



City Chambers  
DUNDEE  
DD1 3BY

1st August, 2025

Dear Colleague

You are requested to attend a MEETING of the **PLANNING COMMITTEE** to be held remotely on Monday, 11th August, 2025 at 5.00 pm.

Members of the Press or Public wishing to join the meeting should contact Committee Services on telephone (01382) 434205 by Friday, 8th August, 2025.

Yours faithfully

GREGORY COLGAN

Chief Executive

## **AGENDA OF BUSINESS**

### **1 DECLARATION OF INTEREST**

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

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

### **2 DEPUTATIONS**

- (a) 24-00813-FULM – CONSTRUCTION OF 49.99MW BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED WORKS- LAND SOUTH OF FAIRFIELD PARK, PITKERRO ROAD DUNDEE, DUNDEE –FOR MR ADAM ROCHE VITAL ENERGI LTD

A request has been made for a deputation to address the Committee relative to objections to the abovementioned application which is recommended for refusal.

- (d) 25-00615-FULL – PROPOSED ALTERATIONS AND EXTENSION TO LOCHEE BOYS AND GIRLS BOXING CLUB– LOCHEE BOYS AND GIRLS CLUB, 1 WELLBANK LANE, DUNDEE – FOR LOCHEE BOYS AND GIRLS BOXING CLUB

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

### **3 PLANNING APPLICATIONS**

(Copy attached).

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# Planning Applications

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

Item No	Case No/Ward	Location	Page
1	24/00786/CON W03-West End	West Park Conference Centre, 319 Perth Road, Dundee, DD2 1NN	1
2	24/00813/FULM W06-North East	Land South of Fairfield Park, Pitkerro Road, Dundee	14
3	25/00059/ADV W03-West End	115-117 Perth Road, Dundee, DD1 4JB	42
4	25/00165/FULL W02-Lochee	Lochee Boys & Girls Club, 1 Wellbank Lane, Dundee, DD2 3FW	55

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

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# Complete Demolition of West Park Conference Centre

## KEY INFORMATION

**Ward** West End

**Address**

West Park Conference Centre

319 Perth Road

Dundee

**Applicant**

Dundee Student Villages

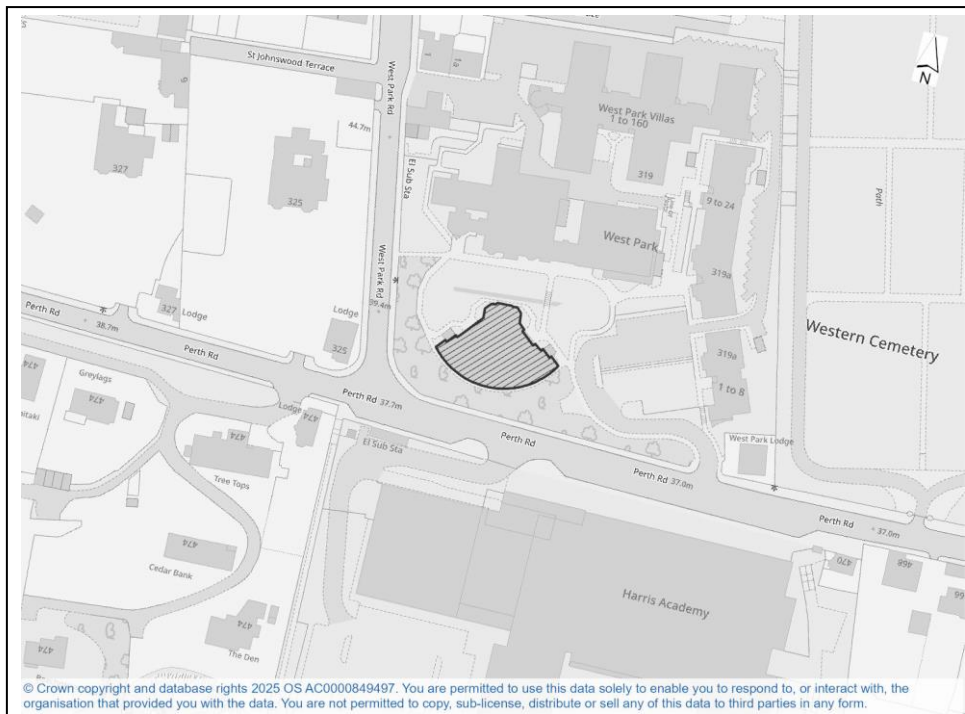
**Agent**

Mark Alexander Brown Ltd

**Validated:** 11 Dec 2024

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

**Contact:** Amy Russell



## SUMMARY OF REPORT

- Conservation Area Consent is sought for the demolition of the unlisted West Park Conference Centre at 319 Perth Road.
- The application is in accordance with the Development Plan.
- The application was advertised in the local press and a site notice was displayed at the site. One letter of objection was received.
- Supporting information included a planning statement and a structural report.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee due to an elected member request.
- More details can be found at [24/00786/CON | Complete demolition of West Park Conference Centre | West Park Conference Centre 319 Perth Road Dundee DD2 1NN](#)

## RECOMMENDATION

The proposal satisfies the duty imposed under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of conservation area consent. It is therefore recommended that Conservation Area Consent be **APPROVED** subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 The application seeks Conservation Area Consent for the complete demolition of West Park Conference Centre, located at 319 Perth Road. The building is unlisted and is situated within the West End Suburbs Conservation Area.
- 1.2 The conference centre has been permanently closed since March 2020. The applicant has submitted a structural report which highlights the building is in a deteriorating condition with major structural issues to the timber roof structure and exterior brickwork. The supporting statement outlines that the cost of repairs compared with the underlying value of the building as a conference centre/auditorium mean that it is unviable to undertake the necessary repairs.
- 1.3 It is therefore proposed to demolish the building in its entirety. There are currently no proposals to redevelop the site.
- 1.4 The applicant has submitted the following in support of the application:
  - Structural Report; and
  - Planning Statement.

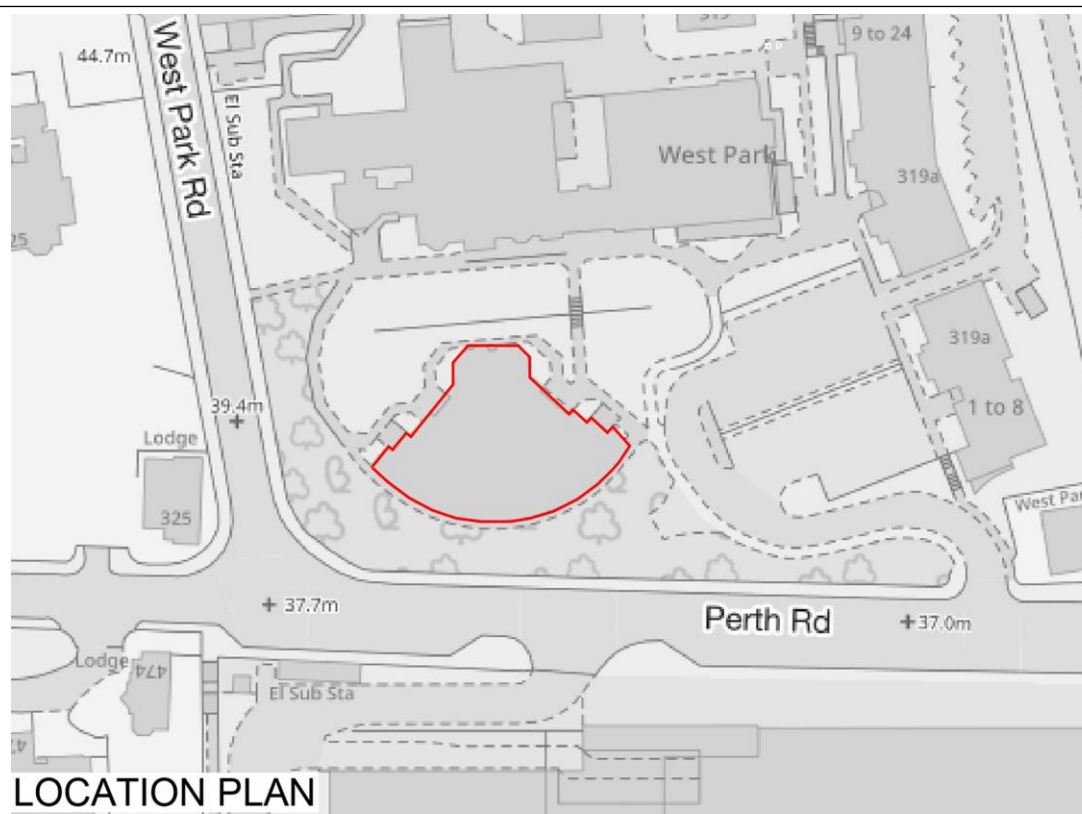


Figure 1 – Existing Site Plan

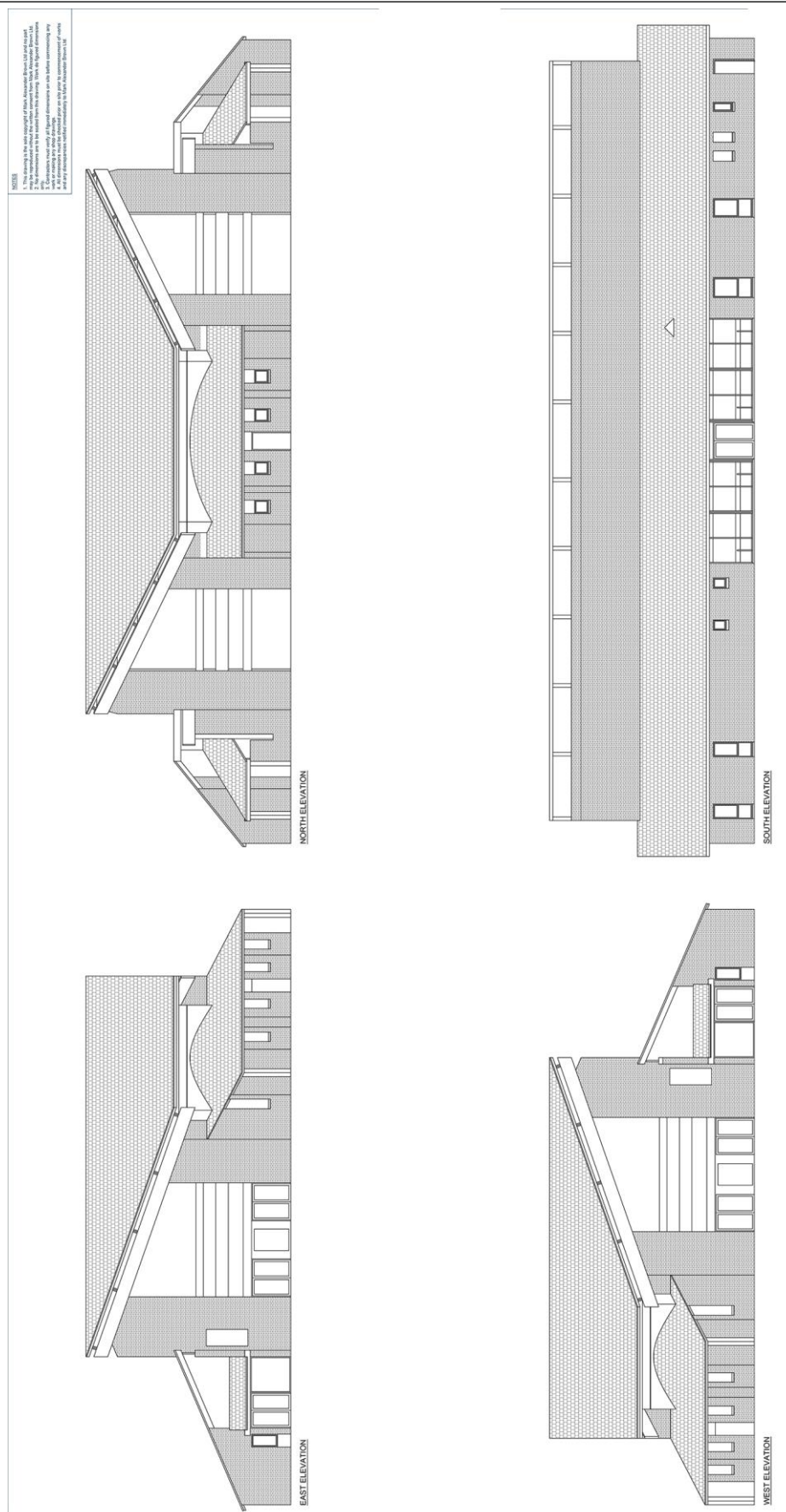


Figure 2 – Existing Elevations



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## 2 SITE DESCRIPTION

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- 2.1 The application site forms part of the wider Sanctuary Students West Park site at 319 Perth Road, which comprises student accommodation, open space and associated car parking. The building is of modern construction, is detached and relatively well enclosed to the east, south and west by mature trees and landscaping.
- 2.2 The building is finished with brick masonry and glazing with mono pitched slate roofs. The site is bound to the north and east by student accommodation which includes a category B listed building (West Park Hall and lodge). To the south, beyond the listed boundary wall is Perth Road and directly across sits Harris Academy. The site is bound to the west by West Park Road, on the opposite side of which is the category B listed Elmslea House and lodge.
- 2.3 The surrounding area is a mixture of residential including student accommodation and educational uses.



**Figure 3 – View from Perth Road Looking North**



**Figure 4 – View From West Park Road Looking East**





**Figure 5 – View of Existing Building**

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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:

**NATIONAL PLANNING FRAMEWORK 4**

Policy 7: Historic Assets and Places

Policy 9: Brownfield, vacant and derelict land and empty buildings

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 50: Demolition of Listed Buildings and Buildings in Conservation Area

**STATUTORY PLANNING POLICY**

- 3.2 Historic Environment Policy for Scotland (2019)

**NON-STATUTORY STATEMENTS OF POLICY**

- 3.3 West End Suburbs Conservation Area Appraisal

- 3.4 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 No recent planning history of relevance to this application.

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### 5 PUBLIC PARTICIPATION

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- 5.1 There is no statutory neighbour notification requirement for a conservation area consent however the application advertised in the local press and a site notice was displayed at the site.

- 5.2 One objection has been received raising the following valid material grounds:

- the Conference Centre is one of Dundee's most significant buildings of the late 20<sup>th</sup> Century, and it should not be demolished without every effort being made to restore it;
- the application fails to comply with criteria set out in Historic Environment Scotland guidance to justify its demolition;
- no evidence of previously marketing the building or assessment of costs of repairs; and

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### 6 CONSULTATIONS

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- 6.1 **Historic Environment Scotland** has no comment to make on the proposal.

## 7 DETERMINING ISSUES

- 7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that a building in a Conservation Area shall not be demolished without the consent of the appropriate authority (in this case the planning authority).
- 7.2 In accordance with the provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, special regard must be given to the effects of the proposed development on the character and appearance of the Conservation Area. This statutory duty should always be borne in mind when considering demolition applications.
- 7.3 The building proposed for demolition is the West Park Conference Centre, situated at 319 Perth Road. The application site comprises a large, detached building of modern construction. The building, whilst set back and relatively well enclosed with mature trees, has a prominent frontage onto Perth Road due to the rising ground levels to the north and the scale of the building. The conference centre is situated within the West End Suburbs Conservation Area but is not listed.
- 7.4 In the supporting statement, the applicant submits that the existing building does not make any significant contribution to the character of the Conservation Area and that its demolition would have no significant impact on the local streetscape.
- 7.5 The West End Suburbs Conservation Area Appraisal identifies the conference centre as having a prominent frontage onto Perth Road (appendix F). Whilst it is recognised that a portion of the building is visible from Perth Road, this is minimised due to existing boundary treatments and mature trees which enclose the site to the east, south and west and provide significant screening. Furthermore, the south elevation which fronts Perth Road is not the principal elevation and in terms of siting and appearance does not make a significant contribution to the character or appearance of the conservation area, which is characterised by large, detached villas on expansive plots which tend to have their principal elevation facing south. As such, due to the level of enclosure of the site and orientation of the building, it is considered that the building holds limited townscape value and does not make a significant contribution to the character or appearance of the conservation area.
- 7.6 The conference centre is sited within foreground of the category B listed former villa, now West Park Halls. The development of the conference centre building subdivided the historic site of West Park Hall, which is at odds with the prevailing character of the conservation area. The demolition of the West Park Conference Centre would reflect the historic setting of West Park Hall and would have no significant detrimental impact on the character of the local streetscape or wider conservation area. The complete demolition of the existing building and the making good of the site is an acceptable proposal.
- 7.7 As the building does not make a significant positive contribution to the character of the conservation area and is of little townscape value, there is no requirement to consider further justification for its demolition. Notwithstanding, supporting documents have been submitted with the application including a Planning Statement and Structural Survey and Report. The Planning Statement outlines that the redevelopment of the building is unviable due to vacant nature of the building, the existing structural condition of the building, and the cost of repairing it. The structural survey provides an assessment of the current condition of the building, however this is not accompanied by a fee estimate or feasibility assessment and so there is only evidence to consider the current condition of the building and not the potential viability of carrying out the repairs. Based on the structural report, the building is in a deteriorating condition with structural issues to the timber roof structure and exterior brick elevations. Whilst

these elements are not necessarily required to justify the demolition of a building of limited townscape value, they provide further justification for the proposed demolition.

