

Development of Motor Dealerships and New Sports and Community Hub

KEY INFORMATION

Ward Lochee

Address

Development Ground
Lundie Avenue and Football
Ground, Kingscross Road

Applicant

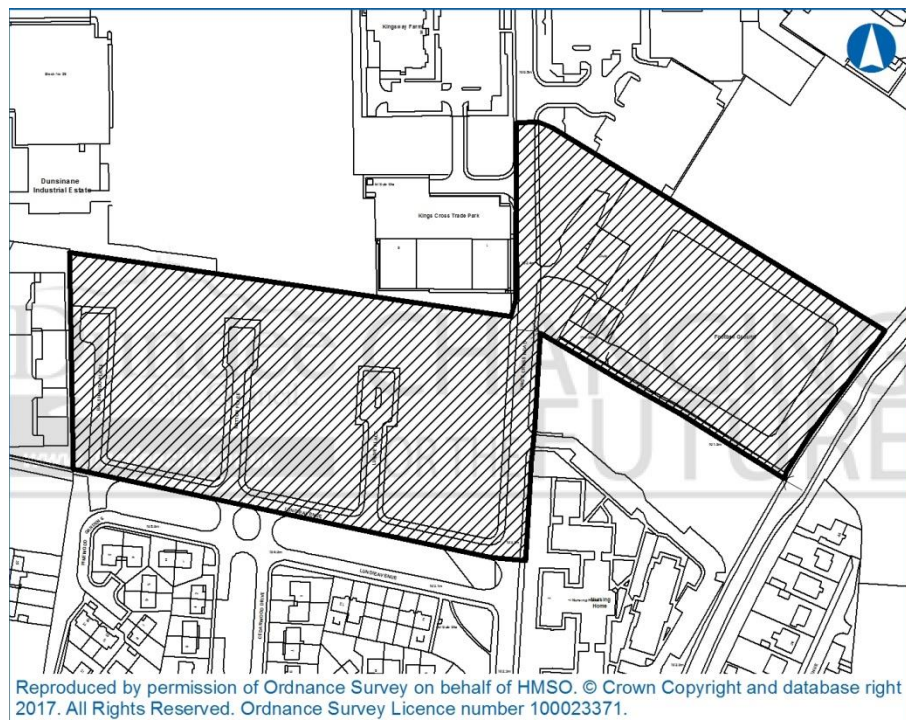
John Clark (Properties) Ltd
Alliance Centre
Greenwell Road
Aberdeen AB12 3AX

Agent

Neil Lambert
2 West Coates
Edinburgh EH12 5JQ

Registered 13 Dec 2016

Case Officer S Dorward



SUMMARY OF REPORT

- Members will recall that this application was deferred at the Development Management Committee meeting of 20 February 2017 to allow for clarification of environmental issues.
- Planning permission is sought for a mixed use development comprising motor dealerships and a new sports and community hub.
- The statutory neighbour notification procedure was undertaken, one letter of representation has been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as it constitutes a major development.
- The application has been advertised as being contrary to the Adopted Dundee Local Development Plan 2014.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=OFJMS8GCGHP00>.

RECOMMENDATION

The application complies with the relevant provisions of the development plan, with the exception of Policy 1 of the Adopted Dundee Local Development Plan 2014 as neither the use as a car dealership nor the use as a community sports hub fall within a use class identified as acceptable within a Principal Economic Development Area. Justification in terms of economic and community benefit has been submitted, which is of sufficient weight to allow a departure from Policy. The application is therefore recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

