

Section 42 Application to Vary Conditions 27 and 29 of Planning Permission 22/00852/FULM for the Erection of a Warehouse

KEY INFORMATION

Ward North East

Address
Land To North of Jack Martin Way, Claverhouse East Industrial Estate

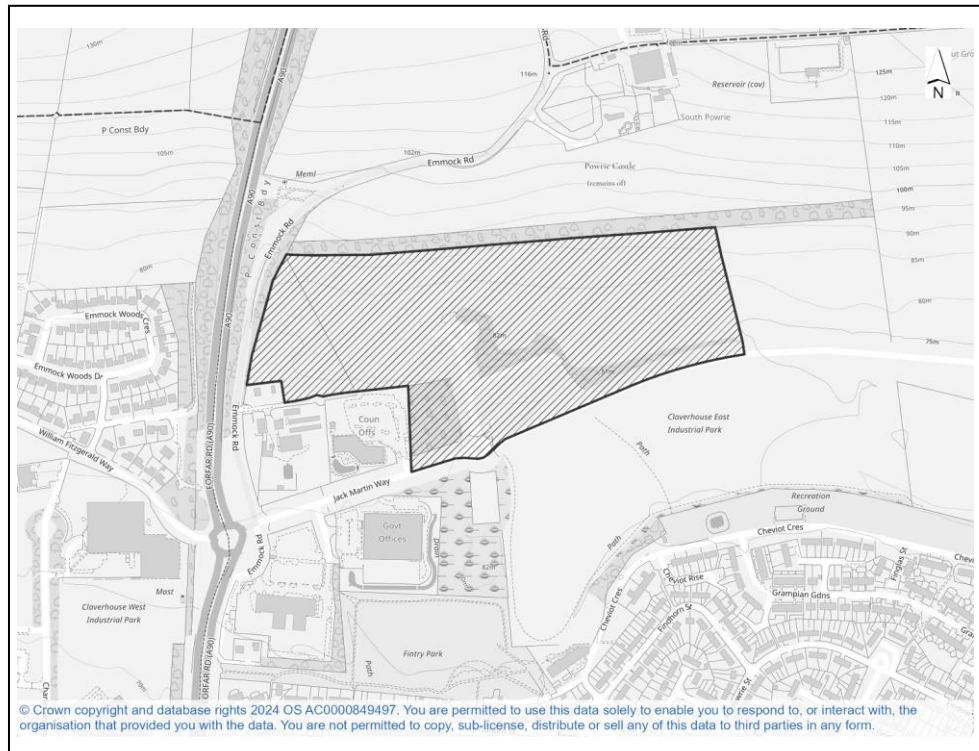
Applicant
West Ranga Property Group

Agent
Porter Planning Ltd

Validated: 19 Dec 2023

Report by Head of Planning & Economic Development

Contact: Craig Swankie



SUMMARY OF REPORT

- This is an application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary conditions 27 and 29 of planning permission 22/00852/FULM. The variations would allow additional night-time operations at the site, including van loading and unloading.
- Condition 27 restricted the occupation of van loading bays to 50% between 06:00 and 07:00hrs, with no van loading permitted between 23:00 and 06:00hrs. Condition 29 required acoustic barriers to be constructed prior to first use of the warehouse. Each condition was required to ensure the residential amenity of neighbouring houses was protected.
- The applicant proposes conditions which would restrict noise to a level that would allow night-time operations including loading of vans to be undertaken without a significant noise impact at the nearest neighbouring houses.
- The statutory neighbour notification process was undertaken, and no representations were received.
- As this application relates to planning conditions attached to a Major planning application it is required to be determined by the Planning Committee.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=S5NR0YGCH7Z00>