- 7.8 In summary, because the West Park Conference Centre is a modern building sited within the foreground of a listed building, the building does not make a significant positive contribution to the character and appearance of the conservation area. As such, the statutory duty set out in Section 64 of the Act would be satisfied by the approval of this application.

## OTHER MATERIAL CONSIDERATIONS

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

### **A – NATIONAL PLANNING FRAMEWORK 4 AND DUNDEE LOCAL DEVELOPMENT PLAN 2019**

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

#### **Demolition of the Building**

- 7.11 **NPF4 Policy 7(f): Historic Assets and Places** - states demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i reasonable efforts have been made to retain, repair and reuse the building;
- ii the building is of little townscape value;
- iii the structural condition of the building prevents its retention at a reasonable cost; or
- iv the form or location of the building makes its reuse extremely difficult.

- 7.12 **LDP Policy 50: Demolition of Listed Buildings and Buildings in Conservation Areas:** states applications for the demolition of a listed building or an unlisted building that is worthy of retention in a conservation area must be fully supported by reports on the condition and marketing history of the building along with a feasibility study which explores the viability of retaining the building in active use. Where the demolition of a building is acceptable, applications must be supported by acceptable proposals for the redevelopment or treatment of the cleared site.

- 7.13 As discussed above the West Park Conference Centre is a modern building which makes a limited contribution to townscape value and does not enhance the character or appearance of the West End Suburbs Conservation Area. As set out above under NPF4 Policy 7(f) and LDP Policy 50, there is not a requirement to provide further justification for its removal in the case that the building is not worthy of retention or, that does not make a positive contribution to the conservation area. Nonetheless, the submission includes a planning statement and structural report which further justify its demolition.

- 7.14 With regards to NPF4 Policy 7(f):

- i no evidence has been provided to demonstrate this criterion;
- ii as discussed above in paragraphs 7.5-7.8 the building is of modern construction and is sited within the foreground of the listed building. Due to the position and orientation of the building, the principal elevation does not front a road, and the site is well enclosed

with mature landscaping and high stone boundary walls. As such the building is not considered to be of significant townscape value;

- iii the applicant has provided a Structural Report which demonstrates the extent of works required to resolve the structural defects and return the building to use as a conference centre. Because a feasibility assessment has not been provided this criterion has not been fully demonstrated. However, it is recognised that the building has not been in use since 2020 and due to the extent of the structural defects, cannot be safely used in its current condition. Furthermore, the Planning Statement submits that there is not sufficient demand for the use of the building as a conference centre and as such works to the building to make it safe would be unviable; and
- iv the submitted Planning Statement outlines that because the building was purpose built as a conference centre and auditorium, the floor plan and design of the building means that it does not lend itself to adaptation to alternative uses

7.15 In summary, because the building does not make a significant positive contribution to the West End Suburbs Conservation Area, NPF4 Policy 7(f) is satisfied. In addition, whilst demonstration of the above criteria (i-iv) is not a requirement of policy 7(f), the building does not make a significant positive contribution to the Conservation Area, as discussed above additional justification has been provided for the demolition particularly with regard to criteria (ii) and (iv) of Policy 7(f).

7.16 With regard to LDP Policy 50 a comprehensive Structural Survey has been submitted for review. However, the marketing history of the building and a supporting feasibility assessment have not been provided. Given the application is for the demolition of an unlisted building that does not make a significant positive contribution to the West End Suburbs Conservation Area, no further information is required to justify the demolition, and the requirements of Policy 50 have been satisfied.

7.17 It has been established above that the building does not make a significant positive contribution to the West End Suburbs Conservation Area and is of limited townscape value. The information submitted sufficiently justifies the complete demolition of the conference centre. Overall, the complete demolition of the building and making good of the site would maintain the historic character of the local streetscape and West End Suburbs Conservation Area.

7.18 **The proposal meets criteria ii and iv of Policy 7f of NPF4 and meets the requirements of Policy 50 of the adopted LDP.**

#### **Redevelopment of the Site**

7.19 **NPF4 Policy 7g):** states where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

7.20 **LDP Policy 50:** states that where the demolition of a building is acceptable, applications must be supported by acceptable proposals for the redevelopment or treatment of the cleared site.

7.21 The applicant has stated that there are no proposals to redevelop the site. The supporting Planning Statement outlines that a suitable treatment will be made to ensure the cleared site is left safe and secure post-demolition works. A condition is recommended to obtain this information prior to works beginning on site.

- 7.22 NPF4 Policy 9d): Brownfield, vacant and derelict land and empty buildings, states that Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.
- 7.23 While it is accepted that the demolition of a building is the least preferred option, the subject building was purpose built as a conference centre and the resulting design of the building and floorplan is constrained and does not lend itself to alternative uses. Furthermore, as discussed above, the ongoing use of the building as a conference centre is not viable given the extent of the structural repairs and limited demand for the current space. Therefore, in this instance the proposed demolition is acceptable in compliance with NPF4 Policy 9d.
- 7.24 The proposed demolition of the West Park Conference Centre at 319 Perth Road meets the requirements of the Development Plan.

## **B – NATIONAL POLICY AND GUIDANCE**

- 7.25 Historic Environment Policy for Scotland (2019) should be taken into account when determining applications for development which may affect the historic environment. The Historic Environment Policy for Scotland sets out principles and policies for the recognition, care and sustainable management of the historic environment. It seeks to influence decision making that will be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes to society and the environment, and to achieve the best possible outcome for the historic environment, maximising its benefits.
- 7.26 For the reasons set out in the assessment above, the proposed works would comply with national planning guidance concerned with the historic environment.

## **B – REPRESENTATIONS**

- 7.27 One objection has been received raising the following valid material grounds:
- the conference centre is one of Dundee's most significant buildings of the late 20<sup>th</sup> Century, and it should not be demolished without every effort made to restore it.
  - the application fails to comply with criteria set out in Historic Environment Scotland guidance to justify its demolition;
  - no evidence of previously marketing the building or assessment of costs of repairs; and
  - the submitted structural report was not compiled by a conservation accredited engineer.
- 7.28 The grounds of objection are considered and assessed as follows:
- 7.29 **Objection** - the conference centre is one of Dundee's most significant buildings of the late 20<sup>th</sup> Century, and it should not be demolished without every effort made to restore it.
- 7.30 **Response** - the building is not listed or recognised as a key unlisted building within the West End Suburbs Conservation Area Appraisal. It is a modern building representative of its time and purpose. The siting and orientation of the building alongside existing boundary screening means that this building does not make a significant contribution to the streetscape. This is discussed further in paragraph 7.6 - 7.7 above.
- 7.31 **Objection** - the application fails to comply with criteria set out in Historic Environment Scotland guidance to justify its demolition.



- 7.32 **Response** - guidance from HES states that in deciding whether conservation area consent should be granted, planning authorities should take into account the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site. If the building is of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated. As the building does not make a positive contribution to the character of the conservation area, there is no requirement to provide further justification for its demolition. Additionally, HES has no objection to the demolition of the building.
- 7.33 **Objection** - no evidence of previously marketing the building or assessment of costs of repairs.
- 7.34 **Response** - this is considered in the assessment section above (paragraphs 7.12 -7.15).
- 7.35 An objection was also raised regarding the submitted Structural Report not being compiled by a conservation accredited engineer. This is not a material planning consideration as it is not a statutory requirement, and the Structural Report provides a comprehensive overview of the condition of the building.
- 7.36 The issues raised in the representation have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.37 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of conservation area consent.**

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## 8 CONCLUSION

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- 8.1 The application for the complete demolition of the West Park Conference Centre at 319 Perth Road satisfies the duty imposed under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of conservation area consent. Therefore, it is recommended that conservation area consent be granted subject to conditions.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that conservation area consent be GRANTED subject to the following condition(s):
- 1 **Condition** – no demolition works shall commence until full details for the restoration of the site after the demolition has taken place have been submitted to and agreed in writing by the planning authority.  
  
**Reason** – to ensure the site is left in a suitable condition and to preserve the character and appearance of the Conservation Area and adjacent listed buildings.

# Construction of 49.99MW Battery Energy Storage System With Associated Works

## KEY INFORMATION

**Ward** North East

**Address**

Land South Of Fairfield Park  
Pitkerro Road  
Dundee

**Applicant**

Mr Adam Roche  
Vital Energi Ltd

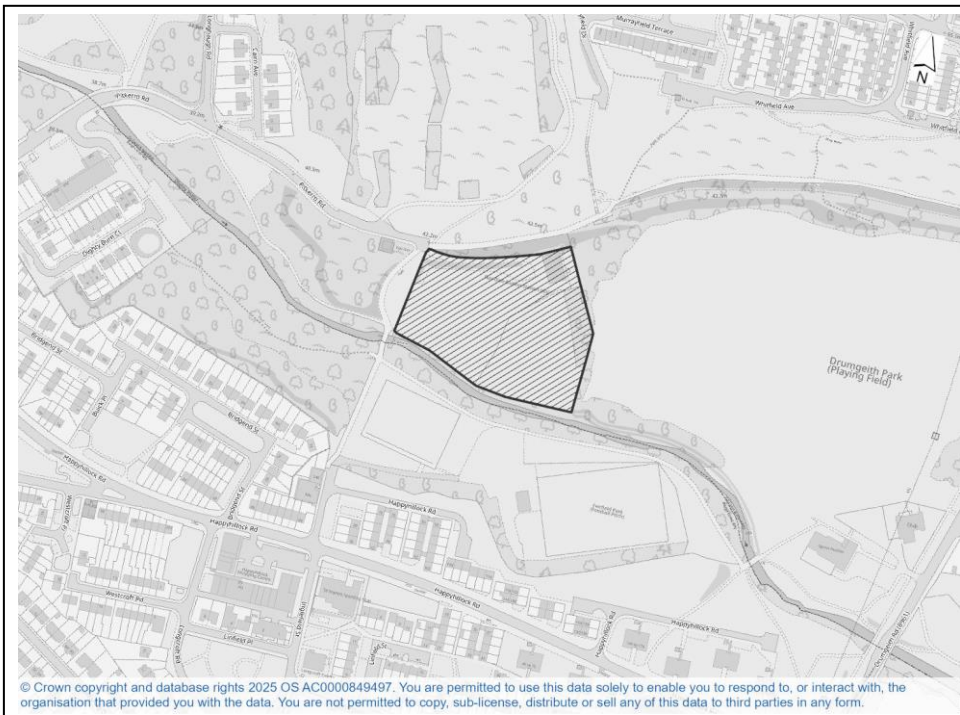
**Agent**

Chloe McDonnell  
Neo Environmental

**Validated:** 4 February 2025

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

**Contact:** Edward Bean



## SUMMARY OF REPORT

- Planning permission is sought for the construction of a 49.9MW Battery Energy Storage System (BESS) on a 1.7-hectare brownfield site to the east of Pitkerro Road in Dundee.
- The development will include lithium-ion battery units, power conversion systems, substations, transformers, access roads, acoustic fencing, CCTV, and a temporary construction compound.
- The application is not in accordance with the requirements of the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. 17 letters of objection have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is classed as a major development as identified in the terms of the Town and Country Planning (Hierarchy of Developments)(Scotland)Regulations 2009. It is a major development due to the capacity of the battery energy storage system exceeding 20 megawatts.
- More details can be found at <https://idoxwam.dundeecity.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=SOXSXXGCHQB00>

## RECOMMENDATION

The proposal does not comply with the Development Plan. There are no material considerations of sufficient weight to justify approval of planning permission. Therefore, the application is recommended for REFUSAL.

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# 1 DESCRIPTION OF PROPOSAL

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1.1 The application is for the construction of a 49.9MW Battery Energy Storage System (BESS) on a 1.7-hectare brownfield site, east of Pitkerro Road in Dundee.

1.2 The development comprises the following main elements:

**1 Battery Units:**

40 lithium-ion battery containers, each approximately 6.1m (L) x 2.4m (W)

Mounted on steel beams, elevated 1.5m above ground

**2 Power Conversion Systems (PCS):**

10 units, each approximately 6.1m (L) x 2.4m (W)

Mounted on steel beams, elevated 1.5m above ground

**3 Substations:**

1 x DNO (Distribution Network Operator) substation

1 x Vital Energi substation

Both elevated 1.5m above ground

**4 Transformers:**

2 units, each approximately 5.8m (L) x 5.3m (W)

Elevated on steel beams

**5 Welfare Unit:**

Approximately 9.3m (L) x 5.3m (W)

Elevated on steel beams

**6 Access Roads:**

5m wide, approximately 346.8m long

Made of compacted granular material with optional soil reinforcement

**7 Fencing:**

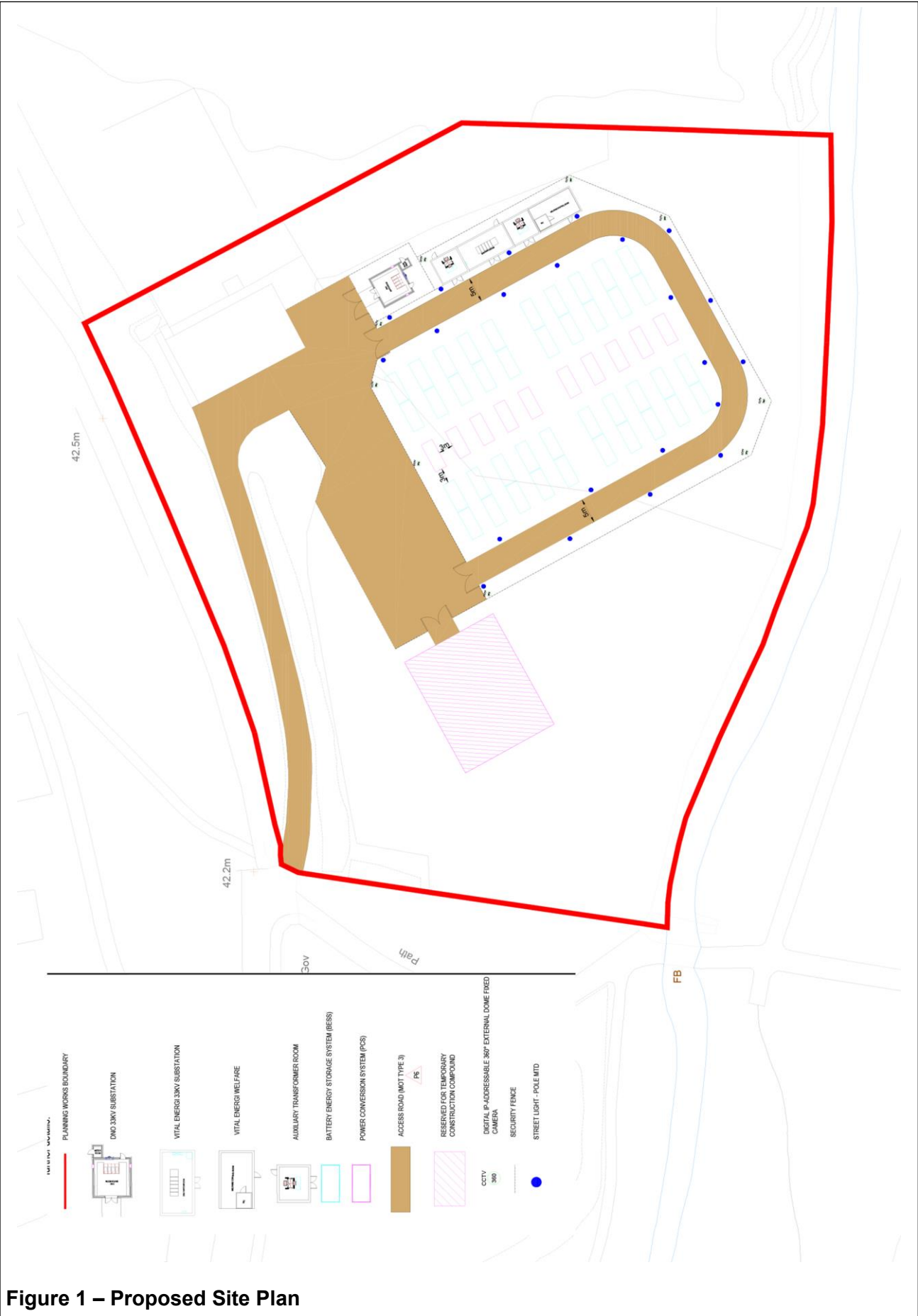
5m high acoustic fencing around the site (approximately 360.5m in length)

**8 CCTV and Lighting:**

9 x CCTV posts, each 5m high with infrared lighting and anti-climb guards

1.3 The applicant has submitted the following in support of the application:

- Planning Statement
  - Appendix A: Pre-Application Request;
  - Appendix B: Proposal of Application Notice (PoAN) Submission and Response; and
  - Appendix C: EIA Screening Request and Decision.
- Design and Access Statement (with Appendices);
- Pre-Application Consultation Report (with Appendices);
- Decommissioning Statement (with Appendices);
- Landscape and Visual Impact Assessment (LVIA);
- Preliminary Ecological Assessment (PEA);
- Cultural Heritage Impact Assessment (CHIA);
- Flood Risk Assessment (FRA) & Drainage Impact Assessment (DIA);
- Construction Traffic Management Plan (CTMP);
- Noise Impact Assessment (NIA);
- Outline Construction Environmental Management Plan (OCEMP); and
- Outline Fire Risk Management Plan (OFRMP).