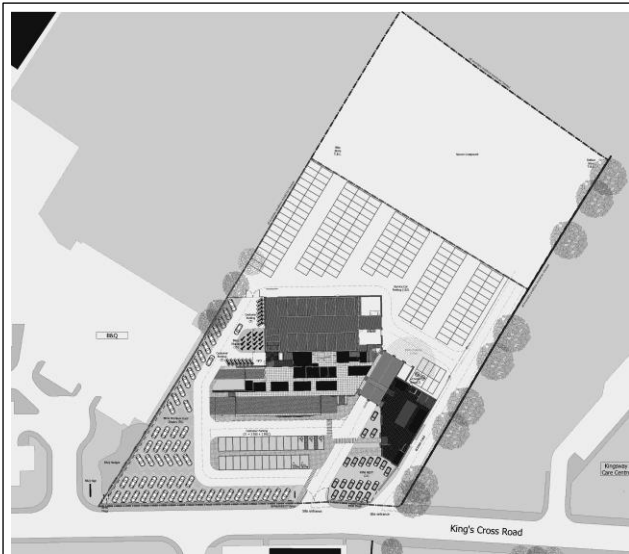


Figure 1 – BMW/Mini Site Plan

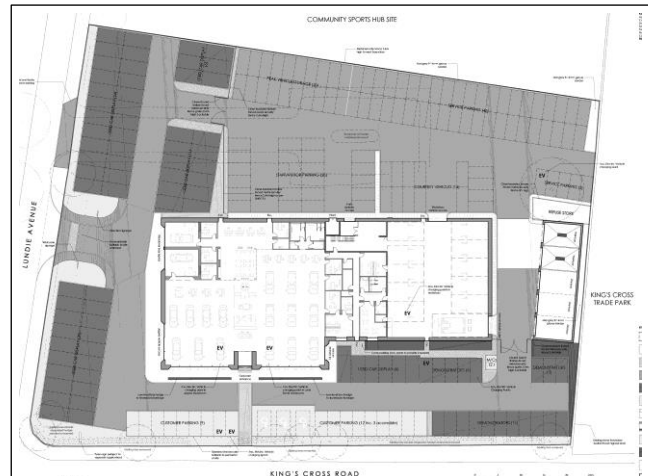


Figure 2 – Jaguar/Land Rover Site Plan

1.1 The application seeks planning permission for a mixed use development comprising two motor dealerships and a new sports and community hub. The car dealerships would both comprise showrooms, workshops, valet bays, parking and vehicle display areas and associated hard and soft landscaping. The sports and community hub would comprise a new clubhouse building for Lochee Harp Junior Football Club and St Francis Amateur Boxing Club, a new 3G football pitch, training pitch, equipment storage shed, parking area and associated hard and soft landscaping.

1.2 A BMW/Mini/Motorrad dealership is proposed to the east of the application site, on the site of the existing football pitch and boxing club facilities. Two accesses are proposed to the site from Kings Cross Road. Two storey buildings are proposed within the centre of the site with a combined footprint of approximately 2,060m² and to a maximum height of 8.9 metres, comprising three showroom areas, and workshop space with a parts area mezzanine. External finishes are proposed as a high level of glazing with solid walls finished in white render, smooth cladding panels in semi-gloss black and silver cladding panels. Service car parking is proposed to the rear (east) of the site and customer and display parking to the front north and west site boundaries adjacent to Kings Cross Road. A secure compound is proposed to the rear north east of the site which would store new and used cars.

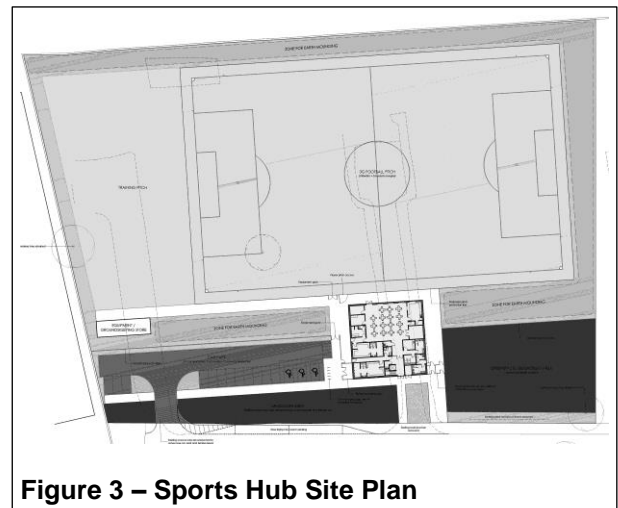


Figure 3 – Sports Hub Site Plan

1.3 A Jaguar/Land Rover dealership is proposed to the immediate west of Kings Cross Road, and the Sports hub beyond this to be accessed from Lundie Avenue. Vehicular access to the Jaguar/Land Rover showroom would be from Lundie Avenue. A single storey building is proposed in a cubic form. The building is proposed with a footprint of 2,150m² and to a maximum height of 6.8 metres. External finishes are proposed as grey metal cladding and

silver panels with a high level of glazing. Customer parking and demonstration vehicle parking is proposed to the front of the showroom adjacent to Kings Cross Road, with used car displays to the boundary with Lundie Avenue and stock/storage to the rear, west of the store.

