officer.

Historical land use at or near the application site raises some concern that land contamination may have occurred, and appropriate precautions should be taken. The nature of these activities is a former cooling pond.

Vigilance should be maintained during groundworks, and the council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in, the agreed remediation scheme.

Section 42 Application to Extend the Time Period for Implementation of Planning Permission 24/00415/FULM for the Erection of Purpose-Built Student Accommodation by 18 Months

KEY INFORMATION

Ward Maryfield

Address

Land at 56 Barrack Street
Dundee

Applicant

Prospect Capital Limited And
Orchid Student Holdings Ltd

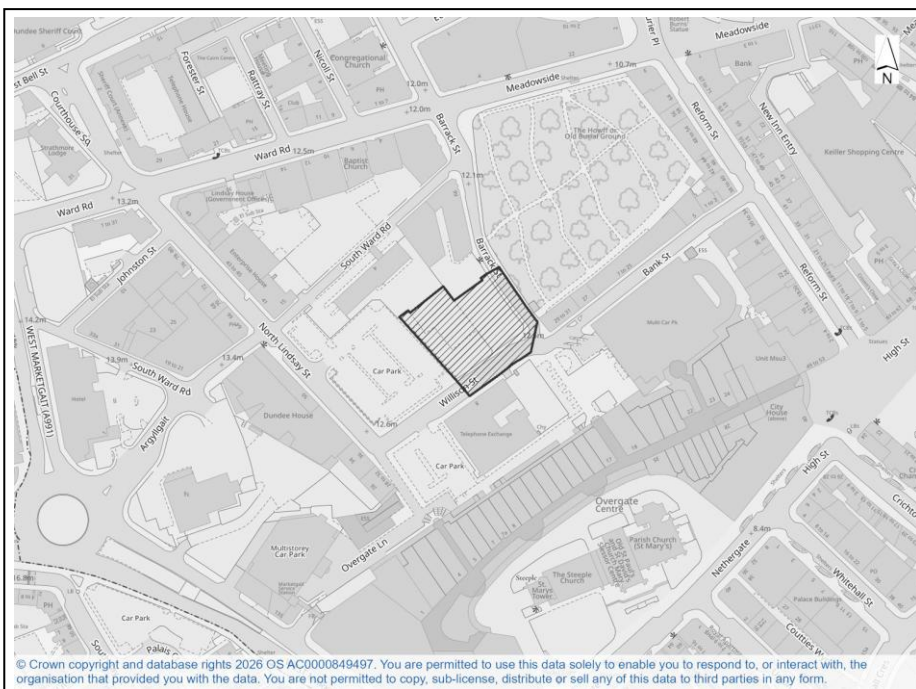
Agent

Seona MacBean
Iceni Projects Ltd

Validated 9 June 2026

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

Contact: Craig Swankie



SUMMARY OF REPORT

- This is an application submitted under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary Condition 1 of planning permission 24/00415/FULM to allow a further 18 months for the erection of purpose-built student accommodation to commence.
- Planning permission was granted on 10 December 2024 with a condition requiring that development commence within 18 months. The Planning Authority can only consider the matter of the conditions subject to which planning permission was granted.
- The planning permission expired on 10 June 2026. This application was submitted prior to the expiry of the existing planning permission, seeking further time in which to commence development.
- This application is the second submission seeking to extend the time in which development permitted under planning permission 24/00415/FULM can commence. Planning application 26/00194/S42 was refused by the Planning Committee in June 2026. The applicant submitted this further planning application prior to the expiry of the existing planning permission, along with supporting information, including a need and demand assessment.
- The statutory neighbour notification process was undertaken. One letter of objection was received.
- As this application relates to a condition attached to a Major planning application it is to be determined by the Planning Committee.
- More details can be found at: [26/00371/S42 | Erection of purpose built student accommodation \(PBSA\) together with associated access, landscaping and engineering/infrastructure works \(Section 42 application to vary condition 1 of 24/00415/FULM to extend the duration of the planning permission by 18 months\) | Land At 56 Barrack Street Dundee](#)