RECOMMENDATION

The application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary Conditions 27 and 29 of planning permission 22/00852/FULM is in accordance with the Development Plan. It is therefore recommended that planning permission be APPROVED subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission 22/00852/FULM for the erection of a warehouse (Class 6) with ancillary offices (Class 4), associated vehicle parking, van storage, landscaping and infrastructure was granted in April 2023. Development has not commenced.
- 1.2 The proposal related to the development of a warehouse, which would include delivery of goods via heavy goods vehicles, storage and processing on site, and thereafter loading of vans for onward delivery. The assessment of that planning application considered the potential noise impacts of the operations on neighbouring houses. Information submitted with the application demonstrated that through the addition of mitigation measures daytime noise criteria could be met, however it was not demonstrated that target noise criteria could be met during night-time hours. To ensure the proposal would have no significant impact on the residential amenity of neighbouring houses, the planning permission was granted subject to planning conditions.
- 1.3 Condition 27 of 22/00852/FULM states:
- "Prior to the commencement of works on site an Operations Management Plan (OMP) shall be submitted to and approved in writing by the council. Thereafter the warehouse shall only operate in accordance with the approved OMP. The OMP shall include details of measures to restrict van loading to the van loading bays to the north and east of the building and to only permit 50% of the van loading bays being occupied between 06:00 and 07:00hrs and no van loading between 23:00 and 06:00hrs"
- 1.4 To allow van loading to take place throughout the night-time period the application as submitted seeks to vary condition 27 to state:
- "Total noise from activities and vehicle movements at the development shall not exceed the following levels at facades of existing dwellings:
- LAeq,1-hour (07:00 – 23:00hrs): 45dB
 - LAeq,8-hours (23:00 – 07:00hrs): 40dB
 - LAFMax (23:00 – 07:00hrs): 55dB"
- 1.5 Condition 29 of 22/00852/FULM states:
- "Prior to the commencement of any works on site, full details of the acoustic barriers, as detailed in the Noise Impact Assessment undertaken by Envirocentre, Project Number 376887 document number 13056, dated February 2023 (issue 4 15/02/2023) shall be submitted to the Council for written approval. Thereafter, the barriers shall be completed as the approved details prior to the first occupation of the warehouse hereby approved".
- 1.6 The applicant is now proposing an alternative specification for the acoustic barriers and is therefore requesting to vary condition 29 to state (variation underlined):
- "Prior to the commencement of any works on site, full details of the acoustic barriers, as detailed in the Noise Impact Assessment undertaken by Envirocentre, Project Number 376887 document number 13056, dated February 2023 (issue 4 15/02/2023), and Noise Assessment undertaken by Tetra Tech Group Ltd, dated October 2023 shall be submitted to the Council for written approval. Thereafter, the barriers shall be completed as the approved details prior to the first occupation of the warehouse hereby approved".

- 1.7 The changes to Condition 27 and Condition 29 are the only proposed changes to the planning permission.