- 1.4 The site for the sports hub is proposed to include a clubhouse, parking area, a greenspace biodiversity area and landscaping to the southern boundary of the site. The 3G football pitch and training area would be set behind this to the north beyond an area of earth mounding. The proposed two storey sports hub clubhouse would have a footprint of 430m² and a monopitch roof, extending to 8 metres in height. It would accommodate football club facilities to the ground floor and have a boxing club use to the first floor. External finishes are proposed as white render with a buff brick base course and light grey profiled metal roof with grey UPVC windows.
- 1.5 It is estimated that the proposed developments would create approximately 145 new jobs, including car sales, repair, service and sports related employment.
- 1.6 As the application site exceeds 2 hectares, the proposals constitute a major planning application. Documents submitted with the application are a Proposal of Application Consultation report, Design and Access statement, Drainage Impact Assessment, Transport Assessment and land contamination remediation reports.
- 1.7 In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.

2 SITE DESCRIPTION

- 2.1 The application site measures a total of 4.84 hectares and is located to the north west of Dundee. The site forms two neighbouring sites set opposite each other on Kings Cross Road, and relates to vacant brownfield land to the west of Kings Cross Road and an existing football pitch and clubhouses with spectator areas located to the east of Kings Cross Road. The Western site is designated as part of a Principal Economic Development Area and the eastern site is designated open space as per the Adopted Dundee Local Development Plan (2014).



Figure 4 – Site Photo



Figure 5 – Site Photo

- 2.2 The western site is accessed directly from Lundie Avenue which exits Kings Cross Road, and is bound by Lundie Avenue to the south, Kings Cross Road to the east, with boundary walls to the former Beechwood estate to the north and west. The site is level and is

currently vacant and overgrown, the site previously formed part of the Beechwood housing estate, remnants of three access roads to the housing site remain.

- 2.3 Access to the eastern application site to the existing eastern football and boxing facilities is from Kings Cross Road. The land is currently occupied by Lochee Harp Junior Football Club and St Francis Amateur Boxing Club. The site is bound by Kings Cross Road to the west, a retail warehouse to the north, the Miley, a dismantled railway and designated Site of Importance for Nature Conservation (SINC) area, to the east and the former Beechwood estate boundary wall to the south.

3 POLICY BACKGROUND

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

Policy 1: Location Priorities

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 1: Principal Economic Development Areas

Policy 7: High Quality Design

Policy 29: Low and Zero Carbon Technology in New Development

Policy 34: Locally Important Nature Conservation Sites

Policy 36: Open Space

Policy 38: Trees and Urban Woodland

Policy 42: Sustainable Drainage Systems

Policy 45: Land Contamination

Policy 47: Environmental Protection

Policy 55: Accessibility of New Developments

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

PAN 33: Development of Contaminated Land (2000)

- 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 Proposal of Application Notice 16/00686/PAN for a new 2 storey clubhouse, 3G football pitch, training pitch and store; new single storey Jaguar and Land rover dealership and new 2 storey BMW, Mini and BMW motorrad dealership, both with associated valet bays, displays and customer parking was submitted and agreed in August 2016.

5 PUBLIC PARTICIPATION

- 5.1 Two letters of objection have been received. One letter of objection has been raised by neighbours to the application site who raise concerns in relation to road safety, air and noise pollution, residential amenity in terms of proposed floodlighting, and impact on wildlife. A letter and petition were previously submitted as an objection to the Proposal of Application Notice, the author was informed that these should be addressed to the applicant and could not be taken into account by the planning authority when determining the planning application. A second letter of objection has now been received from a representative of the

Dundee Miley Group, working for the Scottish Wildlife Trust. The Miley Group have raised concerns in relation to the effects of drainage and impact on any wildlife in the area. The requirement for Environmental Impact Assessment, ecology and biodiversity reports was also questioned. Concerns were expressed in relation to security lighting affecting wildlife.

6 CONSULTATIONS

- 6.1 **sportscotland** – has considered the proposals for the replacement clubhouse, replacement full size floodlit synthetic 3G pitch and additional training area. Sportscotland has no objections. Conditions are recommended which relate to timescales and the quality of provision.
- 6.2 **Transport Scotland** – has no objection to the application.
- 6.3 **SEPA** – has no objection to the application provided that Scottish Water is willing to accept the loading, porous paving and attenuation tank.
- 6.4 **The Head of Community Safety and Protection** – has advised in relation to air quality that the development traffic would not trigger the need for an air quality assessment. Further details were sought in relation to fuel type and appliances. Planning conditions were recommended to restrict noise levels and opening hours in the interests of residential amenity. The remediation document submitted with the application in relation to land contamination was acceptable. Conditions are recommended to ensure that remediation is undertaken where required.

