

# Proposed Women's Community Custody Unit

## KEY INFORMATION

**Ward** Coldsid

### Address

Former Our Lady's Roman Catholic Primary School  
Nelson Street, Dundee

### Applicant

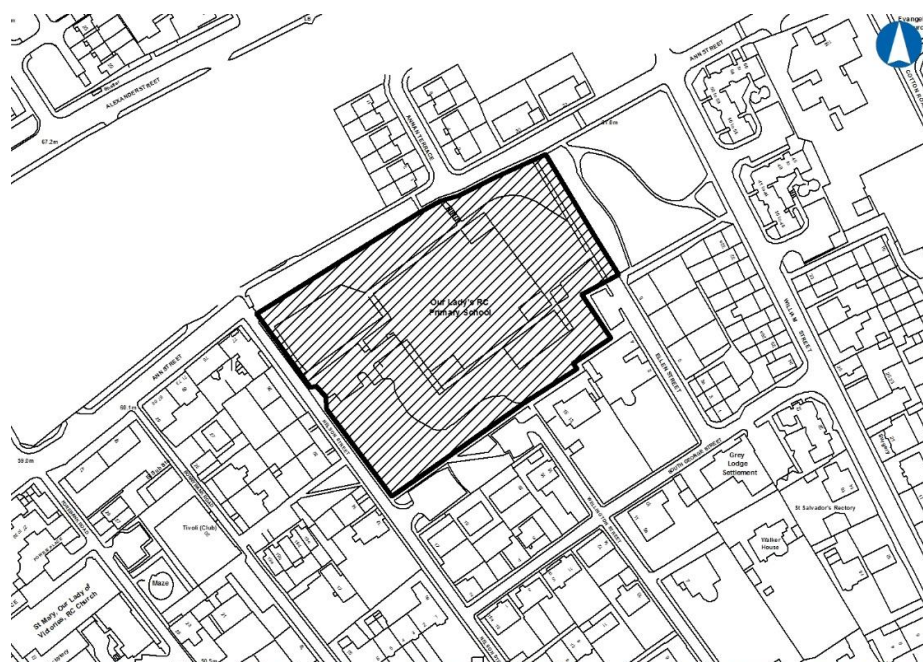
Scottish Prison Service On Behalf of Scottish Ministers  
Calton House  
4 Redheughs Rigg  
Edinburgh EH12 9HW

### Agent

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29 East Argyle Street  
Helensburgh G84 7EJ

**Registered** 14 Aug 2018

**Report by:** Executive Director of City Development



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## SUMMARY OF REPORT

- This application relates to a proposed community custody unit for women, being developed by the Scottish Prison Service on behalf of the Scottish Government.
- The proposed development is for three houses providing accommodation for 16 women and a central hub building providing support services. The proposed buildings will sit in landscaped grounds and the development will benefit from the existing mature tree cover on the site with new planting also proposed.
- The application site is the former Our Lady's RC Primary School, Nelson Street in the Hilltown area to the north of the city centre.
- The proposed development is an integral part of the Scottish Government's strategy for dealing with women in custody.
- The application was advertised as falling under Class 8 of Schedule 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- The proposed development is in accordance with the Development Plan.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee at the request of an elected member and as 30 objections have been received from members of the public.
- A petition containing 827 valid signatures has been received to "Reject the proposed opening of Scottish Prison Service Community Custody Unit in the Coldsid Ward".
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>

## RECOMMENDATION

Provision of Use Class 8a Women's Community Custody Unit, comprising three houses and a single storey Hub building, formation of new access, erection of boundary fencing, formation of car parking, including electric vehicle charge points and cycle stands, service access, soft and hard landscaping and erection of CCTV is recommended for **APPROVAL** subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 This application relates to a proposed community custody unit for women, being developed by the Scottish Prison Service on behalf of the Scottish Government. Provision of a new community custody unit is an integral part of the Scottish Government's strategy for dealing with women in custody.
- 1.2 The scale of the proposed development reflects the number of women that will be held in the facility. It is essentially domestic in scale with three houses providing accommodation for 16 women and a central hub building providing support and administration services. The proposed buildings will sit in landscaped grounds and the development will benefit from the existing mature tree cover on the site with new planting also proposed.
- 1.3 The three houses will be two storeys in height. The houses will accommodate 6 women in two units each comprising of 4 standard bedroom spaces, one bedsit unit and one adaptable unit. One unit accommodates 4 women in 4 standard bedroom spaces. Each house provides common living, dining, cooking and utility facilities. The houses are set around a landscaped central garden and are located to the south-west of the Hub, providing a 'circle' of development around the integrated garden grounds.
- 1.4 The proposed hub is a single storey building which provides reception and welcome facilities in addition to accommodating the day to day activities of the resident women including education, exercise, healthcare, therapeutic intervention, visits, and recreation. The building also provides an interface with staff and external agencies. There is also a large hub community space with direct access into a separate enclosed community hub garden space. In addition, each of the three houses has its own small dedicated annex garden space.
- 1.5 A palette of finishing materials for the buildings is outlined in the submitted Design and Access Statement. This includes the use of grey multi-brickwork on all proposed buildings with reconstituted stone and timber feature panels on the hub building. The finished ground floor levels of the buildings are proposed at a level close to existing ground levels.
- 1.6 The proposed development will be accessed from Ann Street on the site's northern boundary. An access barrier will be provided and this will then split between a service access, along the north of the hub building and access to the staff and visitor car park that will run, north to south, along the eastern boundary of the site. Car parking for 23 spaces is proposed and this includes two disabled parking spaces and provision to charge electric vehicles. In addition, the layout incorporates cycle parking at the entrance to the hub building. The main access to the facilities will be via the hub building along its eastern facing elevation with a secondary access located on the north elevation.
- 1.7 The proposed community custody unit will not feature overt security measures of the sort which might normally be associated with a custodial facility. A series of boundary and security fences will be provided at different heights around the buildings and the perimeter of the site. CCTV cameras (7 pole mounted and 3 wall mounted) will also be strategically placed around the site as shown on the proposed site plan (Figure 1).