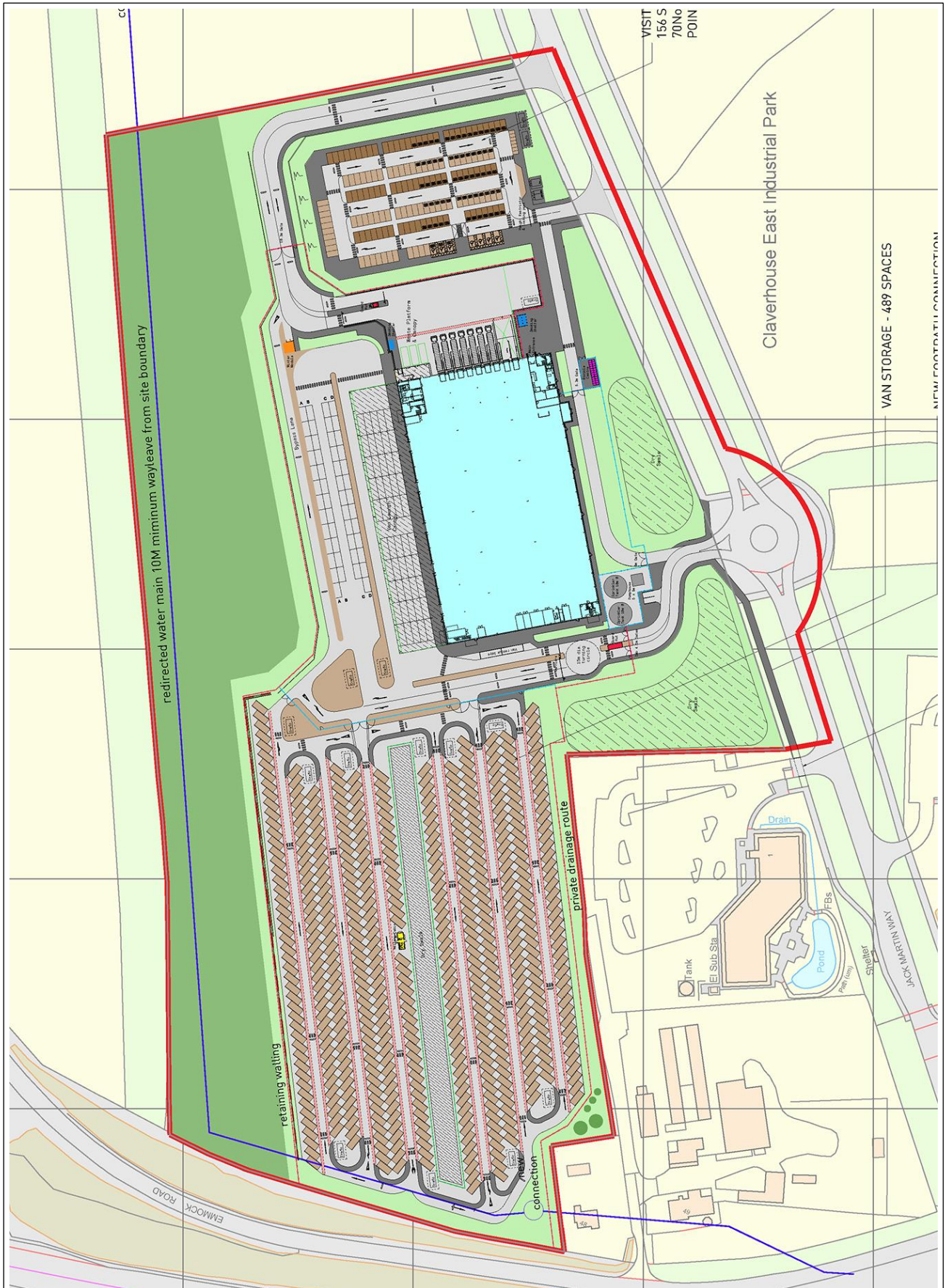


Figure 1 – Proposed Site Plan

2 SITE DESCRIPTION

- 2.1 The site is located to the north of Jack Martin Way within the Claverhouse East Industrial Estate. It is 10.95 hectares in area and is currently undeveloped and is used for agriculture. It is a serviced employment land site with an adopted access road and footway to the south. The site slopes gently to the south and is accessed via a roundabout on Jack Martin Way, a purpose-built access road to support industrial development at Claverhouse.
- 2.2 The site's north boundary is defined by a structured tree belt, which due to the sloping nature of the site sits above Jack Martin Way. The tree belt comprises tall trees which provide a distinctive feature in the local landscape. Beyond the trees is arable land and South Powrie Farm 140 metres to the north, including a cottage and the ruins of the Category A listed Powrie Castle. To the east of the site are further serviced employment land plots also in agricultural use, and to the south is Jack Martin Way with a further serviced employment land plot beyond. Further to the south beyond tree belts and structure landscaping are residential areas including Fintry and Whitfield. Immediately to the west of the site is an existing office and two houses, with Emmock Road and the A90 beyond.
- 2.3 Claverhouse East Industrial Estate is located with direct access to the A90 trunk road and the wider road network.
- 2.4 To the south of the application site, on the opposite side of Jack Martin Way planning permission for a warehouse for SSEN was approved by Planning Committee at the meeting on 13th March 2023. That development is currently under construction.