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

APPROVED TAYPLAN 2012

- 7.2 **Policy 1: Location Priorities** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region and make a major contribution to the regions economy: Dundee is identified as a Tier 1 principal settlement.
- 7.3 **The proposal therefore satisfies Policy 1 of the approved strategic TAYplan.**

ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN, 2014

- 7.4 **Policy 1: Principal Economic Development Areas** - safeguards areas designated as Principal Economic Development Areas for industrial uses. The proposed development consists of two distinct areas separated by Kings Cross Road. The area of land to the west of Kings Cross Road lies within Dunsinane Principal Economic Development Area. Policy 1

applies to all developments within this area and seeks to safeguard it for uses within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Others uses are to be resisted.

- 7.5 The land uses proposed consist of a new Class 11 use as a sport and community hub and two car dealerships which are a Sui Generis use. Both of these uses fall outside those identified as acceptable for the Principal Economic Development Area and would therefore be contrary to the terms of Policy 1. The workshops, office accommodation and storage elements associated with the car showrooms would, however, be in accordance with the policy.
- 7.6 **The proposal contravenes Policy 1 of the Adopted Local Development Plan.**
- 7.7 **Policy 7: High Quality Design** - requires that the design and siting of development should respect the character and amenity of the place and should create and improve links within the site and into the surrounding area beyond the site. Proposals should incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.
- 7.8 Proposals should also:
- consider and respect site topography and any surrounding landmarks, views or skylines;
 - contribute to a sense of identity by developing a coherent structure of streets, spaces, and buildings that are accessible and respect the existing building lines;
 - the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours;
 - existing buildings, streets and spaces should create safe accessible inclusive places for people which are easily navigable particularly on foot, bicycle and public transport and designed with future adaptability in mind; and
 - existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- 7.9 In this case, site topography, views and skylines are respected in the proposed design and no major changes are proposed to the layout of streets and spaces. Building height, materials, scale, massing and finishes would be in keeping with similar developments to the north of the application site and would not compromise the residential neighbourhood to the south.
- 7.10 Development of the Open Space on the eastern side of King's Cross Road would be compensated by similar replacement on the western part of the site adjacent to Lundie Avenue. Replacement of the open space with a showroom use would have relatively little impact on the surrounding area due to the stand-alone nature of the site. The eastern site is separated from the residential area to the south by a continuation of the original estate wall, B&Q is located on the northern side and the Miley lies on the eastern side of the site. The existing site frontage is not well defined, the football pitch and existing buildings are set back from the road and are obscured by advertising hoardings. The new buildings would be located within the site would create increased activity and improve the frontage and the development would form an extension to existing car dealership land uses to the north.
- 7.11 Policy 7 also requires all developments with a construction cost of £1 million or over to allocate at least 1% of construction costs for the inclusion of art projects in publicly

accessible places, or places within the development. A planning condition is proposed to ensure that a scheme of public art is agreed and thereafter installed, to which the applicant is agreeable.

7.12 **The proposal satisfies Policy 7 of the Adopted Dundee Local Development Plan.**

7.13 **Policy 29 Low and Zero Carbon Technology in New Development** - requires that, for specified developments, carbon emissions will be reduced. A statement is required to demonstrate that 15% of carbon emission reduction standards set by the Scottish Building Standards (2007) will be met through the installation and operation of low and zero-carbon generating technologies.

7.14 An appropriate condition is proposed that would ensure that a Statement is submitted in accordance with the terms of Policy 29.

7.15 **With the addition of a planning condition, the proposal would comply with Policy 29.**

7.16 **Policy 34: Locally Important Nature Conservation Sites** - states that development which could have a significant effect on the conservation interests associated with Local Nature Reserves, Sites of Importance for Nature Conservation or Wildlife Corridors will only be permitted where an ecological or similar assessment has been carried out which details the likely impacts of the proposal on the conservation interests of the designation, any negative impacts are mitigated, and it has been demonstrated that there are no other suitable sites that could accommodate the development.

7.17 The Miley nature trail is a designated Site of Importance for Nature Conservation (SINC) which runs to the east of the site boundary of the existing football pitch. Although the SINC is relatively close to the application site, there is a degree of separation and it is unlikely that there would be any significant effect given the nature of the proposed use.