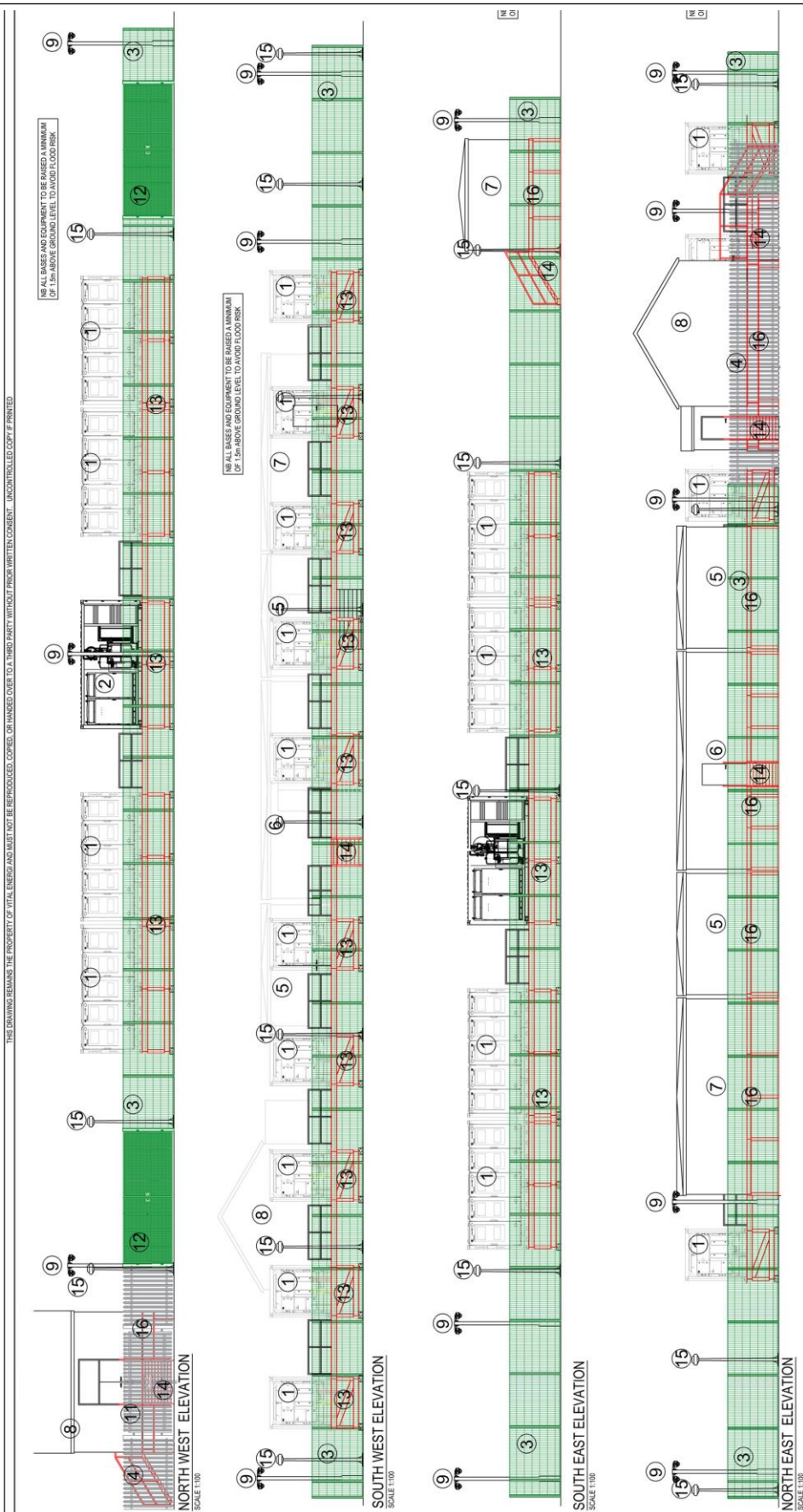


Figure 2 – Proposed Elevations

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## 2 SITE DESCRIPTION

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- 2.1 The application site comprises of an area of disused brownfield land to the east of Pitkerro Road totalling 1.70 Ha in area.
- 2.2 Historically, the site functioned as a gas holder and distribution station but is now vacant. It is currently divided into eastern and western sections by metal fencing and is laid with hardstanding and gravel surfaces. A small building is in the north-east corner of the site, while a partially buried pipe is present in the north-west corner.
- 2.3 Beyond the metal fencing which surrounds the application site is a mixture of trees, hedgerows and shrubs. The Dighty Burn is located just below the southern boundary of the application site approximately 10 metres away.
- 2.4 The application site is located within an area characterised by a diverse mix of land uses. Drumgeith Park is situated directly to the east and Fairfield Park is located around 50 metres to the south. Beyond the immediate context, the surrounding land uses are primarily residential in nature but feature a range of other uses. Notable nearby features include a housing estate approximately 200 metres to the northeast, a community sports hub 200 metres to the southeast, various retail and commercial premises 200 metres to the south, a cinema located roughly 350 metres to the southeast, and an industrial estate situated approximately 450 metres to the south.
- 2.5 The application site is located along Pitkerro Road from which vehicular access to the northwestern corner of Application Site can be gained.
- 2.6 The site is not allocated for any particular use within the Dundee Local Development Plan (2019) but is directly to the north of the Dighty (Finlathen - Baldovie) LINC (Local Nature Conservation Designation).





Figure 3 – Photo from North West Corner of Application Site



Figure 4 – Photo of Entrance to Application Site from Pitkerro Road





**Figure 5 – Photo of Application Site Facing North East from South of the Dighty**

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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:

#### **NATIONAL PLANNING FRAMEWORK 4**

Policy 1: Tackling the climate and nature crises  
Policy 2: Climate mitigation and adaptation  
Policy 3: Biodiversity  
Policy 4: Natural Places  
Policy 6: Forestry, woodland and trees  
Policy 9: Brownfield, vacant and derelict land and empty buildings  
Policy 11: Energy  
Policy 12: Zero Waste  
Policy 13: Sustainable transport  
Policy 14: Design, quality and place  
Policy 22: Flood risk and water management  
Policy 23: Health and safety  
Policy 26: Business and industry

#### **DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 1: High Quality Design and Placemaking  
Policy 2: Public Art Contribution  
Policy 33: Local Nature Conservation Designations  
Policy 34: Protected Species  
Policy 35: Trees and Urban Woodland  
Policy 36: Flood Risk Management  
Policy 37: Sustainable Drainage Systems  
Policy 38: Protecting and Improving the Water Environment  
Policy 39: Environmental Protection  
Policy 41: Land Contamination  
Policy 42: Development of or next to Major Hazard Sites  
Policy 44: Waste Management Requirements for Development  
Policy 45: Energy Generating Facilities  
Policy 54: Safe and Sustainable Transport

- 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 Planning permission (reference: 10/00068/FULL) for a Proposed Replacement 3m High Security Fence was approved in 2010.
- 4.2 23/00799/PAN – proposal of Application Notice for Construction of a 49.9MW battery energy storage system (BESS) – valid 29 November 2023.
- 4.3 24/00008/EIASCOR – EIA Screening request – EIA not Required – 30th July 2025.

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## 5 PUBLIC PARTICIPATION

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- 5.1 A Pre-Application Consultation Report has been submitted with this major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. The Report states that the applicant hosted two in-person public consultation events, and one online consultation event. Six people attended the in-person exhibitions across both events.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 17 letters of objection have been received. The objections following valid material grounds:
- the BESS will be a fire risk;
  - proximity to live gas pipes;
  - the application site is within a flood plain, and the submitted Flood Risk Assessment is inadequate;
  - access for emergency services would be impractical;
  - the proposal could impact on nearby wildlife and their habitat;
  - the site should be adequately screened to prevent visual impact;
  - potential for noise pollution;
  - the proposal would be a health risk;
  - poor public consultation; and
  - the physical form of the proposal is unattractive.

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## 6 CONSULTATIONS

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- 6.1 Head of Environment - commented on the following matters:
- Greenspace** - the Head of Environment has reviewed the submitted Ecological Assessment and Landscape and Ecology Management Plan submitted with the application.
- The Greenspace Officer does not object to the proposal, and requests that conditions be included to secure the aforementioned mitigation planting and biodiversity measures, together with implementation of the submitted Biodiversity Management Plan. These conditions would ensure the biodiversity of the wider site is improved and enhanced.
- 6.2 **The Head of Design and Property Services** – is not supportive of the proposal, as it does not adequately demonstrate that flood risk has been fully assessed or appropriately mitigated, and has the potential to result in an increased discharge of surface water to the Dighty.
- 6.3 **Scottish Water** – does not object to the proposal.
- 6.4 **SEPA** – does not object to the proposal.

- 6.5 **Health & Safety Executive** - does not advise against the granting of planning permission on safety grounds.
- 6.6 **Head of Sustainable Transport and Roads** – the application can be supported with no roads related conditions.

## 7 DETERMINING ISSUES

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

### THE DEVELOPMENT PLAN

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

### Principle of Development

- 7.2 **NPF4 Policy 9a: Brownfield, vacant and derelict land and empty buildings** – part a of policy 9 states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.3 The proposal is for the reuse of brownfield land for the storage and distribution of energy generated from renewable sources. The proposed development is therefore a sustainable reuse of brownfield land. The site is largely hard surfaced with gravel, but includes a number of trees, primarily young, self-seeded specimens. These trees are not part of a formal woodland but have naturally regenerated on the disused brownfield land. As discussed under NPF4 Policy 3, the ecological assessment details that the application site offers minimal ecological interest, and mitigation planting and biodiversity enhancement measures are likely to have a positive effect on biodiversity.
- 7.4 **The proposal complies with NPF4 Policy 9a.**
- 7.5 **NPF4 Policy 11: Energy part a)** states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
- i wind farms including repowering, extending, expanding and extending the life of existing wind farms;
  - ii enabling works, such as grid transmission and distribution infrastructure;
  - iii energy storage, such as battery storage and pumped storage hydro;
  - iv small scale renewable energy generation technology;
  - v solar arrays;
  - vi proposals associated with negative emissions technologies and carbon capture; and
  - vii proposals including co-location of these technologies

- 7.6 The planning application seeks planning permission for the development of a battery energy storage system and ancillary infrastructure, a form of zero emissions technology which is explicitly supported by criteria iii) of Policy 11 Part a.
- 7.7 **The proposal complies with NPF4 Policy 11a.**
- 7.8 **NPF4 Policy 11c:** states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- 7.9 The applicant acknowledges the potential economic benefits of the proposed development, but does not provide a detailed or quantified assessment of its net economic or socio-economic impact. While general references are made to job creation and support for local services during construction, operation, and decommissioning, there is no formal analysis of these potential benefits.
- 7.10 **The proposal fails to comply with NPF4 Policy 11c.**
- 7.11 **NPF4 Policy 11e:** states that project design and mitigation will demonstrate how the following impacts are addressed:
- i impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
  - ii significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
  - iii public access, including impact on long distance walking and cycling routes and scenic routes;
  - iv impacts on aviation and defence interests including seismological recording;
  - v impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
  - vi impacts on road traffic and on adjacent trunk roads, including during construction;
  - vii impacts on historic environment;
  - viii effects on hydrology, the water environment and flood risk;
  - ix biodiversity including impacts on birds;
  - x impacts on trees, woods and forests;
  - xi proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
  - xii the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
  - xiii cumulative impacts.

- 7.12 In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator in the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.
- 7.13 Criteria i and ii – visual impact is assessed below in detail under NPF4 policy 14 and LDP Policy 1, where it is determined that the proposals would not result in a dominant feature within the local landscape. Noise impact is assessed in detail under NPF4 policies 14 and 23 and LDP Policy 39, where it is concluded that the proposals would have an acceptable impact, subject to conditions.
- 7.14 Criterion iii - a core path runs along the north and west edges of the site. This path connects to a footbridge over the Dighty Burn, which is located just south of the site. The Planning Statement confirms that the development will safeguard the line of any existing or proposed outdoor access route affected by the development, and that any temporary disruption will be managed with alternative routes and reinstatement after construction.
- 7.15 Criterion iv - the proposals do not impact on any aviation or defence interests.
- 7.16 Criterion v - the proposals do not impact on any telecommunications or broadcasting installations.
- 7.17 Criterion vi – there will be no impact on roads as vehicular movements associated with the development will be low. The site benefits from existing access and parking arrangements.
- 7.18 Criterion vii – the site is not in proximity to any features of historic significance.
- 7.19 Criterion viii – the application site is shown on SEPA flood mapping to be within an area at high risk of fluvial (river) flooding, and a medium risk of pluvial (surface water) flooding. A full assessment on effects on hydrology, the water environment and flood risk are considered in full detail elsewhere in this report. The assessment finds that the proposal does not adequately demonstrate that flood risk has been fully assessed or appropriately mitigated and the development has the potential to generate an increased discharge of surface water to the Dighty. Furthermore, the development fails to demonstrate that the water environment would be adequately safeguarded from potential pollution risks.
- 7.20 Criteria ix and x - biodiversity including impacts on birds and trees is assessed in detail under NPF4 Policy 3. While some young or self-seeded trees may be removed or disturbed during construction, the development includes mitigation and enhancement measures to ensure no significant long-term loss of tree cover or biodiversity.
- 7.21 Criteria xi and xii - although the proposed BESS is a long-term use of the site, careful restoration of the site afterward would avoid any permanent adverse impacts on the local environment and will provide opportunities for positive enhancement of the site. The applicant has submitted a Decommissioning Statement which outlines how the site will be safely dismantled and restored after its 30-year operational life. The decommissioning process would be controlled via condition.
- 7.22 Criterion xiii - there is no existing development, approved developments or developments the subject of valid applications in proximity to the application site that would result in cumulative effects.
- 7.23 The proposed development would contribute to achieving net zero by 2050 by potentially increasing the amount of zero carbon renewable electricity generated and supplied to the National Grid. This would help to further decarbonise the production sector and achieve

National Grid's target of a Net Zero electricity system by 2030. The proposed BESS would be connected to the Milton of Craigie 132kV substation, located approximately 920 metres south of the application site. This is to be via underground cables.

