

City Chambers
DUNDEE
DD1 3BY

7th June, 2024

Dear Colleague

You are requested to attend a MEETING of the **PLANNING COMMITTEE** to be held remotely on Monday, 17th June, 2024 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 14th June, 2024.

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) 23-00535-FULL – ERECTION OF 45 HOUSES AND ASSOCIATED ROADS, DRAINAGE AND SERVICES – LAND TO SOUTH EAST OF PITALPIN HOUSE, PITALPIN STREET, DUNDEE – FOR H&H PROPERTIES UK

Requests have been made for a deputation to address the Committee relative to objections to and in support of the abovementioned application which is recommended for approval.

- (b) 23-00862-FULM – CHANGE OF USE AND INSTALLATION OF A 39.9 MW BATTERY ENERGY STORAGE SYSTEM - LOCARNO WORKS, BROWN STREET AND POUND STRETCHERS LTD, 50-60 LOCHEE ROAD, DUNDEE – FOR MR ROSS MORRISON TORRIDON DEVELOPMENTS LTD

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

- (c) 23-00862-FULM – SECTION 42 APPLICATION TO EXTEND THE TIME PERIOD FOR IMPLEMENTATION OF PLANNING PERMISSION 22/00713/FULL FOR THE ERECTION OF PURPOSE BUILT STUDENT ACCOMMODATION BY 18 MONTHS - GARAGE, WEST MARKETGAIT, DUNDEE– FOR UK PBSA (MARKETGAIT DUNDEE) LIMITED

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

3 PLANNING APPLICATIONS

(Copy attached).

4 PRE-DETERMINATION HEARING

- (a) 23-00814-FULM – MAJOR MIXED USE LEISURE DEVELOPMENT – EDEN PROJECT - LAND TO THE EAST OF PEEP O' DAY LANE AND WEST OF MELVILLE LANE, EAST DOCK STREET, DUNDEE – FOR EDEN PROJECT INTERNATIONAL LIMITED

Requests have been made for a deputation to address the Committee relative to representations about and in support of the abovementioned application which is recommended for approval.

Planning Applications

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

Item No	Case No/Ward	Location	Page
1	23/00535/FULL W02-Lochee	Land to Southeast of Pitalpin House, Pitalpin Street, Dundee	1
2	23/00862/FULM W03-West End	Locarno Works , Brown Street and Poundstretchers Ltd, 50-60 Lochee Road, Dundee, DD1 5EE	33
3	24/00204/S42 W05-Maryfield	Garage, West Marketgait, Dundee, DD1 1QP	54
	<u>Pre-determination Hearing</u>		
4	23/00814/FULM W05-Maryfield	Land to the East of Peep O'Day Lane and West of Melville Lane, East Dock Street, Dundee	69

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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Erection of 45 Houses and Associated Roads, Drainage and Services

KEY INFORMATION

Ward – Lochee

Address

Land to South East of Pitalpin House
Pitalpin Street
Dundee

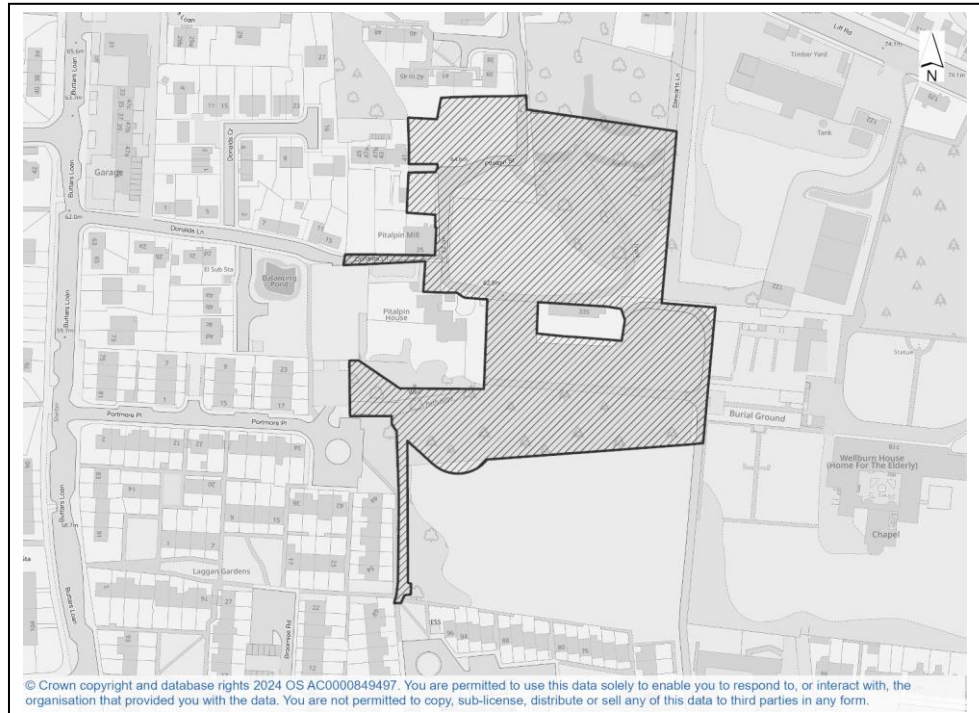
Applicant

H&H Properties UK
71 Blackness Road
Dundee

Validated: 18 August 2023

Report by Head of Planning & Economic Development

Contact: Laura Stewart



SUMMARY OF REPORT

- Planning permission is sought for the erection of 45 houses at the site of the former Pitalpin Works. The houses are a mix of 3 and 4 bedroom homes for private sale.
- The site is brownfield land that contains areas of rubble, rough grass and an area of established trees to the south which is subject to Tree Preservation Orders.
- The application is not fully in accordance with the Development Plan as it fails to fully comply with the requirements of Policy 16f of NPF4. However, there are material planning considerations of significant weight which justify approval of planning permission.
- The statutory neighbour notification process was undertaken, and the application advertised in the local press. A total of 19 letters of objection have been received. The letters of objection raise concerns with the layout, impacts on the surrounding area, impacts on the road and footpath network, loss of open space and loss of car parking.
- 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 <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=RZHOK3GCM5X00&activeTab=summary>

RECOMMENDATION

The proposal does not fully comply with the Development Plan. There are material considerations of sufficient weight to support approval of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of 45 houses with associated access roads and SUDs drainage basin.
- 1.2 The applicant has submitted the following in support of the application:
- Planning Statement;
 - Ecology Report;
 - Transport Statement;
 - Flood Risk Assessment;
 - Drainage Scheme;
 - Arboricultural Impact Assessment;
 - Contaminated Land Assessment;
 - Noise Impact Assessment;
 - Flood Risk Assessment; and
 - Statement of Community Benefit.



Figure 1 – Site Plan

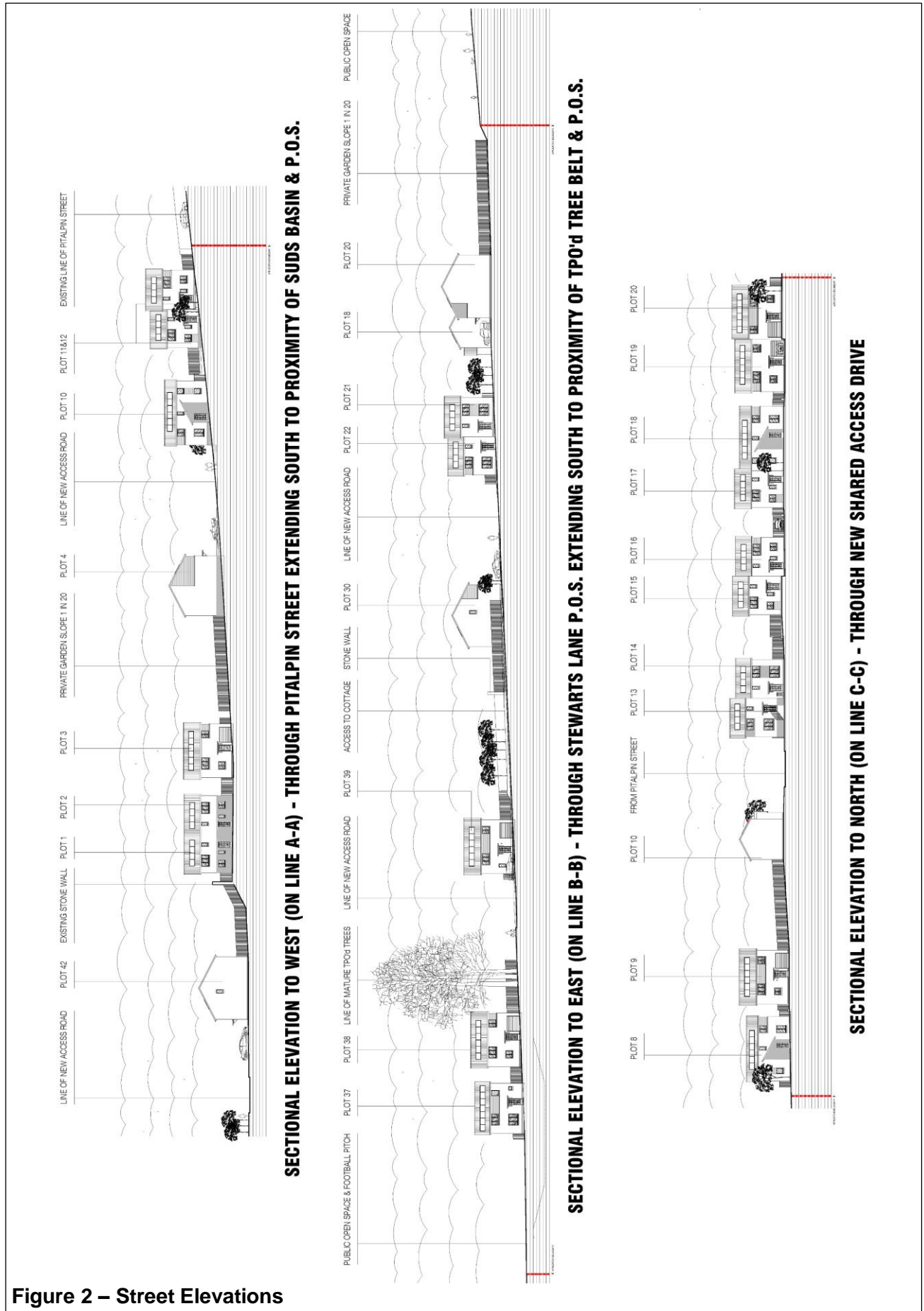


Figure 2 – Street Elevations

2 SITE DESCRIPTION

- 2.1 The site is located within the Pitalpin area which is to the east of Charleston and west of Lochee. The site is just under 2 hectares in size. The site formally housed a Category B listed former mill (Pitalpin Works) which was demolished as it was deemed a dangerous building. The site itself is still listed. However, very little of the building has been retained on site.
- 2.2 The main part of the site is to the south of properties on Liff Road and is bound on the west by Pitalpin Street. Pitalpin Street leads onto Donald's Lane and Pitalpin Mill which has been converted into flats and Pitalpin House which is a category B listed building. A traditional stone-built cottage sits relatively central to the site. The rear of this forms part of a stone wall which runs along the centre of the site. To the south of the cottage there is a large area of trees which includes groups and individual trees that are covered by a Tree Preservation Order.
- 2.3 To the east the site is partially bound by Stewarts Lane beyond which there is a timber yard and manufacturing facility.
- 2.4 To the south of the site is a flat open grassed area of land which includes a remote public footpath to the east which gives pedestrian access to South Road.
- 2.5 The immediate area is characterised by mixed density local authority-built housing, commercial and industrial uses and care facilities.



Figure 3 – Looking Across The Site North/North-West



Figure 4 – Looking West Across The Site



Figure 5 – Looking South Down Pitalpin Street



Figure 4 – Southern Portion of Proposed Site Adjacent to Playing Field

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

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 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 15: Local Living and 20-minute neighbourhoods

Policy 16: Quality Homes

Policy 19: Heating and cooling

Policy 20: Blue and green infrastructure

Policy 22: Flood risk and water management

Policy 23: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 10: Design of New Housing

Policy 20: Funding of On and Offsite Infrastructure Provision

Policy 30: Green Infrastructure Maintenance

Policy 34: Protected Species

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 40: Air Quality

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 48: Low and Zero Carbon Technology in New Development

Policy 49: Listed Buildings

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

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

4 SITE HISTORY

- 4.1 Planning application 22/00376/FULL for erection of 4 No houses – approved 2 August 2023.
- 4.2 Planning application 14/00863/FULL for erection of 16 houses, associated roads, drainage and landscaping – refused – 24 April 2015.
- 4.3 Planning application 14/00864/LBC for alteration and repairs to walled garden walls and formation of gate piers – approved 24 April 2015.

- 4.4 Planning application 08/00291/FUL – conversion of mill building to form 1 x 3 bedroom and 4 x 2-bedroom apartments – approved 31 March 2009.

5 PUBLIC PARTICIPATION

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

5.2 19 objections have been received raising the following valid material grounds:

- drainage to the field;
- detrimental to the environment including trees and wildlife;
- loss of a play area;
- detrimental to residential amenity and privacy;
- increased littering;
- noise impacts;
- increased traffic – road and pedestrian safety;
- loss of parking and servicing (bin collection) for existing residents;
- residential density/overdevelopment and impact to street scene; and
- impact to setting of a listed building.

5.3 Concerns were also raised in relation to:

- payments for maintenance and upkeep of the playing field; and
- impact to neighbouring walls.

However, these are not valid material planning considerations.

5.4 No letters of support were received.

5.5 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 **Head of Environment** commented on the following matters:

Access Officer – provided general comments on the accessibility of the proposal and the suitability of Pitalpin Street for safe cycling.

Greenspace Officer – requested a further Tree Report, Bat Survey before tree felling, landscape plan to clarify biodiversity enhancements, clarification around open space

provision, and a requirement for a suitably qualified ecologist to be on site to arrange removal of any species found within rubble on site.

On submission of further information, it was confirmed that the biodiversity report was acceptable, and a condition is recommended to control Non-Native Species on site.

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

Contaminated Land – the Phase 1 Environmental Desk Study recommends site investigation to consider risks associated with land contamination. A condition is recommended.

Noise – on submission of a noise impact assessment it was confirmed that there were no significant concerns around the impact of the existing adjacent commercial properties while operating as they are currently during daytime hours only. The proposed use of air source heat pumps to serve each property could give rise to noise issues and a further assessment of the noise impact of that is required to be secured by planning condition in order to identify if any mitigation or noise limits are required.

6.3 **Head of Sustainable Transport and Roads** – has no objections subject to recommended planning conditions.

6.4 **City Engineer** – recommends planning conditions to secure a finalised drainage design and flood risk assessment.

6.5 **Scottish Water** – has no objections. Confirms that there is currently capacity within the Clatto Water Treatment Works and Hatton Waste Water Treatment Works.

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 9 – Brownfield, vacant and derelict land and empty buildings** - provides a presumption in favour of developing such sites. Part a) 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 reuse of the site for housing would be a sustainable use of the site. As assessed under Policies 3 and 6 which follow, the biodiversity value has been considered through a biodiversity enhancement plan submitted in support of the application. While areas of the site have naturalised, the proposed development would result in an overall net gain in biodiversity enhancement.

7.4 **The proposal complies with Policy 9a of NPF4.**

- 7.5 **NPF4 Policy 9c** - 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.
- 7.6 **The proposal complies with NPF4 Policy 9c and LDP Policy 41 subject to condition.**
- 7.7 **NPF4 Policy 16e** – supports proposals for new homes where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i a higher contribution is justified by evidence of need, or
 - ii a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- 7.8 **LDP Policy 20: Funding of On and Off-Site Infrastructure Provision** - states that the City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site.
- 7.9 The principles that guide the requirement for contributions and the preparation of the Developer Contributions Supplementary Guidance are:
- 1 fair and proportionate developer contributions for all developments on sites allocated in either the Dundee Local Development Plan or in terms of windfall development;
 - 2 developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been demonstrated that relates directly to the requirements or impacts of a proposed development;
 - 3 flexibility in approach to ensure that development can be brought forward in varied economic circumstances while ensuring that the development has no net detriment; and
 - 4 facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.
- 7.10 The Dundee Local Development Plan 2019 Developer Contributions Supplementary Guidance was prepared and adopted in parallel to the LDP. It offers guidance to landowners and developers about the likely level and nature of developer contributions that may be required.
- 7.11 There is no requirement within the Dundee Local Development Plan 2019 or Developer Contributions Supplementary Guidance for housing developments in Dundee to make provision for affordable homes. The approach to the provision of affordable housing in Dundee is through the Council working in partnership with Registered Social Landlords and the Scottish Government to deliver affordable housing through the allocation of grant funding (the Affordable Housing Supply Programme). The approach has enabled the delivery of affordable housing in the city.
- 7.12 As there is no requirement in the Dundee Local Development Plan 2019 for housing developments to provide or contribute towards the provision of affordable homes it is not

necessary in this case to require this development to include any element of affordable homes or contribute towards provision.

7.13 The proposal complies with NPF4 Policy 16e and LDP Policy 20.

7.14 NPF4 Policy 16f - the site is not currently allocated for housing and if developed would constitute a windfall site. Part f of policy 16 states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i the proposal is supported by an agreed timescale for build-out; and
- ii the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;
- iii and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

7.15 The applicant was asked to demonstrate compliance with this policy. It was submitted that the developer is a small to medium sized enterprise and does not work with a land bank. Therefore, they would be seeking to start and complete the development as soon as practicably possible if planning permission is granted. This is accepted in compliance with criterion ii of policy 16f.

7.16 NPF Policy 15a – Local Living and 20-minute neighbourhoods – states that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area including local access to:

- sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;

- publicly accessible toilets; or
- affordable and accessible housing options, ability to age in place and housing diversity.

7.17 The proposal is compliant with the principle of local living. It is located within a dense urban area and will fit in with the existing settlement pattern. There is interconnectivity with existing development to the north and south of the site. It is located close to bus stops on South Road, Liff Road and Buttars Loan. There are neighbourhood shops on Buttars Loan and further shops, services and employment opportunities within and around Lochee District Centre. Camperdown and St Clements Primary Schools and Charleston Community Centre and Library are also close to the site.

7.18 **The proposal complies with NPF4 Policy 15a.**

7.19 **The proposal fails to comply with part iii of NPF4 Policy 16f as it does not meet with any of the four points within that part of the policy.**

Design of New Housing

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

7.21 These are considered in turn:

- **Healthy:** it will result in a more environmentally positive place and reactivate an area of derelict brownfield land.
- **Pleasant:** the proposed development will be an improvement over the current state of the site which is poorly lit, overgrown and unsightly.
- **Connected:** it will connect into the existing network of paths in the area and give access to a range of facilities alongside encouraging more people to pass through the site from Liff Road through to South Road/Buttars Loan.
- **Distinctive:** the design will be largely in keeping with recently built housing development in the area and improved by landscaping and a SUDs basin which will become an amenity feature.
- **Sustainable:** the proposal will result in more people in the area and support an active local economy. It also proposes renewable energy from solar panels and incorporates green infrastructure through the landscaping and provision of a SUDs basin.
- **Adaptable:** the houses will fit a variety of needs and are of a scale and design which would allow them to facilitate home working and be altered to ensure they can be adapted to specific needs of residents.

7.22 **LDP Policy 1: High Quality Design and Placemaking** - 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. There is an overlap between some of the qualities of successful place assessed above under NPF4 policy 16 and Policy 1 of the Dundee LDP. The proposals comply with the principles of both.

7.23 The proposal complies with NPF4 Policy 14b and LDP Policy 1.

7.24 LDP Policy 10: Design of New Housing - requires the design and layout of new housing developments in Dundee to be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the city. All new housing developments should meet the six qualities of successful place, as set out in Policy 1 and should provide a balanced choice and type of housing. All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4. All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.

7.25 The proposed layout responds to changes in level across the site, surrounding development (which includes listed buildings) and protected trees. The layout has been designed to tie in with the existing development adjacent to the site, and at a similar density to the wider area. Changes to the layout and orientation have helped to create a development which more positively addresses the existing roads and houses within and adjacent to the site and ensure a cohesive streetscape and layout while dealing with a challenging topography.

7.26 Boundary treatments have not been clarified. It is recommended that finalised boundary treatments are secured by condition.

7.27 There are five different house types proposed which will assist in bringing variety to the streetscape. These comprise 28, 3-bed homes and 17, 4-bed homes. All of the houses are 2 storeys with a standard pitched roof.

7.28 Overall, the design of the proposed houses is acceptable. However, a condition is proposed to secure additional detail on materials and ensure different colours of cladding will be secured, enhancing architectural interest within the site.

7.29 The proposal also has to comply with the Appendix 4 – Design of New Housing Standards within the Dundee LDP, as a site located out with the Inner-City boundary Suburban Design (sites of 5 or more units) standard applies. Addressing each point in turn:

- i In general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².

All properties have either 3 or 4 bedrooms. This complies with criterion i.