RECOMMENDATION

The application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary Condition 1 of planning permission 24/00415/FULM fails to comply with the Development Plan. It is therefore recommended that planning permission be REFUSED.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission 24/00415/FULM for the erection of purpose-built student accommodation (PBSA) together with associated access, landscaping and engineering/infrastructure works was approved at Planning Committee in December 2024. This planning permission was approved subject to conditions, including condition 1 which required development to begin within 18 months. The planning permission would therefore expire on 10 June 2026.
- 1.2 As development has not commenced within 18 months, the applicant is seeking to extend the planning permission. Condition 1 of that planning permission states: *"The development hereby permitted shall be commenced within 18 months of the date of this permission."* The reason for the condition is *"To ensure the timeous commencement of development and in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997."*
- 1.3 Since planning permission for application 24/00415/FULM was granted on 10 December 2024, the applicant has not addressed any of the planning conditions. Until the planning conditions are addressed, development cannot commence and the planning permission cannot be implemented.
- 1.4 The applicant states they intend to address the planning conditions. However, this would not be prior to the existing planning permission expiring. The applicant states while matters including market and construction instability have impacted on timescales, they remain committed to progressing the development.
- 1.5 To allow further time for the planning conditions to be addressed and development to commence, the applicant is seeking an amendment of condition 1 to allow a further 18 months. It is proposed to amend the condition to read: *"The development hereby permitted shall be commenced no later than 10 December 2027."*
- 1.6 This is the only change proposed to the planning permission. The development would be progressed in all other respects as approved under 24/00415/FULM.
- 1.7 This planning application is a second submission seeking to extend the time in which development can commence for the PBSA development approved under 24/00415/FULM. Planning application 26/00194/S42 was refused by the Planning Committee in June 2026 for the following reason:

'The proposed development of student accommodation would not address any identifiable gap in provision and could result in an oversupply of the type of accommodation proposed. The proposal fails to accord with NPF4 Policy 16c and LDP Policy 15. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan'.
- 1.8 The applicant submitted the current application (26/00371/S42) before the expiry of planning permission 24/00415/FULM. Unlike the previous Section 42 application, determined by the Planning Committee, the applicant has now provided additional supporting information, including a need and demand assessment for purpose-built student accommodation.
- 1.9 There is no provision within planning legislation preventing an applicant from submitting a further planning application for the same proposal following the refusal of an earlier application. The current application has been validly submitted and falls to be determined by the Planning Authority.