- 7.24 The applicant has failed to demonstrate that the proposal would not have unacceptable impacts on hydrology, the water environment and flood risk.
- 7.25 **The proposal fails to comply with NPF4 Policy 11e, viii.**
- 7.26 **LDP Policy 45: Energy Generating Facilities** – states that proposals Major energy generating facilities, not ancillary to wider development proposals, will be directed to the Principal or General Economic Development Areas.
- 7.27 Battery storage has been confirmed by the Scottish Government's Chief Planner as an energy generating development. In this context, the proposed BESS is located out with Dundee's Principal or General Economic Development Areas.
- 7.28 **The proposal fails to comply with LDP Policy 45.**
- 7.29 **NPF4 Policy 22: Flood risk and water management part a)** states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- i essential infrastructure where the location is required for operational reasons;
  - ii water compatible uses;
  - iii redevelopment of an existing building or site for an equal or less vulnerable use; or.
  - iv redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The application site is shown on SEPA flood mapping to be within an area at high risk of fluvial (river) flooding, and a medium risk of pluvial (surface water) flooding.

- 7.30 The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. The proposed BESS fits within this definition.
- 7.31 Criterion i requires an operational reason for the essential infrastructure to be located within a flood risk area. The applicant has submitted a justification statement which details the following as operational reasons;
- 1 the site is located approximately 920 metres from the Milton of Craigie 132kV substation, which has confirmed grid capacity;
  - 2 the site was chosen after a strategic site selection process; and
  - 3 the site is brownfield and meets technical, spatial and environmental criteria for BESS developments.
- 7.32 Although the proposed Battery Energy Storage System (BESS) may satisfy the definition of essential infrastructure, the justification provided for the selection of the application site is insufficient. The nearest substation or grid connection point is located just under one kilometre from the site. This is in proximity to allocated economic development land which is a sequentially preferable location for such development. No evidence has been provided that

sites on economic development areas have been adequately assessed or discounted. As a result, the proposal lacks a clear and robust rationale. Furthermore, while the scheme may technically qualify as essential infrastructure, the existence of several approved but undeveloped schemes in more appropriate, sequentially preferable locations across the city raises legitimate concerns regarding the operational justification for the location of the development. Although the brownfield status of the site is acknowledged and accepted, when considered against the context of the potential availability of more suitable alternatives, the proposal does not represent a well justified or strategically appropriate option which would justify approving the development in an area at high risk of flooding.

**7.33 The proposal fails to comply with NPF4 Policy 22a.**

**7.34 NPF4 Policy 26: Business and Industry** - seeks to encourage, promote and facilitate business and industry uses, and ensure that there is a suitable range of available sites that meet current market demand, location, size and quality in terms of accessibility and services.

**Part d)** states that development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:

- i it is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
- ii the nature and scale of the activity will be compatible with the surrounding area.

**7.35** The proposed Battery Energy Storage System (BESS) development is not located within an area allocated for business or industrial use in the Dundee Local Development Plan. However, the applicant contends that the proposal aligns with National Planning Framework 4 (NPF4) Policy 26, which allows for business, industrial, and storage uses outside designated areas if the above two key criteria are met.

**7.36** In terms of point i, the applicant explains that they undertook a comprehensive site selection process, reviewing over 1,000 potential sites across Scotland. They explain that the application site was chosen due to its proximity to the Milton of Craigie 132kV substation, which has confirmed grid capacity, making it operationally optimal and technically viable.

**7.37** In terms of point ii, the applicant explains that the site is a previously developed brownfield location, formerly used for gas storage, and is surrounded by mixed land uses including recreational, residential, and commercial areas. They contend that design and mitigation measures ensure minimal visual, environmental, and noise impacts, thereby supporting compatibility with the local context.

**7.38** In response to the above, the nature and scale of the proposed BESS has the ability to be compatible with the surrounding area. Nevertheless, while the applicant notes that the proposed site is operationally optimal and technically viable, it has not been adequately demonstrated that there are no suitable alternatives on land allocated in the LDP.

**7.39 The proposal fails to comply with NPF4 Policy 26d.**

**7.40 LDP Policy 42: Development of or next to Major Hazard Sites** - states that the siting of new or extensions to existing major hazard sites or sites which operate under Scottish Environment Protection Agency authorisation will not be permitted in close proximity to residential areas and/or areas of public use or interest, where the risk to people or the environment is likely to be significantly increased.



- 7.41 The application site is within a Health & Safety Executive consultation zone. The HSE has indicated that it would not advise against the granting of planning permission on safety grounds in this case.
- 7.42 At pre-application stage, HSE advised that battery energy storage systems are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.
- 7.43 **The proposal complies with LDP Policy 42.**

### **Design**

- 7.44 **NPF4 Policy 14: Design, Quality and Place** - seeks to encourage, promote and facilitate well designed development to deliver quality places and environments.
- 7.45 **Part a)** requires that development proposals are designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- 7.46 **Part b)** requires development proposals to be consistent with the six qualities of successful places, and are healthy, pleasant, connected, distinctive, sustainable and adaptable; supporting commitment to investing in the long-term value of buildings by allowing for flexibility so that they can be changed as well as maintained over time.
- 7.47 **Part c)** states that poorly designed development proposals which are detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.
- 7.48 **LDP Policy 1: High Quality Design and Placemaking** - requires all development proposals to follow a design-led approach to sustainable and high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, creating a sense of community and identity, and enhancing connectivity, with creative approaches to urban design, landscaping and green infrastructure. New development is required to meet the six qualities of successful place, in accordance with Appendix 1, creating development which would be distinctive, safe and pleasant, easy to move around and beyond, welcoming, adaptable, and resource efficient.
- 7.49 The proposal is for a battery energy storage system and associated infrastructure. The fenced compound which would contain the battery containers and associated infrastructure would measure 110 metres in length by 86 metres in width. A 5-metre-high acoustic fence with a total length of approximately 360 metres would be installed around the perimeter of the Battery Energy Storage System (BESS). The applicant advises that the final site design may be subject to change once final specifications are decided. This would include the exact locations, design, and materials of the battery units to allow for flexibility to incorporate the most efficient and up-to-date infrastructure available at the time of construction. If planning permission is approved, a condition will require submission of full details of the final locations, design and materials to be used for the battery units to be submitted to the planning authority for approval.
- 7.50 The design of the proposed BESS installations would be somewhat utilitarian in appearance with the proposed battery containers effectively having a similar size and profile to shipping containers.

- 7.51 According to the Landscape and Visual Impact Assessment (LVIA) included in the Planning Statement, the site is already bounded by a mixture of mature trees, hedgerows, and palisade fencing. These features fully block views of the site from the north, east, and west, and partially block views from the south. Additional mitigation planting along the boundaries will also reduce the visual impacts of the development on nearby receptors.
- 7.52 The development would not result in a dominant feature within the local landscape. Subject to appropriate design and finishes being applied, together with aforementioned mitigation planting, the proposals would not appear out of context with the previous use of the site as a gas holder. The proposals would respect the character and amenity of the place.
- 7.53 **The proposal could comply with NPF4 Policy 14 and LDP Policy 1 subject to condition.**

#### **Public Art**

- 7.54 **LDP Policy 2: Public Art Contribution** - requires all development in Dundee with construction costs of £1 million or more to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.
- 7.55 No Public Art Strategy has been submitted; this could be secured by condition.
- 7.56 **The proposal could comply with LDP Policy 2 subject to condition.**

#### **Transport**

- 7.57 **NPF4 Policy 13: Sustainable Transport** - seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport.
- 7.58 **LDP Policy 54: Safe and Sustainable Transport** - seeks to ensure that all development proposals which generate travel should be designed and well served by all modes of transport, and that they meet relevant standards and requirements in terms of road safety.
- 7.59 As the development will generate a very low number of vehicle movements the only relevant parts of these policies are those relating to the potential impact on the operation and safety of the local and strategic transport network.
- 7.60 The Head of Sustainable Transport and Roads has reviewed the application and advises that it can be supported with no roads related conditions. There would be no impact on the local road network and the existing access to the site would comply with Dundee City Council's Road design standards.
- 7.61 **The proposal complies with NPF4 Policy 13 and LDP Policy 54.**

#### **Flooding and Drainage**

- 7.62 **NPF4 Policy 22: Flood Risk and Water Management** - is intended to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Of relevance to this application is Part c) which seeks to ensure that development proposals:

- i do not increase the risk of surface water flooding;
- ii manage all rain and surface water flooding through SUDS design, without presuming a surface water connection to the combined sewer; and

iii seek to minimise the area of impermeable surface.

7.63 **LDP Policy 36: Flood Risk Management** - states that within Medium to High-Risk Areas, there is a general presumption against a) development on previously undeveloped land and b) development of essential civil infrastructure, in high risk areas based on a 0.5% or greater annual probability of flooding (equivalent to a 1 in 200 year flood or greater) plus an additional allowance of 600mm. Other development may be acceptable where:

- 1 sufficient flood defences already exist, or a Flood Protection Scheme or flood defence, designed and constructed to a standard of 0.5% annual probability plus climate change allowance, will be in place prior to occupation of the proposed development;
- 2 those flood defences will be maintained for the lifetime of the development and will not increase the probability of flooding elsewhere;
- 3 the extent of development potentially affected by flooding is protected through the use of appropriate water resistant materials and construction; and
- 4 the finalised scheme does not result in a land use which is more vulnerable to flooding.

A Flood Risk Assessment will be required for any development within the medium to high risk category.

7.64 The application site is shown on SEPA flood mapping to be within an area at high risk of fluvial (river) flooding, and a medium risk of pluvial (surface water) flooding.

7.65 The applicant has submitted a Flood Risk Assessment (FRA) which The Head of Design and Property Services has reviewed.

7.66 The Head of Design and Property Services advises that the submitted FRA does not adequately demonstrate that flood risk has been fully assessed or appropriately mitigated. The proposed development includes mesh fencing and low-lying structural elements such as steel framework and cross bracing, which have the potential to obstruct or redirect water flow across the site during flood events. The proposed mesh fencing has the potential to increase the likelihood of debris accumulation and blockages along the site boundary, reducing the effective capacity of the floodplain and elevating the risk of flooding both within the site and in adjacent areas.

7.67 Additionally, the presence of structural components at low levels may impede the natural movement of water during out-of-bank flow conditions, particularly where flood pathways are already constrained. Overall, the applicant has not provided sufficient evidence to demonstrate that these risks have been fully assessed or that appropriate mitigation measures are in place. In the absence of such evidence, it is considered that the development may result in an increased flood hazard.

7.68 **The proposal fails to comply with NPF4 Policy 22c and LDP Policy 36.**

7.69 **LDP Policy 37: Sustainable Drainage Systems** - requires that surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SUDS), designed so that water levels remain 600mm below finished floor levels during a 1:200-year rainstorm event with allowance for climate change and future urban expansion. Proposals are encouraged to adopt an ecological approach.

7.70 As above, the application site is shown on SEPA flood mapping to be within an area at high risk of fluvial (river) flooding, and a medium risk of pluvial (surface water) flooding. Any

proposed discharge of surface water to the Dighty must be restricted to the pre-development runoff rate.

- 7.71 The submitted Flood Risk Assessment (FRA) includes limited information on surface water drainage. The applicant has advised that Sustainable Drainage Systems (SuDS) are not required, on the basis that the proposed buildings will be raised above ground level, allowing surface water to continue draining naturally in line with existing site conditions. However, The Head of Design and Property Services has reviewed the FRA and advises that the fact that these areas are to be raised does not negate the requirement for a Drainage Assessment or the implementation of appropriate SuDS.
- 7.72 The introduction of roofed structures will result in surface water runoff being concentrated into specific discharge points, rather than being dispersed across the site as in the pre-development scenario. This change in flow pattern may increase the risk of localised flooding if not properly managed. Furthermore, the FRA indicates that the site's soil conditions are likely to provide inadequate infiltration capacity. In the absence of soakaway or porosity testing to confirm infiltration potential, it cannot be assumed that infiltration-based drainage solutions are viable.
- 7.73 Full drainage proposals, including layout drawings, design calculations, treatment measures, and evidence of compliance with relevant design standards, have not been submitted. The Head of Design and Property Services advises that, in the absence of this information, the drainage strategy is considered incomplete and inadequate. The proposals have the potential to result in an increased discharge of surface water to the Dighty, which has not been properly assessed.
- 7.74 **The proposal fails to comply with LDP Policy 37.**
- 7.75 **LDP Policy 38: Protecting and Improving the Water Environment** - requires that for development that compromises the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland's water environment will not be supported. In assessing proposals, the Council will take into account the Scotland River Basin Management Plan 2 associated Area Management Plans; and the Dundee Water Environment and Strategic Flood Risk Assessment 2016 together with supporting information on opportunities for improvements and constraints.

Where development sites are in close proximity to watercourses, an appropriately sized buffer zone shall be provided between the development and the watercourse, which should function ecologically as riparian habitat and be of landscape and amenity value.

- 7.76 The Head of Design and Property Services advises that the proposed development includes infrastructure that may pose a pollution risk to the water environment, particularly the Dighty, in the event of an incident such as a fire.
- 7.77 The Head of Design and Property Services advises that applicant has not provided sufficient detail on how water runoff would be contained or managed during an emergency. They advise that suitable environmental protection measures should be incorporated into the design, including systems for the containment and treatment of potentially contaminated runoff. These measures are essential to prevent pollutants from entering the water environment during an incident. Without such provisions, the development fails to demonstrate that the water environment would be adequately safeguarded from potential pollution risks.
- 7.78 **The proposal fails to comply with LDP Policy 38.**

**Climate and Nature Crises**

- 7.79 **NPF4 Policy 1: Tackling the Climate and Nature Crises** - encourages and promotes development that will address the climate emergency and nature crisis, to achieve zero carbon and nature positive places. When considering development proposals, sufficient weight will be given to the global climate and nature crisis.
- 7.80 **NPF4 Policy 2a: Climate mitigation and adaption** – states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- 7.81 **NPF4 Policy 2b: Climate mitigation and adaption** – states that development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.82 The nature of the proposal is to reduce carbon emissions; by storing excess electricity from the grid and releasing it back when required.
- 7.83 The Scottish Government's Energy Storage: Planning Advice document (2013) provides advice for Planning Authorities on energy storage and states that energy can be stored at variable scales, for both electricity and heat, in a number of ways, through technologies such as hydro pumped storage, hydrogen and fuel cells, compressed air and cryogen. This document further advises that a clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production and can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland.
- 7.84 The proposed development would help to facilitate renewable energy production.
- 7.85 **The proposal complies with NPF4 Policies 1 and 2.**
- 7.86 **Policy 6b: Forestry, woodland and trees** - states that development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.
- 7.87 **Dundee LDP Policy 35: Trees and Urban Woodland** - states that the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.
- 7.88 The applicant has submitted an Ecological Assessment and compensatory planting plan which The Head of Environment has reviewed. Within the application site, self-seeded trees are most notably present along the northern and eastern boundaries. The northern boundary features an area of broadleaved woodland composed of species such as oak, lime, sycamore, elder, and alder. This woodland has developed on previously disused brownfield land, indicating that the trees have likely established naturally over time. Similarly, in the eastern section of the site, another area of woodland extends beyond the site boundary and includes

willow, birch, and cotoneaster. Given the unmanaged condition of this part of the site and its continuity with surrounding vegetation, these trees are also considered to be self-seeded.

- 7.89 The Ecological Assessment for the proposed BESS indicates that while the current design aims to avoid the removal of any trees or vegetation, some tree loss cannot be entirely ruled out. The report assessment does not confirm whether trees will be removed because the final construction layout and detailed design may still be subject to change. Instead, it takes a precautionary and flexible approach, acknowledging the presence of trees and their ecological value while aiming to avoid their removal where possible.
- 7.90 Additional planting is proposed within the application site, which includes native hedgerows with trees such as hawthorn, hazel, and alder. While the planting would take a number of years to become established, it would be an improvement upon biodiversity value of the existing site.
- 7.91 Conditions could therefore be attached to include the new planting, and its maintenance. It is considered that the tree cover on the site will be enhanced as a result.
- 7.92 **The proposal could comply with Policy 6b of NPF4 and Policy 35 of the Dundee LDP, subject to conditions.**
- 7.93 **NPF4 Policy 3: Biodiversity** - seeks to protect biodiversity, reverse any biodiversity loss, encourage biodiversity through development and strengthen nature networks.
- 7.94 Part b states development proposals for national or major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
  - ii wherever feasible, nature-based solutions have been integrated and made best use of;
  - iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
  - iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
  - v local community benefits of the biodiversity and/or nature networks have been considered.
- 7.95 **Part d)** requires that any potential adverse effects on biodiversity through development proposals are minimised through careful planning and design.
- 7.96 The application site for the proposed BESS includes several trees, primarily young, self-seeded specimens. These trees are not part of a formal woodland but have naturally

regenerated on the disused brownfield land, which was previously occupied by a gas holder and associated infrastructure.