- ii All parking should be located within the curtilage of each house. Private houses with 3 bedrooms should have at least 2 spaces and 4-bedroom houses should have at least 3 spaces.

Parking is largely located to either the front or side of the houses. Provision for plots 22 and 24 is located at the rear of the garden areas a short walk to the houses. However, this arrangement is acceptable due to the elevated and challenging nature of this area of the site. Each house has 2 or 3 spaces dependant on the number of bedrooms.

- iii One secure covered cycle parking space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house.

A cycle store is denoted within each garden area in compliance with criterion iii.

- iv Brownfield sites will provide an average private useable garden ground of 140m² per house with a minimum garden size of 120 m².

The site plan shows that all houses will have a minimum private garden ground of 120m² to the rear of the properties. The proposal complies with criterion iv.

- v A minimum of 18m between the facing windows of habitable rooms.

None of the houses have 18m intervisibility between windows of main habitable rooms. The proposal complies with criterion v.

7.30 General requirements include provision for waste and recycling provided in accordance with the Council's Waste Management Strategy and that parking areas should include provision for EV charging. An area for storage of four bins is denoted within the rear/to the side of all gardens, this allows ample space of storage of bins to accommodate recycling. EV charging provision has not been shown but there is scope for this to be provided at each property in line with the Building Regulations.

7.31 The proposal complies with the Appendix 4 – suburban standards for sites of 5 or more houses.

7.32 **The proposal complies with LDP Policy 10.**

Public Art

7.33 **LDP Policy 2: Public Art Contribution** - requires all developments in Dundee with construction costs of £1 million or over 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.

7.34 The proposed residential development will require to provide public art in an accessible/visible location within the site. An area is identified to the east of the site adjacent to the pedestrian link which connects into Donald's Lane. A condition is recommended to secure further detail on the siting, design and provision of public art.

7.35 **The proposal complies with LDP Policy 2 subject to condition.**

Transport

7.36 **NPF4 Policy 13b: Sustainable Transport** - supports development proposals 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.
- 7.37 There are several entrance and exit points which give access to the site. The development will connect to Pitalpin Street which gives access to Liff Road. Donalds Lane will become a landscaped pedestrian link to give safe access through to Buttars Loan beyond. This also connects into a remote path network to Portmore Place providing a short cut through the existing housing development to South Road and a link is proposed to connect the east of the site into the existing remote footpath which runs along the boundary of the former Wellburn care home and Weavers Burn day care centre. **The proposal complies with criterion i.**
- 7.38 As described above links through the site will terminate on South Road, Buttars Loan and Liff Road all of which are served by a number of bus services. The proposal supports parking, cycle parking, walking and accessibility to bus services. **The proposal is therefore in compliance with criterion ii and iii.**
- 7.39 The development is capable of providing EV charging points and this will be secured through building standards. **The proposal complies with criterion iv.**
- 7.40 Cycle storage is denoted within the gardens of all properties. Full details of this have not been provided and this will be secured through a planning condition. **The proposal complies with criterion v.**
- 7.41 The pedestrianisation of Donalds Lane which has a tight 90° bend will improve safety to new and existing residents and reduce vehicles using this as a short cut through the development. The nature and scale of the proposed road layouts does not lend itself to vehicles travelling at speed. **The proposal complies with criterion iv.**
- 7.42 As discussed above, the development will be accessible and promotes ease of movement through the site for existing and new residents. Finalised details regarding issues such as dropped kerbs being designed in will be part of a Road Construction Consent application. The main impact on a local access route is the pedestrianisation of Donald's Lane. This is considered to be an improvement. **The proposal complies with criterion viii.**
- 7.43 **LDP Policy 54: Safe and Sustainable Transport** - states all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the 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.

- 7.44 A variety of options for transportation are available to the site given the proximity to bus services, walking and cycling. The proposal complies with criterion 1.
- 7.45 As considered under policy 13 above, the proposal incorporates opportunities for cycling and walking. The proposal complies with criterion 2.
- 7.46 There are three bus stops within 400m of the site which complies with criterion 3.
- 7.47 The proposal will have no impact on the safe functioning of the road network in compliance with criterion 4.
- 7.48 For this type of development, criterion 5 would mainly be concerned with waste access. Vehicles will be able to enter and exit the site and there are turning heads and the road ends. The proposal complies with criterion 5.
- 7.49 Finalised details will be subject to a road construction consent to ensure compliance with criterion 6.
- 7.50 It is recommended that a Residential Travel Plan is secured by condition in order to comply with criterion 7.
- 7.51 **The proposal complies with NPF4 Policy 13b of and LDP Policy 54 subject to conditions.**
- 7.52 **LDP Policy 56 – Parking** sets out parking standards. For residential developments out with the city centre all new developments require 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. Residential developments should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas. All new developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards.
- 7.53 As assessed under the Appendix 4 standards required by Policy 10 of the Dundee LDP there is sufficient parking within the curtilage of the properties to service the development. EV chargers are not denoted on plan. However, it is now a requirement of the Building Regulations to provide these therefore this will be secured through the Building Warrant process. Cycle parking is proposed within cycle stores within the curtilage of each property.

7.54 **The proposal complies with LDP Policy 56.**

Flood Risk and Drainage

7.55 **NPF4 Policy 20b: Blue and Green Infrastructure** - states development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.

7.56 A SUDs basin is proposed to manage surface water and a biodiversity enhancement plan supports the application. Appropriate provision has been made for blue and green infrastructure.

7.57 **The proposal complies with NPF4 Policy 20b.**

7.58 **Part a of NPF Policy 22 - Flood Risk and Water Management** - presumes against development proposals at risk of flooding or in a flood risk area unless there are exceptional circumstances. The application is supported by a Flood Risk Assessment and is not identified on SEPA flood maps as being an area at risk of flooding therefore part a is not of relevance to the proposals.

7.59 **LDP Policy 36 – Flood Risk Management** – provides a presumption against development on undeveloped land which is at medium to high risk of flooding unless there are exceptional circumstances. Where a site is at low to medium risk a flood risk assessment may be required. As above the site is not identified as being at risk of flooding. Nevertheless a Flood Risk Assessment was carried out. The City Engineer has recommended that this is updated as a condition of any planning permission granted.

7.60 **The proposal complies with LDP Policy 36 subject to condition.**

7.61 **Part c of NPF4 Policy 22** relates to surface water. 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; and
- iii seek to minimise the area of impermeable surface.

7.62 A SUDS system is proposed to deal with surface water within the site. The development will also enable an upgrade of an Scottish Water culvert and pipe that runs through the site with the aim of improving drainage in the local area. The proposal will not increase the risk of surface water and would improve the existing situation elsewhere. The proposal complies with criterion i and ii.

7.63 **A condition is proposed to secure porous driveways which will minimise impermeable surfaces. The proposal complies with criterion iii.**

7.64 **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.

- 7.65 The proposal incorporates SUDs alongside creation of habitat through the drainage basin itself and wider planting proposals.
- 7.66 **The proposal complies with NPF4 Policy 22c of and LDP Policy 37 – Sustainable Drainage Systems subject to conditions.**
- 7.67 **Part d of NPF4 Policy 22** of requires development proposals to connect to the public water mains. It is proposed to connect to the public water mains. Scottish Water has no objections noting that there is capacity within the network.
- 7.68 **The proposal complies with part d of Policy 22.**
- 7.69 **LDP Policy 30 – Green Infrastructure Maintenance** is relevant as there are communal areas of open space, landscaping and trees which will require to be maintained. It is understood that SUDs arrangements will be vested by Scottish Water. Policy 30 states that the Council will apply planning conditions or Section 75 obligations to planning permissions to make suitable provision for the long-term maintenance of green infrastructure (including open space and landscaping associated with Sustainable Drainage Systems) in new housing developments, based on the following options:
- 1 green infrastructure will be adopted by the Council, subject to appropriate agreements with the developer over the landscaping scheme and annual maintenance, including payment of a commuted sum to cover annual maintenance costs; or
 - 2 a developer may lay out the green infrastructure, transfer the land to a suitable third party, and either
 - i pay a commuted sum to cover maintenance costs; or
 - ii hand over the maintenance costs to residents of the new development. This latter option should be clearly set out in the sale agreement, so residents agree to effectively share the cost of maintaining green infrastructure on an annual basis.
- 7.70 A condition is recommended to secure further detail on the long-term maintenance of all communal areas within the development.
- 7.71 **The proposal complies with LDP Policy 30 subject to condition.**

Climate and Nature Crises

- 7.72 **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.
- 7.73 **LDP Policy 1 – High Quality Design and Placemaking** also makes reference to proposals being designed with reference to climate mitigation and adaptation.

- 7.74 The development of brownfield sites reduces pressure on greenfield land. The site is not at any specific risk from climate change and would not cause harm to nature given its brownfield nature and current condition. Nature on site will be enhanced through provision of landscaping, trees, SUDs basin and other measures that encourage biodiversity.
- 7.75 **The proposal complies with NPF4 Policy 1 and LDP Policy 1.**
- 7.76 **NPF4 Policy 2 – Climate mitigation and adaptation of** - with reference to part a) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Part b states that development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.77 **LDP Policy 48 – Low and Zero Carbon Technology in New Development** and the associated Supplementary Guidance require proposals for all new buildings to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. The relevant Building Standards and percentage contribution required is set out in supplementary guidance.
- 7.78 The proposal utilises solar panels to the roofs which provides for a renewable energy source. The applicant advises that air source heat pumps are to be provided. A condition is recommended to secure further detail on the position of these and to ensure that noise levels are appropriate.
- 7.79 **The proposal complies with NPF4 Policy 2 and LDP Policy 48 alongside the associated Supplementary Guidance subject to condition.**
- 7.80 **NPF4 Policy 19f – Heating and cooling** – states that development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.
- 7.81 As many properties as possible have been orientated to be south facing to make use of solar gain, it is acknowledged that given the challenging nature of the site that it is not possible for all houses to benefit from this. It is submitted that the proposals will employ the latest sustainable construction standards, methods and materials including through use of insulation. The measures for heating and cooling the properties will be subject to scrutiny through the Building Regulations. A condition is recommended to secure final details on materials.
- 7.82 **The proposal complies with NPF4 Policy 19f of subject to condition.**
- 7.83 **LDP Policy 12a – Zero Waste** states that development proposals will seek to reduce, reuse or recycle materials in line with the waste hierarchy.
- 7.84 Part b states that 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; and
 - v use materials that are suitable for reuse with minimal reprocessing.
- 7.85 The site previously housed a mill which has been demolished due to being unsafe. There are some left over materials on site which could be reused within the development. A Construction Method Statement will require to clarify how waste to be re-used within the development contributes to the circular economy. A condition is recommended to secure this.
- 7.86 Part c of Policy 12 states that 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.
- 7.87 **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 and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.
- 7.88 Policy 44 largely aligns with the requirements of Policy 12 of NPF4. Subject to a condition to secure finalised construction and operational waste management plans, the proposal complies with both policies.
- 7.89 **The proposal complies with NPF4 Policy 12 and LDP Policy 44 subject to conditions.**
- 7.90 **NPF4 Policy 3a and Policy 3c – Biodiversity** 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.
- 7.91 A Biodiversity Enhancement Plan has been submitted in support of the application. This shows that alongside the retention of the protected trees within the site, measures including:
- wildflower meadows;
 - bird and bat boxes within the existing trees;
 - bug hotels; and
 - areas of shrubbery, and new native tree planting.
- 7.92 A schedule is also submitted for a five-year maintenance plan. The proposed development would provide biodiversity enhancements over the current condition of the site. The proposal therefore complies with parts 3a and 3c of NPF4. A condition is proposed to ensure the proposed measures are provided timeously and maintained.

- 7.93 **The proposal complies with NPF4 Policy 3a and Policy 3c subject to condition.**
- 7.94 **NPF4 – Policy 6b – Forestry, woodland and trees** - states that development proposals that enhance, expand and improve tree cover will be supported. Development proposals will not be supported where they result in:
- i any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - ii adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
 - iii fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy; and
 - iv conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- 7.95 Criteria i, iii and iv are not applicable in this case. There are trees within the southern part of the site which are protected through a Tree Preservation Order. These are to be retained and a condition is recommended to ensure tree protection barriers are in place and retained in situ until the development is complete. The proposal is supported by Policy 6b.
- 7.96 **LDP Policy 35 – Trees and Urban Woodland** is also relevant. This provides a presumption for new development to ensure the survival of individual trees, especially healthy mature trees.
- 7.97 The arboricultural impact assessment demonstrates that there will be no adverse impact on healthy trees. Five trees that are dead, damaged or diseased are to be felled. The layout of the southern part of the site has been designed to mitigate impacts to protected trees. In addition, tree planting within the site is proposed as part of biodiversity enhancement measures.
- 7.98 **The proposal complies with NPF4 Policy 6b and LDP Policy 35 – Trees and Urban Woodland subject to condition.**
- 7.99 **NPF4 Policy 4 – Natural Places** –part f of the Policy states that 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.
- 7.100 **LDP Policy 34: Protected Species** - states 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.

Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported.

Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.

- 7.101 An Ecological Report and Preliminary Bat Survey were carried out. There are no buildings on site therefore only trees were surveyed. No bats were found although there is potential for bats to be in the wider area. Bat boxes are proposed to existing trees to enhance the environment for the protected species.
- 7.102 It is noted that there is potential for ground nesting birds within the site. An informative note is attached advising that an Ecological Clerk of Works should be on site should site clearance be carried out within the bird breeding season. As discussed earlier in the report, the biodiversity measures will be secured by condition.
- 7.103 **The proposal complies with NPF4 Policy 4f and LDP Policy 34 subject to conditions.**

Historic Environment

- 7.104 **NPF4 Policy 7 – Historic assets and places** part c states that development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 7.105 **LDP Policy 49 – Listed Buildings** – with reference to part c states that development proposals in close proximity to or within the curtilage of a listed building, should have regard to the preservation or enhancement of the setting of the listed building.
- 7.106 There was initial concern with the site layout and the potential for the proposal to impact upon the setting of Pitalpin House, the category B listed building beyond the west boundary of the site. In response, the layout of plots 43, 44 and 45 were redesigned and rotated 90° to open the frontage of Pitalpin House to overlook an area of landscaping which incorporates biodiversity enhancements. The improved separation of the listed building and proposed development is acceptable and the redevelopment of the site will improve the area surrounding the listed building which will appear as a contemporary separate entity and will therefore not detract from this. The works will preserve the setting of the listed building.
- 7.107 The site itself contains the remains of Pitalpin Works, a category B listed building that was demolished several years ago due to the dangerous state of the building. As highlighted earlier in this report, technically the building and its curtilage are still listed. However, very little of the building actually remains with only a small section of wall central to the site remaining which retains a change in level within the site.
- 7.108 Policy 49 seeks to protect the city's listed buildings. In this case there is very little of the listed building remaining and what does remain is of no special interest. Removing the wall and developing the site would have little impact on the architectural or historical significance of the site. There may be an opportunity for some of the remaining material to be incorporated into the public art scheme for the development.
- 7.109 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 - Section 14 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As discussed above the proposed

works would not diminish the architectural integrity of the building therefore the Council would have discharged its statutory duty in the event that planning permission is approved.

7.110 The proposal complies with NPF4 Policy 7 and LDP Policy 49.

Health, Safety and Amenity

7.111 **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.

7.112 Part e of Policy 23 relates to noise. 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.

7.113 **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.

7.114 A Noise Impact Assessment was submitted which demonstrated that the new houses would not be significantly affected by noise from existing commercial businesses adjacent to the site. Air source heat pumps are proposed. A condition is proposed to secure details of the location of these and to consider if restrictions are necessary to control noise levels.

7.115 **LDP Policy 40 – Air Quality** – states that there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.

7.116 The proposal is for housing within an area which is predominantly residential. The development of the site for housing would not significantly increase air pollution to existing or future residents. There are no nearby uses which would impact on air quality to people.

7.117 **The proposal complies with NPF4 Policy 23e and LDP Policies 39 and 40 subject to conditions.**

7.118 **NPF4 Policy 23d: Health and Safety** - does not support development proposals that are likely to have significant adverse effects on air quality. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely. LDP Policy 40: Air Quality states there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.

7.119 A residential development would not introduce any significant sources of pollution and there are no developments within the surrounding area which impact on air quality. A Construction Management Plan will be required to ensure that dust suppression measures are in place to protect existing residents during construction.

7.120 **The proposal complies with NPF4 Policy 23d subject to condition.**

7.121 **LDP Policy 41 – Land Contamination part a** - states that development of potentially contaminated or statutorily identified contamination 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.

7.122 The application is supported by a Phase 1 Environmental Desk Study. This has been assessed and the Head of Communities, Safety and Protection advises a planning condition to secure further detail on contamination alongside a verification report to demonstrate that the land has been remediated.

7.123 **It is concluded that the proposal is not fully in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A - JUSTIFICATION FOR DEVELOPMENT PLAN DEPARTURE - POLICY 16f OF NPF4

7.125 The proposal fails to comply with Policy 16 – Quality Homes, part f with reference to point iii as it has not been demonstrated that the proposed development, which is on an unallocated site would meet with any of the following exceptions:

- delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- the proposal is consistent with policy on rural homes; or
- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

7.126 To support this application the applicant has submitted a Statement of Community Benefit. The statement notes that the proposal would result in the provision of private homes within an area which already has a high proportion of social housing and will encourage more families into the area supporting local schools, business, shops local services and public transport.

7.127 It also considers that the development will deliver new homes on a site which is derelict and of detriment to the character and appearance of the area. As a brownfield site it could take pressure off development of greenfield sites. The development will enable greater permeability in the area for existing residents between Liff Road, Buttars Loan and South Road as it will be more attractive and safer to walk through.

7.128 It is submitted that the proposal will also bring about biodiversity enhancements which will benefit the wider community on what is a problem site. The development will also enable the upgrade of a Scottish Water culvert and pipe which will in turn enable wider improvements

to surface water management in the local area. The benefits of delivering housing on this site are accepted.

- 7.129 The content of the Statement is accepted. Significant weight is given to the fact that this is a long-term vacant and derelict site. This strategy of the development plan prioritises the redevelopment of brownfield sites over greenfield sites. The proposal will result in an improvement of the site; it will deliver new housing and improve biodiversity; and enhance the sense of place. On balance, the development of the site is supported.
- 7.130 Whilst the proposal does not fully satisfy the requirements of Policy 16, there are material considerations of significant weight that justify a departure from the development plan.

B – REPRESENTATIONS

7.131 19 objections have been received raising the following valid material grounds.

- Drainage to the field;
- Detrimental to the environment including trees and wildlife;
- Loss of a play area;
- Detrimental to residential amenity and privacy;
- Increased littering ;
- Noise impacts;
- Increased traffic – road and pedestrian safety;
- Loss of parking and servicing (bin collection) for existing residents;
- Residential density/overdevelopment and impact to street scene; and
- Impact to setting of a listed building.

7.132 The grounds of objection are considered and assessed as follows:

7.133 **Objection** - drainage to the field.

7.134 **Response** – it is noted that there are existing surface water drainage issues in the area. However, the proposed development will have its own drainage arrangements including a SUDs basin therefore it would not exacerbate any existing issues. The application is supported by a flood risk assessment and proposed drainage arrangements which have been assessed by the City Engineers who have no objections subject to conditions.

7.135 **Objection** - detrimental to the environment including trees and wildlife.

7.136 **Response** – 5 trees are to be felled. However, these are trees are dead, damaged or diseased. The proposal includes a biodiversity enhancement plan which includes trees planting and measures to encourage wildlife. Protected trees on site are to remain unaffected.

7.137 **Objection** - loss of a play area.

- 7.138 **Response** - the proposal will largely result in the redevelopment of brownfield land which is currently fenced in. An area to the south which includes trees is to be developed. However, the wider playing field and area will be unaffected. There will be no loss of any public open space or play area.
- 7.139 **Objection** - detrimental to residential amenity and privacy.
- 7.140 **Response** –the site has lain vacant for a considerable time and existing residents will be used to a certain level of amenity. An existing cottage in the centre of the site will be affected by the proposal as it will be surrounded by new housing development. However, the site is within a built-up urban area and is brownfield in nature. Local and government policy directs development to such sites. Although the site is not allocated for development, the site has previously been promoted for housing development. The use of the site for housing is appropriate to the surrounding area which is predominantly residential. The development will not cause an unacceptable level of overlooking to existing residents and is a compatible use.
- 7.141 **Objection** - increased littering.
- 7.142 **Response** – the Planning Authority have no control over individual behaviour and adopted areas of the site will be subject to the same management of litter as elsewhere in the city.
- 7.143 **Objection** - noise impacts.
- 7.144 **Response** – the proposed housing development within an existing built-up residential area is acceptable. Construction noise will be limited within prescribed hours.
- 7.145 **Objection** - increased traffic – road and pedestrian safety.
- 7.146 **Response** – Although traffic will increase in the area as a result of the development, the roads have been designed to an appropriate standard. The development is compatible with surrounding land uses. The nature of the development in terms of the road geometry and changes in levels mean it is unlikely traffic will travel at any significant speed to create a significant road safety issue. The Head of Sustainable Transport and Roads has no objections subject to recommended planning conditions.
- 7.147 **Objection** - loss of parking and servicing (bin collection) for existing residents.
- 7.148 **Response** –the properties in question – Nos 41–57 Pitalpin Street are a traditional row of stone built terraced houses. These properties do not have dedicated parking and appear to be utilising informal arrangements on the applicant’s land. However, as a gesture of goodwill the applicant has offered to provide the properties with a surfaced parking area. Access would still be available to facilitate bin collection.
- 7.149 **Objection** - residential density/overdevelopment and impact to street scene.
- 7.150 **Response** – the proposed development is located in an area that contains a mix of houses and flats. The proposed layout is of a lower density than the surrounding area and is therefore no overdevelopment of the suite. The layout has been improved during the application process so that houses better address the new streets which will be created. It is not considered that there will be any negative impacts on any existing or proposed street scape.
- 7.151 **Objection** - impact to setting of a listed building.
- 7.152 **Response** - the design was revised to ensure no adverse impact on Pitalpin House. The outlook from the property will be improved and the new development will appear as a

contemporary addition to the area. As assessed under the Historic Environment section above the proposal will not have a significantly detrimental impact on the setting of this category B listed building.