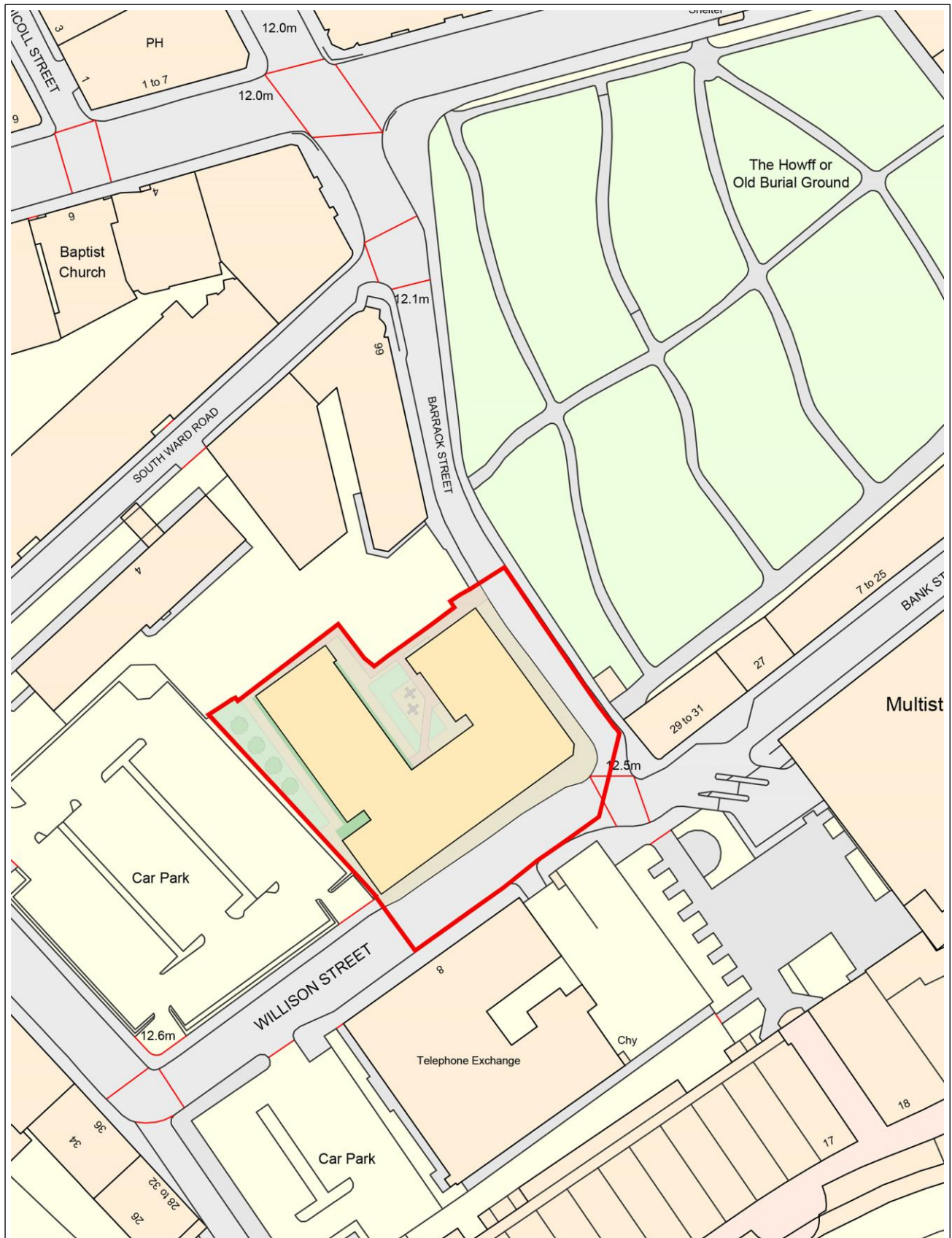


Figure 1 – Proposed Site Plan



2 SITE DESCRIPTION

- 2.1 The application site is located on the north side of Willison Street, at the junction with Barrack Street. The site is level in nature and presently vacant following the demolition of Willison House. There are buildings to the north and east of the site and a car park to the west. To the south is a telephone exchange and the Overgate Shopping Centre.
- 2.2 The site formerly contained Willison House, a home furniture showroom, which, following a fire in November 2022 was demolished in the interest of public safety. The site has since been cleared and a palisade perimeter fence erected. A short section of masonry wall is all that remains of the building. The site can be accessed via Barrack Street and Willison Street.
- 2.3 The surrounding buildings contain various uses including office, commercial and residential premises. The site is close to city centre shops and services including Overgate Shopping Centre, Dundee House, and businesses on Reform Street. The site is located within the Central Conservation Area, with a range of heritage buildings in the vicinity including the category A listed Howff and category B listed buildings adjacent to the site. The surrounding area contains a range of building types including modern offices and traditional stone-built buildings ranging in height from two to eight storeys.



Figure 3: View of Site From Barrack Street



Figure 4: View of Site From Willison Street

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance to this application under Section 42 of the Act:

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

Policy 16c: Quality homes

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)

Policy 15: Student Accommodation

- 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 Listed building consent application 17/00736/LBC for the demolition of a vacant building/structures with façade retention for incorporation into a new build development was approved in March 2018.
- 4.2 Planning application 17/00735/FULM for the erection of two hotels and a restaurant was approved in March 2018.
- 4.3 Proposal of application notice 22/00110/PAN for the erection of student accommodation and demolition of a listed building was submitted in February 2022.
- 4.4 The Council adopted an EIA Screening Opinion 22/00002/EIASC on 11 March 2022 – EIA is not required.
- 4.5 Proposal of application notice 23/00227/PAN for the erection of student accommodation with associated access, landscaping and engineer works was submitted in April 2023.
- 4.6 Planning application 24/00415/FULM for the erection of purpose-built student accommodation was approved subject to conditions in December 2024.
- 4.7 Planning application 26/00194/S42 for the variation of condition 1 of planning permission 24/00415/FULM to extend the period for implementation of planning permission to 10 December 2027 was refused by the Planning Committee in June 2026.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 One letter of objection was received, raising the following concerns.
- i There is an overprovision of PBSA in the city as a whole and several consented PBSA schemes have paused due to lack of demand and instability in the construction industry. The consent of this S42 would impact the viability of existing PBSA developments, including recently completed developments which are not at capacity.