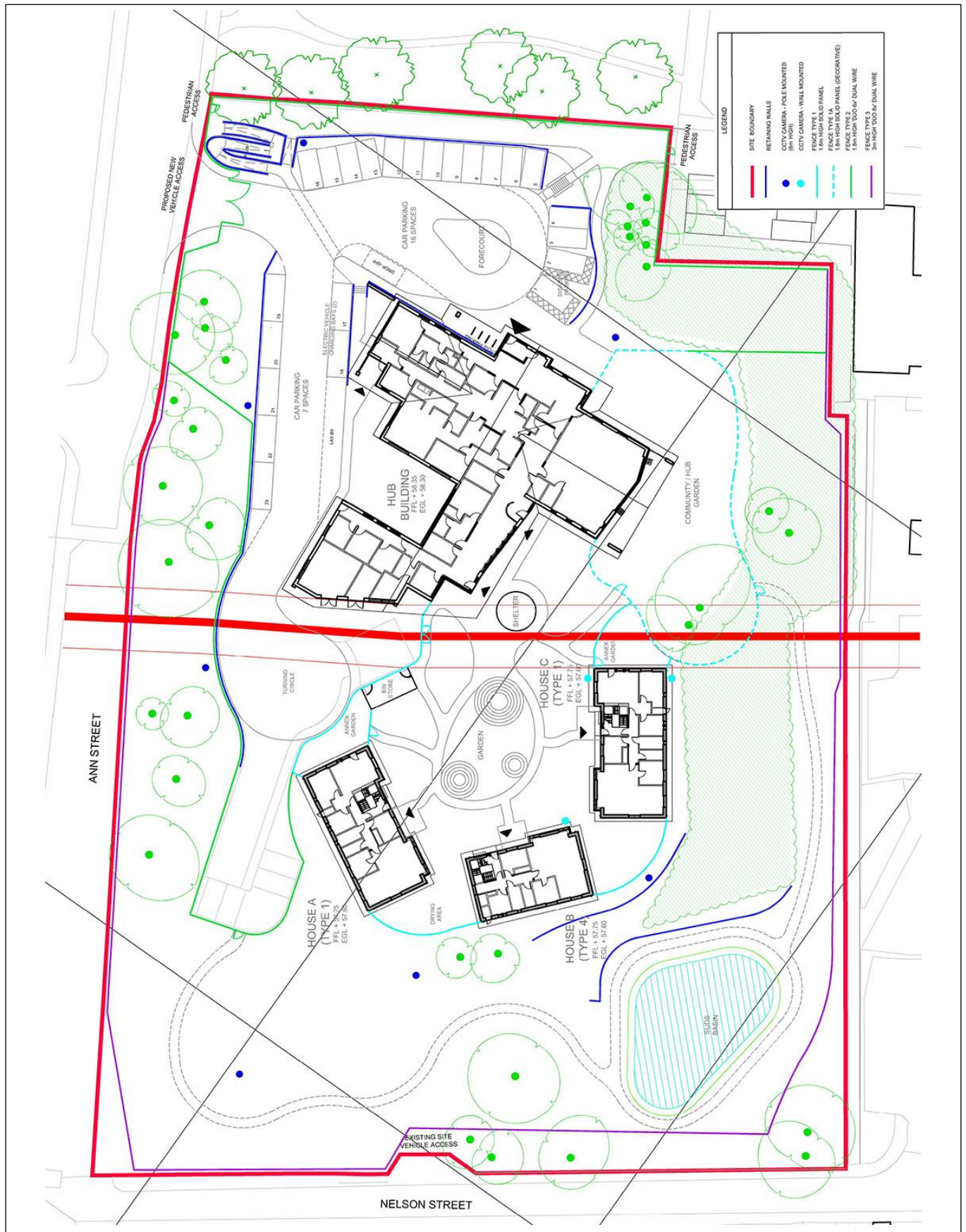


Figure 1 – Proposed Site Plan



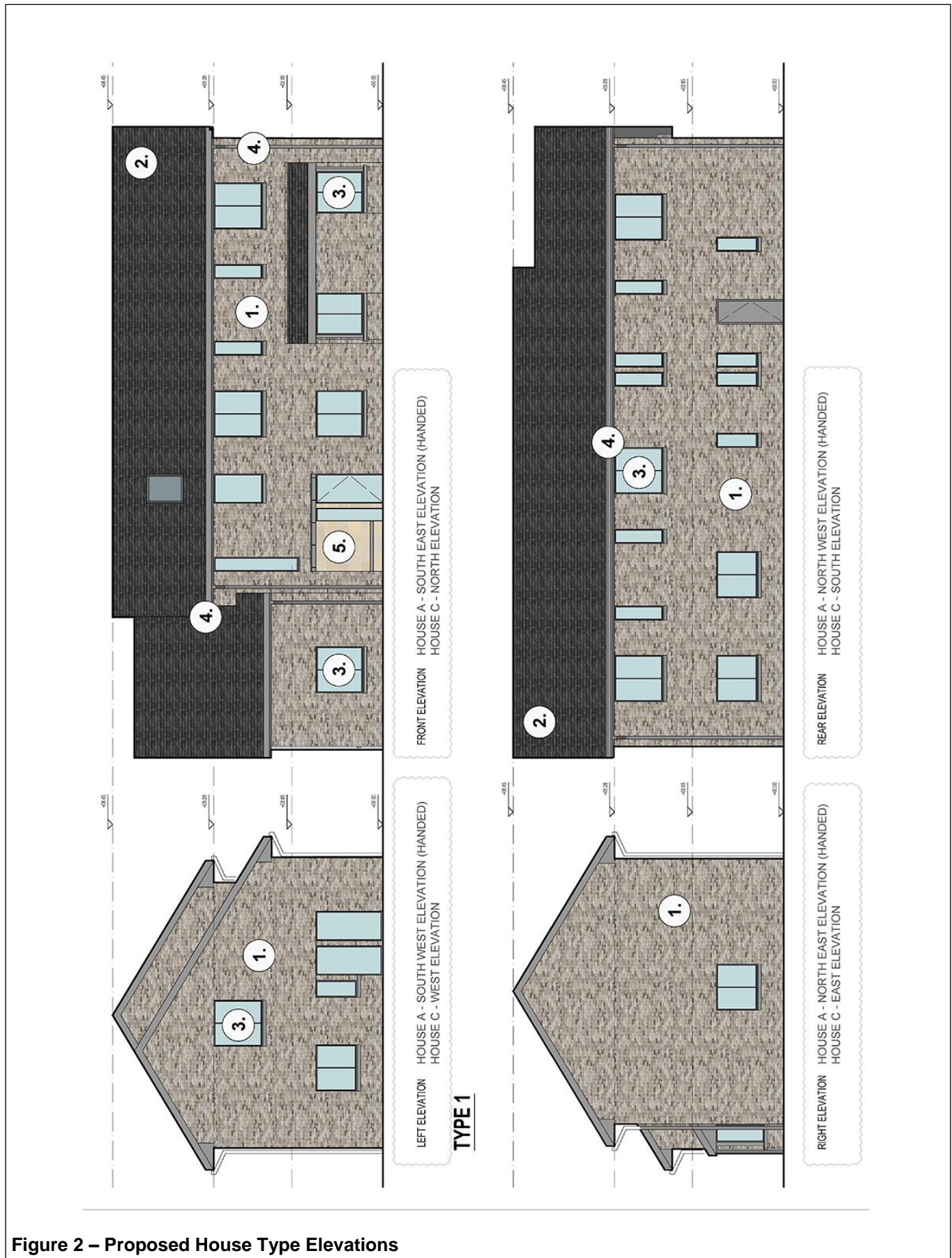


Figure 2 – Proposed House Type Elevations

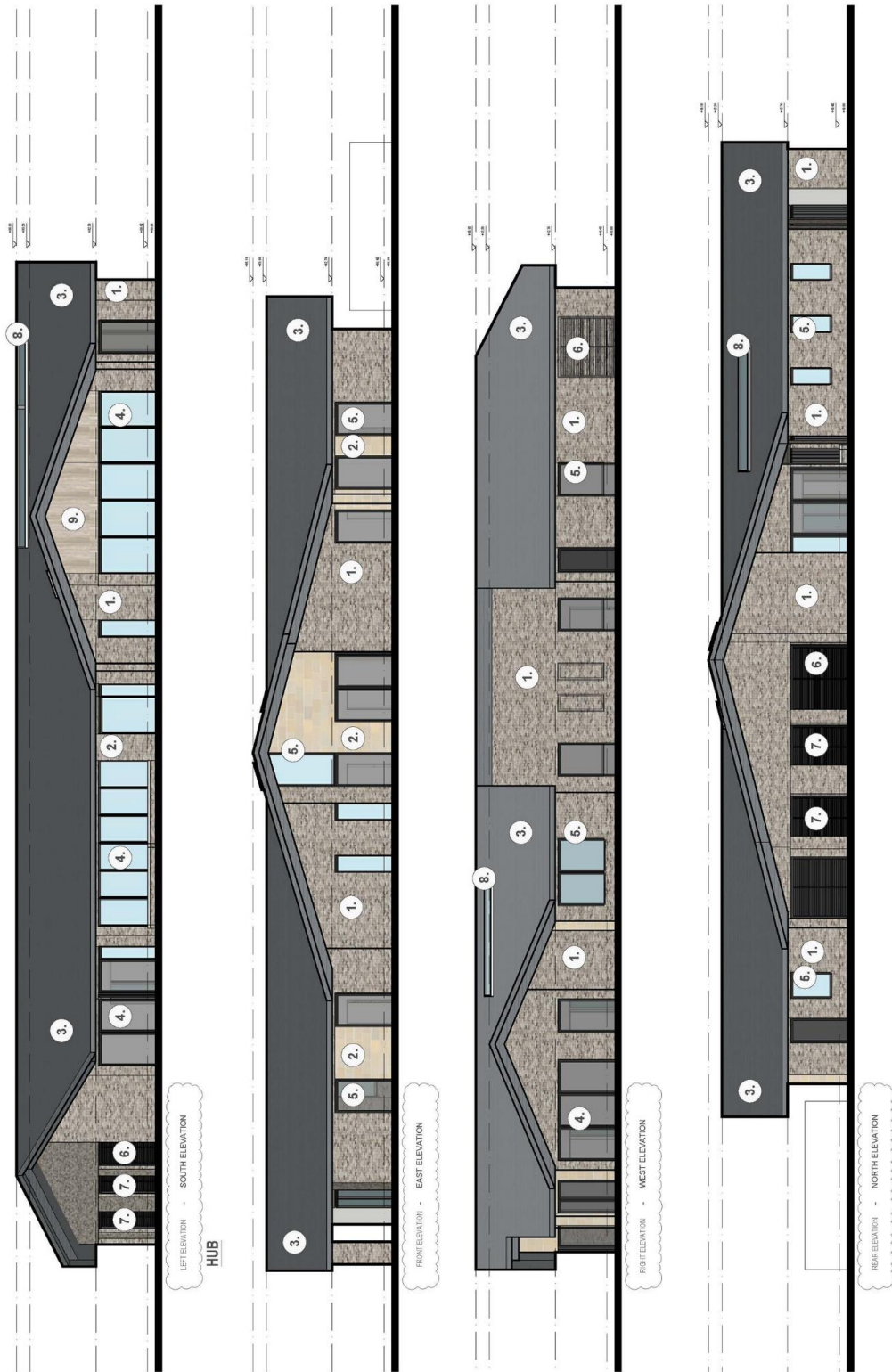


Figure 3 – Proposed Hub Building Elevations





Figure 4 – Aerial View of Proposed Development From North East

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## 2 SITE DESCRIPTION

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- 2.1 The application site comprises the former Our Lady's RC Primary School, Nelson Street in the Hilltown area to the north of the City Centre.
- 2.2 The former Primary School has relocated to the new Coldside Community Campus which is located to the north-west of the application site.
- 2.3 The application site slopes from north to south and is contained within mature landscaped grounds. The former primary school occupies a large portion of the site and is a building of institutional form in terms of its existing design character.
- 2.4 The site is bounded by Ann Street to the north; Nelson Street to the west; public open space to the immediate east with residential development located to the south-east on Ellen Street and to the south on South George Street.
- 2.5 The surrounding area is mainly residential.



Figure 5 – Application Site

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## 3 POLICY BACKGROUND

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

### **DUNDEE LOCAL DEVELOPMENT PLAN 2014**

Policy 7: High Quality Design  
Policy 13: Residential Accommodation for Particular Needs  
Policy 17: Community Facilities  
Policy 29: Low and Zero Carbon Technology in New Development  
Policy 38: Trees and Urban Woodland  
Policy 40: Waste Management Requirements for Development  
Policy 42: Sustainable Drainage Systems  
Policy 44: Air Quality  
Policy 45: Land Contamination  
Policy 47: Environmental Protection  
Policy 55: Accessibility of New Developments  
Policy 57: Car Parking

### **PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 1: High Quality Design and Placemaking  
Policy 2: Public Art Contribution  
Policy 9: Housing Land Release  
Policy 14: Residential Accommodation for Particular Needs  
Policy 28: Protecting and Enhancing the Dundee Green Network  
Policy 35: Trees and Urban Woodland  
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 48: Low and Zero Carbon Technology in New Development  
Policy 54: Safe and Sustainable Transport  
Policy 56: Parking

### **SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS**

Scottish Planning Policy states that the planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society.

### **NON STATUTORY STATEMENTS OF COUNCIL POLICY**

Hilltown Physical Regeneration Framework (2008)  
Dundee Green Network (2016)

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

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## 4 SITE HISTORY

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4.1 There is no relevant site history.