- 7.153 The issues raised in the representation(s) have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.154 **It is concluded that there are material considerations of sufficient weight in this case to support a departure from the Development Plan and approval of planning permission.**

8 CONCLUSION

- 8.1 The proposals do not fully accord with the relevant policies of National Planning Framework 4 and the adopted Dundee Local Development Plan, 2019. However, there are material considerations of sufficient weight that would justify approval of planning permission.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following condition(s):
- 1 **Condition** - the development hereby permitted shall commence within three years from the date of this permission.

Reason - to comply with Section 58 of the Town & Country Planning (Scotland) Act 1997.
 - 2 **Condition** - development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and, if necessary; a remediation scheme to deal with any contamination at the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site;
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - iii measures to deal with contamination during construction works; and
 - iv verification of the condition of the site on completion of decontamination measures.**Reason** - in the interests of providing a site suitable for residential development.
 - 3 **Condition** - before any unit is occupied the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the Planning Authority.

Reason - in the interests of providing a site suitable for residential development.
 - 4 **Condition** - prior to any works on site details of the proposed roads, footways, footpaths must be agreed and the access must be formed and constructed to Dundee City Council

standards and specifications. For the avoidance of doubt all roads, footways and footpaths shall be available for use prior to first occupation of the development hereby approved.

Reason - in the interests of vehicle and pedestrian safety.

- 5 **Condition** - any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site. For the avoidance of doubt all new footways should be made available for use prior to first occupation of the development hereby approved.

Reason - in the interests of vehicle and pedestrian safety

- 6 **Condition** - prior to occupation of the first property a Residential Travel Plan shall be submitted to and agreed in writing by the Planning Authority. The residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit on occupation.

Reason - in the interests of promoting sustainable transport.

- 7 **Condition** – prior to the commencement of construction of any dwelling full details of the cycle storage for the development shall be submitted to and agreed in writing by the Planning Authority. The agreed cycle storage shall be installed prior to the first occupation of each dwelling.

Reason - in the interests of promoting sustainable transport.

- 8 **Condition** - the hard surface within individual curtilages should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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

- 9 **Condition** - prior to the commencement of works, a traffic management plan for all construction works on site, shall be submitted to and approved in writing by the Planning Authority. Thereafter construction traffic shall access and exit the application site in strict accordance with the approved management plan. For the avoidance of doubt, the traffic management plan shall include details of parking for construction workers.

Reason - in the interest of road and pedestrian safety.

- 10 **Condition** – prior to commencement of development a scheme of measures for the control and maintenance of invasive non-native species on site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt this shall include a schedule of monitoring and maintenance for five years from the date that works start on site. Thereafter the development shall progress in accordance with the approved details.

Reason – in order to ensure that species are appropriately managed on site.

- 11 **Condition** – all landscaping works shall be carried out in accordance with the Biodiversity Plan and Appendix A hereby approved. The hard landscaping shall be completed in

accordance with the approved details prior to the first occupation of the dwellings hereby approved. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason – in order to ensure timeous delivery of the landscaping and biodiversity measures and ongoing maintenance in the interest of amenity

- 12 **Condition** – prior to commencement of development a scheme for the maintenance, in perpetuity, of all on-site green spaces, trees, wildflower meadows and biodiversity measures and public art and other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason - to ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

- 13 **Condition** - prior to commencement of development a Construction Environmental Management Plan (CEMP) for the construction phase shall require to be submitted to, and approved in writing by the Planning Authority, in consultation with relevant third parties. For the avoidance of doubt this shall cover:

- i Habitat and Species Protection;
- ii Pollution Prevention and Control;
- iii Lighting plans during construction
- iv Site Waste Management;
- v Surface and Ground Water Management; and
- vi any other relevant environmental management as may be relevant to the development.

Reason – in order to ensure construction is managed appropriately on site and in the interests of neighbouring residential amenity during the construction period.

- 14 **Condition** – If the site is to be cleared for development within the ground nesting bird breeding season between 1 March – 31 August inclusive, the applicant shall require to appoint, at their expense an Environmental Clerk of Works to oversee the site clearance stage. Prior to works starting on site the applicant shall submit for approval in writing by the Planning Authority details of the Environmental Clerk of Works who has been appointed, the duration of their employment, frequency of visits to the site, and details of their duties.

Reason – in order to ensure that ground nesting birds which are a protected species are not disturbed or are relocated sensitively under the supervision of a suitably qualified professional.

- 15 **Condition** - all works and protective measures necessary to safeguard the trees 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.

- 16 **Condition** – prior to 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.

Reason - in the interests of flood prevention

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

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

- 18 **Condition** - prior to the commencement of any works on site, a finalised Flood Risk Assessment and Dundee City Council Compliance and Independent Check Certification shall be prepared and submitted to the Council and SEPA for written approval. Any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to occupation of the development.

Reason - in the interest of flood protection.

- 19 **Condition** - prior to the commencement of any works on site, any existing culvert(s) present within the development site are to be identified, and full details of any culvert diversion proposals necessary shall be submitted to and approved in writing by the Planning Authority. Thereafter, all works shall be carried out in accordance with the approved details prior to first occupation of the development hereby approved.

Reason - to ensure there is no built development over any existing culvert(s) within the development site.

- 20 **Condition** - prior to the commencement of work on site, details of the proposed finishing materials of the development hereby approved shall be submitted to and approved in writing by the Planning Authority. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

Reason – in the interests of visual amenity.

- 21 **Condition** - prior to the commencement of work on site, details of all proposed boundary treatments and their location on the site shall be submitted to and approved by the Planning Authority. Thereafter, the erection of the boundary treatments shall be carried out in strict accordance with the details approved by this condition.

Reason - in the interests of privacy and visual amenity

- 22 **Condition** - prior to the commencement of any construction works, details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. This scheme shall include a programme for the installation of the public art and the works shall be completed in accordance with the agreed programme.

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

- 23 **Condition** – prior to commencement of development a review of the Noise Impact Assessment produced by Charlie Fleming Associates entitled 'Report on Commercial and Planting Sound for H&H Properties UK at Pitalpin Street, Dundee, document 3936-06-R, dated 31st January 2024" shall be undertaken to:

- assess the cumulative impact of the air source heat pumps on existing dwellings in accordance with BS4142:2014+A1:2019, and to
- demonstrate compliance with Condition 24 below.

The report shall then be submitted to the Council for approval prior to work commencing on site. Thereafter, any noise mitigation measures recommended in the reviewed Noise Impact Assessment shall be installed and operational prior to the first occupation of any dwelling.

Reason – in the interests of protecting the visual amenity of the area and the residential amenity of neighbouring residential properties and those within the development.

- 24 **Condition** – The total noise from the air source heat pumps shall not exceed NR35 as measured 1 metre externally to the facade of adjacent dwellings and shall not exceed NR25 within any adjoining dwellings

Reason – In the interests of protecting residential amenity.

Informative

Road Construction Consent

A Road Construction Consent (RCC) application (found via the following link on DCC website: <http://www.dundee.gov.uk/a2z/constructionconsent>) must be submitted to Dundee City Council as Roads Authority for work on any proposed roads or the adjacent public road or footway and consent for this must be obtained prior to the commencement of any works on new roads or the public road or footway. For further details please contact 01382 433341 or developmentroads@dundee.gov.uk

Change of Use and Installation of a 39.9 MW Battery Energy Storage System

KEY INFORMATION

Ward West End

Address

Locarno Works, Brown Street
and Pound Stretchers Ltd,
50–60 Lochee Road, Dundee,
DD1 5EE

Applicant

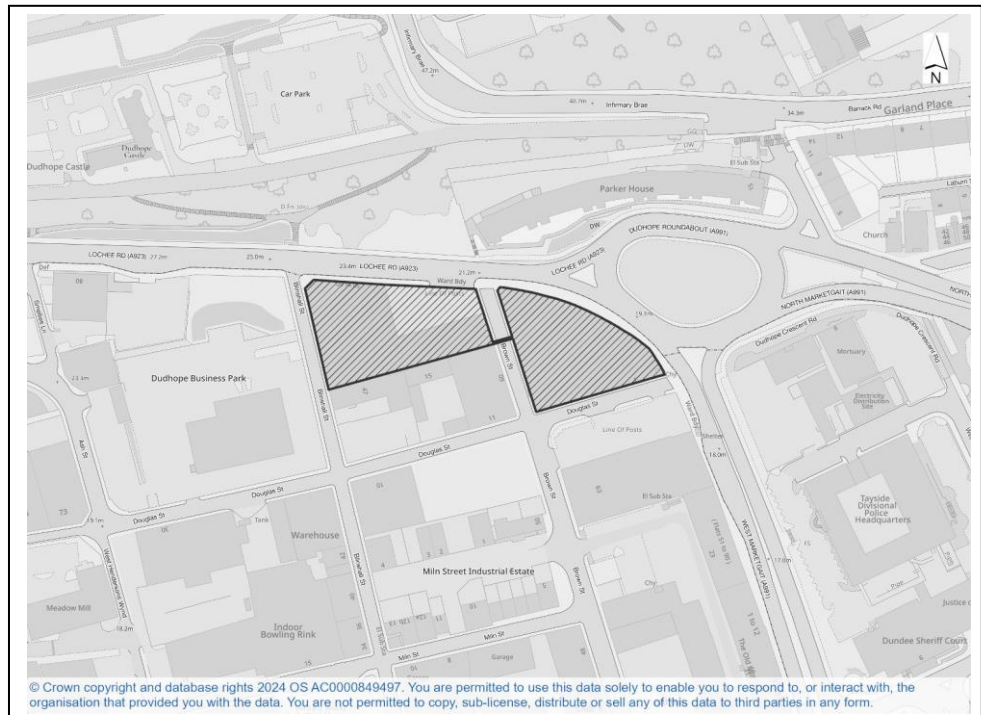
Mr Ross Morrison
Torridon Developments Ltd
56 Torridon Road
Broughty Ferry

Agent Andrew Black Design

Validated: 10 January 2024

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

Contact: Laura Stewart



SUMMARY OF REPORT

- Planning permission is sought for the installation of a battery energy storage system and the associated change of use of existing Class 5 and Class 1A uses at the Locarno Works and retail units located on Brown Street and Lochee Road.
- The battery containers and associated infrastructure will be contained within the existing buildings. The facility will have a maximum generating capacity of 39.9MW.
- The application is not fully in accordance with the Development Plan. However, there are material considerations which support approval of planning permission subject to conditions.
- The statutory neighbour notification process was undertaken, and the application advertised in the local press. One letter of support was received. There were no letters of objection.
- 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.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=S6FPA5GC06600&activeTab=summary>

RECOMMENDATION

The proposal is not fully in accordance with the Development Plan. There are material considerations of sufficient weight to justify approval of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application is for a change of use of existing buildings with Class 5 (General Industry) and Class 1A (Shops and financial professional and other services) uses to accommodate the installation of a battery energy storage system. The batteries store electricity and allow the local electricity network to operate more efficiently by taking excess energy, storing it and releasing it onto the network when the grid needs it at times of peak demand.
- 1.2 The development comprises the following main elements:
- 16 No battery containers;
 - 4 No inverters; and
 - Replacement of Poundstretcher shopfront with roller shutter.
- 1.3 The applicant has submitted the following in support of the application:
- Planning Statement;
 - Design and Access Statement;
 - Conservation Statement;
 - Bat Survey;
 - Transport Statement;
 - Contaminated Land Assessment;
 - Noise Impact Assessment;
 - Flood Risk Assessment;
 - Air Quality Assessment;
 - Energy Statement;
 - Socio Economic Statement;
 - Pre-Application Consultation Report; and
 - Public Art Statement.