Figure 2: View of East of Site



Figure 3: View of West of Site

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

Policy 23e: Health and Safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)

Policy 39: Environmental Protection

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

4 SITE HISTORY

4.1 Planning permission 03/00349/DLA for the provision of new roads and drainage infrastructure to facilitate 30,000m² gross floor area (GFA) of employment development off Jack Martin Way was approved subject to conditions in February 2004.

4.2 Proposal of Application Notice 21/00910/PAN for the erection of a warehouse (Class 6) with ancillary offices, associated vehicle parking, van storage, landscaping, and infrastructure was submitted to Dundee City Council in December 2021.

4.3 Planning application 22/00155/FULM for the erection of a warehouse (Class 6) with ancillary offices, associated vehicle parking, van storage, landscaping and infrastructure was withdrawn in December 2022.

4.4 Planning application 22/00852/FULM for the erection of a warehouse (Class 6) with ancillary offices, associated vehicle parking, van storage, landscaping and infrastructure was approved in April 2023.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken.

5.2 No letters of representation were received.

6 CONSULTATIONS

6.1 **Head of Communities, Safety and Protection** – commented on the following matters:

Noise – a noise impact assessment, supporting statement and operational noise management plan were reviewed. The noise impact assessment recommends mitigation measures to reduce the impact of the proposed development on surrounding properties. The assessment demonstrates mitigation measures can be implemented to meet target noise criteria. The target noise levels requested are considered to be higher than necessary and an alternative target of 35dB has been proposed by the Head of Communities, Safety and Protection.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

The provisions of the National Planning Framework 4 and Dundee Local Development Plan 2019 relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

- 7.2 **NPF4 Policy 23e: Health and Safety** states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.3 **LDP Policy 39: Environmental Protection** states all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.
- 7.4 A noise impact assessment (NIA) was submitted with the original planning application which assessed noise from a range of sources including operations within the site and plant equipment. This demonstrated that target noise levels could be achieved during the day-time period subject to mitigation measures being provided. However, it did not demonstrate that target noise levels could be achieved during the night-time period if operations such as vehicle loading were undertaken. To ensure the residential amenity of houses within the surrounding area was protected, the implementation of mitigation measures including acoustic fencing, and restriction of van loading during night-time hours was controlled by planning conditions 27 and 29. With these conditions it was considered that residential amenity would not be significantly impacted by noise from the warehouse development.
- 7.5 The applicant now seeks to vary condition 27 and condition 29 to allow operations including van loading to take throughout the day time and night time period.
- 7.6 In support of the application, an updated noise impact assessment and supporting statement have been provided. The submitted reports consider noise from the proposed development, and the noise mitigation measures which could allow the development to operate during the daytime and the night-time periods without detriment to the residential amenity of houses in the surrounding area.
- 7.7 With regard to condition 27, the applicant proposes that this is varied to set maximum target noise levels and to remove the restriction on van loading. The applicant considers that the updated NIA and supporting information demonstrates that the operation of the warehouse, including van loading, can be undertaken during the night-time period without exceeding the proposed target noise levels. Through operating within the target noise levels, the amenity of neighbouring houses would not be significantly impacted.