- 7.97 Criterion i – the applicant has submitted an Ecological Assessment. The Ecological Assessment details that the application site is largely composed of hardstanding, gravel, and bare ground, with limited areas of woodland and scrub. These habitats are not classified as priority habitats and offer minimal ecological interest. The assessment notes that the site supports only a small number of common urban wildlife species, and no significant populations of protected or notable species were found during the survey. Although a disused building on-site has potential for bat roosting, no evidence of bats or other protected species was observed. Overall, the site's current condition and habitat composition indicate that it holds limited value for biodiversity, and its development is unlikely to result in significant ecological harm. Furthermore, mitigation planting and biodiversity enhancement measures are likely to have a positive effect on biodiversity.
- 7.98 Criterion ii - the proposed planting schedule for the development includes the creation of species-rich neutral grassland, wet meadow, and pond-edge habitats using native wildflowers and grasses. Native hedgerows with trees such as hawthorn, hazel, and alder will be planted to enhance biodiversity and habitat connectivity. These measures aim to support pollinators, birds, bats, and other local wildlife, contributing to a net gain in biodiversity across the site. Bird and bat boxes will be installed on mature trees to offer additional nesting and roosting opportunities.
- 7.99 Criteria iii and iv - the conclusion of the Ecological Assessment confirms that, with mitigation and enhancement measures in place, the site will achieve a significant net gain in biodiversity.
- 7.100 Criteria v – as the application site itself is not publicly accessible, the site currently has little to no local community benefit in respect of biodiversity or any local nature network. This would not change post development.
- 7.101 It is recommended the implementation of measures to enhance biodiversity and landscaping as required by the criteria of Policy 3 are controlled by condition.
- 7.102 **The proposal could comply with NPF4 Policy 3, subject to conditions.**
- 7.103 **LDP Policy 33: Local Nature Conservation Designations** - states that development proposals which could have a significant effect on the conservation interests associated with Local Nature Reserves, Locally Important Nature Conservation Sites or Wildlife Corridors will only be permitted where:
- 1 an ecological or similar assessment has been carried out which details the likely impacts of the proposal on the conservation interests of the designation;
  - 2 any negative impacts identified are contained within the site and can be mitigated without affecting the integrity of the designated area; and
  - 3 it has been demonstrated that there are no other suitable sites that could accommodate the development.
- 7.104 While the application site is located immediately adjacent to two Locally Important Nature Conservation (LINC) sites (The Dighty and Longhaugh Quarry), the site is not within a LINC itself. The site is also bounded on three sides by the Dighty Wildlife Corridor.
- 7.105 The submitted Preliminary Ecological Assessment (PEA) notes that hydrological connectivity exists between the site and some of these designations via the Dighty Burn, which runs just

10 metres south of the site. To minimise ecological impacts from the proposed development, a suite of mitigation measures are proposed to be implemented throughout the construction, operation, and decommissioning phases of the project.

- 7.106 However, as discussed below in relation to LDP Policy 38, the applicant has not provided sufficient detail on how water runoff would be contained or managed during an emergency. Such measures are essential to prevent pollutants from entering the water environment during an incident. The resultant contamination has the potential to impact the aforementioned Locally Important Nature Conservation (LINC) sites.
- 7.107 Furthermore, the applicant has not demonstrated that there are no other suitable sites that could accommodate the development.
- 7.108 **The proposal fails to comply with LDP Policy 33.**
- 7.109 **Policy 4 (Natural Places) part f)** - states development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- 7.110 **LDP Policy 34: Protected Species** - states that development proposals which are likely to have a significant effect on a European Protected Species will not be supported unless:
- 1 there is no satisfactory alternative; and
  - 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.
- 7.111 The submitted Preliminary Ecological Assessment advises that no protected species are expected to be significantly affected by the proposed development at the application site, provided that the recommended mitigation measures are implemented. The ecological assessment identified that while the site and surrounding area offer some suitable habitats for protected species, actual evidence of their presence was limited or absent during surveys. With the implementation of pollution prevention, habitat protection, and species-specific mitigation measures, the development is not anticipated to have any significant negative impact on protected or notable species.
- 7.112 As above, The Head of Environment has reviewed the submitted ecological assessment and Landscape and Ecology Management Plan submitted with the application and requests that a condition is included which requires the submitted Construction Environmental Management Plan and Biodiversity Management Plan are implemented.
- 7.113 **The proposal could comply with NPF4 Policy 4 and LDP Policy 34, subject to condition.**

#### **Zero Waste**

- 7.114 **NPF4 Policy 12: Zero waste** - seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. Part a) requires development proposals to reduce reuse, or recycle materials in line with the waste hierarchy. Part b) supports development proposals where they:



- i reuse existing buildings and infrastructure;
- ii minimise demolition and salvage materials for reuse; and
- iii minimise waste, reduce pressure on virgin resources and enable the reuse of materials at the end of their life;
- iv use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
- v use materials that are suitable for reuse with minimal processing.

7.115 **Part c)** expects development proposals which would be likely to generate waste when operational to state how this will be managed, including waste reduction and separation, and facilities for recycling

7.116 **LDP Policy 44: Waste Management Requirements for Development** - requires development proposals to demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source with separate collection of recyclable material, as outlined in the Waste (Scotland) Regulations 2012.

7.117 The proposal will utilise an existing brownfield site. A condition is recommended, should planning permission be granted, to ensure a site waste management plan is prepared and used during the construction of this major development.

7.118 **The proposal complies with NPF4 Policy 12 and LDP Policy 44 subject to condition.**

#### **Health, Safety and Amenity**

7.119 **NPF4 Policy 9c: Brownfield, vacant and derelict land and empty buildings** - requires that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land can be made safe and suitable for the proposed new use.

7.120 **LDP Policy 41: Land Contamination** - states that the development of potentially contaminated or statutorily identified contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where the Council is satisfied that proposed remediation would adequately address contamination risks to all receptors and be suitable for the planned use. Proposals for an alternative use to that identified in the Local Development Plan will be considered where the above criteria are satisfied, and it is established that the site cannot be economically developed for the allocated use, and the proposed use would meet the requirements of other relevant Local Development Plan policies.

7.121 The site has a known industrial history, having previously been used as a gas holder and distribution station. As a result, a Site Investigation Strategy and Preliminary Risk Assessment has been submitted and reviewed. Planning conditions are recommended to ensure that the site investigation and risk assessment are completed and, if necessary, a remediation scheme submitted to deal with any contamination at the site. A remediation scheme and verification report will also require to be submitted.

7.122 **The proposal could comply with NPF4 Policy 9c and LDP Policy 41 subject to condition.**

7.123 **NPF4 Policy 23: Health and Safety** - seeks to protect people and places from environmental harm and facilitate development that improves health and wellbeing.

Part e) states that development proposals which are likely to raise unacceptable noise levels will not be supported.

- 7.124 **LDP Policy 39: 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.
- 7.125 A Noise Impact Assessment (NIA) has been submitted with the application documents.
- 7.126 The Noise Impact Assessment identifies a total of 33 noise-sensitive receptors (NSRs), all of which are residential dwellings, within a 500-metre radius of the site. These receptors are grouped into five residential areas. The closest housing estate lies approximately 200 metres to the northeast of the site.
- 7.127 As the NIA is speculative, the detail for the proposed plant and equipment is not yet available and the operational characteristics of the plant are not yet known. A revised NIA will require to be prepared once details of all plant and operations are known. It is expected that plant and equipment can be installed that will not generate significant noise, or that mitigation measures can be used and it is therefore appropriate to use planning conditions to secure submission of a revised NIA. Planning conditions would also impose specific noise limits for transformers and mechanical/electrical plant, including air conditioning units, with stricter thresholds for night-time operation. The installation of any emergency standby generator would also require prior written approval.
- 7.128 **The proposal could comply with NPF4 Policy 23 and LDP Policy 39 subject to conditions.**
- 7.129 **It is concluded that the proposal is not fully in accordance with the Development Plan.**

#### **MATERIAL CONSIDERATIONS**

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

##### **A – REPRESENTATIONS**

- 7.131 **17 letters of objection have been received. The objections following valid material grounds:**
- 7.132 **Objection:** the BESS will be a fire risk
- Response:** the Scottish Fire and Rescue Service is not a statutory consultee as part of the planning process for Battery Energy Storage Systems. Fire risk is addressed in the Planning Statement through a dedicated Fire Risk Management Plan (FRMP), which outlines the measures taken to mitigate potential fire hazards associated with the Battery Energy Storage System (BESS). Overall, the plan aims to keep fire risks low and ensure safety. Nevertheless, fire safety is not a material planning consideration and the safety of BESSs themselves are subject to regulation from out with the planning system in terms of their design, technology, and operation.
- 7.133 **Objection:** proximity to live gas pipes

**Response:** the proximity to the gas network is not a material planning consideration and is subject to regulation from out with the planning system.

7.134 **Objection:** the application site is within a flood plain, and the submitted FRA is inadequate

**Response:** matters of flooding are considered in the assessment above in relation to NPF4 Policy 22 and LDP Policy 36 where it is determined that the development may result in an increased flood hazard.

7.135 **Objection:** access for emergency services would be impractical

**Response:** access for emergency services is not a material planning consideration and is subject to regulation from out with the planning system.

7.136 **Objection:** the proposals could impact on nearby wildlife and their habitat

**Response:** the potential for impact on wildlife is considered above in relation to NPF4 Policy 4 and LDP Policy 34 where it is determined that with the implementation of pollution prevention, habitat protection, and species-specific mitigation measures, the development is not anticipated to have any significant negative impact on protected or notable species.

7.137 **Objection:** the site should be adequately screened to prevent visual impact

**Response:** matters of visual impact are assessed above in detail under NPF4 policies 14 and LDP Policy 1, where it is determined that the proposals would not result in a dominant feature within the local landscape.

7.138 **Objection:** potential for noise pollution

**Response:** noise impact is assessed in detail under NPF4 policies 14 and 23 and LDP Policy 39, where it is found that the proposals would have an acceptable impact, subject to conditions.

7.139 **Objection:** the proposals would be a health risk

**Response:** the potential for risk to health from Battery Energy Storage Systems (BESS) is not a material planning consideration as this is subject to regulation from out with the planning system.

7.140 **Objection:** poor public consultation prior to the application

**Response:** the applicant undertook statutory pre-application consultation for this major development, including multiple public exhibitions at Fairfield Community Hub, engagement with local councillors and community groups, and public notices in the local press.

7.141 **Objection:** the physical form of the proposals is unattractive

**Response:** matters of visual impact are assessed above in detail under NPF4 policies 14 and LDP Policy 1, where it is determined that the proposals would not result in a dominant feature within the local landscape.

7.142 The matters raised in the representations are acknowledged. Concerns regarding the potential for the development to result in an increased flood hazard support the refusal of planning permission.

- 7.143 It is concluded that there are no material considerations of sufficient weight to support the approval of planning permission contrary to the requirements of the Development Plan.

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## 8 CONCLUSION

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- 8.1 The application fails to comply with the requirements of the Development Plan. There are no material considerations of sufficient weight that justify the approval of planning permission. It is therefore recommended that planning permission be refused.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that planning permission be REFUSED for the following reasons:
- 1 **Reason** - the proposed development fails to comply with LDP Policy 45 – Energy Generating Facilities which directs such development to sites within the allocated Principal and General Economic Development Areas as defined on the LDP Proposals Map. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
  - 2 **Reason** - the proposed development fails to comply with NPF4 Policy 22a – Flood risk and water management as the site is located within an area which is at high risk of fluvial flooding and the operational justification for the development being 920m away from the nearest substation is not accepted. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
  - 3 **Reason** – the proposed development fails to comply with NPF4 Policy 11c – Energy as the proposal fails to provide a robust demonstration of how net economic impact and socio-economic benefits will be maximised.
  - 4 **Reason** - the proposed development fails to comply with NPF4 Policy 11e, viii – Energy as the proposal does not adequately demonstrate that flood risk has been fully assessed or appropriately mitigated and the development has the potential to generate an increased discharge of surface water to the Dighty. Furthermore, the development fails to demonstrate that the water environment would be adequately safeguarded from potential pollution risks.
  - 5 **Reason** – the proposed development fails to comply with NPF4 Policy 22c – Flood risk and water management as the applicant has failed demonstrate that the proposals will not increase the risk of surface water flooding, nor do the proposals manage rain and surface water flooding through an appropriate SUDS design. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
  - 6 **Reason** – the proposed development fails to comply with NPF4 Policy 26 – Business and industry as the BESS is an industrial use and is not located within an area allocated for business or industrial use as defined within the Dundee Local Development Plan Proposals Map. The applicant has failed demonstrate that there are no sequentially preferable sites which are allocated within the LDP. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.

- 7 **Reason** – the proposed development fails to comply with LDP Policy 36 – Flood Risk Management as the proposals are located in an area at high risk of fluvial flooding and the development will result in a land use which is more vulnerable to flooding than the existing use of the site. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
- 8 **Reason** – the proposed development fails to comply with LDP Policy 37 – Sustainable Drainage Systems as the proposals fail to demonstrate sufficient management of rain and surface water flooding through an appropriate SUDS design. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
- 9 **Reason** – the proposed development fails to comply with LDP Policy 38 – Protecting and Improving the Water Environment as the proposal fails to demonstrate that there is an appropriately sized buffer zone between the development and the watercourse. The development therefore has the potential to compromise the objectives of the Water Framework Directive (2000/60/EC). There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
- 10 **Reason** – the proposal fails to comply with LDP Policy 33 - Local Nature Conservation Designations as there is potential for pollutants to enter the water environment during an incident, which could impact on the conservation interests associated with The Dighty and Longhaugh Quarry Locally Important Nature Conservation (LINC) sites. Furthermore, the applicant has not demonstrated that there are no other suitable sites that could accommodate the development. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.

## Advertisement of the Following Type: Fascia Signs

### KEY INFORMATION

**Ward** West End

**Address**

115-117 Perth Road  
Dundee DD1 4JB

**Applicant**

Select Dundee Ltd  
115 Perth Road  
Dundee DD1 4JB

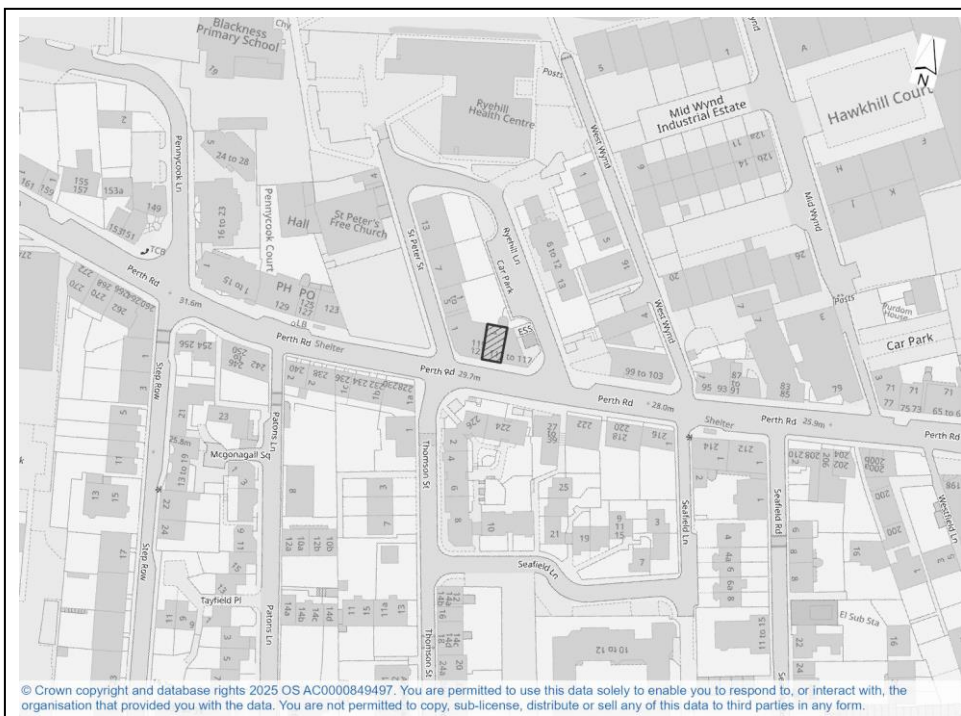
**Agent**

Wilson Paul Architects

**Validated:** 9 April 2025

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

**Contact:** Craig Swankie



### SUMMARY OF REPORT

- The application seeks advertisement consent for the erection of two fascia signs at 115-117 Perth Road. The application is part retrospective with fascia signage previously installed within the shopfront.
- The submitted plans include alterations to the signage which has been installed, there is existing signage on the shopfront and fascia which are to be removed.
- The application satisfies the requirements of Regulation 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and is in accordance with the Development Plan.
- There is no statutory neighbour notification process for advertisement consent applications.
- One letter of objection has been received from West End Community Council.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as a valid written objection was received from a statutory consultee and the recommendation is for approval.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=SR5FSIGCIFZ00>

### RECOMMENDATION

The application seeks the approval of advertisement consent. The proposal would satisfy the requirements of Regulation 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. There are no material considerations of sufficient weight to justify refusal of the application. It is therefore recommended that advertisement consent be **APPROVED** subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Advertisement consent is sought for the erection of two fascia signs.
- 1.2 A fascia sign is proposed above the shopfront; this comprises an 8.4 metre wide by 0.8-metre-high aluminium panel finished in black-grey. The company name and logo are displayed towards the centre of the sign, with smaller text to the right. The company name is formed in 0.58-metre-high lettering finished in white, with smaller text formed in 0.27m high white lettering. The lettering features acrylic frontage and is internally illuminated by white LED lights.
- 1.3 Above the entrance to the takeaway, and below the shopfront fascia a second sign is proposed. The sign comprises a black-grey aluminium fascia with internally illuminated company name and logo. The lettering which is 0.8 metres high is finished in red and white.
- 1.4 The application is part retrospective with fascia signage previously installed on the shop frontage. The present application proposes amendments to the installed signage, including alteration of the fascia above the shopfront to remove images. A projecting sign is also to be removed.
- 1.5 The applicant has submitted a Planning Statement and Conservation Statement in support of the application.