7.18 **The proposal therefore satisfies Policy 34.**

7.19 **Policy 36: Open Space** - presumes against change of use of a site identified as open space to anything other than another open space use unless it can be established that the site no longer has a potential value as open space of any kind. The Council may set this requirement aside if satisfied that:

- the proposal is consistent with a masterplan, strategy or programme approved by the Council or compensatory open space of equal benefit will be provided; or
- proposals affect only a lesser part of the site and are ancillary to it or result in improved amenity value on the remainder of the site.

7.20 There is a presumption that new development should contribute to the enhancement and connectivity of open space and habitats as part of the wider green network.

7.21 The proposed development includes the relocation of the existing football ground and associated boxing club facilities from the east side of Kings Cross Road to a new site on the west side of Kings Cross Road. The vacated site would then be developed for a car showroom with associated facilities. This would result in the development of an area of land allocated as open space by the Dundee Local Development Plan 2014.

7.22 Although Policy 36 sets out a presumption against the change of use of allocated open space it does allow this to be set aside where the Council are satisfied that compensatory open space of equal benefit will be provided. As part of the development proposals

replacement purpose built facilities for the football club and boxing club would be provided on a site on the western side of Kings Cross Road. This would result in an improvement of the sporting opportunities in this part of the City and replacement of the older facilities with modern purpose built accommodation.

- 7.23 It is considered that in this instance the loss of the allocated open space on the eastern side of King's Cross Road is satisfactorily compensated for by the proposal to establish replacement sporting facilities including landscaping on the west side of Kings Cross Road. To ensure that the new facilities are provided in a timely manner, a condition setting out the timescales for the provision of these facilities is proposed.
- 7.24 **The proposal, subject to the imposition of a condition, satisfies Policy 36 of the Adopted Dundee Local Development Plan.**
- 7.25 **Policy 38: Trees and Urban Woodland** - seeks to ensure that new development contributes 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.
- 7.26 There are a number of trees to the boundary of the application site. It has been indicated that trees would potentially be removed from the application site adjacent to the Miley, to allow de-contamination of the site. Planning conditions are proposed to ensure that tree protection and any tree removal measures are put in place and are undertaken in accordance with British Standards.
- 7.27 **The proposal would satisfy the terms of Policy 38 with the addition of planning conditions.**
- 7.28 **Policy 42: Sustainable Drainage Systems** - requires surface water treatment by sustainable urban drainage to specified standards in relation to floor level, flood risk and water enhancement. A Sustainable Urban Drainage System (SUDS) should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300mm below floor level. Proposals are encouraged to adopt an ecological approach.
- 7.29 A drainage assessment was undertaken and submitted with the application, and detailed drainage drawings supplied. Scottish water agreement has been obtained for discharge rates to combined sewers and foul drainage. Where practical, all areas of the site would drain to a contained drainage system, with the exception of the landscaped areas around the sports pitch and large vehicle storage area, which are naturally free draining areas. SEPA has no objection to the application but seeks assurance that Scottish Water will accept the new loading, porous paving and attenuation tank which would be built in accordance with the current CIRIA Manual on SUDS. Planning conditions are recommended to ensure SUDS design and maintenance are in accordance with Dundee City Council standards, in the interests of flood prevention.
- 7.30 **Subject to the addition of planning conditions, the proposal satisfies Policy 42.**
- 7.31 **Policy 45: Land Contamination** - requires that development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.32 A site investigation report was completed and submitted by the applicant and the findings accepted. The site of the proposed Jaguar / Land rover showroom requires no further assessment or reporting. The site of the BMW/Mini showroom and the proposed football

ground both require remediation. Conditions are therefore proposed to ensure that the remediation strategy submitted with the application documents shall be fully implemented and verified prior to occupation.