- ii Giving the developer further time to implement planning conditions sterilises the site for other uses for example social or affordable housing, as would the extension consent.

5.3 The grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 No consultee comments were received.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

The provisions of the National Planning Framework 4 relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

7.2 **NPF4 Policy 16c: Quality homes** states development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include homes for people undertaking further and higher education.

7.3 **LDP Policy 15: Student Accommodation** states student accommodation will only be supported where:

- 1 it can be suitably demonstrated that a demand exists within the particular area for the level and type of student accommodation proposed;
- 2 it is within convenient walking distance of the higher education institution to which a need exists and is well connected to local services and facilities; and
- 3 the design and layout of the proposed development is of a high quality and provides an appropriate level of amenity space, car parking provision, refuse/recycling storage space and secure bike storage facilities.

Following development of new and replacement purpose-built student accommodation over the past ten years, it is considered unlikely that there will be the need over the short to medium term for significant additions to the existing supply. To ensure that there is not an oversupply of this type of accommodation, proposals will need to demonstrate that there is a need in the area for the accommodation proposed.

7.4 The applicant submitted a statement in support of application 24/00415/FULM which included an analysis of the student population and student accommodation within the city at that time. The report considered that, even with developments which are currently under construction and pipeline projects progressing, there will remain unmet demand within the city.

- 7.5 Between April 2020 and the determination of 24/00415/FULM, planning permission had been granted for twelve PBSA developments. Of those, two new build PBSA developments had been completed and a further two PBSA developments were under construction. The PBSA development proposed under 24/00415/FULM increased the pipeline of developments at that time to 2614 bed spaces. To ensure there was not an oversupply of student accommodation, and to encourage the early implementation of planning permission the normal time limit for implementation of the planning permission was reduced from three years to 18 months.
- 7.6 Since 2020, six PBSA developments have been completed in the city providing 560 student bed spaces. Development is progressing at Telephone House which will provide 422 bed spaces and Lindsay House which will provide 168 bed spaces. Once these developments are completed, 1170 new PBSA bed spaces will have been created since 2020.
- 7.7 There are a further six PBSA developments, including this proposal, which have planning permission, but construction has not yet commenced. These developments create a pipeline of 867 bed spaces. There are currently two live planning applications for purpose-built student accommodation, references 26/00373/FULM at Keiller Centre and 26/00363/FULL at Caledonian House.
- 7.8 The applicant has provided a statement and need and demand assessment of PBSA within the city. The assessment outlines the full-time student population in recent years, showing steady increases from 15,085 in 2016/17 up to 18,415 in 2021/2022. However, student numbers have steadily reduced since then to 15,055 in 2024/2025. In 2020 and 2021 when applications for PBSA were being submitted, need and demand assessments noted the increase in recent years, and it was considered that growth could continue. However, that growth has not continued and the full-time student population has returned to near 2016/17 levels.
- 7.9 The proposed development comprises 367 bedspaces, contributing to the live pipeline of 867 approved bedspaces. While the need and demand assessment suggests there is potential unmet demand of 3,485 bed spaces, this is not reflected within PBSA developments in the city. Currently operating PBSA developments are not at capacity, and developments with planning permission have not progressed. As there have been a significant number of new bed spaces created since 2020, and there remains a significant pipeline of development with planning permission, the proposed development would not address any identifiable demand. While the applicant's supporting information states there remains a potential unmet demand for student accommodation, this is based on estimates. There has been a reduction in the student population, and there are PBSA developments which were not fully occupied in the last academic year.
- 7.10 The proposed development has not commenced within the required time period and there is a significant number of pipeline bedspaces. There is therefore potential for an oversupply. While the amendment of condition 1 would provide the developer with additional time to address the planning conditions, there has been no progress on these matters in the last 18 months. Further time may therefore not address this. There has been no progress on commencing the development and with a significant pipeline of PBSA there is no longer an identifiable demand for the proposal. The requirements of criteria 1 of LDP Policy 15 are not met.
- 7.11 The location and design of the proposed development is to remain as previously approved. Accordingly, the requirements of criteria 2 and 3 of Policy 15 are met.
- 7.12 It is considered that allowing the extension of time for implementation of the planning permission would not address any gap in provision and would result in an oversupply of the

type of accommodation proposed. The proposal fails to accord with NPF4 Policy 16c and LDP Policy 15.