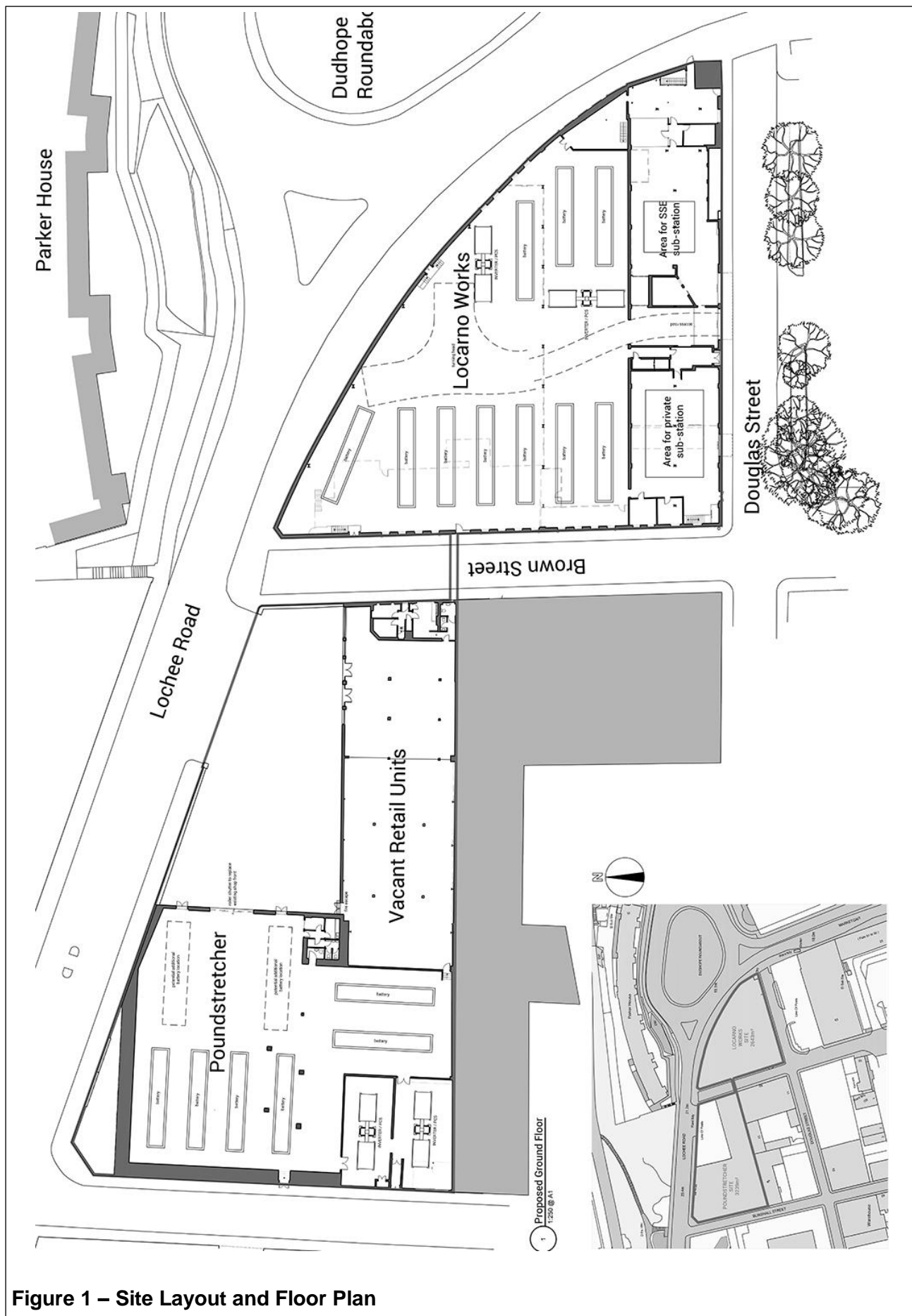


Figure 1 – Site Layout and Floor Plan

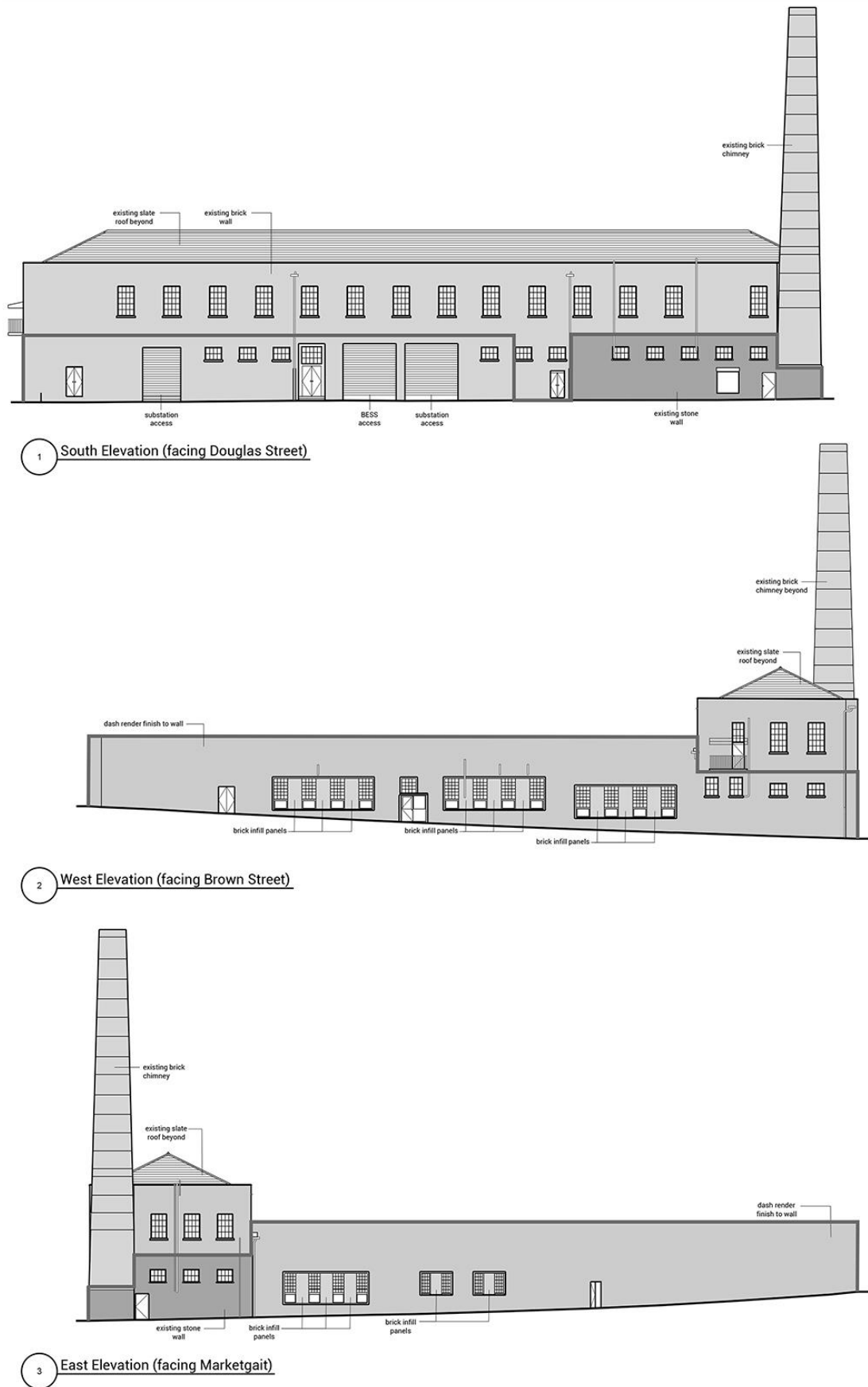


Figure 2 – Locarno Works Elevation Plans

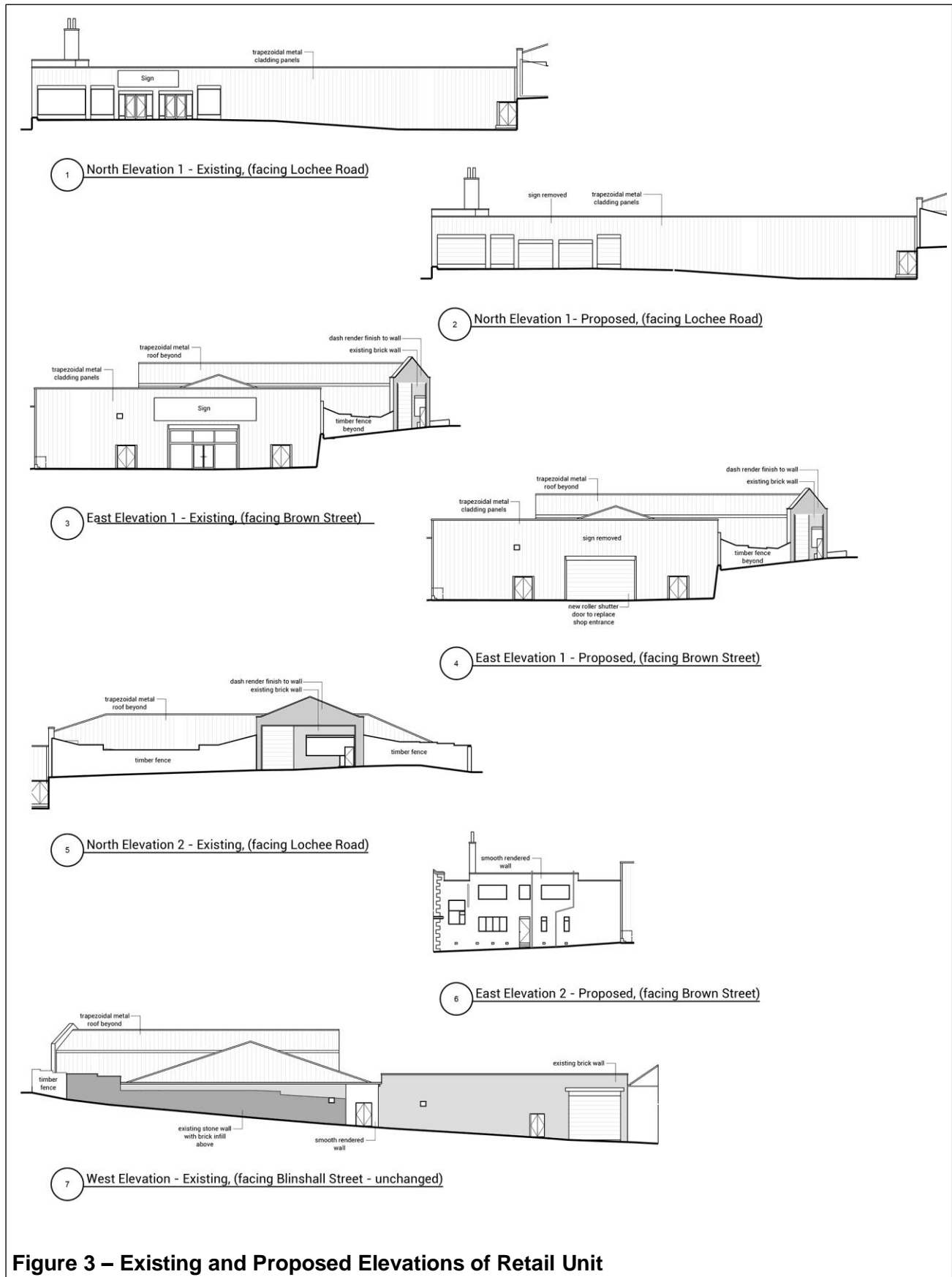


Figure 3 – Existing and Proposed Elevations of Retail Unit

2 SITE DESCRIPTION

- 2.1 The site comprises two buildings. Locarno Works is located to the west of Dudhope Roundabout and wraps around Marketgait where it meets Lochee Road. It sits between Douglas Street and Brown Street which bound the building to the south and west respectively. It is two stories in height and the chimney has been retained. The building is finished in a mix of sandstone, some of which has been rendered and red brick. The building is largely unoccupied currently houses a pool hall/bar and is being used as a site office for the construction project on Douglas Street.
- 2.2 The change of use also relates to the retail unit occupied by Pound Stretcher which is situated on the opposite side of Brown Street and accessed via Lochee Road. There is a car parking area at the front of the units. It is not proposed to utilise the vacant unit which faces onto Lochee Road. However, the westernmost unit will be used to house battery containers. The buildings will be connected by an underground wire which shall run underneath Brown Street.
- 2.3 The site is located within Blackness General Economic Development Area as defined by the Dundee Local Development Plan (2019) and the Blackness Conservation Area.



Figure 3 – View Looking Across West Marketgait to Locarno Works

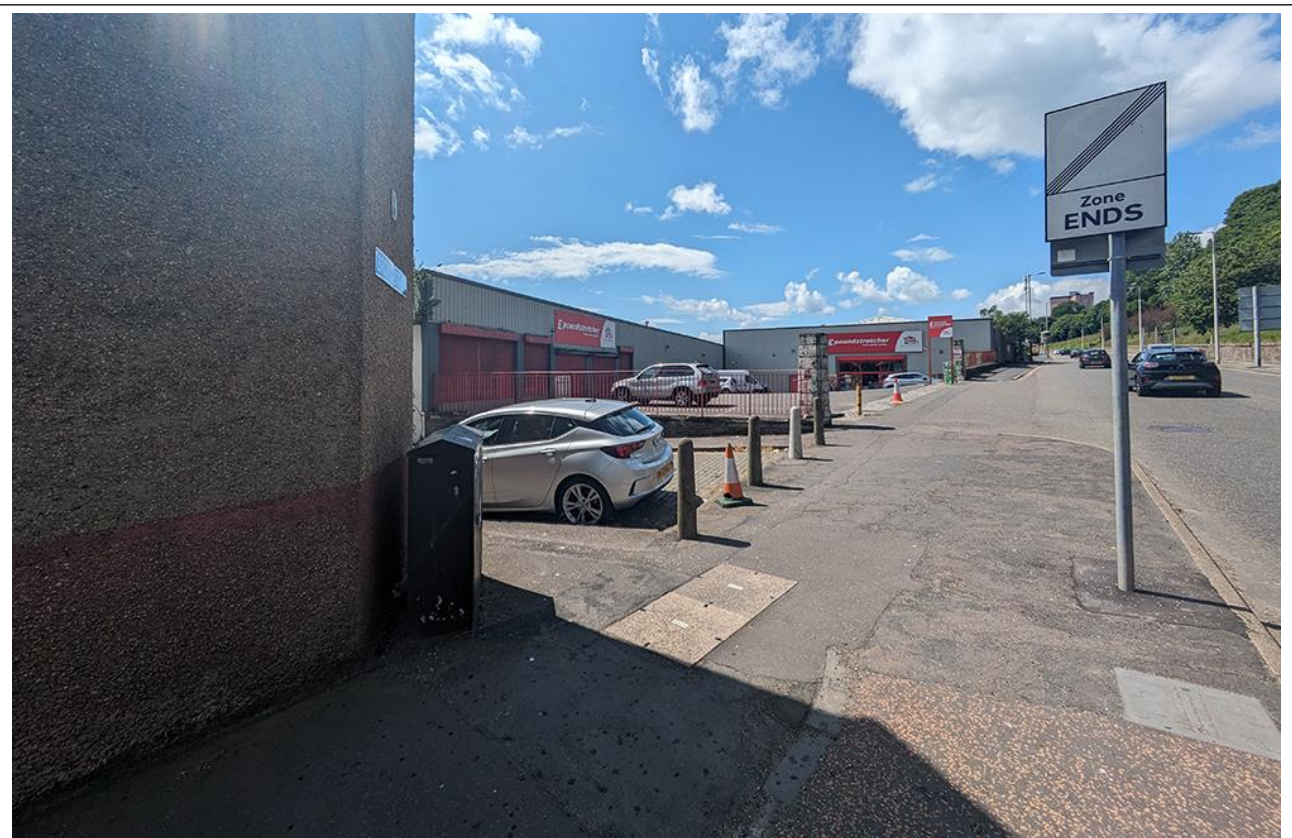


Figure 4 – View Looking Toward Retail Units and Car Parking Area Along Lochee Road

3 POLICY BACKGROUND

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 7: Historic assets and places

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

Policy 5: General Economic Development Areas

Policy 34: Protected Species

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 45: Energy Generating Facilities

Policy 51: Development in Conservation Areas

Policy 54: Safe and Sustainable Transport

Proposal 1: Blackness Regeneration

Blackness Business Place Plan

Blackness Conservation Area Appraisal

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

4 SITE HISTORY

4.1 Planning permission (reference: 19/00216/FULL) for Internal and external alterations to an existing industrial building and change of use to business (offices) and non-residential use (mental health support/counselling/community organisation) was approved in 2019.

4.2 Planning permission (reference: 17/00844/FULL) for the Partial Demolition of Existing Retail Unit & Subdivision of Remaining Unit to Form 2 No. Additional Retail Units & Extended Car Park) was approved in 2017.

4.3 23/00395/PAN – Proposal of Application Notice for Electrical energy storage system and associated development and infrastructure – valid 21 June 2023.

4.4 22/00013/EIASCR – EIA Screening request – EIA not Required – 9 January 2023

4.5 23/00008/EIASCRC – EIA Screening request – EIA not Required – 27 October 2023

5 PUBLIC PARTICIPATION

- 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 public consultation events which one member of the public attended.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 One letter of support was received. This considers that the proposal represents an important means of conserving energy at peak times; that it is important to ensure all equipment is contained within the buildings due to the prominent location of the site. Public art to the facade facing West Marketgait is welcomed.

6 CONSULTATIONS

- 6.1 **Head of Communities, Safety and Protection** – commented on the following matters:
- Contaminated Land** – a condition is recommended to secure an updated Preliminary Risk Assessment.
- 6.2 **Noise** – a revised Noise Impact Assessment was submitted, and conditions have been recommended to secure the recommended mitigation measures. Maximum noise levels are also restricted by condition.
- 6.3 **Head of Sustainable Transport and Roads** – traffic entering and leaving the site will be relatively low, and application can be supported with no roads related conditions.
- 6.4 **Scottish and Southern Electricity Networks** – no objections, however, recommend an informative note is added to any consent.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

The provisions of the 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** - 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 use of the buildings to store and distribute energy generated from renewable sources in future is a sustainable re-use of the building. The site has not naturalised as it comprises an existing building.
- 7.4 **The proposal complies with NPF4 Policy 9a.**
- 7.5 **NPF4 Policy 11a: Energy** - 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 **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.

In considering these impacts, significant weight will be given to the contribution of the proposal to renewable energy generation targets and 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.

- 7.8 Criteria i and ii – there will be no visual impact as the proposal is located within an existing building. Noise impact is assessed in detail under NPF4 policies 14 and 23 respectively, where it is found that the proposals would have an acceptable impact, subject to conditions.
- 7.9 Criteria iii - the proposals do not impact any public access routes.
- 7.10 Criteria iv - the proposals do not impact on any aviation or defence interests.
- 7.11 Criteria v - the proposals do not impact on any telecommunications or broadcasting installations.
- 7.12 Criteria 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.
- 7.13 Criteria vii - impacts on historic environment are assessed in detail under NPF4 Policy 7. The site is located within an unlisted building in Blackness Conservation Area. As all infrastructure will be within the building, there will be no impact on the conservation area.
- 7.14 Criteria viii – the site is not at risk of flooding, nor would it cause any risk as the proposal is to be housed within existing buildings.
- 7.15 Criteria ix and x - biodiversity including impacts on birds and trees is assessed in detail under NPF4 Policy 3. As previously noted the site is within a built-up mixed use urban area. There are no trees on site and there will be no negative biodiversity impacts.
- 7.16 Criteria xi and xii – these are more relevant to developments within the countryside. As the proposal is contained within a building, criteria xi and xii are not relevant.
- 7.17 Criteria xiii – as the proposal reuses existing buildings, there will be no cumulative impacts.
- 7.18 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 above assessment demonstrates how potential impacts from the development can be adequately mitigated. The site is to connect to the substation to the east of the site, adjacent to the Police Headquarters. This is to be via underground cables.

- 7.19 **LDP Policy 45: Energy Generating Facilities** - states that major energy generating facilities, not ancillary to wider development proposals, should be directed to Principal or General Economic Development Areas.
- 7.20 Although no additional energy would be generated at the facility, battery storage has been confirmed by the Scottish Government's Chief Planner as an energy generating development. The application relates to a major energy storage facility, which would be located within the Blackness General Economic Development Area.
- 7.21 **The proposal complies with NPF4 Policy 11 a and e and LDP Policy 45.**
- 7.22 **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 a) states that development proposals for business and industry uses on sites allocated for those uses in the Local Development Plan (LDP) will be supported.
- Part c) states that proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- Part e) seeks to ensure that development proposals for business and industry will take into account:
- i impact on surrounding residential amenity and sensitive uses; and
 - ii the need for appropriate site restoration at the end of the life of the development.
- 7.23 **LDP Policy 5: General Economic Development Areas** - supports proposals for Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) developments. Other uses of a wider industrial nature such as car showrooms, wholesaling and scrap yards may be permitted provided:
- there is no detrimental impact on neighbouring uses and local residential amenity;
 - there is no unacceptable traffic impact; and
 - the scale of the development is appropriate to the size and location of the site.
- 7.24 The site is located within Blackness General Economic Area. The proposal for an energy storage facility falls under an industrial use, supported within General Economic Development Areas as defined in LDP Policy 45.
- 7.25 As assessed later in this report, the development could be accommodated without detrimental impacts on residential amenity, and any other sensitive land uses. There would be no unacceptable traffic impact, and the scale of the proposed development is appropriate for the size and location of the site. The principle of locating this type of development on this site is supported by these policies.
- 7.26 **The proposal complies with NPF4 Policy 26 a, c and e and LDP Policy 5.**
- 7.27 **LDP Proposal 1: Blackness Regeneration** – sought to adopt a framework to support the development of appropriate complementary uses within the Blackness area and requires all development proposals to be considered against that framework – Blackness Business Place Plan.

- 7.28 **Blackness Business Place Plan** – recognises the importance of Blackness as a strategic location adjacent to the city centre. It sets out a strategy for improving the sense of place in the Blackness area which includes utilising vacant buildings for appropriate uses. Locarno Works is identified in an area where support would be forthcoming for shops, food and drink, business, general industrial, storage and distribution, non-residential institutions and assembly and leisure uses. The proposed battery energy storage would comprise a general industrial use.
- 7.29 The proposal would meet with the broad aims of the Blackness Business Place Plan and brings a largely vacant heritage building back into use.
- 7.30 **The proposal complies with the requirements of the Blackness Business Place Plan.**

Design

- 7.31 **NPF4 Policy 14: Design, Quality and Place** - seeks to encourage, promote and facilitate well designed development to deliver quality places and environments.
- 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.
- 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.
- 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.
- 7.32 **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.
- 7.33 The proposal would have no impact on the visual amenity of the area as it will be contained within existing buildings. The submission indicates that public art could potentially be installed along the main façade of the building which is the elevation which wraps around Marketgait overlooking Dudhope Roundabout.
- 7.34 **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. No Public Art Strategy has been submitted; it is recommended that this is secured by condition.
- 7.35 **The proposal complies with NPF4 Policy 14 a, b and c and LDP Policies 1 and 2 subject to condition.**

Transport

- 7.36 **NPF4 Policy 13: Sustainable Transport** - seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport.
- 7.37 **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.
- 7.38 Once operational the development will generate a lower level of vehicle movements than the current retail and business uses. There are areas for parking within the Locarno Works building and on the forecourt of the Lochee Road premises.
- 7.39 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.
- 7.40 **The proposal complies with NPF4 Policy 13 and LDP Policy 54.**

Flooding and Drainage

- 7.41 **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.
- 7.42 **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.
- 7.43 The site is not identified on the SEPA flood map as at risk from any flooding source. Due to the existing built-up nature of the area, the site will not introduce any additional built structures which would generate additional surface water or flood risk.
- 7.44 **The proposal complies with NPF4 Policy 22c and LDP Policy 37.**

Climate and Nature Crises

- 7.45 **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.
- 7.46 **NPF4 Policy 2: Climate Mitigation and Adaption** - seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Of relevance are parts a and b of this policy.

- 7.47 The nature of the proposal is to reduce carbon emissions by storing excess electricity from the grid and releasing it back when required.
- 7.48 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.
- 7.49 The proposed development itself would help to facilitate renewable energy production.
- 7.50 **The proposal complies with NPF4 Policies 1 and 2.**
- 7.51 **NPF4 Policy 3: Biodiversity** - seeks to protect biodiversity, reverse any biodiversity loss, encourage biodiversity through development and strengthen nature networks.
- 7.52 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.
- 7.53 Part d) requires that any potential adverse effects on biodiversity through development proposals are minimised through careful planning and design.
- 7.54 The site comprises existing buildings within a mixed-use, built-up area. The site has no existing biodiversity value. The policy intent of NPF4 is for major developments to make significant biodiversity enhancements. The scale of such enhancements must be appropriate

for the scale and form of the site and development. In this case there is scope for planting and other biodiversity enhancement measures such as those set out in the NatureScot Developing with Nature guidance to be incorporated into the development. These can be secured through a planning condition.

7.55 **The proposal would comply with NPF4 Policy 3 subject to conditions.**

7.56 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.

7.57 **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.

7.58 A Preliminary Bat Survey has been carried out which concludes there is no evidence of bats or roosts within the buildings, therefore no mitigation or further survey is required. It is noted that birds utilise the building. As all birds are protected within the breeding season, works should take place out with this time. An informative note is recommended to advise the developer.

7.59 **The proposal is in accordance with NPF4 Policy 4 and LDP Policy 34.**

Zero Waste

7.60 **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;
- 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; and
- v use materials that are suitable for reuse with minimal processing.

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.

- 7.61 **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.
- 7.62 The nature of the development is not one which would generate operational waste. A Construction Waste Management Plan will be required to ensure waste is dealt with in a sustainable manner. A condition is recommended.
- 7.63 **The proposal complies with NPF4 Policy 12 and LDP Policy 44 subject to condition.**

Historic Environment

- 7.64 **NPF4 Policy 7: Historic Assets and Places** - the site is located within Blackness Conservation Area. Part d of policy 7 – Historic assets and places of NPF4 states that 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. 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.
- 7.65 **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.
- 7.66 With regard to criterion i and iii of NPF4 policy 7d, the external works propose to change the shopfront to a roller door on a contemporary profile sheet, warehouse style building. There will be no impact on the existing density, layout and built form as the proposal involves the redevelopment of an existing building in compliance with criteria ii. As the character of the area will remain unaffected the proposal would also comply with LDP Policy 51.
- 7.67 **The proposal complies with NPF4 Policy 7d and LDP Policy 51.**

Health, Safety and Amenity

- 7.68 **NPF4 Policy 9c** - 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.
- 7.69 **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.

- 7.70 A Desk Based Preliminary Risk Assessment for contamination within the buildings has been carried out and reviewed. The Head of Communities, Safety and Protection has no objections subject to conditions.
- 7.71 **The proposal complies with NPF4 Policy 9c and LDP Policy 41 subject to condition.**
- 7.72 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.
- 7.73 **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.
- 7.74 While the area is predominantly commercial in nature, new residential uses are being introduced. New student accommodation is currently under construction to the south-west and there was a planning application for housing to the east which, although this was withdrawn prior to determination.
- 7.75 As the application proposes a new noise generating use, a Noise Impact Assessment was carried out. The Head of Communities, Safety and Protection reviewed this and does not object. Conditions are recommended to secure sound insulation mitigation as provided within the Noise Impact Assessment and to restrict noise levels from mechanical and electrical plant and machinery.
- 7.76 It is not expected that there would be any air quality implications given the enclosed nature of the site.
- 7.77 **The proposal would comply with NPF4 Policy 23 and LDP Policy 39 subject to conditions.**
- 7.78 **It is concluded that the proposal is not fully in accordance with the Development Plan.**

STATUTORY DUTIES

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

- 7.79 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.
- 7.80 As the proposed site comprises an existing building, and there are only minor external alterations to an existing modern shop front, there will be no negative impact on the character of the conservation area. The Council would therefore discharge their duty in this regard.

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

7.82 One letter of support was submitted comments are summarised as follows:

- battery energy storage represents an important means of conserving energy; and
- public art of the façade facing West Marketgait is supported.

7.83 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

8 CONCLUSION

8.1 The application for the change of use and installation of a battery energy storage system is not fully in accordance with the Development Plan. There are no material considerations of sufficient weight in this case to justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

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

- 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** – no development shall commence until a construction waste management plan is submitted to and approved in writing by the Planning Authority. This shall contain details of how site waste will be managed during the construction of the development.

Reason - in the interest of sustainable waste management.

- 3 **Condition** – no development shall commence until a scheme of features or measures to conserve, restore and enhance biodiversity, such as those measures set out in the NatureScot Developing with Nature guidance, shall be submitted for the prior approval of this planning authority. The approved details thereafter shall be implemented prior to the first operation of the development and then retained and maintained for their designed purpose in accordance with the approved scheme.

Reason - in the interests of conserving, restoring and enhancing biodiversity.