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## 5 PUBLIC PARTICIPATION

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- 5.1 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- 5.2 30 valid letters of objection and one letter of support were received from members of the public.
- 5.3 The planning issues raised in the letters of objection are summarised as follows – increased traffic; insufficient car parking; lack of suitable servicing/HGV access; noise and disturbance; loss of trees; the detrimental impact on the amenity of the surrounding area; inappropriate location given the proximity of the proposed use to existing houses and the new school; safety; poor layout and design of the buildings; proximity to homeless unit; high concentration of other units housing vulnerable people in the area; the site is an allocated housing site; detrimental impact on the regeneration area; contrary to the Hilltown Regeneration Area Framework; and contrary to the Local Development Plan.
- 5.4 The letter of support outlines that the proposed development will enhance and make the area more secure.
- 5.5 A petition containing 827 valid signatures has been received to “Reject the proposed opening of Scottish Prison Service – Community Custody Unit in the Coltside Ward”. In accordance with the Standing Orders of the Council and Schemes of Administration (July 2016) each signatory on a petition must provide a valid postal address otherwise they will not be considered as a valid representation. For this reason, 524 signatures are regarded as invalid.

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## 6 CONSULTATIONS

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- 6.1 **Scottish Water** - has no objection to the proposed development.
- 6.2 **The Head of Community Safety and Protection** - was consulted with regards to the following matters:
- **Contamination** – a Preliminary Risk Assessment was submitted which recommends investigation of the site pre and post demolition. The contents of the assessment have been reviewed and agreed by the Head of Community Safety and Protection. It is recommended that standard conditions are attached to any planning permission granted to request that the proposed investigation and risk assessment is submitted for written approval by the Council prior to the commencement of development and also, if necessary, a remediation strategy.
  - **Noise** – in order to protect the surrounding residential area from potential issues relating to noise, it is recommended that standard noise conditions are attached to any planning permission granted to restrict noise levels from mechanical and electrical plant/services. Also a condition is recommended to restrict deliveries and servicing of the premises to day time hours only and not between 2200 and 0700 hours.
  - **Air Quality** – in order to protect residential amenity, it is recommended that a condition is attached to any planning permission granted to request full details of any combustion appliances proposed as part of the development to be submitted to the Council for written approval prior to the commencement of development. An Air Quality Assessment may be required depending on the size, location and fuel type of any combustion appliances.

- 6.3 **The Head of Environmental Management** - was consulted on the proposed landscape plan and the tree survey report. A high quality landscape is proposed for the development. Whilst a number of mature trees will require to be removed to accommodate the proposed development, a significant proportion of existing mature trees are to be retained and new planting is also proposed. To ensure the character of the application site is retained and in the interest of visual amenity, it is recommended that standard conditions are attached to any planning permission granted to request further detail on the species of trees to be planted; a protection plan for the trees to be retained; and a maintenance plan for the existing and proposed trees are all submitted to the Council for written approval prior to the commencement of work on site.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

### THE DEVELOPMENT PLAN

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

### DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** – requires all new development proposals to have a high quality design that contributes positively to the surrounding built and natural environment, with designs complementing their surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- 7.3 A Design and Access Statement submitted with the application outlines that the design concept is to create a group of buildings which are focussed inward towards a central garden/activity area. A simple, palette of materials has been chosen, enabling the proposals to sit comfortably within their context. It highlights that the proposed development is essentially domestic in scale with three, 2 storey houses providing accommodation for 16 women and a single storey central hub building providing support services. The houses are located to the south-west of the hub building, providing a “circle” of development around the integrated garden grounds.
- 7.4 Each house provides common living, dining, cooking and utility facilities together with bedrooms. Two houses will accommodate six women, and the third house will accommodate four women. The three proposed houses each take the form of a two-storey detached house, with a pitched, gabled roof and dark grey slate-effect roof tile and a grey facing brick on elevations.
- 7.5 A palette of finishing materials is provided within the Design and Access Statement which highlights the use of grey multi-brickwork, with reconstituted stone and timber panels as a feature on the hub building and a standing seam aluminium roof covering. To ensure a high quality finish, it is recommended that a standard condition is attached to any planning permission granted to request full details and sample finishing materials are submitted to the Council for written approval prior to the commencement of development.
- 7.6 The Design and Access Statement provides details of the boundary enclosures proposed in and around the site. A domestic timber style fence (1,800mm high) is proposed between each

of the buildings enclosing the central garden area. This fence line will be enhanced where it encloses the hub/community space garden incorporating sections of masonry wall as well as timber panels. The application site is accessed from Ann Street at the north-east corner of the site. A 1,800mm high wire fence is proposed on the service roadway at the north of the site and this fence will also connect the inner and outer fence lines to the north east and south east. A 1,800mm high wire fence is proposed around the eastern perimeter and this will incorporate pedestrian access gates at the north east and south east. A 3,000mm high dual wire fence is proposed around the north, west and south boundaries of the site. The proposed boundary fences are set against a mature landscape that will soften their appearance. In the interests of visual amenity and privacy, it is recommended that full details of the boundary treatments are submitted to the Council for written approval prior to the commencement of development.

- 7.7 The proposed buildings will be located in existing mature landscaped grounds and will benefit from the mature tree cover where this can be retained. A tree survey and landscape plan has been submitted with the application which outlines the trees to be retained, trees to be removed and new planting and landscaping proposed. The Head of Environmental Management has been consulted and recommends that standard conditions are attached to any planning permission granted to request full details of the proposed new tree planting together with a maintenance plan are submitted to the Council for written approval prior to the commencement of development.
- 7.8 This policy requires all developments with a construction cost of £1 million or over to allocate at least 1% of construction costs towards an art project in a publicly accessible/visible place. Initial discussion has taken place on a proposed art project within the site and it is recommended that a standard condition is attached to any planning permission granted to secure this.
- 7.9 The design and layout of the proposed development responds positively to the character and amenity of the surrounding area. Whilst the proposed development is inward looking in order to create a safe, private, domestic style living and activity environment for residents; it remains discretely linked to the wider community through the delineation and definition between public and private areas which are a key feature of the design. The hub building is designed to be outward looking, friendly and welcoming in character, featuring a degree of transparency into the main entrance foyer and adjacent hub space. The proposed external building materials pick up both the character of the traditional built fabric and the new modern development in the surrounding area. The design and layout is sensitive to the existing mature landscaping on the site offering a pleasant environment whilst allowing the buildings to integrate discretely with the surrounding built environment.
- 7.10 **With the inclusion of conditions the proposal satisfies Policy 7.**
- 7.11 **Policy 13: Residential Accommodation for Particular Needs** – states that development of residential accommodation for particular needs such as the elderly, special needs and varying needs will be supported where:
- 1 a high quality residential environment will be created with appropriate amenity space provided for the scale of development, in a sheltered, private location that is not overshadowed for most of the day;
  - 2 the design reflects the scale, massing and materials of adjacent buildings and does not impact adversely on the amenity of neighbours by virtue of layout, overshadowing, overlooking, parking and traffic movement, noise or smell;
  - 3 the site is well connected to a range of local services and facilities in the surrounding area;



