

There was submitted Agenda Note AN45-2021 which made reference to Planning Application Reference 20/00128/FULL which sought planning permission for a residential care home with ancillary development including landscaping and car park on land at 3 Middle Road, Liff, DD2 5SP. This application by Liff Care Development Ltd was refused by the Planning Committee at its meeting on 15th February, 2021. The Committee refused the application on the following grounds:

1. The proposed residential care home is of a design and scale which is incongruous to the established form and character of development within West Green Park. The operation of a residential care home of the scale proposed, with 70 bedrooms and associated staff and visitor vehicle trips would have an adverse impact on amenity by virtue of noise and light. The proposed residential care home fails to respect the character of the local area and would have an adverse impact on the visual and residential amenity within West Green Park. The proposal is therefore contrary to Policy 1 of the Local Development Plan 2019. There are no material considerations of sufficient weight to justify approval of the application.

2. The proposal would result in additional vehicle trips to the site, increasing use of the local road network. The site is not easily accessible by public transport and therefore fails to minimise the need to travel by private car. The proposal fails to encourage the use of sustainable transport options such as public transport and cycling, resulting in an increased number of vehicle movements to and from the site. This would have an adverse impact on the capacity of the local road network, resulting in additional congestion to the detriment of road, cyclist and pedestrian safety. The proposal is therefore contrary to Policy 54 of the Local Development Plan 2019. There are no material considerations of sufficient weight to justify approval of the application.
3. The proposed residential care home would result in increased use of the existing water and sewerage network within West Green Park. There is insufficient capacity within the existing infrastructure to accommodate the proposed development, resulting in an increased risk of flooding. The proposal is therefore contrary to Policy 36 of the Local Development Plan 2019. There are no material considerations of sufficient weight to justify approval of the application.

Planning appeal reference PPA-180-2064 was submitted and the Reporter appointed by Scottish Ministers issued a decision on 3rd November, 2021. The Reporter's decision is to ALLOW the appeal and GRANT PLANNING PERMISSION subject to 21 planning conditions.

The Reporter concluded that the proposed development would have no significant indirect impact on the setting of Greystanes House, Gowrie House or the housing within West Green Park.

After considering the potential impact of the development on residential amenity, the Reporter considered that the use of planning conditions to restrict noise generated by plant and machinery and to control air quality would help protect amenity. The Reporter noted that the forecast level of traffic movements would not impact on residential amenity to an unacceptable degree. The distance between properties was considered to be such that it is unlikely that it would have a detrimental effect on residential amenity by reason of light pollution.

Traffic movements were discussed and the Reporter noted that traffic levels would be largely similar to those generated by the existing nursery use and that there was no evidence that these would exceed local road capacity.

Finally, in respect of water and drainage infrastructure, the Reporter concluded that the proposals for disposal of wastewater from the site would not increase flood risk and that it will be for the appellants to obtain any necessary consents from Scottish Water or private interests.

Claim for An Award Of Expenses Decision

The appellants also submitted a claim against the Council for an award of its expenses in making the appeal. The Reporter found that the Council has not acted in an unreasonable manner resulting in liability for expenses and declined to make any award.

The full appeal and expenses decision can be accessed via the Scottish Government's Planning and Environmental Appeal Division website:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121643>