- 4 **Condition** – no development shall commence until an updated Preliminary Risk Assessment for contaminated land is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved

in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary.
- ii a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use,
- iii demonstration of the durability and expected life-span of the remediation;
- iv measures to deal with contamination during construction works, and
- v verification of the condition of the site on completion of decontamination measures.

Reason – in order to ensure that contamination on site is dealt with appropriately in the interest of health and safety.

- 5 **Condition** – prior to the first operation of the development hereby approved, the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

Reason - in order to ensure that contamination on site is dealt with appropriately in the interest of health and safety.

- 6 **Condition** - prior to the first operation of the development hereby approved the scheme of sound insulation detailed in the Noise Impact Assessment "Locarno Works, Dundee BESS, Noise Assessment Addendum " (Project No: 7458 V1) dated 15th May 2024, shall be implemented in full. If the specified sound insulation improvements are not to be installed, a revised scheme of sound insulation shall be submitted to the Council for approval prior to construction and thereafter implemented in accordance with the approved scheme.

Reason – in the interest of neighbouring residential amenity.

- 7 **Condition** - the total noise from all mechanical and electrical plant/services (including but not limited to batteries, heating / ventilation and cooling systems, inverters, power conversion systems, sub-stations) used on the premises shall not exceed Noise Rating Curve NR30 at all times as measured 1 metre external from the façade of any residential property.

Reason – in the interest of neighbouring residential amenity.

- 8 **Condition** – no development shall commence until details of any new boundary treatments have been submitted to and approved in writing by the Planning Authority. The boundary treatments shall be installed prior to the first operation of the development and maintained in accordance with those agreed details thereafter.

Reason - in the interest of the visual appearance of the site.

- 9 **Condition** - no development shall commence until details of a scheme of public art to be provided within the development hereby approved shall be submitted to, and agreed in writing by the Planning Authority. The scheme shall include a programme for the

installation of public art and works shall be completed in accordance with the agreed programme.

Reason - in the interests of enhancing the visual amenity and environmental quality of the development and in accordance with policy 2 of the Dundee LDP.

Informative Notes

Scottish and Southern Electricity Networks

It is recommended that the developer refers to the Health & Safety Executive (HSE) HSG47: Avoiding Danger From Underground Cables when undertaking the development, especially if any works are required within the pavement on Brown Street.

The applicant/developer should contact our Transmission Asset Management team using our online contact form <https://www.ssen-transmission.co.uk/about-us/helping-you-work-safely-near-our-network/> at least 30 days before starting the proposed works, to obtain our current safety recommendations.

Nesting Birds

Any site clearance should be carried out with the bird breeding season which is March – September. If works are to be undertaken during this period a breeding bird survey should be undertaken prior to any site clearance/works.

Section 42 Application to Extend the Time Period for Implementation of Planning Permission 22/00713/FULL for the Erection of Purpose Built Student Accommodation by 18 Months

KEY INFORMATION

Ward Maryfield

Address

Garage, West Marketgait,
Dundee

Applicant

UK PBSA (Marketgait
Dundee) Limited

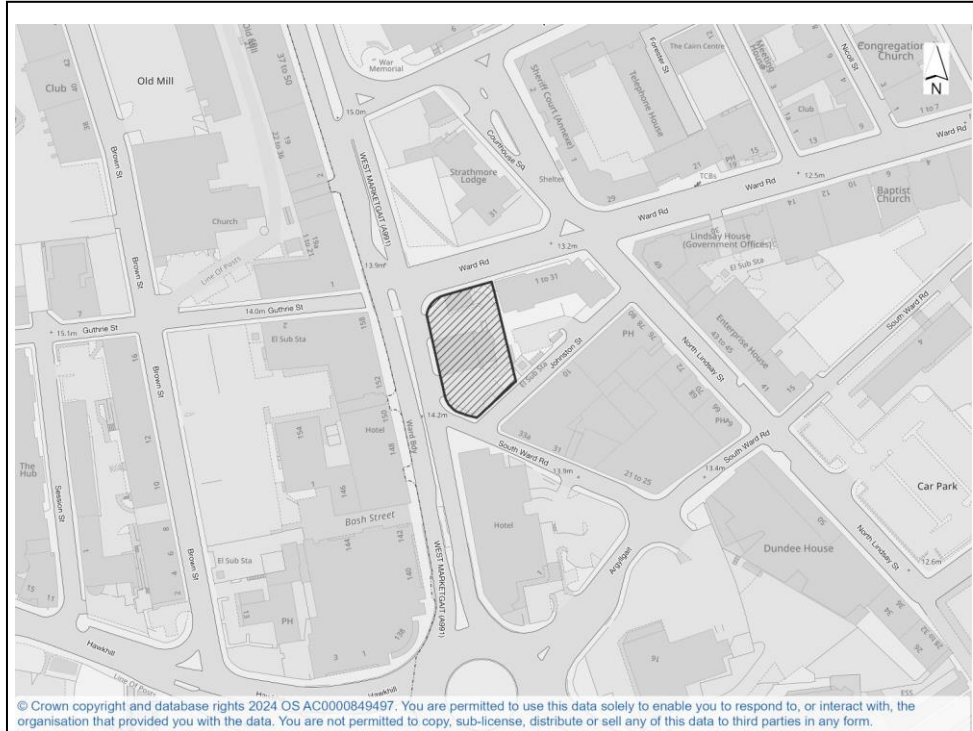
Agent

Lisa Proudfoot
Montagu Evans
19 Canning Street
Edinburgh

Validated 21 March 2024

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

Contact: Craig Swankie



SUMMARY OF REPORT

- This is an application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary Condition 27 of planning permission 22/00713/FULL to allow a further 18 months for the erection of purpose built student accommodation to commence.
- There is an existing planning permission for the development, and the planning authority can only consider the matter of the conditions subject to which planning permission was granted.
- The extant planning permission would have expired on 20 April 2024. Whilst the developer has progressed the discharge of some planning conditions, the commencement of development has been delayed due to factors including increased construction costs and economic conditions. The applicant has engaged with officers since permission was granted and confirms the site has recently changed ownership with a new developer looking to progress with construction. To enable site clearance and development works to progress, the applicant requires more time to discharge the outstanding conditions and progress on site.
- The statutory neighbour notification process was undertaken. No representations were received.
- As this application relates to a condition attached to a Major planning application it is to be determined by the Planning Committee.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=SAP8A3GCJEA00>

RECOMMENDATION

The application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary Condition 27 of planning permission 24/00204/S42 is in accordance with the Development Plan. It is therefore recommended that planning permission be APPROVED subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission 20/00679/FULM for the erection of purpose built student accommodation, landscaping, access and associated works was approved in April 2021. This planning permission was approved subject to conditions, including condition 27 which required development to begin within 18 months. As development had not commenced within 18 months, the applicant submitted planning application 22/00713/FULL which sought to amend condition 27 and extend the planning permission for a further period of 18 months. This application was approved at Planning Committee in December 2022 and extended the planning permission for student accommodation up to 20 April 2024.
- 1.2 Condition 27 of that planning permission states: "*The development hereby permitted shall be commenced no later than 20 April 2024.*" The reason for the condition is "*To ensure the timeous commencement of development and in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997.*"
- 1.3 Planning permission 22/00713/FULL was granted on 13 December 2022. Development has not commenced on site. The applicant has been addressing the planning conditions, however demolition of the petrol station which currently occupies the site has not progressed and no development has commenced. The applicant has noted matters related to construction costs and economic conditions that have impacted the progress of the project. The site has changed ownership since 22/00713/FULL was determined. Following continued engagement with the Council since approval, the development is in a position to progress with site clearance once outstanding conditions are addressed. To allow further time for these elements to be concluded and development commenced, the applicant is seeking an amendment of Condition 27.
- 1.4 This application seeks to vary the condition to allow a further 18 months for development to commence on site. It is proposed to amend the condition to read:

"The development hereby permitted shall be commenced no later than 20 October 2025."
- 1.5 This is the only change proposed to the planning permission. The development would be progressed in other respects as approved under 22/00713/FULL.

2 SITE DESCRIPTION

- 2.1 The application site contains a petrol filling station and associated retail and car wash facility. The site is in a prominent location on the east side of West Marketgait at the junctions with Ward Road and Johnston Street/South Ward Road.
- 2.2 The site is bound to the north, west and south by public roads. To the east of the site are student apartments within a modern seven storey development. The surrounding area is a mix of commercial and residential premises and properties, including Category A and B listed buildings on West Marketgait and Ward Road including Strathmore Lodge, Tay Works and Lindsay Street Mill.



Figure 2: View of Site from West Marketgait



Figure 3: View of Site From South Ward Road

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance to this application under Section 42 of the Act:

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

Policy 16c: Quality Homes

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)

Policy 15: Student Accommodation

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

4 SITE HISTORY

- 4.1 Proposal of application notice 20/00030/PAN for the erection of student accommodation together with access, parking, landscaping and engineering/infrastructure works was submitted in January 2021.
- 4.2 Planning application 20/00679/FULM for the erection of purpose built student accommodation, landscaping and associated works was approved subject to conditions in April 2021.
- 4.3 Planning application 22/00713/FULL for the variation of condition 27 of planning permission 20/00679/FULM to extend the period for implementation of planning permission to 20th April 2024 was approved subject to conditions in December 2022.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken.
- 5.2 No representations were received.

6 CONSULTATIONS

- 6.1 No consultee comments were received.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

The provisions of the National Planning Framework 4 relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

- 7.2 **Policy 16c: Quality Homes** - of NPF4 states development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include homes for people undertaking further and higher education.
- 7.3 **Policy 15: Student Accommodation** - of the Dundee Local Development Plan 2019 states student accommodation will only be supported where:
- 1 it can be suitably demonstrated that a demand exists within the particular area for the level and type of student accommodation proposed;
 - 2 it is within convenient walking distance of the higher education institution to which a need exists and is well connected to local services and facilities; and
 - 3 the design and layout of the proposed development is of a high quality and provides an appropriate level of amenity space, car parking provision, refuse/recycling storage space and secure bike storage facilities.

Following development of new and replacement purpose-built student accommodation over the past ten years, it is considered unlikely that there will be the need over the short to medium term for significant additions to the existing supply. To ensure that there is not an oversupply of this type of accommodation, proposals will need to demonstrate that there is a need in the area for the accommodation proposed.

- 7.4 The applicant submitted a Student Demand Assessment in support of the application. The report provides an analysis of the existing student population and student accommodation within the city.
- 7.5 The report highlights the student population within the city continues to grow, and considers there to be up to 12,720 students requiring accommodation. Last year 3,981 PBSA bed spaces were operating in the city. The report considers, that even with developments which are currently under construction and pipeline projects progressing, there will remain unmet demand within the city. Through analyses of supply in relation to the growing student population, the report demonstrated there to be sufficient demand for the proposed 189-bedroom development to provide new build, accessible purpose-built student accommodation within the city.
- 7.6 The report highlights there is a growing student population within the city, however students will require a range of type and form of accommodation. It is recognised that there is likely to be demand for the development of a limited number of purpose built student bedrooms and

that new development will increase the choice of student accommodation within the city. In this case, it is considered that allowing this scale of development will not result in oversupply of the type of accommodation proposed.

- 7.7 At the time when planning application 20/00679/FULM was approved, and when 22/00713/FULL to extend that planning permission was considered, there were other planning applications for purpose built student accommodation which were either under consideration or had been granted planning permission. To ensure there is not an oversupply of student accommodation, and to encourage the early implementation of planning permission the normal time limit for implementation of a planning permission was reduced from 3 years to 18 months.
- 7.8 Eleven planning applications for purpose-built student accommodation have been approved since April 2020 creating a live pipeline of 2,121 beds. Of the approved new build developments, two are nearing completion at Greenmarket (22/00205/FULL) and on Brown Street (21/00478/FULL). Development is progressing on two further developments on Brown Street (20/00729/FULM) and Douglas Street (23/00519/FULL). These developments will provide 661 bedrooms. There are no other developments with planning permission where construction has commenced, and there are no other live planning applications for student accommodation at this time.
- 7.9 As there has been no significant increase in the supply of purpose-built student accommodation within the city since the approval of 22/00713/FULL, the amendment of condition 27 would not result in oversupply of accommodation. With regard to encouraging the early implementation of the permission, the justification provided by the applicant is understood and acknowledged. The applicant has demonstrated through ongoing engagement with the Council and the submission of details to discharge conditions that works are progressing and that further time could support the progression of the development on site. The requirements of criteria 1 of Policy 15 are met.
- 7.10 The location and design of the proposed development is to remain as previously approved, accordingly the requirements of criteria 2 and criteria 3 of Policy 15 are met.
- 7.11 In this case, it is considered that allowing the extension of time for implementation of the planning permission will not result in an oversupply of the type of accommodation proposed. The proposal is in accordance with Policy 16c of NPF4 and Policy 15 of the Local Development Plan, subject to a condition.
- 7.12 **It is concluded that the proposal is in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – SCOTTISH GOVERNMENT CIRCULAR 4/1998

- 7.14 Circular 4/1998 provides guidance on the use of conditions in granting planning permission and stipulates that while the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. The Circular demonstrates that conditions that are fair, reasonable and practicable will satisfy the following 6 tests:

- necessary;
- relevant to planning;

- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

- 7.15 Condition 27 of planning permission 22/00713/FULL states: *“The development hereby permitted shall be commenced no later than 20th April 2024.”*
- 7.16 After consideration of the tests in the Circular, and to ensure it is precise and enforceable, the proposed wording has been amended to read:
- 7.17 *“The development hereby permitted shall be commenced no later than 20th October 2025.”*
- 7.18 The proposal to vary condition 27 of planning permission 22/00713/FULL does not undermine the necessity, purpose, relevance or precision of the original conditions. The condition sought to ensure the timeous implementation of the planning permission. Since approval, there have been factors including economic conditions which delayed progress. However, significant pre-construction design work and development formalities have been undertaken, including the addressing of conditions 15 and 26 of planning permission 22/00713/FULL, submission and approval of the Stage 1 Building Warrant (reference 23/00465/NDOM5) and preparation of methodologies for the demolition of the existing building on site.
- 7.19 Further to the applicant’s statement, a support letter has been provided by Maven Capital, an established student accommodation provider, confirming works are to progress following the purchase of the site in 2023. Work to date includes the appointing of a construction contractor, and addressing initial planning conditions which require to be discharged ahead of site clearance. The developer has engaged with Dundee City Council since the approval of 22/00713/FULL, providing updates on the project’s progress and discussing planning conditions related to site clearance works. The applicant states these works were not concluded within the required timescales before 22/00713/FULL expired.
- 7.20 There has been no significant increase in the availability of purpose-built student accommodation within the city since planning permission was granted. However, it is still considered necessary to only allow a short period for implementation of the permission in order to encourage the development to progress timeously. Based on the supporting information provided by the applicant and consideration of existing and pipeline student accommodation within the city, the provision of a further 18 months to commencement development would be acceptable. In this instance, the proposals adhere to the requirements of Circular 4/1998.
- 7.21 The effect of granting permission for a Section 42 variation is such that a new and separate permission exists for the development. In this case, the full set of conditions attached to the

original permission is proposed to be carried forward and attached to this planning permission, with the variation to condition 27.

- 7.22 **It is concluded that there are material considerations which would justify approval of planning permission.**

B – CITY CENTRE STRATEGIC INVESTMENT PLAN

- 7.23 The City Centre Strategic Investment Plan seeks to prepare and guide the future vision for the city, setting out a long-term strategic investment plan for the next three decades, structured around five themes including city centre living. The plan seeks to double the residential population living in and around the City Centre, ensuring a diverse range of people choose to live in the city.
- 7.24 Strategic Outcome 1 of the plan seeks to deliver high-quality residential development by promoting vacant and underused sites and buildings. The proposed development would meet this requirement, through the redevelopment of a long standing vacant site in the city centre.
- 7.25 The redevelopment of the vacant site and provision of high-quality purpose-built student accommodation for 189 students would support the target of doubling the residential population in the city centre and the returning to use of an unused site.
- 7.26 Strategic Outcome 2 seeks to provide a variety of residential types and tenures to meet the needs of different households and to create a diverse community. As considered under Policy 6 of NPF4 and Policy 15 of the Local Development Plan, there is demand for purpose-built student accommodation within the city.
- 7.27 The proposed development would contribute positively to the variety and form of development within the city centre and support the creation of diverse communities.
- 7.28 Strategic Outcome 3 seeks to attract a range of centrally located services and facilities to support city centre living. The proposed development of student accommodation would introduce a number of residents to the area, which would support the provision, vitality and viability of shops and services within the city centre. The development is located within walking distance of a range of facilities and supports the provision of 20-minute neighbourhoods.
- 7.29 Overall, the proposed development aligns with the themes and requirements of the City Centre Strategic Investment Plan through the provision of city centre residential accommodation, re-development of a brownfield site and by being within proximity of a range of shops and services.
- 7.30 **It is concluded that there are no material considerations which would justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary Condition 27 of planning permission 22/00713/FULL is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission.

9 RECOMMENDATION

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

1 **Condition** - prior to the commencement of any construction works, the further investigation and risk assessment proposed in the submitted Generic Quantitative Risk Assessment report shall be completed and, if necessary; a remediation scheme to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with contamination to include:

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

Reason – in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

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

Reason - in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

3 **Condition** - prior to the commencement of any construction works, details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.

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

4 **Condition** - prior to the commencement of any construction works, a scheme of landscaping and associated maintenance schedule shall be submitted to and approved by the Council. Thereafter, the agreed landscaping shall be implemented prior to first occupation of the student accommodation. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

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

5 **Condition** - prior to the commencement of any construction works, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and

Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

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

- 6 **Condition** – prior to the commencement of any construction works, an amended Flood Risk Assessment and shall be prepared and submitted to the Council for written approval along with signed Dundee City Council Compliance and Independent Check Certification. The amended flood risk assessment shall demonstrate 600mm freeboard is to be provided. Thereafter, any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to occupation of the development.

Reason - in the interests of flood protection.

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

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

- 8 **Condition** – prior to the commencement of any construction works, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

Reason - in the interests of flood protection.

- 9 **Condition** – the total noise from the electrical substation shall not exceed Noise Rating (NR) 20 during night time hours, when measured internally (with windows closed for the purpose of the assessment) within the proposed new development. For the avoidance of doubt, night time hours are from 23:00 to 07:00 hours.

Reason - in the interests of protecting residential amenity.

- 10 **Condition** – all servicing and deliveries, including loading, unloading or lay-up shall be between 07:00 to 21:00 hours Monday to Saturday and 09:00 to 16:00 hours Sunday.

Reason - in the interests of protecting residential amenity.

- 11 **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. Furthermore, it shall not exceed NR25 within any adjoining residential property. NR45 is applicable for the period 07:00 to 23:00 hours and NR35 and NR25 are applicable for 23:00 to 07:00 hours.

Reason - in the interests of protecting residential amenity.

- 12 **Condition** - prior to first occupation of the student accommodation, details demonstrating means for compliance with the internal noise criteria set within Section 7 of BS8233:2014, within all habitable rooms and with windows closed, shall be submitted to the Council for written approval. For avoidance of doubt, the noise level criteria are 35dB LAeq (16 hour) for bedrooms and other habitable rooms for daytime periods (07:00 to 23:00 hours), 30dB

Laeq (8hour) for bedrooms during night-time periods (23:00 to 07:00 hours) and 55dB LAeq (16 hour) for external amenity areas for daytime periods (07:00 to 23:00 hours). Any works will be detailed in writing prior to the commencement of development on site for approval in writing by the Council and will be in place and operational prior to the first occupation of the hereby approved student accommodation. If relying on closed windows to meet the guide values, there needs to be an appropriate alternative means of ventilation that does not compromise the façade insulation or the resulting noise level.

Reason - in the interests of protecting residential amenity.

- 13 **Condition** – prior to first occupation of the student accommodation, details demonstrating that music from the adjacent licensed premises is so controlled as to be inaudible within all habitable rooms of the proposed student accommodation shall be submitted to the Council for written approval.

Reason - in the interests of protecting residential amenity.

- 14 **Condition** - prior to the commencement of any construction works, full details of the proposed means of providing heating (and/or additional standby/ emergency power) to the building, including details of any flues or extracts or similar related works shall be submitted to and approved in writing by the planning authority. An air quality assessment may also be needed depending on the size, location and fuel type of any combustion appliances.

Reason - in the interest of air quality and protecting residential amenity.

- 15 **Condition** - prior to the commencement of any works on site, a construction dust management plan shall be submitted to the Council for written approval. Thereafter, the agreed dust management plan shall be implemented during construction of the development hereby approved.

Reason – in the interest of air quality and protecting residential amenity.

- 16 **Condition** - prior to the commencement of any construction works, an amended Air Quality Assessment shall be submitted to the Council for approval. The report shall identify any mitigating measures required to protect the amenity of any future residents of this development, and the impact of the proposed development on the existing Air Quality hotspot area. Thereafter, and prior to first occupation of the student accommodation hereby approved, any mitigation measures recommended by the Air Quality Assessment shall be implemented in full.

Reason – in the interest of air quality and protecting residential amenity.