- 4 the site is accessible by public transport and by other modes of travel as well as by the private car;
  - 5 appropriate car parking provision is made relative to the needs of occupants, visitors and support staff; and
  - 6 it will not lead to an excessive concentration of non-mainstream residential uses to the detriment of the character of the particular area.
- 7.12 The policy also states that conditions may be applied to permissions to ensure that they do not change into mainstream residential accommodation without an assessment that they can meet the necessary requirements in terms of design and layout in Policy 9 and Appendix 3.
- 7.13 The application is for a community custody unit which is part of the Scottish Government's new approach to support female offenders in custody. In respect of the above criteria:
- 1 The proposed development is domestic in design and the proposed buildings are located sensitively within the existing landscape framework of the site providing a high quality residential development. The proposed buildings are focussed inward towards a central garden/activity area providing amenity space which is private and sheltered. The scale and orientation of the external space means that it will not suffer from significant overshadowing. The proposed development is in line with this requirement.
  - 2 The adjacent buildings range from 3 storey to 5 storey flats, new build houses and a new build school/community campus. The proposed design reflects the scale, massing and materials of the traditional built fabric and the new modern development in the surrounding area. The proposed buildings consist of 3no two storey buildings and a single storey hub building. The sensitive design, orientation and location of the buildings, within the existing mature landscape of the former school site, allows the buildings to integrate discretely within the context of the surrounding built environment. In respect of neighbouring properties, no overshadowing or overlooking issues are expected due to the sensitive design and layout of the proposed development. The Head of Community Safety and Protection was consulted in respect of potential noise from the proposed development. In order to protect residential amenity, it is recommended that standard noise conditions are attached to any planning permission granted in respect of proposed mechanical/electrical plant and services and a time restriction is placed on deliveries and the servicing of the proposed development. A further condition is recommended to request full details of any combustion compliances such as flues and generators to be submitted to the Council for written approval prior to the commencement of development in order to protect residential amenity and ascertain if an Air Quality Assessment is required. A Transport Statement was submitted and the findings accepted with no parking and traffic movement issues from the proposed development. In the interests of vehicle and pedestrian safety, it is recommended that a number of standard road conditions are attached to any planning permission granted. The proposed development meets the requirements of this criterion.
  - 3 The development site is located within walking distance of the Hilltown District Centre and the City Centre where a range of local services and facilities are located. The Supporting Planning Statement outlines the site selection process and that the location of the proposed development has been defined by its proximity to local services and public transport routes. Further it states that successful operation of the community custody unit is to some extent dependent on accessibility to local services to ensure that the women have access to, for example, housing or health services. The site is located close to a range of local services and facilities in the surrounding area in line with this requirement.

- 4 As outlined above the development site is located within walking distance of public transport routes and the Hilltown District Centre and the City Centre. Bus stops are located along Alexander Street, Hilltown and Victoria Road. A core path route runs along Ann Street to the north of the site. The site is accessible by all modes of transport and the proposed development meets the requirement of this criterion.
  - 5 A Design and Access Statement, Planning Statement and a Transport Statement have been submitted with the application. The supporting documents outline that the proposed development includes 23 parking spaces for staff and visitors and that staff will nevertheless be encouraged to use public transport and other modes of transport where appropriate, to access the proposed new facility. The site makes provision for cycle parking, disabled parking and electric vehicle charge points. It is recommended that standard conditions are attached to any planning permission granted to request full details of the proposed on site cycle parking facilities and the electric vehicle charging points in order to secure sustainable transport measures as part of the development. The proposed development meets the requirement of this criterion.
- 7.14 The proposal is for a specific, non-standard residential use within an enclosed site in a residential area. Whilst it is noted that there a number of non-mainstream uses within the Hilltown area including sheltered housing, care homes and the Lily Walker Centre, the surrounding area is predominantly mainstream residential uses. The proposed small scale development of a community custody unit for 16 women would therefore not lead to an excessive concentration of non-mainstream housing within the area.
- 7.15 It is recommended that a condition is attached to any planning permission granted to ensure that the proposed specific, non-standard residential use does not change to mainstream residential accommodation without further assessment that it can meet the necessary requirements in terms of design and layout set out in Policy 9 and Appendix 3 of the Local Development Plan.
- 7.16 **With the inclusion of conditions the proposal satisfies Policy 13.**
- 7.17 **Policy 17: Community Facilities** - proposals for new community facilities should be in locations convenient to the community they serve and readily accessible, particularly by public transport, pedestrians and cyclists. Joint developments with other agencies providing diverse but integrated community facilities will be encouraged.
- 7.18 Where land or buildings formerly in community use become surplus to current or anticipated future requirements, alternative uses or developments which are compatible with adjoining uses and any remaining community uses, will be supported. Large sites or sites in sensitive locations will be subject to a Planning Brief or Masterplan.
- 7.19 In respect of this policy, paragraph 2 is relevant as the land was formerly a school site which is considered surplus to future requirements. The proposed non-mainstream residential development would be considered appropriate given the surrounding uses in the area.
- 7.20 **The proposal satisfies Policy 17.**
- 7.21 **Policy 29: Low and Zero Carbon Technology in New Development** - requires the applicant to demonstrate that 10% of carbon emission reduction standards set by the Scottish Building Standards (2007) will be met through the installation and operation of zero-carbon generating technologies. This percentage will increase to 15% from the beginning of 2016 and will be reviewed in 2018.

- 7.22 The Design and Access statement incorporates a Sustainability Statement which states that the new build will comply with all minimum mandatory requirements of Section 6 of the Building (Scotland) Regulations. The concept design for the buildings on the site is being developed to enable passive strategies to be employed wherever feasible, including natural ventilation, passive cooling/reduction of solar gain and natural daylight. Further, it states that it is envisaged that a roof-mounted solar photovoltaic array will be provided to generate on-site zero carbon electricity, displacing the use of grid electricity. It states that the target 15% reduction on carbon emissions will be met in line with this policy requirement.
- 7.23 **The proposal satisfies Policy 29.**
- 7.24 **Policy 38: Trees and Urban Woodland** - the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development should contribute to the expansion of tree planting and woodland development where appropriate and must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site as well as new planting and maintenance arrangements.
- 7.25 The application site is framed by mature planting and landscaping which is a significant aspect of the character of the site. A tree survey and landscape plan was submitted by the applicant to outline the trees to be retained, trees to be removed and proposed new planting. The design and layout of the buildings sensitively integrates with the existing planting and the new planting proposed will ensure that the new development is enhanced by a well-designed landscape plan appropriate to the local context.
- 7.26 The Head of Environmental Management has been consulted and recommends that standard conditions are attached to any planning permission granted to request full details, including the species of the proposed new tree planting together with a maintenance plan, are submitted to the Council for written approval prior to the commencement of development.
- 7.27 **With the inclusion of conditions the proposal satisfies Policy 38.**
- 7.28 **Policy 40: Waste Management Requirements for Development** – Requires development proposals to demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.
- 7.29 The Design and Access Statement outlines the waste management proposed for the site. This adequately addresses the waste management requirements of the development.
- 7.30 **The proposal satisfies Policy 40.**
- 7.31 **Policy 42: Sustainable Drainage Systems** - states that surface water from new development must be treated by SUDS except for single houses or where discharge is to coastal waters.
- 7.32 A SUDS pond is proposed in the south-west of the site. A drainage strategy and Flood Risk Assessment was submitted with the application. The Design and Access Statement summarises the documents and outlines that there is no flooding risk and that surface water from the development will be managed in a suitable and sustainable manner.
- 7.33 There has been ongoing discussion regarding the drainage strategy during the application process and further detail of this is required. It is recommended that standard conditions are attached to any planning permission granted to ensure that full details including calculations