- 7.8 To ensure the amended planning condition can be complied with, through the NIA the applicant has outlined options for mitigation measures which could achieve the proposed target noise levels. In addition to these mitigation measures, the applicant proposes that an Operations Noise Management Plan (ONMP) be provided to the Council which outlines various working practices that would minimise on-site noise. These include noise monitoring, management of vehicle manoeuvring and loading, and training of staff. An ONMP would also ensure that any noise complaints are addressed by the occupants satisfactorily.
- 7.9 The updated NIA and supporting information have been reviewed by the Head of Communities, Safety and Protection. In relation to night time noise the application proposed that the variation to condition 27 would limit average night time noise levels over a period of 8 hours. Following discussions with the applicant, they have now proposed a stricter wording to the condition to require that the average noise level at night time is achieved over each 15 minutes of the night rather than over the whole 8 hour night. The Head of Communities, Safety and Protection has no objection to the variation to Condition 27 as now proposed with the 15 minute periods. However, it is their preference that the night-time noise levels are limited to a lower level of 35dB rather than the 40dB proposed by the applicant to ensure there is no adverse impact to existing residents.
- 7.10 Whilst the NIA demonstrates that the warehouse could operate within the 35dB level this is dependent on the occupier and the nature of their operations. In order to give some flexibility around potential occupiers the applicant has instead applied for a higher limit of 40dB at night time.
- 7.11 The applicant has stated that at 40dB, low levels of noise may be audible in those nearest neighbouring properties (the two cottages to the west and the properties at Powrie Castle to the north) with windows open over the night-time period. They also note that 40dB would be an acceptable noise level had the affected properties been new builds, as this would be in line with the World Health Organisation Guidelines. As site is in a semi-rural location, existing night-time noise levels are very low and there would be a modest increase in noise levels during night-time hours at the nearest properties compared to the existing situation if the warehouse operated as set out in the NIA. It is also noted that the application site is allocated for employment use within class 4, 5 or 6 and that supporting this application would enable development of the long-term vacant site.
- 7.12 Taking all these points into consideration, it is concluded that the operation of the warehouse with a night-time noise level of 40dB, and with the other noise levels proposed in the varied condition 27 is not likely to raise unacceptable noise issues at those nearest residential properties or have an unsatisfactory level of disturbance on the surrounding area.
- 7.13 Although a proposed Operations Noise Management Plan has been submitted, it would be more appropriate for this to be approved once the end user of the warehouse has been confirmed. The provision of an Operations Noise Management Plan for approval by the Council, prior to first occupation of the warehouse, can be secured through an additional planning condition.
- 7.14 The proposed variation to condition 27 is in accordance with Policy 23e of NPF4 and Policy 39 of the LDP.
- 7.15 In relation to condition 29, the existing condition refers to an NIA submitted with planning application 22/00852/FULM. To ensure mitigation measures are implemented which will support the development achieving target noise levels during daytime and night-time periods, the applicant proposes to amend this condition to refer to the new NIA and mitigation measures it contains. The Head of Communities, Safety and Protection supports the proposed variation of condition 29.

- 7.16 The variations would ensure the condition relates to the latest NIA, and that mitigation measures as outlined in that report are implemented before the building is brought into use. Through the provision of those noise mitigation measures, the site can operate at night without raising unacceptable noise issues at the nearest properties – the two cottages to the west, and Powrie Farm to the north or result in an unsatisfactory level of disturbance on the surrounding area.
- 7.17 **The proposed variation to condition 29 is in accordance with NPF4 Policy 23e and LDP Policy 39.**
- 7.18 **It is concluded that the proposal is in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – Scottish Government Circular 4/1998

- 7.20 Circular 4/1998 provides guidance on the use of conditions in granting planning permission and stipulates that while the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. The Circular demonstrates that conditions that are fair, reasonable and practicable will satisfy the following 6 tests:
- necessary;
 - relevant to planning;
 - relevant to the development to be permitted;
 - enforceable;
 - precise; and
 - reasonable in all other respects.
- 7.21 The applicant proposes condition 27 be varied to state:
- 7.22 “Total noise from activities and vehicle movements at the development shall not exceed the following levels at facades of existing dwellings:
- LAeq,1-hour (07:00 – 23:00hrs): 45dB;
 - LAeq,15minutes (23:00 – 07:00hrs): 40dB; and
 - LA,F,max (23:00 – 07:00hrs): 55dB”.
- 7.23 The purpose and need for the condition is set out in the previous section of this report. The proposal to vary condition 27 of planning permission 22/00852/FULM does not undermine the necessity, purpose, relevance or precision of the original conditions. The proposed condition satisfies the requirements of Circular 4/1998.
- 7.24 The applicant proposes condition 29 be varied to state:
- 7.25 “Prior to the commencement of any works on site, full details of the acoustic barriers, as detailed in the Noise Impact Assessment undertaken by Envirocentre, Project Number 376887