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## 2 SITE DESCRIPTION

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- 2.1 The application site relates to a kebab and pizza house with takeaway on the north side of Perth Road. The site is within the ground floor of a three-storey tenement building. The adjoining ground floor units contain commercial uses including a beauticians and hairdressers. The upper floors and adjoining building to the northwest contain flatted dwellings.
- 2.2 The surrounding area contains a mixture of commercial and residential uses within Perth Road District Centre.
- 2.3 The site is contained within the West End Lanes Conservation Area.



Figure 3 – Previous Shopfront Signage



Figure 4 – Present Shopfront Viewed from Perth Road





**Figure 5 – Present Shopfront Viewed from Perth Road**

### 3 POLICY BACKGROUND

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

#### **NATIONAL PLANNING FRAMEWORK 4**

Policy 7: Historic assets and places

Policy 14: Design, quality and place

#### **DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 1: High Quality Design/Placemaking

Policy 51: Development in Conservation Areas

#### **STATUTORY PLANNING POLICY**

3.2 Historic Environment Policy for Scotland 2019.

#### **NON-STATUTORY STATEMENTS OF POLICY**

3.3 Historic Environment Scotland's Managing Change in the Historic Environment: Shopfronts and Signs (2010).

3.4 West End Lanes Conservation Area Appraisal.

- 3.5 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 previous application history at the site.

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## 5 PUBLIC PARTICIPATION

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- 5.1 No public comments were received.

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## 6 CONSULTATIONS

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- 6.1 **West End Community Council** – has submitted an objection raising the following valid material grounds:
- a the signage fails to meet Historic Environment Scotland guidelines for signage in Conservation Areas.
  - b legislation, including Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, requires that attention is paid to preserving or enhancing Conservation Areas. It is considered the signage fails to meet this requirement; and
  - c there are existing shopfronts on Perth Road which fail to meet guidance outlined in the West End Lanes Conservation Area Appraisal (WELCAA). The approval of further signage which does not meet the requirements of WELCAA would have an accumulative detrimental impact on the character and appearance of Perth Road.

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## 7 DETERMINING ISSUES

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- 7.1 Regulation 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 provides that the powers conferred by the regulations (i.e. the control of advertisements) are exercisable only in the interests of amenity and public safety.
- 7.2 In terms of amenity, planning authorities should determine the suitability of the use of the site in light of the "general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest" and in doing so may disregard any existing advertisements.
- 7.3 The application site relates to an existing commercial property on Perth Road, within Perth Road District Centre. Signage previously installed within the shopfront included an internally illuminated plastic sign with restaurant name 'Balaka'. The sign included text which was significantly larger than presently proposed and was mounted upon a bright blue background. That signage has been removed and new signage installed, featuring white lettering on a black- grey background. The signage contains a range of lettering and images which create a cluttered appearance. To address this, the applicant has submitted proposals which include the removal of photo images and an illuminated projecting box sign. Only the lettering and the company logo are to be retained within two fascias.

- 7.4 The signage as proposed in the submitted plans would be reflective the scale and form of signage which has previously been used on the building. The aluminium fascia with individual lettering would be of an appropriate form and quality. Similarly, the fascia sign above the entrance door is in keeping with the character of the frontage and main fascia sign above. The fascias reflect the type and form of signage at similar commercial properties on Perth Road. Overall, the proposed signage would be of a design, form and size that would be in keeping with the general characteristics of the locality and enhances the frontage compared to the previous signage.
- 7.5 The advert would be located within the West End Lanes Conservation Area. As explained above, the adverts would be above the shopfront and main entrance. The proposed signage would be viewed within the same context as that which exists at present, being viewed in the context of a modern mixed use, urban environment and would not have any significant adverse impact on the character or appearance of the Conservation Area.
- 7.6 With respect to public safety, the safety of persons and road users and the obscuring of statutory signage are the main considerations. The application site is on the north side of Perth Road. The proposed fascia sign would have no impact on the existing footway or statutory signage. The illuminated signs would be positioned at an appropriate height and are of a scale which would have not detrimental impact to existing transport networks and no adverse impact on public safety. There would therefore be no detrimental impact to existing transport networks and no adverse impact on public safety at this site.
- 7.7 The proposals satisfy the requirements of Regulation 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

## **STATUTORY DUTIES**

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

- 7.8 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 as amended states that with respect to any buildings or land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.9 These matters have been considered in the assessment of the proposed advertisement under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. As stated above the fascia signage would have no detrimental impact on the character or appearance of West End Lanes Conservation Area.
- 7.10 It is considered that the approval of the proposals would discharge the above statutory duties.

## **MATERIAL CONSIDERATIONS**

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

### **A – DEVELOPMENT PLAN**

#### **NATIONAL PLANNING FRAMEWORK 4**

- 7.12 **NPF4 Policy 7d: Historic assets and places** - states development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced. Relevant considerations include the:



- i architectural and historic character of the area;
- ii existing density, built form and layout; and
- iii context and siting, quality of design and suitable materials.

7.13 The application site is located within West End Lanes Conservation Area and relates to an established restaurant and takeaway on this main shopping street. Previously, shop front signage comprised an internally illuminated box lit sign finished in blue. The present proposal includes illuminated individual white lettering affixed to a non-illuminated black-grey aluminium backboard. The aluminium fascias are more appropriate to the frontage than the signage which it has replaced and reflects the variety of shop front designs and colours on Perth Road. It is not therefore considered that the proposal has any adverse impact on the character of West End Lanes Conservation Area.

7.14 **The proposal is in accordance with NPF4 Policy 7d.**

7.15 **Policy 14: Design, quality and place** - states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

7.16 The design, appearance and finish materials of the fascia signage has been addressed in the assessment of the proposals against the requirements of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984 and Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The signs are an improvement compared to signage previously within the shopfront and would not detract from the quality or appearance of the building or wider Perth Road streetscape.

7.17 **The proposal is in accordance with NPF4 Policy 14.**

#### **DUNDEE LOCAL DEVELOPMENT PLAN 2019**

7.18 **LDP Policy 1: High Quality Design and Placemaking** - as considered under NPF4 Policy 14, the signage is of an appropriate design and appearance, meeting the requirements of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

7.19 **The proposal is in accordance with LDP Policy 1.**

7.20 **LDP Policy 51: Development within Conservation Areas** - requires that all development proposals preserve or enhance the character of the surrounding area and retain all features that contribute to the character and appearance of the Conservation Area.

7.21 As considered under NPF4 Policy 7d, the proposed signs would have no detrimental impact on the character or appearance of the West End Lanes Conservation Area. The proposal demonstrates compliance with the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and would not detract from the quality or appearance of the building or wider Perth Road streetscape.

7.22 **The proposal is in accordance with LDP Policy 51.**

7.23 **It is concluded that the proposal is in accordance with the Development Plan.**

#### **B - SUPPORTING INFORMATION**

7.24 The applicant has provided a supporting statement and conservation statement. The statement notes the unit was previously occupied by "Balaka" restaurant and hot food

takeaway. Following the closure of Balaka, the premises has been purchased by a new operator and opened as 'Marmaris'.

- 7.25 The applicant notes the previously installed signage 'Balaka' was self-illuminated, with text which was significantly larger and mounted upon a bright blue background. The illumination of the present sign is both in keeping with the existing sign and considered to be required at the premises which operates into the evening and night-time period. The currently installed text is mounted upon a black aluminium background, which is further aligned with surrounding units within the area. Overall, the applicant considers the signage of an appropriate design and in keeping with the requirements of planning policy and associated guidance documents.

## C – NATIONAL POLICY AND GUIDANCE

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

## D - WEST END LANES CONSERVATION AREA APPRAISAL

- 7.28 The West End Lanes Conservation Area Appraisal (WELCAA) includes descriptions of the established character of signage within the Conservation Area, and guidance on maintaining the established character of shopfronts.
- 7.29 WELCAA states "the current colour scheme is predominantly traditional dark colours such as red, green and blue with a range of sandy colours. Illuminated signs can have a major impact on the character of the Conservation Area. The preference is to have non-illuminated signage, however if it can be demonstrated that a need for illumination exists, this shall be undertaken as discretely as possible."
- 7.30 The fascia signage is finished in a dark 'black grey' colour with red present within the company logo. This is generally in keeping with the established darker colours of signage on Perth Road. The signage is illuminated. However, it is achieved through lighting within the individual letters. This ensures the illumination is restricted to part of the sign only, and that the full frontage is not illuminated. Overall, the provision of internally illuminated lettering upon a dark fascia would not conflict with the aims of the guidance within WELCAA.

## E – REPRESENTATIONS

- 7.31 The grounds of objection are considered and assessed as follows:
- 7.32 **Objection** - the signage fails to meet Historic Environment Scotland guidelines for signage in Conservation Areas.
- 7.33 **Response** - Historic Environment Scotland guidance provides advice on protecting existing frontages of historic significance, and regarding the design of new signage. The shopfront subject of this application does not contain any features of significant historical or architectural significance. However, the site is contained within the West End Lanes Conservation Area.

Historic Environment Scotland guidance states new lettering must be carefully designed to respect the character of a building and be located appropriately. Fixings that cut across architectural detail or that sit uneasily against the form of the entrance or the surrounding façade should be avoided. Traditional hand-painted sign-writing is encouraged. If a fascia is excessively deep or encroaches upon the first floor, the opportunity should be taken to create a fascia of more appropriate depth and height.

- 7.34 The signage formerly within the shopfront comprised an 8mm thick, internally illuminated plastic fascia which did not contribute positively to the frontage. The proposed fascia comprises 6mm thick aluminium fascia with internally illuminated individual lettering. This is more appropriate to the site and of a higher quality. As Historic Environment Scotland guidance, the proposed signage would not cut across any architectural details and sits comfortably within the established form of the entrance and surrounding façade. While the proposal is not a traditional hand-painted sign, the fascia is not excessively deep and does not encroach upon the first floor. Overall, the proposed signage is of an appropriate scale and form for this site and does not conflict with the guidance outlined in Historic Environment Scotland's Managing Change in the Historic Environment: Shopfronts & Signs (2010).
- 7.35 **Objection** - legislation including Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires attention is paid to preserving or enhancing Conservation Areas. It is considered the signage fails to meet this requirement.
- 7.36 **Response** - the design and appearance of the signage is considered within the determining issues section of this report. The signage is appropriate for this shopfront, which is contained within an established district centre. The signage is of a scale, form and appearance which would integrate with the established character of the building and maintains the character of the Conservation Area.
- 7.37 **Objection** - there are existing shopfronts on Perth Road which fail to meet guidance outlined in the West End Lanes Conservation Area Appraisal (WELCAA). The approval of further signage which does not meet the requirements of WELCAA would have an accumulative detrimental impact on the character and appearance of Perth Road.
- 7.38 **Response** - this application can only consider the proposals as submitted, and not signage at any other locations. With regard to signage, the guidance within WELCAA is considered above. The proposed fascia signage is generally in keeping with the established darker colours of signage on Perth Road. The signage is illuminated. However, it is achieved through lighting within the individual letters. Overall, the provision of internally illuminated lettering upon a dark fascia would not conflict with the aims of the guidance within WELCAA.
- 7.39 The issues raised in the representation have been considered and addressed in the report. There are no grounds raised which are of sufficient weight to justify refusal of advertisement consent.
- 7.40 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of advertisement consent.**

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## 8 CONCLUSION

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- 8.1 The proposed signage would be in accordance with the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and complies with the development plan. There are no material considerations of sufficient weight that would justify refusal of the application. Therefore, it is recommended that advertisement consent should be granted subject to a condition.

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## 9 RECOMMENDATION

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9.1 It is recommended that the application be GRANTED subject to the following condition(s):

- 1 **Condition** – within three months of the date of this consent, the signage shall be installed as illustrated on drawing 2142/PA/02 - Front Elevation & Details dated 30 May 2025, to the satisfaction of the Planning Authority. The applicant shall notify the Planning Authority in writing when these works have been completed.

**Reason** – in the interest of protecting the character of the West End Lanes Conservation Area.

## Proposed Alterations and Extension to Lochee Boys and Girls Boxing Club

### KEY INFORMATION

**Ward** Lochee

**Address**

Lochee Boys & Girls Club  
1 Wellbank Lane  
Dundee  
DD2 3FW

**Applicant**

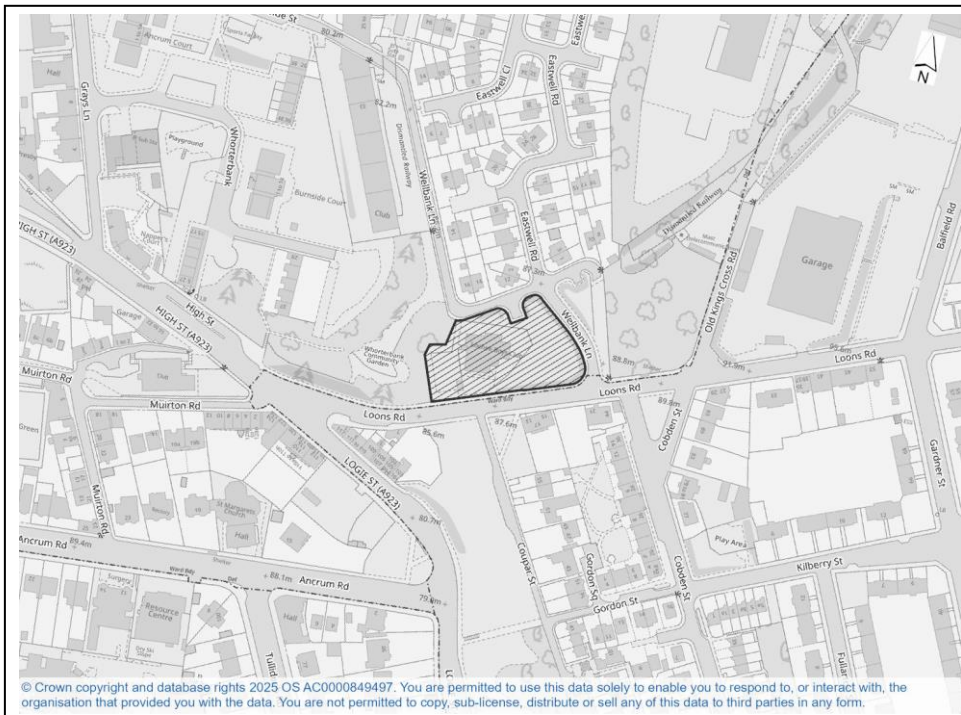
Lochee Boys and Girls Boxing Club

**Agent**

Liam McKelvie LJR + H  
Architects

**Validated:** 16 April 2025

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



### SUMMARY OF REPORT

- Planning permission is sought for the erection of a rear extension and external alterations to Lochee Boys and Girls Club on Wellbank Lane.
- The application is fully in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. Six letters of objection have been received.
- The material considerations raised include impact on parking within the surrounding streets and noise.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six or more valid written objections have been received, and the recommendation is for approval.
- More details can be found at [25/00165/FULL | Proposed alterations and extension to Lochee Boys & Girls Boxing Club | Lochee Boys & Girls Club 1 Wellbank Lane Dundee DD2 3FW](#)