and drawings for the proposed scheme are submitted for written approval by the Council prior to the commencement of development.

7.34 **With the inclusion of conditions the proposal satisfies Policy 42.**

7.35 **Policy 44: Air Quality** - there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.

7.36 The Head of Community Safety and Protection was consulted and it is recommended that a condition is attached to any planning permission granted to request full details of any combustion compliances such as flues and generators are submitted to the Council for written approval prior to the commencement of development. This is to ascertain if an Air Quality Assessment is required in order to protect residential amenity.

7.37 **With the inclusion of a condition the proposal satisfies Policy 44.**

7.38 **Policy 45: Land Contamination** - states that development of potentially 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 adequately address the risks to all receptors.

7.39 A preliminary risk assessment has been submitted and this has been reviewed and its contents agreed by the Head of Community Safety and Protection. It is recommended that standard conditions are attached to any planning permission granted to request an updated investigation and risk assessment and if required a remediation strategy are submitted to the Council for written approval prior to the commencement of development.

7.40 **With the inclusion of conditions the proposal satisfies Policy 45.**

7.41 **Policy 47: Environmental Protection** - states all new development or an extension to an existing development that would generate noise, vibration or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

7.42 New development or an extension to an existing development in close proximity to existing sources of noise, vibration 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.

7.43 The Supporting Planning Statement outlines that the development is a low use development and confirms that there are no noise generating activities at the development. With regards to light pollution, it states that the proposed development does not include extensive external lighting to protect the site perimeter. Security is provided by CCTV coverage and intruder protection systems.

7.44 The Head of Community Safety and Protection was consulted and in order to protect residential amenity, it is recommended that standard noise conditions are attached to any planning permission granted to restrict noise from any proposed mechanical/electrical plant and services and a time restriction is placed on deliveries and the servicing of the proposed development.

7.45 **With the inclusion of conditions the proposal satisfies Policy 47.**

- 7.46 **Policy 55: Accessibility of New Developments** - requires all development that would generate travel to be well served by all modes of transport, with priority afforded to sustainable modes of walking, cycling and public transport.
- 7.47 A Transport Statement was submitted and its findings found to be acceptable. The proposed development will not have detrimental effect on the capacity or functioning of the existing road network. The application site has direct links to adjacent walking and cycling networks and is located within walking distance of a public transport route with bus stops in close proximity to the site. Safe and adequate provision is made for road freight and waste access, loading and unloading. In order to ensure the proposed development complies with Dundee City Council's roads design standards it is recommended that a number of standard conditions are attached to any planning permission granted.
- 7.48 **With the inclusion of conditions the proposal satisfies Policy 55.**
- 7.49 **Policy 57: Car Parking - New Developments Outwith City Centre** - All new developments shall be required to comply with Dundee City Council's adopted guidance on road standards, (Streets Ahead) with the national maximum parking standards and the national minimum disabled parking standards. Car parks provided exclusively for employees should incorporate the provision of infrastructure to install charging points for electric vehicles.
- 7.50 The supporting documents submitted with the application outline that the proposed development includes 23 parking spaces for staff and visitors. Further, staff will be encouraged to use public transport and other modes of transport where appropriate, to access the proposed facility. The site makes provision for cycle parking, disabled parking and electric vehicle charge points. It is recommended that a standard condition is attached to any planning permission granted to request full details of the proposed on site electric vehicle charging points in order to secure sustainable transport measures as part of the development.
- 7.51 With the inclusion of a condition the proposal satisfies Policy 57.
- 7.52 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

## **OTHER MATERIAL CONSIDERATIONS**

- 7.53 The other material considerations to be taken into account are as follows:
- A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2**
- 7.54 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.55 The proposed Dundee Local Development Plan 2 will in time replace the Dundee Local Development Plan 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan 2014 (along with TAYplan) constitutes the statutory Development Plan, the Proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.56 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above.
- 7.57 The following policies are considered to be a material change:

- 7.58 **Policy 1: High Quality Design and Placemaking** - requires new development to meet Scottish Planning Policy's six qualities of successful place as outlined in Appendix 1 – Distinctive; Safe and Pleasant; Easy to Move Around and Beyond; Welcoming; Adaptable and Resource Efficient. The scale, nature and location of the development will determine the extent to which the qualities, outlined in Appendix 1, are appropriate to the assessment process.
- 7.59 The supporting documents address Policy 1 and outline that the proposed development is design led in order to meet a specific client brief to provide accommodation for a distinct user group. The orientation of the building group is sensitive to the user group and the surrounding land uses and is centred on an enclosed landscaped garden. It responds sensitively to the existing landscape framework to ensure the retention of a number of mature trees around the site and a new planting scheme is also proposed thus ensuring the proposed development integrates positively with the surrounding built environment. The residential element is domestic in scale and design and the hub building is designed to be welcoming. Public access is maintained around the site with links to the core path network retained.
- 7.60 The proposed development meets Scottish Planning Policy's six qualities of successful place. With the inclusion of conditions as outlined in the report above the proposal satisfies Policy 1.
- 7.61 **Policy 9: Housing Land Release** – states that priority will be given to the development of the allocated brownfield and greenfield sites. To ensure that an effective 5 year supply of housing land is maintained over the plan period the sites allocated in Appendix 3 shall not be developed for other uses.
- 7.62 The application site is an allocated housing site (H38) in Appendix 3. The brownfield site is allocated with an indicative capacity of 35 units to ensure the provision of an effective 5 year land supply.
- 7.63 The proposed development is a residential use providing accommodation for women who are in the process of reintegrating into the community. The proposal satisfies Policy 9.
- 7.64 A generous supply of housing land has been allocated over the 10 year plan period from 2019-2029. Progress on the release of housing land is monitored through the Local Development Plan Action Programme and the annual Housing Land Audit. Any shortfall will be identified through this process and the Council will look to bring forward additional housing land to ensure that an effective 5 year supply of housing land is maintained over the plan period.
- 7.65 **Policy 28: Protecting and Enhancing the Dundee Green Network** - requires development proposals to protect and enhance the Dundee Green Network by ensuring that development will not lead to fragmentation of the existing network of green infrastructure.
- 7.66 The proposed layout respects the existing network of green infrastructure. Public access is maintained around the site with links to the core path network retained. A SUDS scheme, the retention of a number of mature trees around the site and a new planting scheme are proposed thus ensuring the proposed development integrates positively with the surrounding built environment and the green network is protected and enhanced.
- 7.67 With the inclusion of conditions as outlined in the report above the proposal satisfies Policy 28.
- 7.68 There are no other material changes. The proposal complies with the provisions of the Proposed Dundee Local Development Plan 2.