document number 13056, dated February 2023 (issue 4 15/02/2023), and Noise Assessment undertaken by Tetra Tech Group Ltd, dated October 2023 shall be submitted to the Council for written approval. Thereafter, the barriers shall be completed as the approved details prior to the first occupation of the warehouse hereby approved”.

- 7.26 The purpose and need for the condition is set out in the previous section of this report. The proposal to vary condition 29 of planning permission 22/00852/FULM does not undermine the necessity, purpose, relevance or precision of the original conditions. The proposed condition satisfies the requirements of Circular 4/1998.
- 7.27 To further ensure noise from the site is managed to minimise any impact on the surrounding area, it is recommended that an additional condition is attached to ensure an Operations Noise Management Plan is submitted to the Council for approved. This would state:
- 7.28 “An Operations Noise Management Plan shall be submitted to the Council for written approval prior to first occupation of the warehouse hereby approved.”
- 7.29 The purpose and need for this condition is set out within the policy assessment above. An Operations Noise Management Plan will ensure work practices on site are undertaken in a manner which minimises noise, and that contact details are provided for any future operator. The proposed condition would not undermine the necessity, purpose, relevance or precision of the original conditions. The proposed condition satisfies the requirements of Circular 4/1998.
- 7.30 The effect of granting permission for a Section 42 variation is such that a new and separate permission exists for the development. In this case, one condition is to be added in relation to an Operations Noise Management Plan and the full set of conditions attached to the original permission will be carried forward with the variations to Condition 27 and Condition 29.
- 7.31 **It is concluded that there are no material considerations which would justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary Condition 27 and Condition 29 of planning permission 22/00852/FULM is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** – the development hereby permitted shall commence within three years from the date of this permission.
Reason – to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
 - 2 **Condition** - before any part of the warehouse is occupied the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating

that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

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

- 3 **Condition** - prior to the commencement of work on site details of a scheme of public art shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed within 12 months of the development hereby approved being occupied.

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

- 4 **Condition** - prior to the first use of the development, landscaping as illustrated on Drawing 01 – Soft Landscaping Layout dated 6 May 2022 shall be provided within the application site. The planting and landscaping shall thereafter be maintained as proposed within 2 – Soft Landscaping Layout dated 6 May 2022. 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 - in the interests of providing an attractive and pleasant environment.

- 5 **Condition** - prior to any works on site, the further survey work as laid out in Section 4.3 of the Ecological Appraisal dated May 2022 by EnviroCentre Limited shall be carried out in full, and submitted to the Council. The recommendations of the further surveys undertaken in accordance with this condition shall be implemented in full prior to the commencement of any development on the site.

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

- 6 **Condition** – the recommended mitigation measures laid out in Section 4.2 of the Ecological Appraisal dated May 2022 by EnviroCentre Limited shall be fully implemented as part of the development.

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

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

Reason - in the interests of sustainable drainage provision and flood protection.

- 8 **Condition** – prior to the commencement of any construction works, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason - in the interests of flood protection and visual amenity.

- 9 **Condition** – prior to first occupation of the development hereby approved, active and passive electric vehicle charging infrastructure shall be provided within the site as illustrated on drawing 'Proposed EV Charging Points' dated 31st January 2023.

Reason - in the interests of promoting sustainable transport.

- 10 **Condition** – prior to the commencement of development a construction waste management plan shall be submitted to and approved in writing by the Council. This shall contain details of how site waste will be controlled during the construction of the development.