### RECOMMENDATION

The proposal is fully in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

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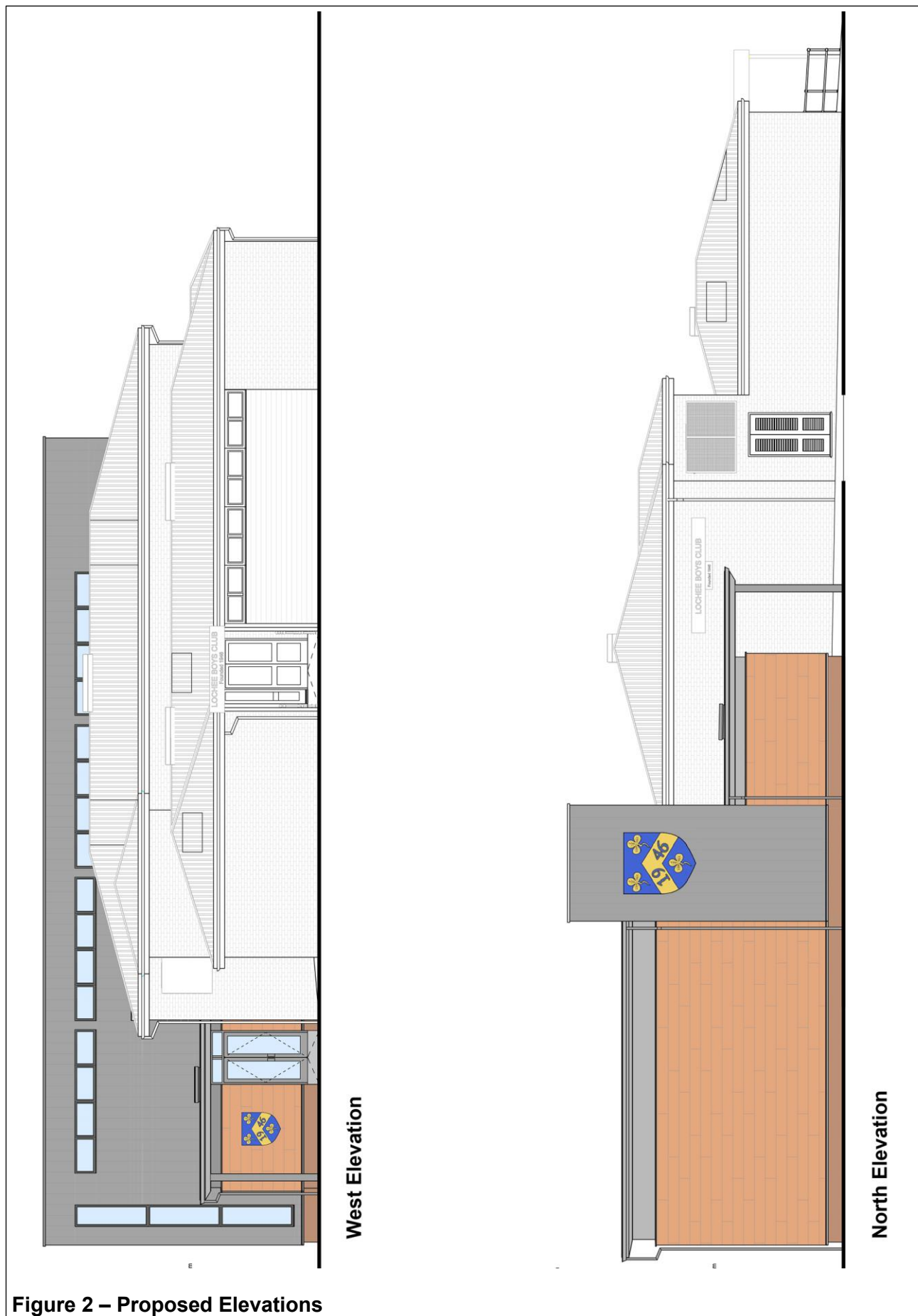
## 1 DESCRIPTION OF PROPOSAL

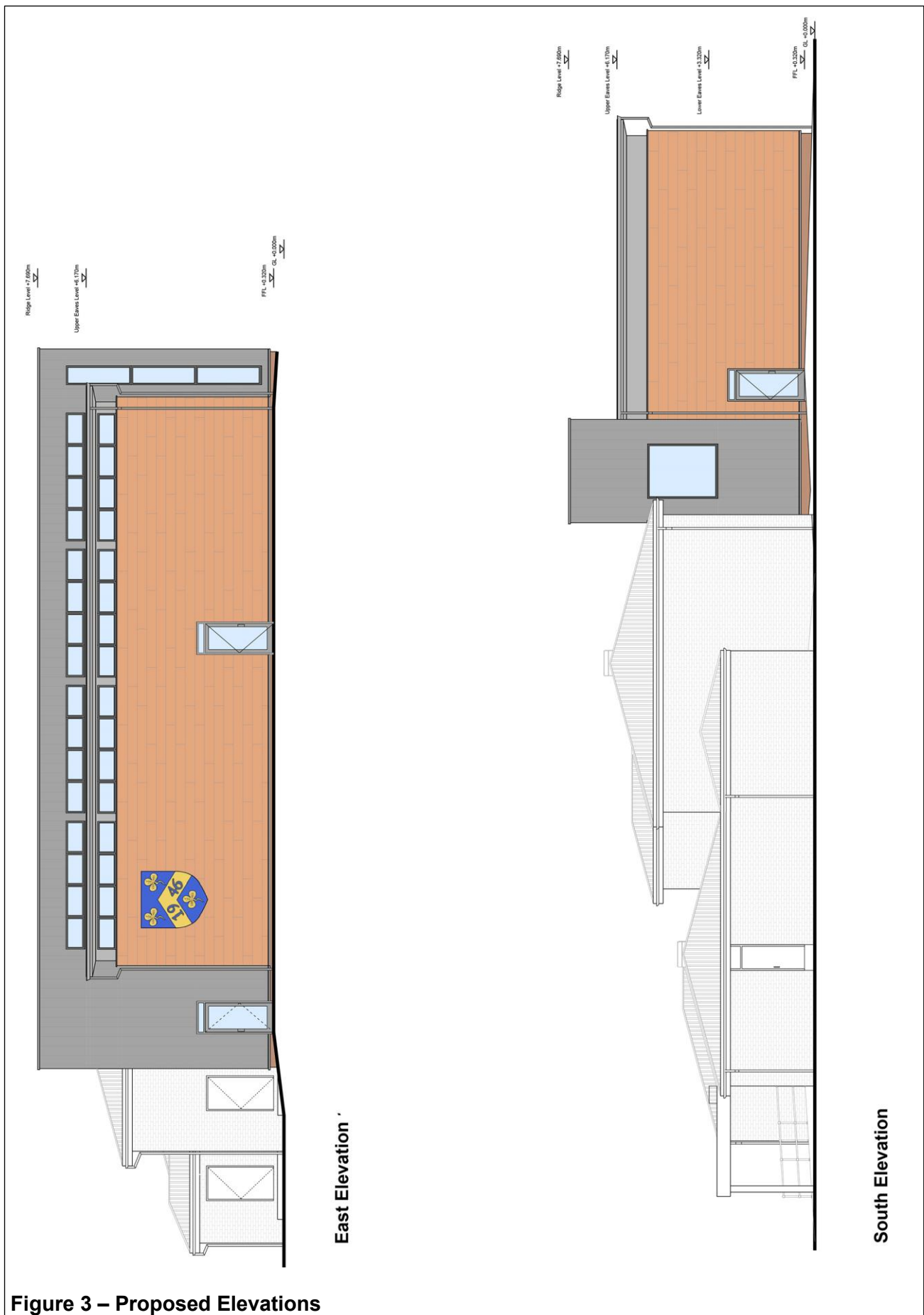
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- 1.1 Planning permission is sought for the erection of an extension on the east elevation (rear) that wraps around to the north elevation (side).
- 1.2 The proposed flat roof extension would measure 7.5 metres at its highest point, 22.5 metres in width and will extend 12 metres in depth from the existing building. The extension would have a footprint of 280 square metres bringing the overall footprint of the building to 683 square metres. The extension will provide additional space for exercise, a reception area, internal mezzanine and sports therapy room. There are glazed openings and access doors proposed on the south, east and west elevations. The finishing materials would include a brick base course with brown metal cladding and anthracite metal cladding on the external walls. All doors and windows would be aluminium finished in anthracite grey, and the roof would be single ply membrane. The existing 2.4 metre boundary fence finished with wooden posts and metal netting would be removed and replaced with a 2.4 metre security boundary fence finished in green.
- 1.3 It is proposed to demolish part of the existing building to accommodate the new extension. This also requires Conservation Area Consent. A separate application for the demolition is submitted under 25/00368/CON
- 1.4 The applicant has submitted the following in support of the application:
  - Design Statement;
  - Transport Assessment/Statement;
  - Drainage Scheme;
  - Arboriculture Assessment; and
  - Tree Protection and Compensatory Planting Plan.









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## 2 SITE DESCRIPTION

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- 2.1 The site is located within Lochee Conservation Area within a corner plot situated between Loons Road and Wellbank lane. The existing building has single and two storey elements with various ridge heights and roof pitches. The existing building is finished in red brick, a metal steel roof and timber windows and doors. There is an existing metal security fence that surrounds the site on all elevations, and an access gate is located on the north elevation. This can be accessed from Wellbank Lane. The site has existing parking on the west elevation. To the east is a large area of grass with trees along the boundary.
- 2.2 This is a mixed-use area with residential and industrial uses nearby and Lochee District Centre and Stack Leisure Park located within a two-minute walk. The nearest residential properties are located over 20 metres to the north on Wellbank Lane.



Figure 4 – Rear of Building and Boundary Fence



Figure 5 – Front of Existing Building and Car Park

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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:

### **NATIONAL PLANNING FRAMEWORK 4**

Policy 1: Tackling the climate and nature crises  
Policy 2: Climate mitigation and adaptation  
Policy 3: Biodiversity  
Policy 6: Forestry, woodland and trees  
Policy 7: Historic assets and places  
Policy 9: Brownfield, vacant and derelict land and empty buildings  
Policy 12: Zero Waste  
Policy 13: Sustainable transport  
Policy 14: Design, quality and place  
Policy 22: Flood risk and water management  
Policy 23: Health and safety

### **DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 1: High Quality Design and Placemaking  
Policy 35: Trees and Urban Woodland  
Policy 37: Sustainable Drainage Systems  
Policy 39: Environmental Protection  
Policy 41: Land Contamination  
Policy 44: Waste Management Requirements for Development  
Policy 51: Development in Conservation Areas  
Policy 54: Safe and Sustainable Transport  
Policy 56: Parking

### **NON-STATUTORY STATEMENTS OF POLICY**

Historic Environment Policy Scotland (2019)  
Lochee Conservation Area Appraisal

- 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 20/00408/FULL - was withdrawn in February 2021 for an extension to rear of Lochee Boxing Club to create additional boxing ring hall and storage.
- 4.2 25/00368/CON – for the demolition of part of the building and is currently pending consideration.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

- 5.2 Six objections have been received raising the following valid material grounds:
- no additional parking is proposed. This will create further parking and traffic congestion issues as well as a road safety risk to pedestrians and cyclists;
  - the extension to the club will create unacceptable noise levels;
  - no neighbour notification was received; and
  - address is incorrect on the application.
- 5.3 Concerns were also raised in relation to the following matters. However, these are not valid material planning considerations.
- the extension will block the view beyond the club to neighbouring properties;
  - the access roads are not suitable for heavy machinery during construction; and
  - the levels of noise during construction would be unacceptable to nearby residences.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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- 6.1 **Head of Sustainable Transport and Roads** – has no objection subject to conditions.
- 6.2 **Head of Design and Property Services** – has no objection subject to conditions
- 6.3 **Head of Neighbourhood Services and Environment** – has no objection to the proposal.

## 7 DETERMINING ISSUES

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

### THE DEVELOPMENT PLAN

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

#### Principle of Development

- 7.2 **NPF4 Policy 23: Health and safety – (part a)** states that development proposals that have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.
- 7.3 The existing use of the building is a boxing club. This promotes exercise and provides a space for members of the public to use for health and wellness activities. The proposed extension will increase the amount of floorspace thereby increasing the number of people that can use

the boxing gym and take part in exercise. The proposal will therefore have a positive effect on health.

**7.4 The proposal is in accordance with NPF4 Policy 23a.**

**Design**

**7.5 NPF4 Policy 14: Design, quality and place** - part a, states that development proposals will be designed to improve the quality of an area whether in urban or rural locations regardless of scale.

**7.6 NPF4 Policy 14b** - states that development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.

**7.7 LDP Policy 1: High Quality Design and Placemaking** - aligns with NPF4 policy 14b, it states all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.

**7.8** The proposed extension draws in features of the existing building such as the brick base course. The overall mass of the building is broken up using cladding which is anthracite grey, providing a modern design in contrast to the existing building. The use of brown metal cladding ties in with the colour of the existing brickwork. The scale of the extension is well broken up by use of contrasting materials and is of a high-quality design, appropriate to the site context.

**7.9** The proposal would provide a larger space to promote health and fitness to the community and provide an inclusive place for members of the public to connect. Upgrading the existing building will support its longevity within the community. Each of these points are consistent with the six qualities of successful places which are healthy, pleasant, connected, distinctive, sustainable and adaptable. The proposal will not result in a significantly harmful impact to the visual amenity of the surrounding and would provide health and wellness benefits to the community.

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

**Historic Environment**

**7.11 NPF4 Policy 7: Historic assets and places (part d)** - states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i architectural and historic character of the area;
- ii existing density, built form and layout; and
- iii context and siting, quality of design and suitable materials.



- 7.12 **LDP Policy 51: Development in Conservation Areas** states that within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the conservation area.
- 7.13 The proposed extension is functional in terms of its layout and design. The design uses brick which is also used in surrounding residential properties. The use of brown cladding contrasts against the brick and ties the materials together and the use of grey cladding breaks up the overall mass of the building when read as a whole.
- 7.14 In response to NPF4 policy 7d, criterion i, the building as exists sits in relative isolation and is not part of the traditional historic character of the area. In response to criterion ii and iii, the scale and layout of the proposed extension is acceptable within the existing site. The proposed materials complement the existing building and the surrounding area. The overall design is acceptable within the site and surrounding area and will be a positive change to the existing building. For the reasons set out above the proposed extension would not have a negative impact on Lochee Conservation Area.
- 7.15 **The proposal is in accordance with NPF4 Policy 7d and LDP Policy 51.**

#### **Transport and Parking**

- 7.16 **NPF4 Policy 13b: Sustainable transport** supports development where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
  - ii will be accessible by public transport, ideally supporting the use of existing services;
  - iii integrate transport modes;
  - iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
  - v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
  - vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
  - vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
  - viii adequately mitigate any impact on local public access routes.
- 7.17 In response to criterion i, the site benefits from being connected to an existing network of footpaths within the area. Wellbank lane, is identified as an on-road cycle route on Dundee City Councils cycle maps.
- 7.18 In response to criterion ii, the surrounding area benefits from frequent bus services which operate along multiple routes in Lochee. The closest bus stop is located within 50 metres of the site. There are frequent services at stops on Ancrum Road, Lochee High Street (Grays

Lane) and The Stack. The applicant has stated within the submitted Travel Plan that visitor information and signage providing advice on public transportation and promoting active travel options to club users will be made available online and within the building. The proposal is in accordance with criterion ii subject to a condition.