**B - VIEWS OF OBJECTORS**

- 7.69 30 letters of objection were received from members of the public which raised the following issues.
- 7.70 **Transport Related Issues** – concern was raised about increased traffic on the road network, pedestrian safety, insufficient car parking and the lack of suitable servicing/HGV access.
- 7.71 **Response** – the application is supported by a number of supporting documents including a Design & Access Statement and a Transport Statement. As outlined above, the findings of the Transport Statement are found to be acceptable. The proposed development will not have detrimental effect on the capacity or functioning of the existing road network. Also safe and adequate provision is made for road freight and waste access, loading and unloading. The supporting documents outline that the proposed development includes 23 parking spaces for staff and visitors and that staff will be encouraged to use public transport and other modes of transport where appropriate, to access the proposed new facility. In the interest of vehicle and pedestrian safety it is recommended that a number of standard conditions are attached to any planning permission granted.
- 7.72 **Noise** – issue raised about noise and disturbance from the proposed use.
- 7.73 **Response** - the supporting documents outline that the development is a low use development and that there will be no noise generating activities at the development. The maximum number of women residents at any time will be 16. The facility's garden grounds are designed to be quiet and reflective spaces and these are largely enclosed by the proposed houses and hub building. As outlined above, in order to protect residential amenity, it is recommended that standard noise conditions are attached to any planning permission granted to restrict noise from any proposed mechanical/electrical plant and services and a time restriction is placed on deliveries and the servicing of the proposed development.
- 7.74 **Loss of Trees** – issue raised about the loss of trees on the site.
- 7.75 **Response** - a significant aspect of the character of the existing site is the presence of a large number of trees around the north, west and south perimeters. The supporting documents highlight that tree retention and additional planting/landscaping are key elements of the project to help integrate the proposed development sensitively into the surrounding area and retain the character of the site. Amenity space is provided within the site and new trees will be planted in addition to the majority of existing trees being retained. As outlined above, in order to protect the character and visual amenity of the area, standard conditions will be attached to any planning permission granted to request full and comprehensive details of new planting together with a maintenance plan.
- 7.76 **Detrimental Impact On The Surrounding Area** – the issues raised relate to the inappropriate location of the community custody unit in relation to the surrounding residential and community uses. Also the amenity issues arising due to the location of the unit and its poor design and layout.
- 7.77 **Response** – the supporting documents outline that the application site has been chosen by the Scottish Prison Service as the preferred site for this facility following a substantive site selection process to identify a site to serve the Dundee/Perth/Angus and Fife areas. This is a small development of three houses accommodating a maximum of 16 women and an associated hub building. The supporting documents highlight that the new facility will operate under a strict regime with regards to access and visits and the women within the facility are subject to robust and rigorous risk assessment. Only once a woman meets certain criteria will they be offered the opportunity to be placed within a community custody unit. Community

access from the facility will also be strictly controlled under licenced conditions which are time and activity bound.

- 7.78 The design and layout of the proposed buildings respects the surrounding land uses, site topography and infrastructure constraints. The design of the facility is inwardly focused towards the shared garden and activity space from the proposed residential buildings and the hub building. Use of this space will be controlled and monitored. The hub building is designed to be outward looking, friendly and welcoming in character, featuring a degree of transparency into the main entrance foyer and adjacent hub space. The proposed external building materials pick up both the character of the traditional built fabric and the new modern development in the surrounding area.
- 7.79 The significant majority of tree cover within the site will be retained and additional tree planting is proposed to provide appropriate screening and a quality environment. The retention of mature landscaping on the site allows the buildings to integrate discretely with the surrounding built environment.
- 7.80 **Location and Number of Other Non-mainstream Uses** – a number of objections highlight the location and number of other non-mainstream uses in the area and the high concentration of other units housing vulnerable people in the area.
- 7.81 **Response** - whilst it is noted that there a number of non-mainstream uses within the Hilltown area including sheltered housing, care homes and the Lily Walker Centre the surrounding area is predominantly mainstream residential uses. The proposed development of a community custody unit for 16 women would therefore not lead to an excessive concentration of non-mainstream housing within the area.
- 7.82 **Proposed Housing Site** – a number of objection letters outline that they were notified that the site is allocated for housing in the Proposed Local Development Plan 2 and that this is a more favourable land use.
- 7.83 **Response** - the application site is an allocated brownfield housing site (H38) in Appendix 3 of the Proposed Local Development Plan with an indicative capacity of 35 units. The proposed development is a specific form of residential use providing accommodation for women who are in the process of reintegrating into the community. The proposed development is domestic in design and the proposed buildings are located sensitively within the existing landscape framework of the site providing a high quality non-standard residential development in proximity to a range of facilities and services.
- 7.84 **Contrary to the Hilltown Physical Regeneration Framework** – a number of objections state that the proposal is contrary to the regeneration framework.
- 7.85 **Response** – the initial aim of the regeneration framework was to create a ‘climate of confidence’ for future investment in the Hilltown area of the city. The framework seeks to ensure that new development increases housing choice across a range of sectors and tenures and to enhance the area as an attractive place to live. Since 2008 several sites have been redeveloped with quality dwellings and a new co-located primary school and community centre has opened on Alexander Street. This application sees investment continuing in the area with the redevelopment of a vacant school site.
- 7.86 **Contrary to the Local Development Plan** – a number of objections state that the proposal is contrary to the local development plan.
- 7.87 **Response** – as outlined above in the report the proposal meets the requirements of the Dundee Local Development Plan 2014.

- 7.88 The concerns of the objectors have been considered and addressed in the report above and are not of sufficient weight to justify refusal of the application.

### **C - LETTER OF SUPPORT**

- 7.89 One letter of support was received which stated that the project would enhance and make the area more secure.