7.13 It is concluded that the proposal fails to accord with the Development Plan.

MATERIAL CONSIDERATIONS

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

A – Scottish Government Circular 4/1998

7.15 Circular 4/1998 provides guidance on the use of conditions in granting planning permission and stipulates that while the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. The Circular demonstrates that conditions that are fair, reasonable and practicable will satisfy the following six tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

7.16 Condition 1 of planning permission 24/00415/FULM states: "The development hereby permitted shall be commenced within 18 months of the date of this permission."

7.17 After consideration of the tests in the Circular, and to ensure it is precise and enforceable, the proposed wording has been amended to read:

7.18 *"The development hereby permitted shall be commenced no later than 10 December 2027."*

7.19 When planning application 24/00415/FULM was approved, there was a live pipeline of 2,247 PBSA bedspaces, two PBSA developments had recently been completed and a further two were under construction. To ensure there would not be an oversupply of PBSA, and that sites would not be sitting vacant for several years until developers can attract funding, the normal time limit for implementation of a planning permission was reduced from 3 years to 18 months. This was to allow a reasonable period of time for pre-commencement planning conditions to be agreed and encouraged timely development.

7.20 Since the approval of 24/00415/FULM, no condition discharge requests have been submitted, and no works have commenced on site. The planning permission has now lapsed, and in that time the development has not progressed. The developer has also not provided any updates on the projects progress or confirmed a date in which development will commence.

7.21 Since the approval of 24/00415/FULM, planning permission has been granted for a further three PBSA developments in the city, and developments on Brown Street, Douglas Street, West Marketgait and at Caledonia House have been completed. Two further developments of PBSA, at Telephone House and Lindsay House are under construction and due to be completed in the coming months. As considered within the policy assessment above, over

the same period the student population in the city has reduced. The reducing student population and increase in available PBSA within the city has addressed the immediate demand for accommodation.

- 7.22 The proposal to vary condition 1 of planning permission 24/00415/FULM by a further 18 months would extend planning permission to a period of three years. The development has not progressed on site, and a number of PBSA developments have opened. An extension of time to allow development to commence could result in an oversupply of PBSA.
- 7.23 Whilst the applicant has submitted supporting information, having regard to the current student population within the city and the existing and pipeline supply of purpose-built student accommodation, it is not considered that the case for a further 18 months to commence development has been adequately demonstrated. As such, the proposal is not considered to accord with the requirements of Circular 4/1998.
- 7.24 **The proposal does not adhere to Scottish Government Circular 4/1998.**

B – LETTER OF REPRESENTATION

- 7.25 One objection has been received, raising the following valid material grounds which are considered and assessed as follows:
- 7.26 **Objection:** There is an overprovision of PBSAs in the city as a whole and several consented PBSA developments have paused due to lack of demand and instability in the construction industry. The consent of this S42 would impact the viability of existing PBSA developments, including recently completed developments which are not at capacity.
- 7.27 **Response:** As considered within the above policy assessment, the student population has steadily declined in recent years. The submitted need and demand assessment highlights the student population peaked in 2021/2022 at 18,415. Since then, the student population has declined to 15,055 in 2024/2025. During that period, a number of PBSA schemes have secured planning permission or have been constructed, as noted under Appendix 1.
- 7.28 Currently operating PBSA and pipeline developments ensure present and future demand can be met in the coming academic years. The applicants need and demand assessment notes a potential demand pool of 3,485 bedspaces should all PBSA schemes with planning permission be progressed. However, this figure includes all full-time students – and does not take into account students which may seek alternative types of accommodation to PBSA, such as staying at home, renting or HMO accommodation. There are PBSA developments within the city which have closed, such as Tay Works, or are not at capacity including Caledonian House. With student numbers declining in recent years, and existing PBSA developments not at capacity, there is no demonstrable demand for further student accommodation at this time.
- 7.29 Should this 367-bedspace development be approved, in addition to existing PBSA provision and developments which have planning permission, there is potential for oversupply should student numbers remain steady or reduce.
- 7.30 **Objection:** Giving the developer further time to implement planning conditions sterilises the site for other uses for example social or affordable housing, as would the extension consent.

- 7.31 **Response:** Should this planning permission be approved, it would result in the site being having planning permission until 10 December 2027. However, this would not preclude the submission of a planning application for an alternative development within the site.
- 7.32 The issues raised in the representations have been considered and addressed in the report. The matters are of weight and justify refusal of planning permission.