- 17 **Condition** – prior to commencement of any construction works, details of the proposed alternative means of ventilation/any proposed mechanical ventilation system(s) for the residential dwelling units and ground floor residential amenity area, including the location of the air intake(s), requires to be submitted to the Planning Authority for approval.

Reason – in the interest of air quality and protecting residential amenity.

- 18 **Condition** – prior to the commencement of any construction works, full details of the proposed covered and secure cycle parking shall be submitted to the Planning Authority for approval. Thereafter, the cycle parking shall be installed as the agreed details prior to opening of the development.

Reason – in the interest of ensuring that provision is made for sustainable transport measures.

- 19 **Condition** - a Travel Plan must be in place and agreed with the Local Authority within one year of the development opening.

Reason - in the interest of ensuring that provision is made for sustainable transport measures.

- 20 **Condition** - details of the proposed vehicle access on Johnston Street including proposed road markings must be agreed prior to any construction works on site and the accesses must be formed and constructed to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 21 **Condition** - The proposed boundary wall at the Johnston Street egress must be lowered to 1 metre above the footway level for a distance of 2.4 metres into the access road.

Reason - in the interests of vehicle and pedestrian safety.

- 22 **Condition** - details of alterations to footways, existing road signs/equipment and street lighting ex adverso the site on Ward Road, West Marketgait, South Ward Road and Johnston Street must be agreed prior to any construction works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 23 **Condition** - any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

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

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

- 25 **Condition** - the development hereby approved shall be used solely for the purposes of providing student accommodation and ancillary facilities associated with their needs, other than from 1 June to 31 August annually when it may be used as short term holiday accommodation, unless otherwise agreed in writing by the planning authority.

Reason - to retain control of use of the building.

- 26 **Condition** - prior to the commencement of development, a site waste management plan shall be submitted to and approved by the Council. The waste management plan shall contain details of how site waste will be controlled during construction and operation of the development.

Reason – in the interest of sustainable waste management.

- 27 **Condition** - the development hereby permitted shall be commenced no later than 20th October 2025.

Reason - to ensure the timeous commencement of development and in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

- 28 **Condition** - a Sustainability Statement demonstrating the extent to which the new build elements of the development will meet the requirements of Policy 48 of the Dundee Local Development Plan shall be submitted for the approval of the planning authority and the works shall be completed in accordance with the approved Statement.

Reason - in the interests of reducing carbon emissions associated with the proposed development.

Major Mixed Use Leisure Development – Eden Project Dundee

KEY INFORMATION

Ward Maryfield

Address

Land to the East of Peep O'Day Lane and West of Melville Lane, East Dock Street, Dundee

Applicant

Eden Project International Limited, Bodelva, Par, PL24 2SG

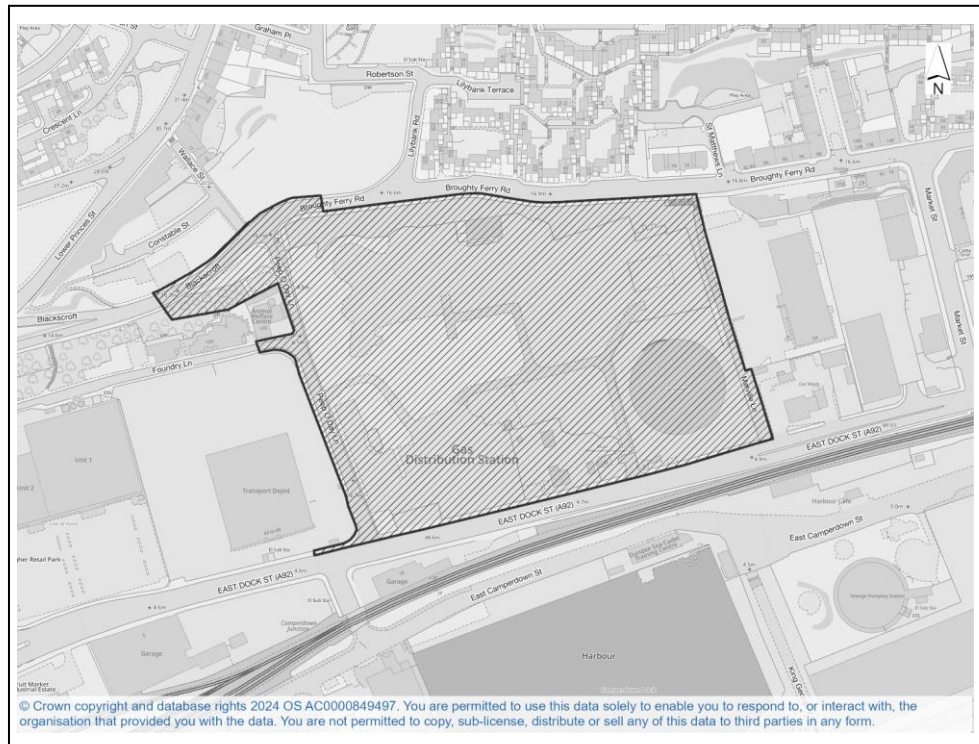
Agent

WSP, King James VI Business Centre, Friarton Road, Perth

Validated 6 December 2023

Report by Head of Planning & Economic Development

Contact: Laura Stewart



SUMMARY OF REPORT

- Planning permission is sought for the demolition of existing buildings and structures, conversion of existing gas holder and buildings and proposed construction of major mixed use leisure development including education space, landscaped gathering space for different scale events including live performance, public realm, landscaping works, energy centre and related uses, associated car parking and access, infrastructure and engineering operations.
- The development is otherwise known as 'The Eden Project' which would be a cultural attraction showcasing cultivated landscapes, exhibits, art, performance and science across three main venues.
- A further planning application for a pedestrian bridge over East Dock Street is being considered separately but in tandem with this main development and does not form part of this application.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. One representation was received in support of the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is a National Development, being a major planning application on a site at Dundee Waterfront as defined within National Planning Framework 4.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=S57B4ZGCH0200&activeTab=summary>

RECOMMENDATION

The proposal is 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.

1 DESCRIPTION OF PROPOSAL

1.1 Planning permission is sought to utilise the former gas works site to the north of East Dock Street for a mixed-use leisure development by Eden Project. The supporting information defines the Eden Project as an educational charity and social enterprise which is a growing global movement working with nature to respond to the planetary emergency. The proposal is for a cultural attraction which is intended to showcase cultivated wild landscapes, exhibits, art installations, performance, science and storytelling across three main venues. The proposed development includes the following:

- demolition of existing structures on site including the engine shed to the north of the site and gas meter house to the south;
- 3 “venues” which includes the redevelopment of the former gas holder;
- an arrival taxi/bus drop off area, 20 disabled parking spaces and cycle parking for 60 visitors and 50 staff and an entrance plaza – referred to as “The Greengate” adjacent to Peep O’ Day Lane. The Greengate will be an open sided frame structure with a roof covering which is proposed to be landscaped;
- Venue 1: “The Valve” – a single storey entrance exhibition building to the west of the site, this has a rectangular shaped footprint measuring approximately 60m long by 27m wide. Is flat roofed and single storey with a height of approximately 6m to be finished in reclaimed brick work, bio-based material facing, green roof and extensive areas of glazing. Internally it has a ticketing area, private multi use spaces, kitchen facilities and café with seating areas in an open entrance hall, retail area, external seating and plant sale area and plant machinery rooms alongside w/c facilities;
- Venue 2: “The Lush Bunker” – is within the gas holder to the south eastern corner of the site, and will comprise an exhibition space titled ‘The Seam’ and a planted environment. This will be the most prominent architectural element of the site measuring approximately 36m at the highest point of the transparent tilted roof and frame added on top of the existing gas holder which is approximately 17.5m above the existing gas holder. A ramp will take visitors through three different levels within the building with different themes. Exit will be via glazed stairwells/lifts on the north, north/east and south western sides of the gas holder;
- Venue 3 – currently unnamed to the north of the site will sit on top of the existing terraced area. This will sit over two levels below the height of the wall with Broughty Ferry Road and shall include gallery spaces, installations, exhibits, artwork and play/interactive opportunities. The design includes a footprint which has 2 wings with a curved roof. This is finished in a mix of materials which include green roofs, rain screen roof panels, gabion walls and glazed curtain walls;
- operations and back of house comprises a cluster of three smaller buildings which will be located to the south of Venue 3/the existing gas holder, adjacent to East Dock Street and Melville Lane. These will contain a plant and machinery room with waste storage and composting area. To the west of this is a storage/workshop area and laundry facility. Staff changing, break out room, office and security centre are located within a third building all around an internal fenced off service area with vehicle access for servicing segregated from the main facility.
- externally, landscape zones will link all of the venues and will be of a unique design in character subject to change as the project develops over time. Indicative zones include

'Gathering Meadows' to the southern portion of the site which includes an external live events space with a capacity of up to 6000 people. Running east west through the centre of the site is "The Water Line", a water feature which it is submitted reflects the previous waterline of the Tay prior to reclamation. An area of planting denoted as "The Forest" is situated to the north of this alongside an Urban Agriculture Zone. There is a play area to the east and the existing sandstone retaining wall which sits below Broughty Ferry Road will become a feature of the site titled "The Great Living Wall";

- there will be 4 access/egress opportunities. The visitor entrance is to Peep O' Day Lane. A vehicle entrance gate is proposed from East Dock Street to the service yard. A further service access gate is located on East Dock Street and an exit is located on Melville Lane; and
- the proposed pedestrian bridge linking the site and Peep O'day Lane with City Quay is subject to a separate planning application for planning permission in principle (reference 23/00813/PPPL). It does not form part of the decision-making process for this proposal.

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

- Planning Statement;
- Design Statement;
- Transport Assessment/Statement;
- Flood Risk Assessment;
- Drainage Scheme;
- Tree Survey;
- Contaminated Land Assessment;
- Noise Impact Assessment;
- Air Quality Assessment;
- Energy Statement;
- Sustainability Statement; and
- Pre-Application Consultation Report.

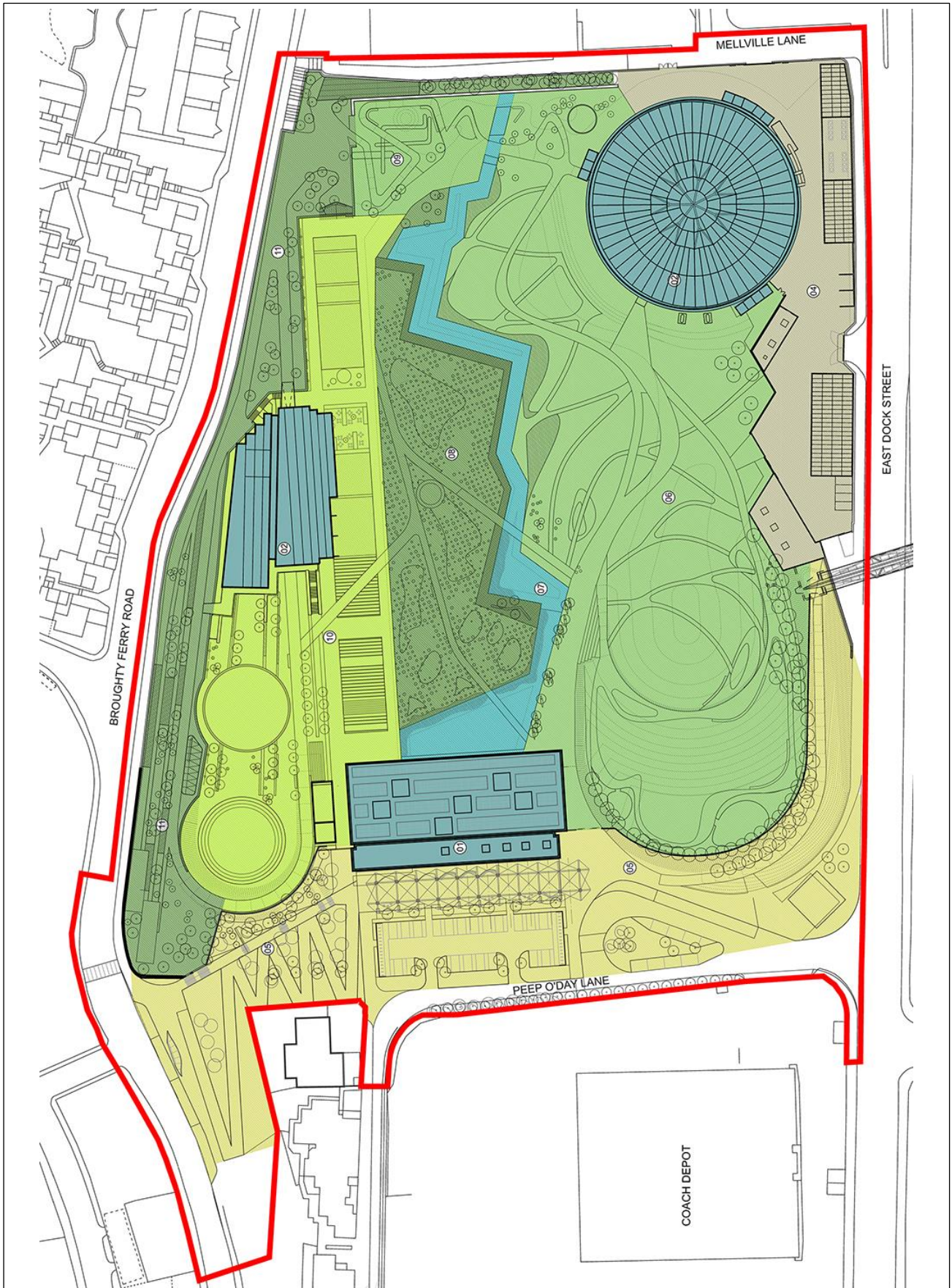
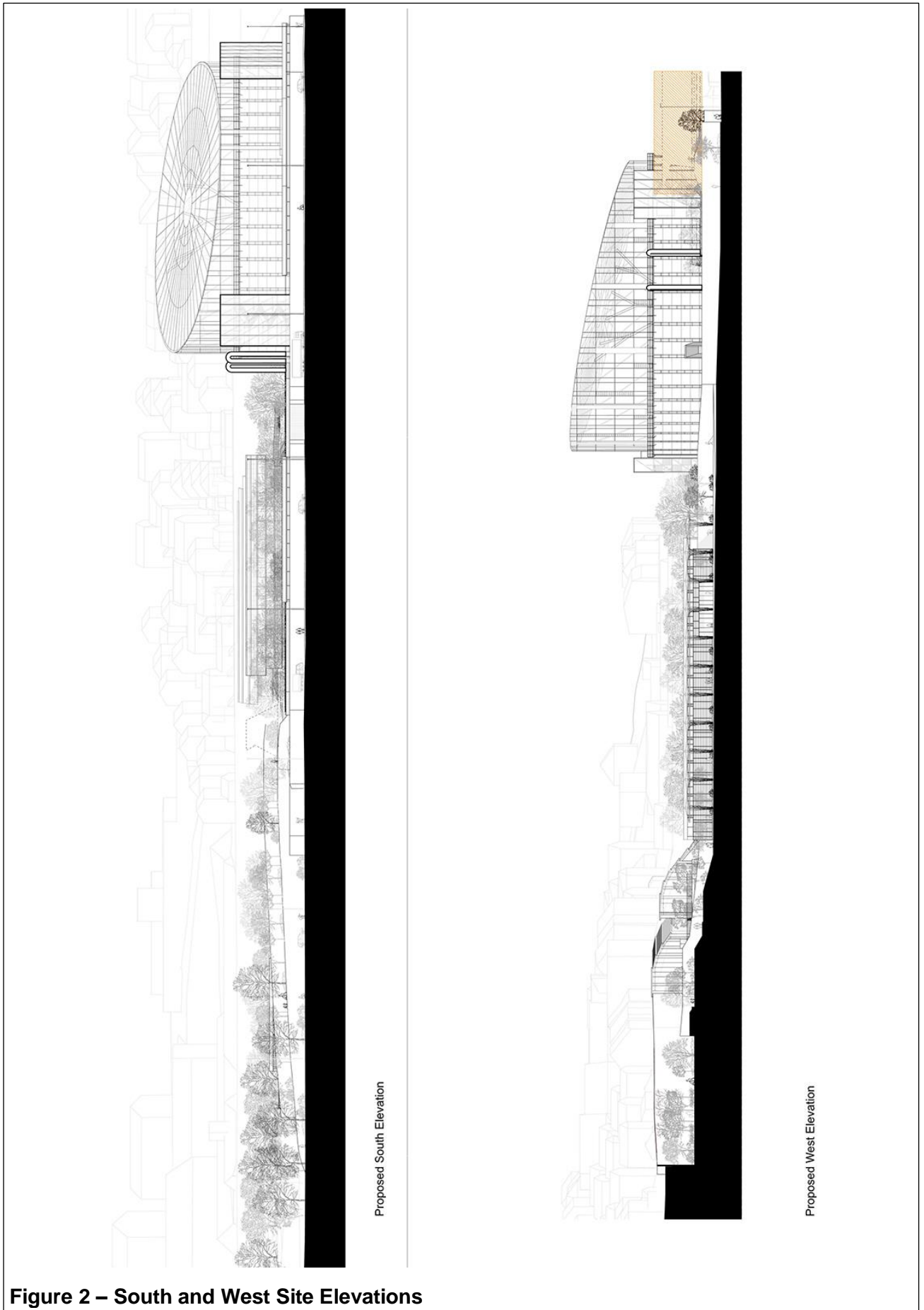