- 7.33 **With the addition of planning conditions, the proposal would comply with Policy 45 of the Adopted Local Development Plan.**
- 7.34 **Policy 47: Environmental Protection** - requires that all new development that would generate noise, vibration or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New 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 the viability of existing businesses or uses.
- 7.35 The Head of Community Safety and Protection has recommended that planning conditions should be implemented to ensure that noise levels are acceptable in regard to the servicing/plant associated with the car dealerships, servicing and delivery hours to be restricted and opening hours also restricted. Operational hours were also suggested for the sports hub element of the proposals, to which the applicant is agreeable. Noise levels and delivery hours would again be restricted by condition for this element, including for the use of any public address system.
- 7.36 **With the addition of appropriate planning conditions, the proposal would be acceptable under the terms of Policy 47.**
- 7.37 **Policy 55: Accessibility of New Developments** - promotes access to all modes of travel and priority to sustainable modes of travel including walking, cycling and public transport. Public transport should be accessible within 400m from the centre of development. There should be no detrimental effect on the capacity or functioning of the existing road network and the safe and adequate provision should be made for waste access, loading and unloading. Road design standards in Streets Ahead should be incorporated into the development.
- 7.38 King's Cross Road is a main route within the City with good public transportation links and access to green travel routes. A Transport Assessment has been submitted with the application documents. Two site accesses are indicated from Kings Cross Road. The proposed junctions do not meet current guidelines with regard to spacing and visibility. Planning conditions are recommended to any planning permission granted to ensure that road accesses are constructed to Dundee City Council specifications, and to require a road safety audit and travel plan within one year of opening, in the interests of vehicle and pedestrian safety.
- 7.39 **Subject to the addition of planning condition(s), the proposal satisfies Policy 55.**
- 7.40 **It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.**

OTHER MATERIAL CONSIDERATIONS

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

A - JUSTIFICATION FOR A DEPARTURE FROM POLICY 1 OF THE ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN 2014

- 7.42 The applicants have submitted a Design and Access Statement in support of the proposed development. A justification for the part of the development located within Dunsinane Principal Economic Development Area which is contrary to Policy 1 has been provided. The applicants state that no development has taken place on this site since its re-allocation from a residential area to industrial use. They highlight that car showroom uses similar to those proposed were granted planning permission within Dunsinane Principal Economic Development Area adjacent to King's Cross Road to the north of the site and more recently at the former Valentines site. They highlight that the development site offers an opportunity to continue this successful approach to development in this area.
- 7.43 The applicants highlight that the development of the remainder of the site north of Lundie Avenue for sport and community hub uses is compensated for in a trade-off with land to the east of King's Cross Road which is currently allocated as Open Space. The latter would form part of the proposal to develop showroom uses resulting in one showroom on the east and west side of King's Cross Road.
- 7.44 The applicants state that the development as a whole would generate employment opportunities and assist in the regeneration of this part of the City. The economic benefits would include the creation of 145 full time equivalent jobs including car sales, repair, service and sports related employment.
- 7.45 The proposed development would result in the loss of an area of land allocated in the Dundee Local Development Plan 2014 for employment uses within Classes 4, 5 and 6. Given the area of employment land that would be lost and its location within Dunsinane Principal Economic Development Area, it is considered that it would not result in a significant loss to the current supply of land and would not undermine the strategy for providing land for businesses within the Economic Development Area or the City as a whole. It is also recognised that the workshops, office accommodation and storage associated with the car showrooms would be in accordance with Policy 1. It is acknowledged that the principal of allowing car showrooms within Dunsinane Principal Economic Development Area has been established, with the most recent example, at the former Valentine site.
- 7.46 The sport and community hub use would result in the introduction of a different use within a principal economic development area. Given the nature of the use and the location on the periphery of the designated area, including a separate access, it would not raise any significant issues in terms of the integrity of the allocation or the operation of the existing users in the area. It is also accepted that the area of land lost is being compensated for on the east side of Kings Cross Road. The provision of the all weather football pitch, additional grass pitch and improved boxing facility provision would also provide an enhanced community benefit.
- 7.47 Finally it is recognised that the proposal will generate additional employment opportunities with many jobs of a type (eg office, repair and maintenance) that would be encouraged within Principal Economic Development Areas.
- 7.48 On balance it is considered that there is sufficient weight in the material considerations, outlined above, to justify a departure to Policy 1 in this instance.

B - VIEWS OF OBJECTORS

7.49 Two valid letters of objection have been received in relation to the application. The first was a letter from a local resident. The second was from a representative of the Dundee Miley Group/Scottish Wildlife Trust following the deferral of the application.

The objections raise the following concerns:

- neighbour notification;
- Environmental Impact Assessment;
- traffic congestion, pollution and road safety;
- noise and light pollution;
- topography;
- drainage; and
- impact on adjacent nature trail, any protected species, ecology/biodiversity and wildlife.

7.50 Neighbour notification was carried out in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. In addition, the application was advertised in the local press.

7.51 With regard to Environmental Impact Assessment (EIA), the proposed development falls within Schedule 2 of the EIA Regulations, 2011 (as amended). Upon screening the characteristics of the development and circumstances of the application, it was not considered that the development would be likely to have a significant environmental effect on the environment. An EIA is therefore not required. A Screening Opinion has been placed on the register to that effect.