- 7.19 In response to criterion iii, integration of transport modes is not relevant to the scale of development proposed.
- 7.20 In response to criterion iv, no EV charging is indicated on the site plan. However, EV charging will be secured as appropriate through the building warrant process. There is an existing EV charging hub on St Anne Lane, located 500 metres from the proposal site.
- 7.21 In response to criterion v, the submitted Travel Management Plan states that a secure cycle parking store would be installed to the west elevation of the site. The proposed cycle storage arrangements are acceptable. The proposal is in accordance with criterion v.
- 7.22 In response to criterion vi, a Travel Management Plan has been submitted which addresses how the applicant will manage traffic within the site. A condition is recommended to review this plan after one year to ensure appropriate measures are in place to promote active travel and minimise use of the private car. The proposal is in accordance with criterion vi subject to a condition.
- 7.23 In response to criterion vii, the submitted Travel Management Plan states that a comprehensive parking layout and marking strategy would be prepared which would provide the allocation of a designated disabled parking space.
- 7.24 In response to criterion viii, the proposal would not have any adverse impacts on any local public access routes.
- 7.25 **The proposal is in accordance with NPF4 Policy 13b, subject to conditions.**
- 7.26 **NPF4 Policy 13e:** states that development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- 7.27 **NPF4 Policy 13f:** states that development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- 7.28 There are 18 existing car parking spaces at the site. It is acknowledged that no additional onsite parking is proposed for the additional floor space which would be provided. As stated within policy 13e, NPF4 provides a presumption in favour of supporting no to low car parking on sites in urban locations that are well served by sustainable transport modes. In this case, the site is located within proximity to bus stops which serve the 17 and 28 buses, The Stack Leisure Park which serves the number 1 and 10 buses. These are frequent services connecting the site to communities to the north, east and west of the city alongside the city centre. In addition, there is currently no cycle parking at the site, this situation will be improved by providing a cycle parking store within the site. This will be located to the west of the building and will not impact on any existing car parking provision in the site. As required by NPF4 policy 13f and as advised by the Head of Sustainable Transport and Roads, a Travel Plan is secured by condition to ensure active travel options are promoted by the applicant. In light of the presumption in favour of low to no parking, and that the site is well connected and active travel measures will be promoted, no additional parking is required.

7.29 Policy 13e also states that development should not create barriers to access by disabled people. The applicants submit that it is the intention to delineate parking within the site which would include a disabled bay.

7.30 **The proposal complies with NPF4 policy 13e and f subject to conditions.**

7.31 **LDP Policy 54: Safe and Sustainable Transport** - states that all development proposals that generate travel should be designed to be well served by all modes of transport. In particular, sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services. Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/ junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development. This includes the re-use of existing building

7.32 LDP Policy 54 largely aligns with the principles set out within NPF4 Policy 13b. With regard to criteria 1 and 2 the site will connect into an existing network with access to a wide range of facilities within walking distance,

7.33 With regard to criterion 3, the proposal is located within walking distance to public transport networks, with multiple frequent bus services within easy reach of the site, located on Ancrum Road, at Grays Lane and The Stack.

7.34 With regards to criterion 4, the Head of Sustainable Transport and Roads has reviewed the application and had no objections on the grounds of road safety. With regard to criterion 5 there will be no impact on rail networks arising from this proposal. With regard to criterion 6 no new roads are proposed.

7.35 A Travel Plan was requested by the Head of Sustainable Transport and Roads who has recommended a condition which requests a Travel Management Plan to be put in place before the opening of the proposal. This also requires the Travel Plan to be monitored over the course of a year from first operation of the development. The findings will require to be

submitted to the planning authority. The proposal complies with criterion 7, subject to condition.

7.36 **The proposal complies with LDP Policy 54, subject to a condition.**

7.37 **LDP Policy 56: Parking** - sets out parking requirements for developments out with the city centre.

7.38 Policy 56 states that all new developments are required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. All parking facilities at commercial developments should include the provision of charging stations for electric vehicles.

7.39 Cycle parking should include facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards. At places of employment, covered secure parking with changing facilities should be provided for employees.

7.40 The proposal is not a new development or use of the site, rather an extension to an existing building. There are 18 car parking spaces currently available on site. No new parking is proposed and existing parking arrangements on site will be utilised.

7.41 The existing parking has been assessed against the Council's Roads Standards document Streets Ahead. The proposed development does not fall within any of the development types provided and therefore the number of required car parking spaces for this development type is not set in policy. The parking arrangements have been reviewed by the Council's Head of Sustainable Transport and Roads who has no objection to the application on the basis that the proposal would have no significant impact on the safe functioning of the road network, and that non-vehicle generating trips are to be encouraged by a Travel Plan which is to be required by condition. Additionally, a secure cycle parking store will be provided within the site on the west elevation. This would further encourage non-vehicle trips and represents an improvement over the current situation as there is currently no cycle parking on site. Due to the site's highly accessible location in terms of public transport and the additional measures including cycle parking being implemented on site, use of existing parking on site is accepted on the basis that the applicant is implementing, promoting and supporting active travel in accordance with NPF4 Policy 13 and LDP Policy 54. The Travel Management Plan notes that a disabled bay will be delineated in future and EV charging will be secured through a warrant as noted within the requirements of NPF4 policy 13b. In light of all of the above the proposal is not contrary to LDP Policy 56.

7.42 **The proposal is in accordance with LDP Policy 56.**

#### **Flood Risk and Drainage**

7.43 **NPF4 Policy 22: Flood risk and water management (part c)** - states that development proposals will:

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

- 7.44 **LDP Policy 37: Sustainable Drainage Systems** - states that surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200-year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.
- 7.45 SUDs are proposed to deal with additional surface water within the site. This is via a surface water soakaway and silt traps located to the east of the proposed extension. The site is not identified as being at risk of surface water flooding on SEPA flood maps. Conditions are recommended by Head of Design and Property Services to require the submission and approval of detailed SUDS proposals prior to the commencement of any works on site.
- 7.46 **The proposal is in accordance with NPF4 Policy 22c and LDP Policy 37 subject to conditions.**

#### **Biodiversity and Trees**

- 7.47 **NPF4 Policy 3: Biodiversity (part a and c)** - states that development proposals will contribute to the enhancement of biodiversity including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.
- 7.48 It is proposed to carry out replanting of shrubs and trees lost on site, this would help maintain the existing biodiversity measures on site. Further details on biodiversity measures to be implemented have not been provided, however, a condition has been recommended to secure details on further measures to enhance biodiversity measures on site in line with the NatureScot Developing with Nature Guidance.
- 7.49 **The proposal is in accordance with NPF4 Policy 3 a and c, subject to condition.**

#### **Trees**

- 7.50 **NPF4 Policy 6: Forestry, woodland and trees (part c)** - states that development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered
- 7.51 **LDP Policy 35: Trees and Urban Woodland** - states that the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.

7.52 The Head of Neighbourhood and Environment Services has reviewed the submitted Arboricultural Assessment and Tree Protection Plan and is satisfied that the measures proposed along with the replanting plan submitted adequately ensure retained trees will be protected and any tree loss will be compensated to the betterment of biodiversity within the site. As submitted within the Tree Protection and Compensatory Planting Plan, it is proposed that all removed trees are replaced on a planting ratio of 3:1 using local and native species. 33 trees are to be planted. Shrubs are to be replanted on a 1:1 basis with 43 shrubs indicated within the submission. The Tree Protection measures are secured by condition for the avoidance of doubt. A condition is recommended to ensure that trees are maintained/replanted where they may fail for a period of five years to ensure that they establish within the site.

7.53 **The proposal is in accordance with NPF4 Policy 6 and LDP Policy 35 subject to conditions.**

#### **Health, Safety and Amenity**

7.54 **NPF4 Policy 23: Health and safety** – protects people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

7.55 **NPF4 Policy 23e:** states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

7.56 **LDP Policy 39: Environmental Protection** - requires all new development that would generate noise, vibration, odour, emissions to air, dust, or light pollution to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

7.57 As the existing use of the building is a boxing club there already exists the potential to play music. The nearby residential properties are located to the north of the site. Although the extension would extend along the north elevation, there would be no new windows or doors proposed on this elevation that would generate additional noise breakout from the club. A condition is recommended to limit noise from any new plant and machinery to protect neighbouring amenity.

7.58 **The proposal is in accordance with NPF4 Policy 23e and LDP Policy 39 subject to condition.**

7.59 **NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings (part c)** - states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

7.60 **LDP Policy 41: Land Contamination (part a)** - states that development of potentially contaminated or statutorily identified contaminated land will be considered where:

- 1 a site investigation is submitted establishing the nature and extent of contamination; and
- 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.

7.61 The site has been identified as being located within an area of former a railway goods yard associated with the Camperdown Works. Due to the industrial history of the site, an advisory note is recommended.

7.62 **The proposal is in accordance with NPF4 Policy 9c and LDP Policy 41.**

#### **Climate and Nature Crises**

7.63 **NPF4 Policy 1: Tackling the Climate and Nature Crises** - states that when considering all development proposals significant weight will be given to the global climate and nature crises.

7.64 **NPF4 Policy 2: Climate Mitigation and Adaptation** - states that development proposals that minimise greenhouse gas emissions, adapt to current and future risks for climate change and retrofit measures that reduce emissions or support adaptation to climate will be supported.

7.65 The proposal is for the extension to an existing building by utilising the existing building the impact in terms of greenhouse gas emissions is reduced as the provision of an extension uses less materials and land than a new development. The site is not at any specific risk from climate change and would not cause harm to the surrounding environment. Biodiversity enhancement measures are secured by condition.

7.66 **The proposal is in accordance with NPF4 Policies 1 and 2.**

#### **Waste Management**

7.67 **NPF4 Policy 12: Zero Waste (part a)** – states that development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

7.68 **NPF4 Policy 12b:** - states development proposals will be supported where they:

- i reuse existing buildings and infrastructure;
- ii minimise demolition and salvage materials for reuse;
- iii minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
- iv use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
- v use materials that are suitable for reuse with minimal reprocessing.

7.69 In response to part b, criteria i, ii and iii the proposal utilises an existing building, part of this is to be demolished a condition is recommended to secure details on the reuse of materials. The applicant submits that the materials are durable and low-maintenance alu-clad finishes which will ensure long-lasting performance, contributing to the extension's overall sustainability and resilience. It is likely that such materials can be taken off, and reused, if this was necessary. The proposals are in accordance with criteria iv and v.

7.70 **The proposal is in accordance with NPF4 Policy 12b.**

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

- i provision to maximise waste reduction and waste separation at source, and



- ii measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities

7.72 In response to parts a and c, as the proposal relates to a building that is already in use provisions for waste management are already in place.

7.73 **The proposal complies with NPF4 Policy 12, subject to condition.**

7.74 **LDP Policy 44: Waste Management Requirements for Development-** states proposals require to demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.

7.75 For similar reasons highlighted within the policy assessment above under NPF4 Policy 12 the proposal is in compliance with LDP Policy 44. A condition is recommended to secure details on how construction waste is to be dealt with to ensure waste on site is minimised.

7.76 **The proposal complies with LDP Policy 44, subject to condition.**

## **STATUTORY DUTIES**

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

7.77 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 as amended states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.78 For similar reasons to those set out above, the application complies with the relevant provisions of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

7.79 It is concluded from the above assessment that by approving the application the Council would be discharging its statutory duties in an appropriate manner.

## **MATERIAL CONSIDERATIONS**

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

### **A - REPRESENTATIONS**

7.81 In total six letters were received objecting to the proposal. The objections raised the following valid material grounds:

- no additional proposed parking will create further parking and traffic congestion issues to neighbouring residences related to the club as well as create a road safety risk to pedestrians and cyclists;
- the extension to the club will create unacceptable noise levels;
- no neighbourhood notification letter was received; and
- address is incorrect on the application.

The grounds of objection are considered and assessed as follows:

- 7.82 **Objection** - no additional proposed parking will create further parking and traffic congestion issues to neighbouring residences related to the club as well as create a road safety risk to pedestrians and cyclists.
- 7.83 **Response** - all parking matters have been addressed within the transport section of the report above. A further travel and Traffic Management Plan was submitted in support of the application which details how the traffic congestion within the area is proposed to be managed. The Head of Sustainable Transport and Roads has reviewed the application and has no objection on the grounds of road safety or traffic impacts. Users of the facility will predominantly be local. In addition, the site is very well located in terms of active travel options, and additional active travel measures are provided. The Head of Sustainable Transport and Roads is satisfied that the applicant's proposed promotion of active travel measures will improve the existing situation and allow further floorspace to be created without exacerbating any existing parking issues which may be generated through the erection of an extension to the existing facility.
- 7.84 **Objection** - the extension to the club will create unacceptable noise levels.
- 7.85 **Response** – it is noted that as the use of the building is a boxing club and with the additional space there is a potential for music to be played from the premises, there are no windows or doors proposed to the extension, on the north elevation, closest to neighbouring properties. There would be no increase in terms of noise breakout. A condition is recommended to control the level of noise from any potential mechanical and electrical plant and equipment.
- 7.86 **Objection** - no neighbourhood notification letter was received
- 7.87 **Response** - the Council has followed the neighbour notification process in accordance with statutory requirements. All relevant properties within 20 metres of the site boundary were notified, and public notices were displayed at the site. It was also advertised in local press.
- 7.88 **Objection** – address is incorrect on the application.
- 7.89 **Response** - the applicant originally submitted the application form with the incorrect address. On receipt of the representation highlighting this, a new application form was submitted and the details corrected to rectify this. The site indicated on the notification letters related to the correct address.

## **B - OTHER RELEVANT STATUTORY OR NON-STATUTORY STATEMENTS OF POLICY**

### **Lochee Conservation Appraisal**

- 7.90 The proposal takes into account the Lochee Conservation Appraisal in terms of design and respecting the character of the Lochee Conservation Area. The proposal reflects the aims of the Lochee Conservation Area Appraisal.

### **Historic Environment Policy Scotland (2019)**

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

changes to society and the environment, and to achieve the best possible outcome for the historic environment, maximising its benefits.

- 7.92 It is concluded for the reasons set out above that the proposed works would comply with national planning guidance concerned with the historic environment, including the policies of the Historic Environment Policy Scotland.
- 7.93 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.94 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

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## 8 CONCLUSION

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- 8.1 The application for is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.

**Reason** - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 **Condition** - prior to the commencement of development, 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 and approved in writing by the planning authority. All works approved by virtue of this condition shall be carried out prior to the occupation of the development hereby approved.

**Reason** - in the interests of flood protection.

- 3 **Condition** - prior to the commencement of development, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to and approved in writing by the planning authority. Thereafter, all works and other measures approved by virtue of this condition shall be carried out in perpetuity.

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

- 4 **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 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."

**Reason** – in the interest of protecting residential amenity.

- 5 **Condition** - no development shall commence until a Travel Plan, which sets out proposals for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority. The Travel Plan shall include:

- 1 details for the management, monitoring, review and reporting of these measures; and
- 2 details of the duration of the Travel Plan.

The approved Travel Plan shall thereafter be implemented from the date of first occupation of any part of the development. The plan shall first be submitted for review within one year of first occupation of the development hereby approved.

**Reason** - in the interests of promoting sustainable transport

- 6 **Condition** - prior to the commencement of development, a scheme of features or measures to enhance biodiversity, such as those measures set out in the NatureScot Developing with Nature guidance, shall be submitted to and agreed in writing by the Planning Authority. The approved details thereafter shall thereafter be implemented prior to first use of the facility, and then retained and maintained for their designed purpose in accordance with the approved scheme.

**Reason** – to ensure that a satisfactory biodiversity enhancement scheme is proposed and implemented, increasing biodiversity within the site.

- 7 **Condition** – all works and protective measures necessary to safeguard the trees that are to be retained on the site during development operations shall be undertaken as per BS 5837:2012. 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.

**Reason** – 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

- 8 **Condition** – all soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

**Reason** - to ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 9 **Condition** – no development shall commence until a Construction Waste Management Plan has been submitted to, and approved in writing by the Planning Authority. For the avoidance of doubt this shall include details on how materials from any duntakings to accommodate the extension shall be re-used or recycled, in the first instance, within the development site.

**Reason** – In order to ensure that materials are re-used or recycled to minimise waste.

Informative

Due to the industrial history of the area in which this property is built, the possibility of residual waste material from the previous land uses remains. The applicant may wish to consider specialist advice. It is advised that care is taken during site redevelopment, and that consideration is given to the disposal of any made ground (soils with brick, concrete, ash etc) excavated for foundations. The council shall be immediately notified in writing if any ground contamination is found during redevelopment works, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed. Verification shall be provided by the applicant or their agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in, the agreed remediation scheme.