Reason – in the interest of sustainable waste management.

- 11 **Condition** – prior to the first use of the development, the detailed design for the proposed upgrades to the existing A90(T)/Jack Martin Way/William Fitzgerald Way Roundabout, as generally illustrated on Drawing GB01T21E98/I/DES/01 (dated May 22), shall submitted to and approved in writing by Dundee City Council, in consultation with Transport Scotland as the trunk roads authority, to a standard compliant with DMRB CD 116.

Reason - in the interests of road safety; to ensure the provision of adequate design.

- 12 **Condition** - prior to the first use of the development, a combined Stage 1 and Stage 2 Road Safety Audit, in accordance with DMRB GG 119, shall be submitted to and approved in writing by Dundee City Council, in consultation with Transport Scotland as the trunk roads authority. Any amendments to the A90(T)/Jack Martin Way/William Fitzgerald Way Roundabout design resulting from the Road Safety Audit shall thereafter be agreed with Dundee City Council, in consultation with Transport Scotland as the trunk roads authority, and fully implemented thereafter.

Reason - in the interests of road safety; to ensure the provision of adequate design.

- 13 **Condition** - prior to the first use of the development, the existing A90(T)/Jack Martin Way/William Fitzgerald Way Roundabout, proposed to be used as a means of access to the trunk road, shall be upgraded to a standard compliant with DMRB CD 116, as generally illustrated on Drawing GB01T21E98/I/DES/01 (dated May 22), to be approved by Dundee City Council, in consultation with Transport Scotland as the trunk roads authority.

Reason – to ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished.

- 14 **Condition** – there shall be no advertising signage visible from the A90/Forfar Road.

Reason – to ensure no adverse impact on the operation of the trunk road.

- 15 **Condition** – no development shall commence until a Construction Traffic Management Plan (CTMP) has been prepared and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority.

Reason – to minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities, and to be consistent with current guidance and best practice.

- 16 **Condition** - prior to the occupation of any part of the development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been

submitted and approved in writing by Dundee City Council, after consultation with Transport Scotland as the trunk roads authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason – in the interests of promoting sustainable transport.

- 17 **Condition** - all vehicles transporting dry/loose construction material to and from the proposed development shall be sheeted.

Reason - to ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 18 **Condition** - prior to the commencement of any works on site, vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of Dundee City Council, in consultation with Transport Scotland as the trunk roads authority.

Reason - to ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 19 **Condition** - details of the proposed improvements to Jack Martin Way and site accesses must be agreed prior to any works on site and the road/accesses must be formed and constructed to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 20 **Condition** - the light spill at any existing residential window, from the floodlighting system, shall be no greater than;

a 5 lux, between 0700 and 2300 hours; and

b 1 lux between 2300 and 0700 hours.

Reason – to ensure no adverse impact on residential amenity or the operation of the trunk road.

- 21 **Condition** - prior to the commencement of development, full details of a contiguous footway along the verge on the north side of Jack Martin Way, connecting the footways in the north-western corner of the roundabout on Jack Martin Way with the existing footway leading to the bus stop serving the Claverhouse Social Work Centre shall be submitted to the Council for written approval. Thereafter, the works shall be completed in accordance with the approved details and made available for public use prior to first occupation of the development hereby approved.

Reason – in order to ensure the provision of an appropriate level of accessibility of the proposed development by a choice of sustainable transport options and in the interests of pedestrian safety.

- 22 **Condition** – full details of the type and form of secure and covered cycle parking spaces for staff and visitors shall be submitted to the Council for approval. Thereafter, the cycle parking shall be provided on site prior to first use of the development.

Reason - in the interests of promoting sustainable transport.

- 23 **Condition** - prior to commencement of any works on site, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

Reason - in order to safeguard the archaeological heritage of the site and to ensure that the developer provides for the investigation, recording and rescue excavation of any remains on the site in advance of their loss to development.