7.52 In terms of traffic congestion, pollution and road safety, planning conditions are proposed to ensure that the development would not have a significant adverse impact on the local road network. The level of additional traffic would be in the region of 667 additional vehicles a day and given the distribution of traffic this does not trigger the need for an air quality assessment associated with development traffic. Any potential impacts on air quality would be mitigated through the provision of electric vehicle charging points and the use of low-emission fleet. A planning condition is proposed to require the submission of heating details for prior approval, to ensure that emissions from the development would not be prejudicial to health or a nuisance.

7.53 With regard to any disturbance by noise and light pollution caused by the sports facilities, conditions are proposed to ensure that noise from plant, deliveries and any tannoy systems are restricted. Hours of operation for all facilities would also be controlled by condition.

7.54 Regarding topography, the objector states that the site is not level. It has been stated that land within the application site boundary is level and it is noted that the land slopes steeply adjacent to the site towards the Miley. Given the barrier between the Miley and area of construction, and the noted difference in levels, it was not considered that there would be a significant impact to the biodiversity of the area. Additional planning conditions are proposed to seek further details in relation to any floodlighting, and further details for the proposed biodiversity area to the western site.

- 7.55 In response to the drainage concerns raised, the surface water to the rear of the compound is to be drained under gravity to Kings Cross Road for the developed part of the site. The existing football pitch relies on field drains and the drain at the rear of the site adjacent to the Miley is a cut off drain which would address off site migration of surface water and would be moved into the application site. It is recommended that porosity tests are undertaken for the vehicle storage area and details supplied for the infiltration trench. Planning conditions are proposed to seek further details for surface water drainage/SUDS design, for the prior approval of the planning authority.
- 7.56 The existing football pitch embankment next to the Miley is contaminated and as part of the proposed remediation, works to the embankment would be undertaken. This would require the removal of some trees and the area would be re-landscaped. The applicants conclude that remediation of the existing contaminated land and removal of drainage from the Miley would mitigate the current unsatisfactory conditions. Planning conditions were previously proposed in relation to any potential tree works.
- 7.57 In terms of the adjacent nature trail and impact upon protected species, biodiversity and wildlife, it is noted that the Miley is a designated SINC which is located outside the application site. Within the application site, there are unlikely to be protected species as the area comprises a football pitch and vacant industrial land.
- 7.58 Conditions are proposed to ensure that details are submitted in relation to any trees to be removed from the periphery of the site, and to ensure that there are no nesting birds or European protected species present. A condition is also proposed to ensure that any tree felling takes place outside the active bird breeding season.
- 7.59 **The concerns of the objectors are not supported.**
- 7.60 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposed development is contrary to the provisions of the Local Development Plan. There are material considerations of sufficient weight to justify approval of planning permission. Therefore, it is recommended that this application be approved subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of any works on site, a Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the Adopted Dundee Local Development Plan (2014) shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.
 - 2 No development which would compromise the functionality or access to the existing grass pitch shall take place prior to the replacement synthetic pitch being developed and fully operational.

- 3 The new 100m x 60m pitch will be surfaced with a synthetic surface that will be designed and constructed by a recognised (eg SAPCA registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority prior to the commencement of any works on site.
- 4 Before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during development operations, as per BS:5837. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
- 5 Further details shall be submitted with regard to any tree felling required for the prior approval of Dundee City Council as planning authority. Thereafter works shall be undertaken as agreed and as per BS3998: 2012. Prior to felling, the trees shall be checked for any European protected species or nesting birds and if discovered the work shall cease and the developer will liaise with Dundee City Council as Planning Authority and appropriate organisations.
- 6 No tree works or vegetation site clearance shall be undertaken on site during the bird breeding season (from 1 March to 31 August inclusive).
- 7 Prior to the commencement of any works on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species.
- 8 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 and signed Dundee City Council Design and Check Certification 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 unit hereby approved.
- 9 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.
- 10 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.
- 11 Before the proposed BMW/Mini showroom is occupied, the submitted remediation strategy for that part of the site 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.

- 12 Before the proposed football ground and hub building is occupied, the submitted remediation strategy for that part of the site 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.
- 13 The total noise from the mechanical and electrical plant/services shall not exceed NR45 during daytime and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property.