Figure 1 – Site Layout Plan



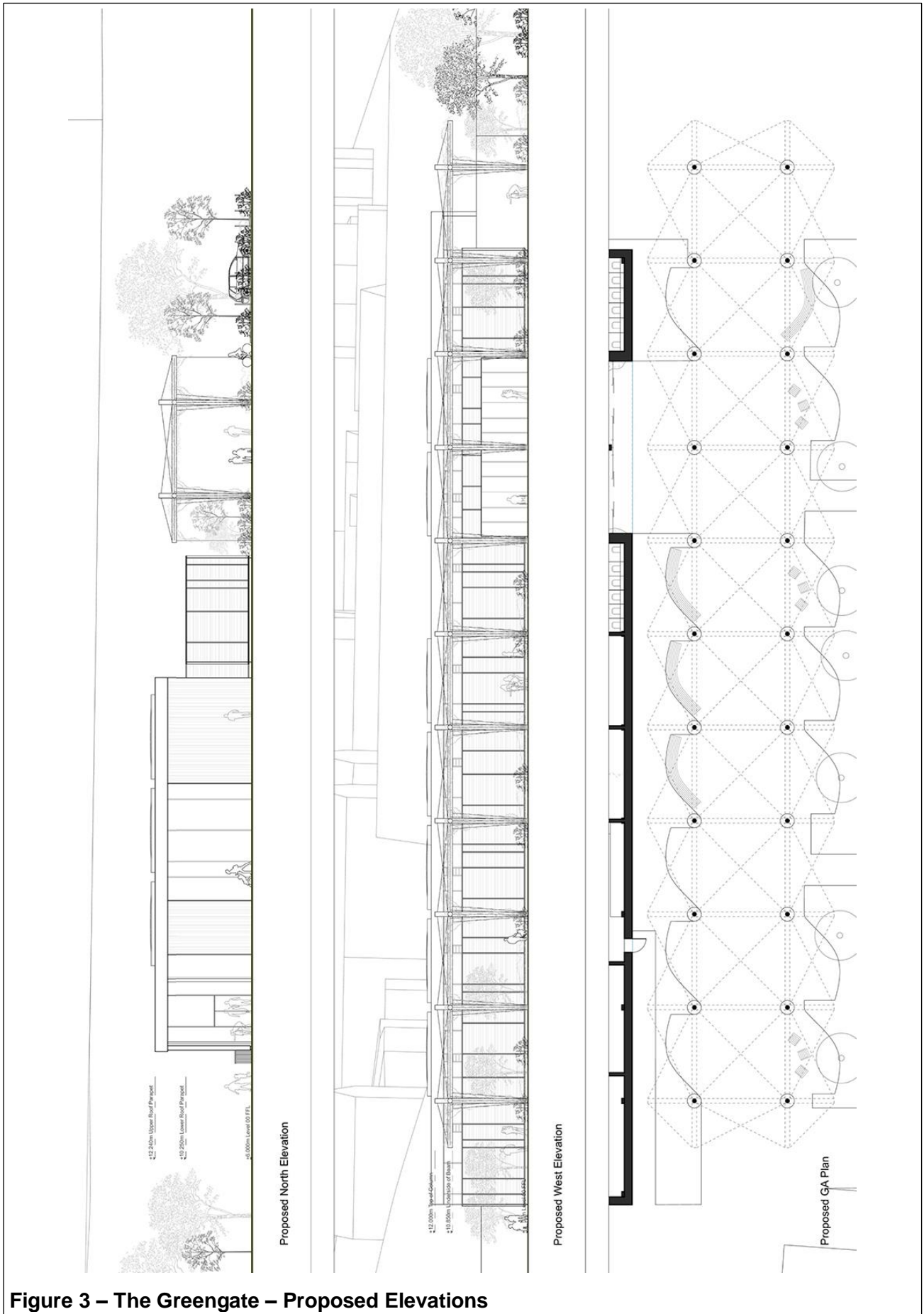


Figure 3 – The Greengate – Proposed Elevations



Figure 4 – The Lush Bunker Proposed West and East Elevations

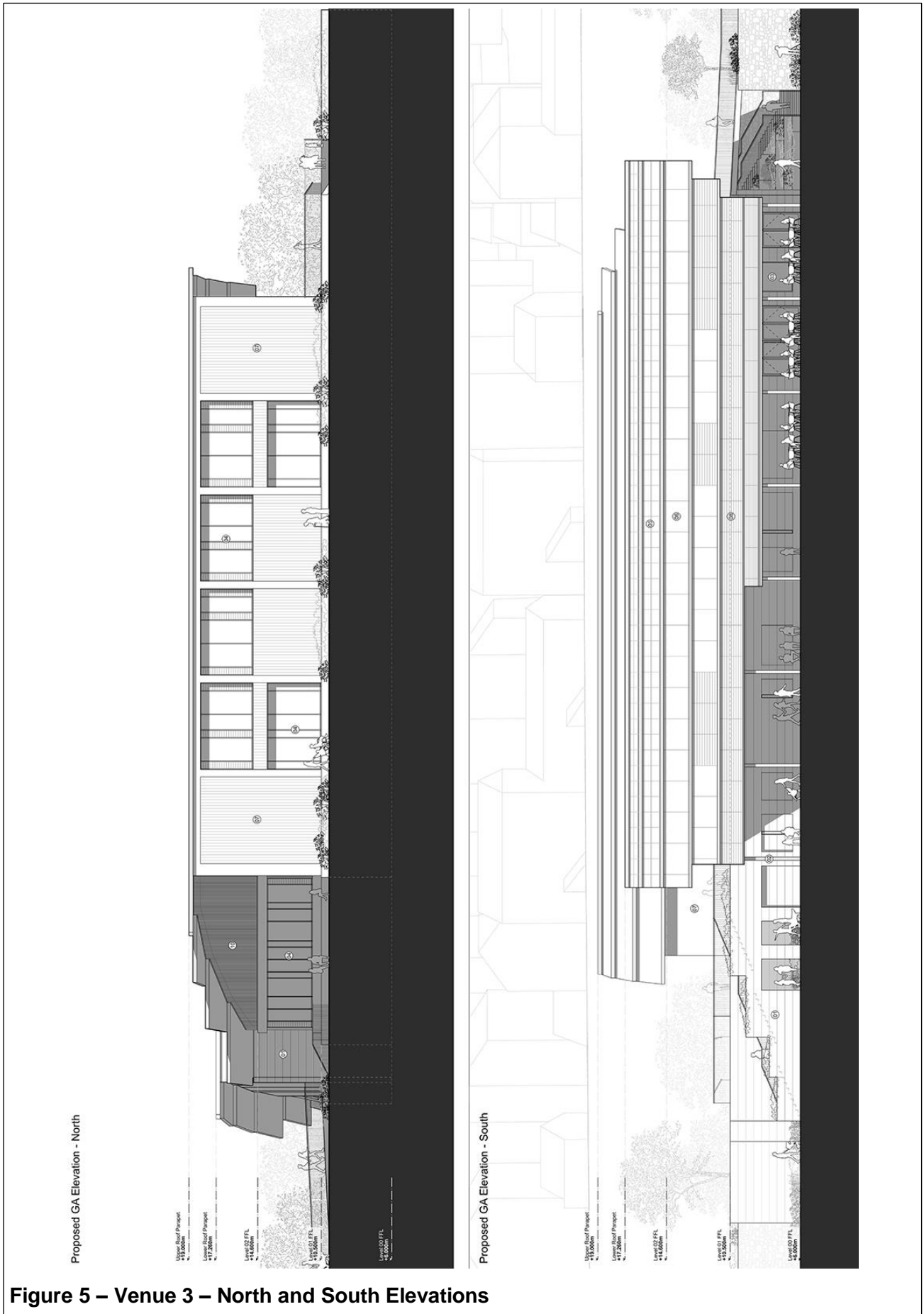


Figure 5 – Venue 3 – North and South Elevations

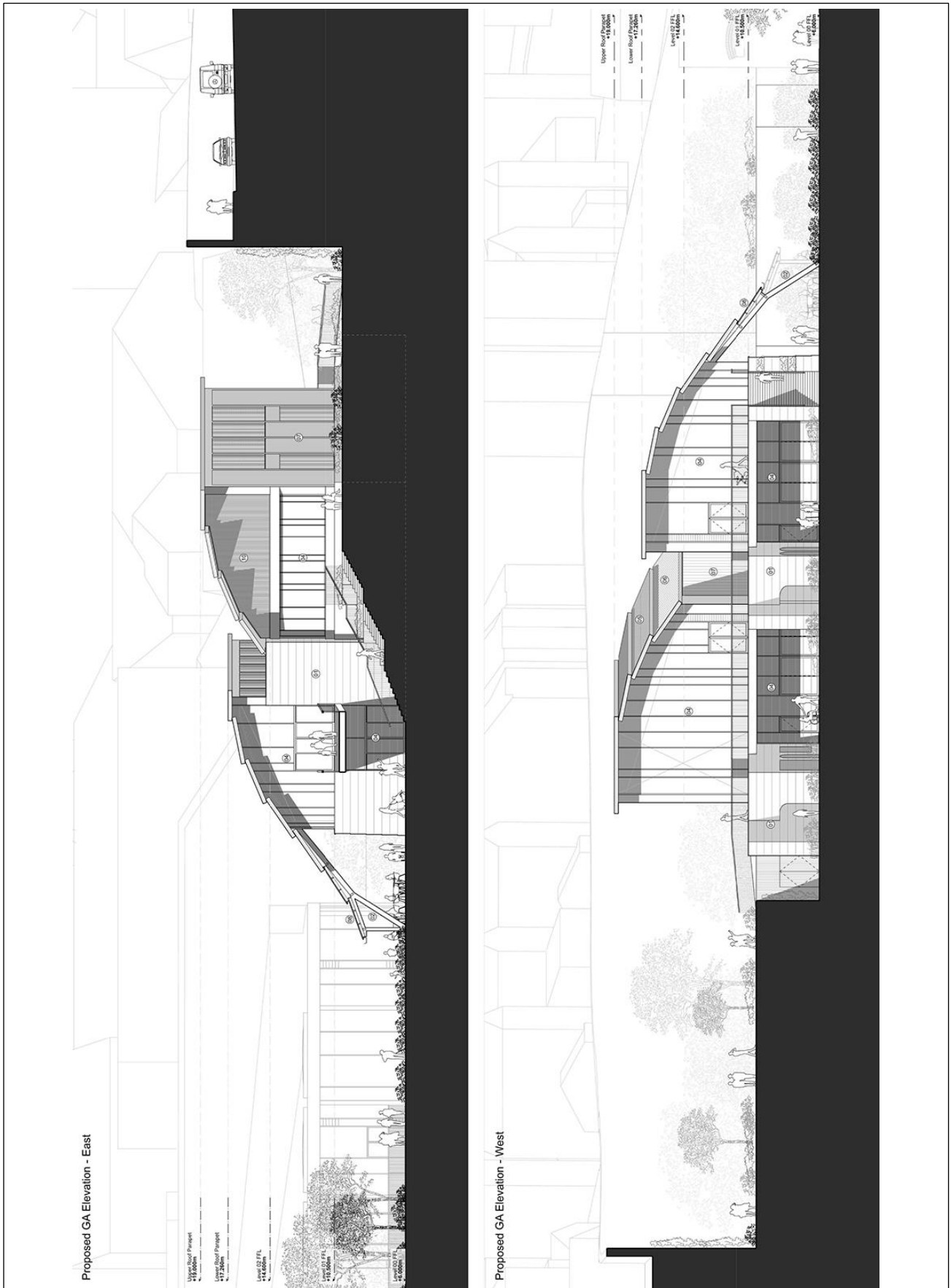


Figure 6 – Venue 3 – East and West Elevations

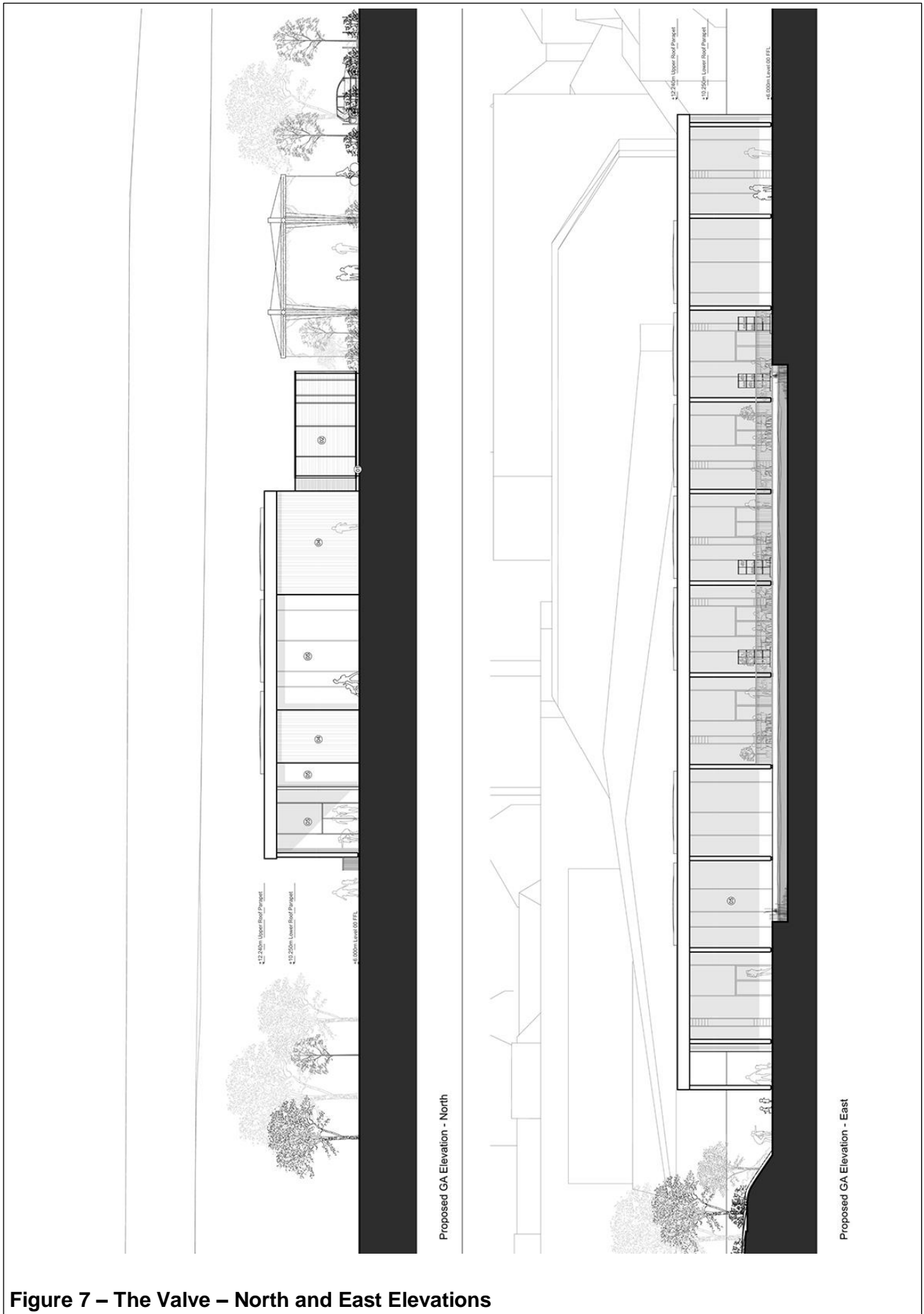


Figure 7 – The Valve – North and East Elevations

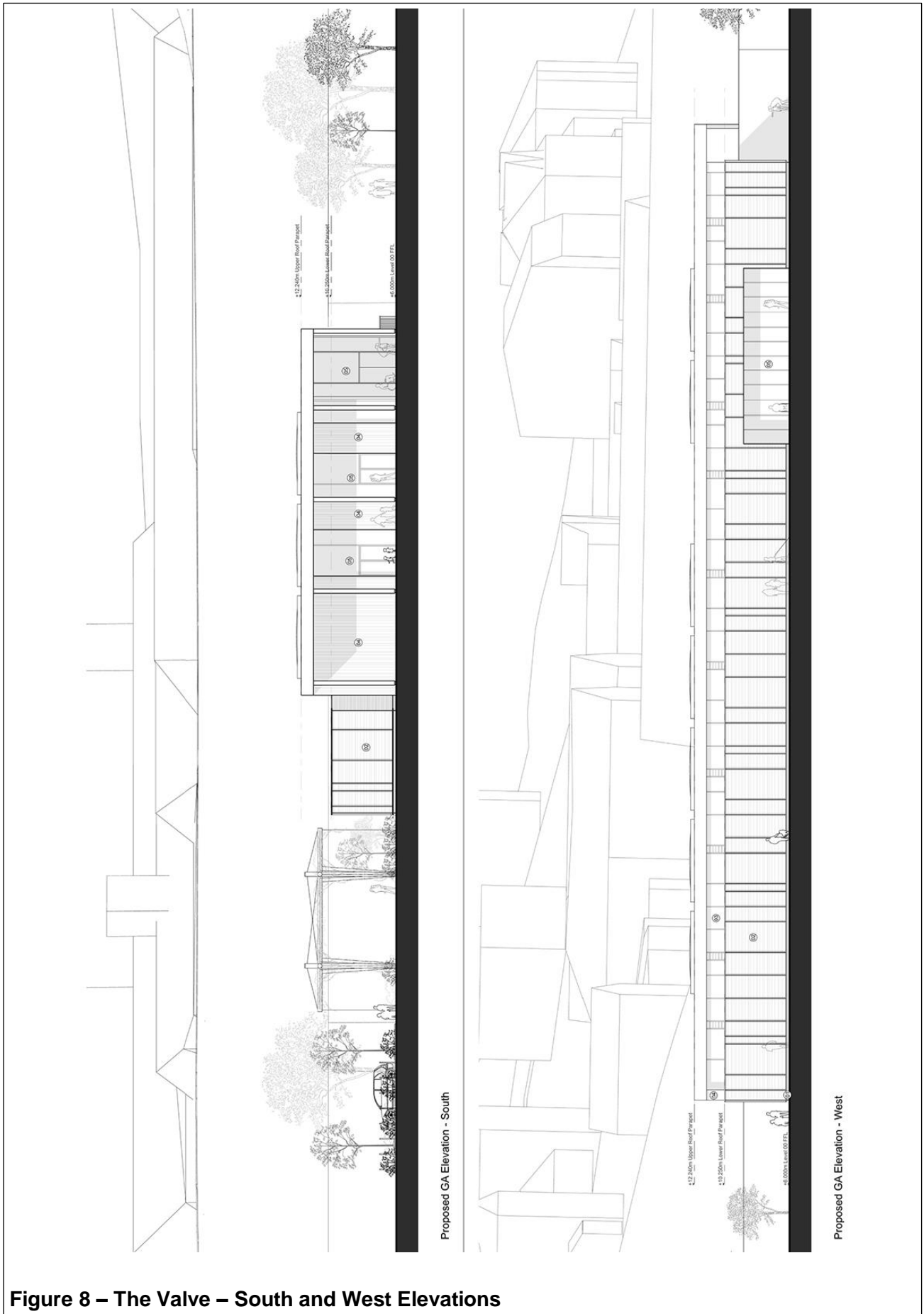


Figure 8 – The Valve – South and West Elevations



Figure 9 – Proposed Landscape Site Sections

2 SITE DESCRIPTION

- 2.1 The site is located between East Dock Street (A92 Trunk Road) which bounds the site to the south and Broughty Ferry Road to the north. Peep O' Day Lane bounds the site to the west and a stone wall provides the boundary between the site and neighbouring businesses to the east.
- 2.2 The southern side of the site is relatively flat having previously been occupied by a gas works, evidence of which remains on site through the gas holder and other ancillary structures. The site ramps up with changes in level up to Broughty Ferry Road. There are several trees within the site which appear to be self-seeded as the site has not been in use for several years. It is understood that the site has been partially remediated from contamination.
- 2.3 Boundaries comprise a mix of traditional stone walls and palisade fencing. There are existing vehicular access points from East Dock Street and Peep o' Day Lane and a closed pedestrian access with steps which lead into the site from Broughty Ferry Road (Steps to Melville Lane).
- 2.4 The surrounding area is characterised by a mix of uses including industrial and commercial to the south and east, and residential uses and commercial uses to the north and west.

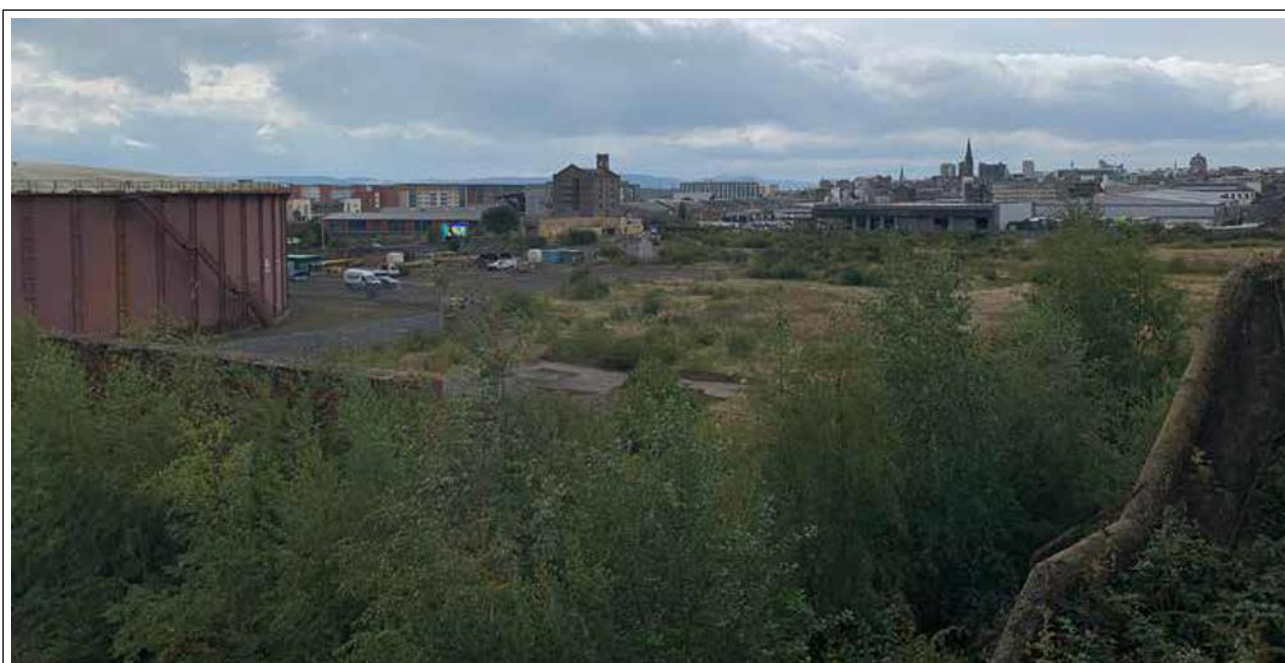


Figure 10 – Broughty Ferry Road Looking South Across The Site

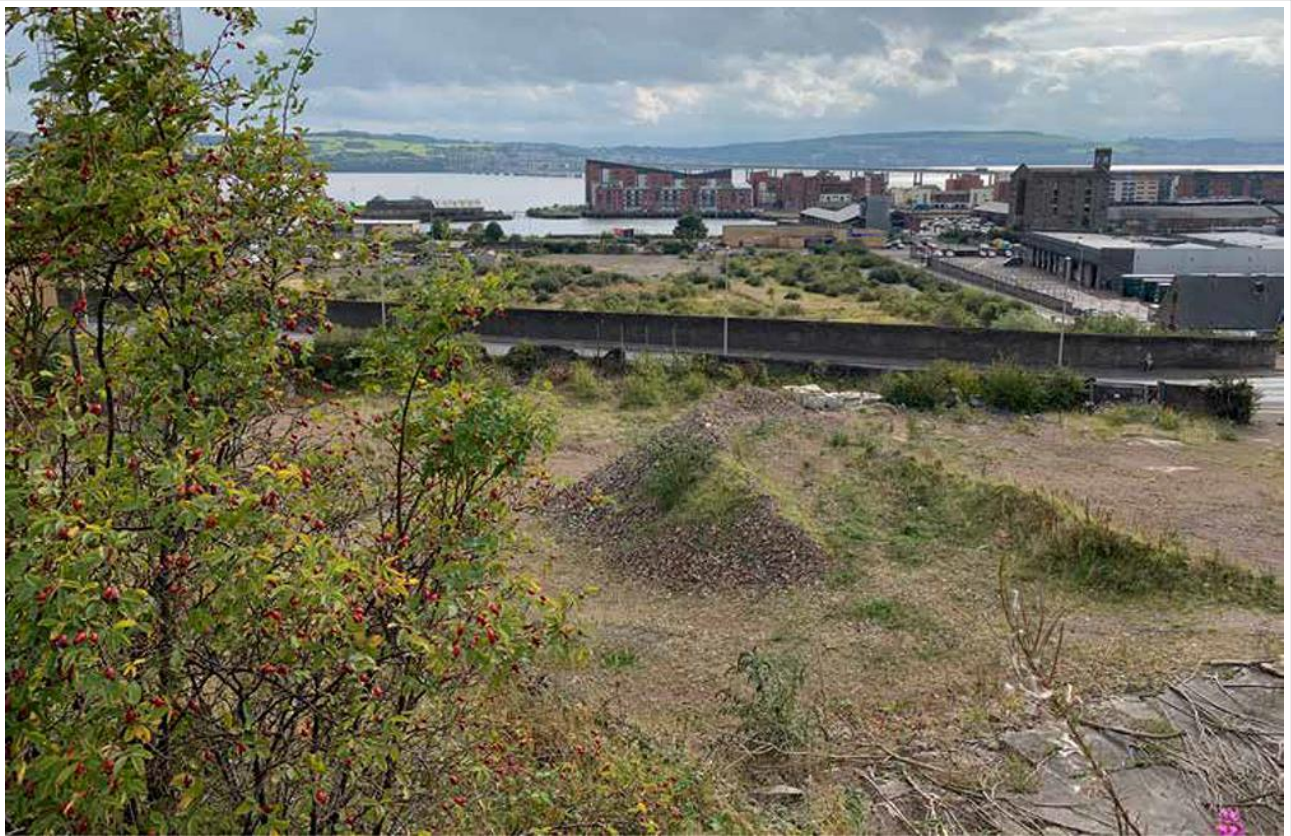


Figure 11 – Taken From North of Site



Figure 12 – Image From South of Site Looking Across to Gas Holder

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4 (NPF)

Policy 1: Tackling the climate and nature crises

Policy 2: Climate change 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

Policy 27: City, town, local and commercial centres

Policy 30: Tourism

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 5: General Economic Development Areas

Policy 7: Tourism and Leisure Developments

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 40: Air Quality

Policy 41: Land Contamination

Policy 42: Development of or next to Major Hazard Sites

Policy 44: Waste Management Requirements for Development

Policy 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

Dundee Streets Ahead

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

4 SITE HISTORY

4.1 23/00452/PAN – demolition of existing buildings and structures, conversion of existing gas holder and buildings and proposed construction of major mixed use leisure development and pedestrian bridge between the site and Camperdown Dock including education space, landscaped gathering space for different scale events including live music, public realm, landscaping works, energy centre and related uses, associated car parking and access, infrastructure and engineering operations (Eden Project Dundee) was validated 12 July 2023.