C – CITY CENTRE STRATEGIC INVESTMENT PLAN

- 7.33 The City Centre Strategic Investment Plan seeks to prepare and guide the future vision for the city, setting out a long-term strategic investment plan for the next three decades, structured around five themes including city centre living. The plan seeks to double the residential population living in and around the city centre, ensuring a diverse range of people choose to live in the city.
- 7.34 Strategic Outcome 1 of the plan seeks to deliver high-quality residential development by promoting vacant and underused sites and buildings. The proposed development would meet this requirement, through the redevelopment of a long-standing vacant site in the city centre.
- 7.35 The redevelopment of the vacant site and provision of student accommodation would support the target of doubling the residential population in the city centre and the returning to use of an unused site.
- 7.36 Strategic Outcome 2 seeks to provide a variety of residential types and tenures to meet the needs of different households and to create a diverse community. The proposed development would contribute positively to the variety and form of development within the city centre and support the creation of diverse communities.
- 7.37 Strategic Outcome 3 seeks to attract a range of centrally located services and facilities to support city centre living. The proposed development of student accommodation would introduce a number of residents to the area, which would support the provision, vitality and viability of shops and services within the city centre. The development is located within walking distance of a range of facilities and supports the provision of 20-minute neighbourhoods.
- 7.38 Overall, the proposed development would align with the themes and requirements of the City Centre Strategic Investment Plan through the provision of city centre residential accommodation, re-development of a brownfield site and by being within proximity of a range of shops and services.
- 7.39 **It is concluded that there are no material considerations which would justify approval of planning permission contrary to the development plan.**

8 CONCLUSION

- 8.1 The application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary condition 1 of planning permission 24/00415/FULM fails to comply with the Development Plan. There are no material considerations of sufficient weight that would justify approval of planning permission.

9 RECOMMENDATION

9.1 It is recommended that planning permission be REFUSED for the following reason:

- 1 **Reason** – the proposed development of student accommodation would not address any identifiable gap in provision and could result in an oversupply of the type of accommodation proposed. The proposal fails to accord with NPF4 Policy 16c and LDP Policy 15. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.

Appendix 1

Site No	Status	Application Ref	Address	Date Approved	No of Beds	Expiry Date	Progress
1	Complete	20/00729/FULM	63 Brown Street	20/04/2021	163	20/04/2024	Phase 1 Complete (163 rooms of 361 approved)
2	Approved	20/00679/FULM	Garage, West Marketgait	20/04/2020	179		Discharging conditions - NID Submitted.
3	Approved	23/00403/FULL	Former Dundee College, 30 Constitution Road	27/09/2023	414		Discharged conditions. Demolition Works Commenced.
4	Complete	21/00478/FULL	56 Brown Street	19/11/2021	147		Complete
5	Complete	22/00205/FULL	Dundee West Mineral Yard North Car Park Greenmarket Dundee	21/06/2022	55		Complete
6	Expired	22/00493/FULM	Site Of Jumpin Jaks, South Ward Road	15/11/2022	242	15/11/2025	
7	Complete	22/00725/FULL	16-18 Constitution Terrace	24/10/2022	20		Complete
8	Approved	24/00415/FULM	Willison House, 56 Barrack Street	10/12/2024	367	10/06/2026	Application to extend under consideration
9	Approved	23/00311/FULM	South Ward Road	13/12/2023	215	13/12/2026	Extended time
10	Complete	23/00397/FULL	Caledonian House	27/03/2024	77		Complete
11	Under construction	23/00684/FULL	Telephone House, 21 Ward Road	19/02/2024	422	19/08/2025	Under construction
12	Complete	23/00519/FULL	10 Douglas Street	13/02/2024	98		Complete
13	Approved	24/00760/FULL	St Margarets Home	28/03/2025	36	28.03.2028	No activity
14	Approved	24/00733/FULL	St Andrews Lane	09/06/2025	23	09.06.2028	No activity
15	Under construction	25/00186/FULL	Lindsay House, 30 Ward Road	23.07.2025	168	23.07.2028	
16	Planning Application	26/00373/FULM	Keiller Centre		318		Under consideration
17	Planning Application	26/00363/FULL	Caledonian House (Phase 2)		125		Under consideration