NR45 is applicable for the period 07.00 to 23.00 hours and NR35 is applicable for 23.00 to 07.00 hours
- 14 All servicing and deliveries, including loading, unloading or lay-up shall be between 07.00 to 20.00 hours Monday to Saturday and 09.00 to 17.00 hours Sunday.
- 15 For all development in association with the car dealerships hereby approved, the premises shall be open to the public between the hours of:

0800 hours to 1900 hours Monday to Friday;
0800 hours to 1800 hours Saturday; and
1000 hours to 1800 hours Sunday.
- 16 For all development in association with the sports facilities hereby approved, the premises shall be open to the public between the hours of.

0900 hours to 2200 hours Monday to Saturday; and
0900 hours to 2100 hours on Sundays.
- 17 The use of a Public Address system on the site hereby approved shall only be used to announce team line ups and emergencies and for no other purposes.
- 18 Music shall be so controlled as to be inaudible within any adjacent residential property.
- 19 Prior to the commencement of the development hereby approved, full details of the proposed means of heating the building, including details of any boilers, flues or extracts or other similar related works shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be implemented in accordance with the approved details and be maintained as such.
- 20 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.
- 21 Details of the proposed accesses on Kings Cross Road including proposed road markings must be agreed prior to any works commencing on site and the access must be formed and constructed to Dundee City Council standards and specifications.
- 22 Details of the proposed accesses on Lundie Avenue and proposed road layout amendments including proposed road markings and resurfacing of Lundie Avenue must be agreed prior to any works commencing on site and the access must be formed and constructed to Dundee City Council standards and specifications.

- 23 A footway must be provided to Dundee City Council specifications ex adverso the site on Kings Cross Road. Details of the footway must be agreed prior to any works commencing on site.
- 24 A footway must be provided to Dundee City Council specifications ex adverso the site on Lundie Avenue. Details of the footway must be agreed prior to any works commencing on site.
- 25 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 commencing on site.
- 26 A Travel Plan must be in place and agreed with the Local Authority within one year of the development opening.
- 27 A Street Lighting system must be provided by the applicant to Dundee City Council standards and specifications.
- 28 Electric car charging points shall be provided at a location and number to be approved prior to opening of the development.
- 29 A Road Safety Audit for any proposed road works must be completed for any proposed road amendments.
- 30 The hard surface within the sites shall 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.
- 31 The applicant must provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority. Details shall be submitted to Dundee City Council as Planning Authority prior to any works commencing on site.
- 32 Prior to the commencement of any development on site, further details of the proposed biodiversity area as part of the development hereby approved, shall be submitted for the prior approval of Dundee City Council as planning authority. Thereafter the agreed details shall be fully implemented.
- 33 Prior to the commencement of any works on site, further details of any proposed floodlighting shall be submitted for the prior approval of Dundee City Council as planning authority. Thereafter lighting shall be installed only as per agreed details.

REASONS

- 1 In order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.
- 2 To safeguard sports provision during the construction phase.
- 3 To ensure appropriate design and construction of replacement pitch.
- 4 To protect those trees which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.

- 5 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenity and ecological preservation of the area.
- 6 In order to comply with the Wildlife and Countryside Act (1981).
- 7 In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- 8 In the interests of flood prevention.
- 9 In the interests of flood prevention and visual amenity.
- 10 In the interest of flood prevention.
- 11 In the interests of providing a site suitable for future development.
- 12 In the interests of providing a site suitable for future development.
- 13 In the interests of safeguarding residential amenity.
- 14 In the interests of safeguarding residential amenity.
- 15 In the interests of residential amenity.
- 16 In the interests of residential amenity.
- 17 In the interests of residential amenity.
- 18 In the interests of residential amenity.
- 19 No such details were submitted with the application, in order to ensure that emissions from the development are not prejudicial to health or a nuisance, and the change in annual mean nitrogen dioxide and particulate matter concentrations will be negligible.
- 20 In the interests of enhancing the amenity and environmental quality of the development.
- 21 In the interests of vehicle and pedestrian safety.
- 22 In the interests of vehicle and pedestrian safety.
- 23 In the interests of vehicle and pedestrian safety.
- 24 In the interests of vehicle and pedestrian safety.
- 25 In the interests of vehicle and pedestrian safety.
- 26 In the interests of promoting sustainable transport.
- 27 In the interests of vehicle and pedestrian safety.
- 28 In the interests of sustainable travel measures.
- 29 In the interests of vehicle and pedestrian safety.

- 30 To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.
- 31 To ensure an appropriate and publicly maintainable system is provided.
- 32 In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- 33 In the interests of environmental protection.