- 24 **Condition** - a treatment plan for the management of Giant Hogweed on this site shall be devised. The treatment plan must detail the measures required for the control/eradication of the plant including the frequency of such treatment. Given the nature of this plant the treatment plan must apply for a period of at least 5 years. Thereafter, the site must adopt a maintenance plan should the plant continue to grow. The treatment plan must be implemented prior to the occupation of the warehouse.

Reason - in order to ensure any Invasive Non-Native Species present within the site are removed.

- 25 **Condition** - 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 existing adjacent residential property. For the avoidance of doubt, night-time hours are from 23:00 to 07:00 hours.

Reason - in the interests of protecting residential amenity.

- 26 **Condition** – the received noise from the electrical substations shall not exceed NR30 as measured 1 metre external to the facade of any existing adjacent residential property.

Reason - in the interests of protecting residential amenity.

- 27 **Condition** – total noise from activities and vehicle movements at the development shall not exceed the following levels at facades of existing dwellings:

- LAeq,1-hour (07:00 – 23:00hrs): 45dB;
- LAeq,15minutes (23:00 – 07:00hrs): 40dB; and
- LA,F,max (23:00 – 07:00hrs): 55dB.

Reason - in the interests of protecting residential amenity.

- 28 **Condition** - refuse collection including loading, unloading or lay-up of refuse collection vehicles, shall not take place between 2300 and 0700 hours.

Reason - in the interests of protecting residential amenity.

- 29 **Condition** – prior to the commencement of any works on site, full details of the acoustic barriers, as detailed in the Noise Impact Assessment undertaken by Envirocentre, Project Number 376887 document number 13056, dated February 2023 (issue 4 15/02/2023), and Noise Assessment undertaken by Tetra Tech Group Ltd, dated October 2023 shall be submitted to the Council for written approval. Thereafter, the barriers shall be completed as the approved details prior to the first occupation of the warehouse hereby approved.

Reason - in the interests of protecting residential amenity.

- 30 **Condition** - prior to the commencement of any works on site, full details of the acoustic louvres and silencers to be installed to demonstrate compliance with the requirements of table E-2 of the Noise Impact Assessment undertaken by Envirocentre, Project Number 376887 document number 13056, dated February 2023 (Issue 4 - 15 February 2023) shall be submitted to the Council for written approval. Thereafter, the acoustic louvres and silencers shall be installed prior to the first occupation of the warehouse hereby approved.

Reason - in the interests of protecting residential amenity.

- 31 **Condition** - prior to commencement of any works on site for the installation of medium voltage substations (MVSS), full details of the acoustic enclosures for the MVSS, to be provided to demonstrate compliance with the requirements of table E-2 of the Noise Impact Assessment undertaken by Envirocentre, Project Number 376887 document number 13056, dated February 2023 (issue 4 15/02/2023), shall be submitted to the Council for written approval. Thereafter, the acoustic enclosures shall be installed prior to the first use of the medium voltage substations.

Reason - in the interests of protecting residential amenity.

- 32 **Condition** – prior to the first use of the warehouse an Operations Noise Management Plan shall be submitted to and approved in writing by the Planning Authority.

Reason - in the interests of protecting residential amenity.

Informatives

- 1 A Road Construction Consent (RCC) application, found via the following link on the Dundee City Council website:

<http://www.dundee.gov.uk/a2z/constructionconsent>

must be submitted to Dundee City Council as Roads Authority for work on any proposed roads or the adjacent public road or footway and consent for this must be obtained prior to the commencement of any works on new roads or the public road or footway. For further details please contact 01382 433341 or developmentroads@dundee.gov.uk

- 2 Any work carried out on site involving the removal of vegetation has the potential to disturb breeding birds and should be carried out with the breeding season or after a breeding bird survey has been completed.
- 3 The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.
- 4 Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
- 5 Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by

Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

- 6 The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.
- 7 Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.