### **D – APPLICANT’S SUPPORTING DOCUMENTS**

- 7.90 A number of supporting documents have been submitted with the application including a Planning Statement and a Design and Access Statement. The Scottish Prison Service has undertaken extensive community and stakeholder consultation to ensure that local community interests are best informed of the development proposed and this is outlined in a Statement of Community Involvement. This outlines that following an initial event in February 2018 and following the announcement of the preferred site in Dundee, a further two public events were held on 17 May 2018 and 28 June 2018.
- 7.91 The Planning Statement reports that the Cabinet Secretary for Justice announced in June 2015 that Scotland was adopting a new approach to the support of female offenders in custody. Central to this new approach would be the proposed development of a new national women’s facility to be built on the site of the existing HMP & YOI Cornton Vale establishment in Stirling, together with the development of up to five new community custody units across Scotland. The community custody units will provide safe accommodation and will support the needs of women who are suitable for, and would benefit from, closer community contact and access to local services. This approach is intended to create and sustain independence in preparation for successful reintegration into the community.
- 7.92 The proposed community custody unit at Nelson Street, Dundee is an integral part of the Scottish Prison Service implementing Scottish Government policy in relation to women in custody. The overall objective is to create an environment that encourages and assists with transformational change for women in custody.
- 7.93 As regards delivering the women’s strategy, Stirling Council approved planning permission in principle for the new Women’s National Facility at Cornton Vale, Stirling, at their Planning Committee meeting on 26 June 2018. Scotland’s first community custody unit was approved by Glasgow City Council on 25th September 2018.
- 7.94 The Planning Statement outlines the robust site options appraisal undertaken which considered that more rural, less populated areas would not be suitable. It outlines the key criteria used in choosing the particular areas, locations and sites for the units which also had to align with the Scottish Public Finance Manual requirements. The application site was selected due to suitable access to women’s services, transport links and home access.
- 7.95 The Design and Access Statement highlights that the proposed new facility is carefully designed to respond positively to the rehabilitation of the women who will occupy it. The unit is required to provide a comfortable living environment for the women residents and an appropriate level of privacy, while located in an urban location with access to local services and transport infrastructure. The design concept is to create a group of buildings which are domestic in scale and focussed inward towards a central garden/ activity area. Also care and attention has been given to the surrounding properties to avoid any adverse impact on their amenity. The design seeks to complement its surroundings by adopting a low, domestic scale and a limited palette of materials which reflect the local context in terms of finishes and colours.



## E - HILLTOWN REGENERATION FRAMEWORK

- 7.96 The aim of the regeneration framework was to create a 'climate of confidence' for future investment in the Hilltown area of the city. The framework seeks to ensure that new development increases housing choice across a range of sectors and tenures and to enhance the area as an attractive place to live. Since 2008 several sites have been redeveloped with quality dwellings and a new co-located primary school and community centre has opened on Alexander Street. The proposed development is a specific form of residential use providing accommodation for women who are in the process of reintegrating into the community. The proposed development is domestic in design providing a high quality non-standard residential development in proximity to a range of facilities and services. This application sees investment continuing in the area with the redevelopment of a vacant school site improving the physical environment of the area.
- 7.97 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

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## 8 CONCLUSION

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- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore recommended that planning permission be granted subject to conditions.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of work on site, details of the proposed finishing materials of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.  
**Reason:** in the interests of visual amenity.
  - 2 Prior to the commencement of work on site, details of the proposed boundary treatments and their location on the site shall be submitted to the Council for written approval. Thereafter, the erection of the boundary treatments shall be carried out in strict accordance with the details approved by this condition.  
**Reason:** in the interests of privacy and visual amenity.
  - 3 Prior to the commencement of work on site details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.  
**Reason:** in the interests of enhancing the amenity and environmental quality of the development.
  - 4 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the Council, and it shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their

protection in the course of development in accordance with BS5837:2012. Full details of new planting and landscaping and an associated maintenance schedule shall also be submitted to and approved by the planning authority prior to the commencement of development. 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 that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.

- 5 Full details of a maintenance plan for the proposed trees shall be submitted to the Council for approval before any development commences on site and if approved the development shall be carried out only in full accordance with such details.

**Reason:** to ensure that the character of the application site and the surrounding area is maintained.

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

**Reason:** in the interests of flood prevention.

- 7 Prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the commencement of the development hereby approved and shall be maintained until development is complete.

**Reason:** in the interests of flood prevention.

- 8 Prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDs features shall be submitted to Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out perpetuity.

**Reason:** in the interests of flood prevention and visual amenity.

- 9 Prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

**Reason:** in the interests of flood prevention.

- 10 Details of the proposed vehicle access including proposed road markings must be agreed prior to any works on site and the access must be formed and constructed as a Type B junction to Dundee City Council standards and specifications.

**Reason:** in the interests of vehicle and pedestrian safety.

- 11 The proposed gates must open into the driveway and not over the adjacent public footway.

**Reason:** in the interests of vehicle and pedestrian safety.

- 12 Details of the proposed cycle parking including type and housing shall be agreed prior to any works on site.

**Reason:** in the interests of sustainable travel measures.

- 13 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.

- 14 All road markings and signage associated with the previous use on the site must be removed in agreement with Dundee City Council.

**Reason:** in the interests of vehicle and pedestrian safety.

- 15 A Travel Plan must be in place and agreed with the Local Authority within one year of the development opening.

**Reason:** In the interests of promoting sustainable transport.

- 16 Electric car charging points shall be provided at a location and number to be approved prior to opening of the development.

**Reason:** in the interests of sustainable travel measures.

- 17 The hard surface within each curtilage should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

**Reason:** to ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.

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

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

**Reason:** in the interests of providing a site suitable for development.

- 19 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

**Reason:** in the interests of providing a site suitable for development.

- 20 Prior to the commencement of the development hereby approved, details of any combustion appliances eg boilers, hot water heaters, generators etc flues or other similar related works shall be submitted to and approved in writing by the planning authority. An air quality assessment may also be needed depending on the size, location and fuel type of any combustion appliances. Thereafter, the development shall be implemented in accordance with the approved details and be maintained as such.

**Reason:** in the interests of providing a safe and pleasant environment.

- 21 The total noise from mechanical and electrical plant/services shall not exceed NR45 during the day and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. For the avoidance of doubt night time shall be 2300 to 0700 hours.

**Reason:** in the interest of safeguarding amenity.

- 22 Deliveries and servicing of the premises/custody unit, including loading, unloading or lay-up, shall not take place between 2200 and 0700 hours.

**Reason:** in the interest of safeguarding amenity.

- 23 The proposed development hereby approved is for a specific, non-standard residential use as part of the development of a community custody unit. The development hereby approved shall not change to mainstream residential accommodation without further assessment that it can meet the necessary requirements in terms of design and layout as required by the Local Development Plan.

**Reason:** in the interests of ensuring a satisfactory standard of residential accommodation.