4.2 23/00005/EIASCOR – Screening Opinion for Eden Project – EIA not Required – 29 August 2023.

- 4.3 23/00813/PPPL – erection of a pedestrian bridge and associated infrastructure – pending consideration.
- 4.4 23/00629/FULL – engineering works to enable site remediation and associated restoration of land – permitted 1 December 2023.
- 4.5 21/002/HAZREV – revoke hazardous substance consent HDC1/HDC2/HDC3, HDC/004 and HDC/0005 – Consent Revoked 17 November 2021.

5 PUBLIC PARTICIPATION

- 5.1 The applicant undertook extensive pre-application consultation including three Pre-Application Consultation events and three drop-in sessions in several venues across the city. This exceeded the statutory minimum requirements. A website was set up, events were advertised in the press and via street posters, and e-mails were sent to members of the community. The PAC Report states that over 500 members of the public attended the events and that 257 pre-printed surveys were completed. The outcomes presented within the PAC state that of those who responded 96% of people support the development and nearly 8 in 10 feel very positive toward the development. A further breakdown of these figures, the areas of the city where the responses were submitted, and the age demographics of respondents can be found within the PAC Report for further reference.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 One comment in support was received, the comments are summarised as follows:
- proposal does not fully comply with General Economic Development allocation but has lain vacant for considerable time;
 - does not comply with Town Centre First policy but accept that it could not be accommodated centrally;
 - query how Eden will be financially sustainable;
 - Active Travel – arrival by public transport should be encouraged to ensure adequate parking, EV charging and minimised congestion; bus drop off layout could be reconsidered; active travel routes may not be delivered on time;
 - Layout – commentary provided of the indicative internal landscaping layout and suggested improvements to what is proposed;
 - general support for materials to be used; and
 - Net Zero and building requirements including heating, cooling and renewable energy and potential improvements to what is proposed.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 **City Engineer** – has no objection and commented on the following matters:

Flood Risk – an updated Flood Risk Assessment will be required to account for any watercourse/culvert through the site. Surface water flooding will be managed within the site through a new drainage system. A planning condition is recommended to secure an updated Flood Risk Assessment.

Surface Water Drainage – finalised detailed surface water design will be required and evidence of agreement to connect to Scottish Water infrastructure. A finalised surface water drainage and maintenance plan will be required. Conditions are recommended to secure further finalised details.

6.2 **Head of Environment** has no objections to the application and commented on the following matters:

- the Ecological Report and Biodiversity Net Gain report demonstrate overall net gain in biodiversity in line with local strategies and aspirations and NPF4 policies. It is acknowledged that the landscape plans may have to change to take into account challenges on the site; and
- there are opportunities for enhancing green infrastructure along access routes, to enhance the site's habitat connectivity to the wider green network across the city.

6.3 **Head of Communities, Safety and Protection** – has no objections and commented on the following matters:

Air Quality – with regard to construction phase impacts it is expected that a construction management plan would be required and the recommended and desirable measures to deal with dust as contained within the Air Quality Assessment should be provided.

With regard to operational impacts additional traffic would be spread across the inner ring road and access/egress routes to Bell Street and Olympia car parks. The greatest change in concentrations of air quality pollutants as a result of the development is predicted to occur on North Marketgait, Dock Street and West Marketgait however the increases were negligible. Overall, the impact of the proposed development is not considered to be significant.

Noise – on review of the Noise Impact Assessment conditions were recommended to set noise limits from plant and equipment associated with the development and to set noise limits and to control the hours of live events proposed at the site.

6.4 **Contaminated Land** – reviewed the information submitted in support of the application – no objections were received, and conditions are recommended to secure further reporting of contamination and remediation on site, alongside a verification report to be submitted prior to the occupation of the development to ensure that the site has been remediated successfully.

6.5 **Head of Sustainable Transport and Roads** – has no objections and has recommended planning conditions. A Transport Assessment has been submitted and the conclusions are generally agreed. It was commented that details on the level of proposed works associated with the development, but out with the red edge on the plans are subject to an application for funds from Sustrans with further details of the proposed works in agreement with DCC and lists Active Freeway works as offsetting transport issues.

- 6.6 **NatureScot** – do not offer formal comments as it does not meet the criteria for consultation.
- 6.7 **Network Rail** – has no objection however recommend a condition which requires further detail on drainage management and arrangements for the construction period to ensure stability of the adjacent to railway line and embankment is not compromised.
- 6.8 **Scottish Water** – has no objection. It is noted that the development will be fed from Clatto Water Treatment Works and Hatton Waste Water Works however capacity cannot be reserved and applications for connections would have to be made directly to Scottish Water.

Scottish Water do not normally accept surface water connections into the combined sewer systems.

- 6.9 **SEPA** – has no objection and commented on flood risk.

The site has been considered as an exception to Policy 22, a, iv of NPF4. All buildings will be on ground levels above 5m AOD, no de-culverting will be performed on site, a manhole to the northwest of the site has been confirmed not to be associated with a historic culverted water course and is connected to the Scottish Water combined sewer. The pipe was found to be in good condition and no culverts on site were found. The site faces an acceptable level of flood risk.

- 6.10 **Transport Scotland** - has no objection subject to conditions.

- 6.11 **Stobswell Forum** - A letter was received which did not object but made the following comments which are summarised:

- query why there are two separate applications, what will happen if consent for the bridge is not obtained and access route implications for pedestrian/vehicle conflicts without this;
- Active Travel – Existing poor access arrangements to the north of the site and east/west at Blackcroft; support Active Travel Strategy but concern about ‘park and stride’ from Stobswell and how this will be addressed; who will develop Foundry Lane route – conflicts between bins and buses noted;
- query why the redline boundary extends beyond the site to include public streets;
- No reference made in supporting information to local attractions (Baxter and Stobsmuir Parks, Transport Museum, Albert Street District Centre);
- Layout - Welcome use of the Valve and re-use of materials – layout could be revised to retain Gas Meter House and Engine Shed; water feature could be better located alongside Peep O Day mansion and garden (site history); and
- unclear whether dense vegetation has prevented decontamination of the whole site.

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, unless material considerations indicate otherwise be determined in accordance with the Development Plan.

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 National Planning Framework 4 designates 'Dundee Waterfront' as a national development. The Eden Project is listed in NPF4 (page 110) as a project that continues to deliver the waterfront transformation. The development proposed in this application contributes to 'Dundee Waterfront' as it is for the Eden Project and specifically for new or upgraded buildings for research, educational and tourism use. The development would otherwise be of a scale or type classified as 'major'. It is therefore designated as a national development.
- 7.3 This national development designation means that the principle of development within the Dundee Waterfront location does not need to be agreed through this planning application process (page 97).

Reuse of Brownfield Land

- 7.4 **NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** – provides a presumption in favour of developing such sites. Part a) 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.
- 7.5 The site is a prominent, brownfield site which was a former gas works. The proposed development would result in a sustainable reuse of brownfield land. As assessed under NPF4 policies 3 and 6 which follow, the biodiversity value has been considered through a Biodiversity Net Gain Statement and while areas of the site have naturalised the proposed development will result in an overall net gain in biodiversity enhancement.
- 7.6 **The proposal complies with NPF4 Policy 9a.**
- 7.7 **NPF4 Policy 9c:** 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.
- 7.8 The site is known to be contaminated through its former intense industrial usage. Some of the site has been previously remediated and planning permission was granted last year under 23/00629/FULL to carry out engineering works on other parts of the site.
- 7.9 A Preliminary Risk Assessment and High-Level Remediation Proposal have been submitted in support of the application. This has been assessed and the Head of Communities, Safety and Protection has no objection subject to conditions which requires further on-site investigation prior to development commencing. Further to this, a Verification Report will

require to be submitted to demonstrate that the objections of the agreed remediation strategy have been achieved.

7.10 **The proposal complies with NPF4 Policy 9c subject to condition.**

7.11 **NPF4 Policy 9d:** relates to existing buildings and 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.

7.12 There are two historic buildings on the site to be removed prior to the applicant taking control of the site. The removal of these will be assessed under Policy 7 later in this report. The spiral guided gasholder is to become a distinct feature of the proposed development. The development is proposed to be constructed with recycled materials as far as practicably possible. This is supported.

7.13 **The proposal complies with NPF4 Policy 9d.**

7.14 **LDP Policy 41: Land Contamination** - part a) states that the 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.

Part b states that an alternative use to that identified in the Local Development Plan will be considered where the above criteria are satisfied and:

- 1 an economic appraisal establishes that the site cannot be economically developed for the allocated use due to the level or type of contamination; and
- 2 the proposed use meets the requirements of other relevant policies of the Local Development Plan.

7.15 The current landowner has planning permission to remediate the site. It is understood that this will be carried out before the applicant progresses the development however it will still be necessary for the applicant to carry out a risk assessment and remediation scheme to deal with any contamination left at the site. A condition is recommended to secure this.

7.16 Part b considers the principle of development. As the development is classed as a national development within NPF4 it is not necessary to assess the proposal against this part of Policy 41. In any case, the proposed development will deliver significant economic benefits to the city and support the ongoing Waterfront regeneration project.

7.17 **The proposal complies with LDP Policy 41 subject to condition.**

Town Centre First Principle

7.18 **NPF4 Policy 27: City, Town, Local and Commercial Centres part b ii** – provides a presumption against the siting of uses which will generate significant footfall including commercial, leisure, office, community, sport and cultural facilities, public buildings such as

libraries, education and health care facilities and public spaces out with city centres unless a town centre first assessment demonstrates that:

- all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
- the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
- the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

7.19 The application is supported by a Planning Statement which considers that the site has been selected due to its location in Dundee Waterfront, and that the proposals will contribute to its continuing transformation. There are no vacant or derelict sites within the city centre or edge of centre which could accommodate this development in terms of scale.

7.20 It is also submitted that there are retail elements to the development such as a café and visitor shop however these are ancillary to the main tourism development and will be of a modest scale which relates directly to the Eden Project. Overall, the statement considers that the proposal will have a significant positive impact on the vitality and viability of Dundee City Centre due to the expected rise in the number of visitors to the city, overnight stays and increased local spending.

7.21 The applicant submits that the transport strategy will increase visitor dwell time within the city centre as car parking spaces for the entire day will be situated within the city centre car parks, people can spend more time within the city centre before or after their visit.

7.22 While a specific Town Centre First Assessment has not been submitted, significant weight must be given to the allocation of the development proposal as a National development. The site and proposed development are unique. There are no similar sites of this scale and nature in the city centre.

7.23 It is acknowledged that there is an ancillary shop/market and café/restaurant however these are likely to be used by people already visiting the development therefore this should not have any significant impact on the city centre. Furthermore, it is accepted that the development will bring more people into the City Centre and increase visitor spend.

7.24 Although the site is not located within the City Centre, it is acknowledged that the project will increase footfall within the City Centre, encourage more overnight stays, increase daytime and evening spend and positively impact the vitality and viability of the City Centre. Therefore, the proposal broadly supports the intent and outcomes of Policy 27.

7.25 **The proposal complies with NPF4 Policy 27.**

7.26 **LDP Policy 21: Town Centre First Principle** - the preamble to the main policy states that proposals for tourist attractions, major leisure uses, and visitor accommodation will in the first instance be determined against Policy 7 – Tourism and Leisure Developments.

7.27 LDP Policy 21 is not relevant in the consideration of this application as Policy 7 of the LDP takes precedence. The proposal is assessed against Policy 7 later in this report.

Tourism

- 7.28 **NPF4 Policy 30b: Tourism** – states that proposals for tourism related development will take into account several criteria. These are noted and considered in turn:
- i The contribution made to the local economy:
- 7.29 It is anticipated that the development will create new jobs through construction and operation and encourage more visitors to Dundee. This would bring about a positive contribution to the local economy.
- ii Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors:
- 7.30 The site is located within a mixed-use area where there are residential uses to the immediate north on Broughty Ferry Road and Stobswell beyond. The City Quay commercial and residential uses are located to the south-west. Industrial uses include the oil refinery to the south and a mix of commercial uses to the east and west of the site including the bus depot and Gallagher Retail Park.
- 7.31 The main impact would be from noise and lighting to residential amenity which is mitigated as assessed later in this report. Subject to appropriate controls on noise, lighting and traffic management, particularly at the proposed bus layby on Broughty Ferry Road; the nature and scale of the proposed use is generally compatible with the surrounding area.
- iii Impacts on communities, for example by hindering the provision of homes and services for local people:
- 7.32 The site is not allocated for housing, nor would it be appropriate to site new housing here given the adjacent land uses. It would not hinder provision of homes or services for local people.
- iv Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas:
- 7.33 Car parking will be limited to disabled spaces and staff and visitor cycle parking will be provided on site. Visitors will be required to walk to the attraction from the city centre car parks or public transport hubs. The site is already well served by an existing bus route, this will limit the need for parking management on site as the site operates day to day. It is anticipated that a pedestrian bridge will be delivered as a secondary phase of the development alongside some active travel improvements from the City Centre to the site through external funding.
- v Accessibility for disabled people:
- 7.34 There will be disabled parking and the development will require to be designed with inclusivity in mind. The technical requirements of this will have to be addressed through Building Regulations.
- vi Measures taken to minimise carbon emissions:
- 7.35 Air source heat pumps are proposed to generate power and recycled, and natural materials are to be used as far as practicably possible within the development.
- vii Opportunities to provide access to the natural environment:

- 7.36 As the site is within a built-up urban area there are no specific opportunities to provide access the natural environment except for the landscaping and planting within the site which would be for visitors. Improvements to active travel out with the site could improve accessibility to the green circular and natural environment if the active travel ambitions out with the site are realised.
- 7.37 **The proposal complies with policy 30b of NPF4.**
- 7.38 **LDP Policy 7: Tourism and Leisure Developments part a** – states that proposals for visitor attractions and facilities capable of strengthening the appeal and attraction of Dundee to a wide range of visitors will be supported. Proposals should complement existing visitor facilities and be located in the City Centre unless activity-specific issues indicate that this is impractical.
- 7.39 It is acknowledged that there are no sites within the City Centre which would accommodate a development of this scale which has been uniquely designed to make use of a former spiral gas holder within a built-up area on a contaminated site. While not located within the City Centre boundary as defined in the Dundee LDP it is within walking distance of the main transport hubs and is on a main bus route via Broughty Ferry Road. Such a development would complement Dundee's current offering of tourist attractions within the city centre and could encourage more footfall to shops, restaurants and visitor accommodation.
- 7.40 **The proposal complies with Policy 7 of the Dundee LDP.**
- 7.41 **NPF4 Policy 14a: Design, Quality and Place** - requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Part b states that development proposals will be supported where they are consistent with six qualities of successful places.
- Healthy** - supporting the prioritisation of women's safety and improving physical and mental health.
- Pleasant** - supporting attractive natural and built spaces.
- Connected** - supporting well connected networks that make moving around easy and reduce car dependency.
- Distinctive** - supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
- Sustainable** - supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
- Adaptable** - supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.
- 7.42 **LDP Policy 1: High Quality Design and Placemaking** - and the associated requirements of Appendix 1 of the LDP also consider the six qualities of a successful place. Policy 1 requires that 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.
- 7.43 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. Taking each of the six qualities of a successful place in turn:

- 7.44 **Healthy** – the proposal would not have a detrimental impact on women’s safety and could improve physical and mental health through the delivery of an environmentally positive place and through the educational element of the Eden Project which could enhance social connectivity.
- 7.45 **Pleasant** – it will support an attractive natural and built space relative to the current site, it provides opportunities for positive social interactions, to connect with nature and will comprise a recreational space for all ages and abilities.
- 7.46 **Connected** – it has been designed to connect to existing active travel networks with the potential to improve these. Car dependency is reduced through low to no parking at the site, and the provision of new crossing points to the site will ensure a safer pedestrian experience.
- 7.47 **Distinctive** – the design of the venues including the repurposed gas holder will introduce a new distinct feature in part of Dundee’s skyline on the edge of the City centre.
- 7.48 **Sustainable** – as previously described the proposed development by virtue of its use will be sustainable. It supports the transition to Net Zero through the re-use and recycling of material and renewable energy sources. Landscaping incorporates blue-green infrastructure with the potential to support further delivery of this out with the site and the development provides local jobs and supports community enterprise.
- 7.49 **Adaptable** – development is required to ensure designing for quality and function – it shall be fit for purpose and is of a high quality and durable design which appears to be user centred. The use itself as an educational/tourist facility would require to respond to different social, economic and environmental priorities. Continuous upkeep and maintenance of the development would be a matter for the applicant. Given similar schemes elsewhere in the country it is not anticipated that the site would fall into disrepair and will adapt to changing climates and situations.
- 7.50 For similar reasons the proposal complies with the six qualities of successful places as set out in the LDP.
- 7.51 The site has been brownfield land for many years and is situated within a largely industrial/commercial area with residential uses to the north. The development is not out of scale with what was originally on site and in the context of nearby uses has the potential to become a landmark within the City. As a result of the proposed development improved linkages and connections to the area from the City Centre are expected to be implemented. Landscaping within the site will be a key part of the proposal.
- 7.52 **The proposal complies with the six qualities of successful place and complies with NPF4 Policy 14a and LDP Policy 1.**

Public Art

- 7.53 **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. No Public Art Strategy has been submitted; it is recommended that this is secured by condition.

7.54 **The proposal complies with LDP Policy 2 subject to condition.**

Transport

7.55 **NPF4 Policy 13: Sustainable Transport** – intends to encourage, promote, and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Parts b – g are of particular relevance to this proposal.

7.56 **NPF4 Policy 13b:** states that development proposals will be supported 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; and
- iii integrate transport modes.

7.57 In response, the Transport Assessment submitted in support of the application considers current active travel connectivity to the site. It notes that the City Centre is approximately a 15-minute walk to the site and that it contains bus and rail stations and the central bus interchange. Stobswell is also noted as being within walking distance and there are existing bus stops on Broughty Ferry Road. The assessment identifies some barriers to ease of movement due to steep changes in topography and the historic design and street layout. This is addressed through the proposed works to form a new accessible pedestrian route in the northern part of Peep o' Day Lane.

7.58 The applicant and the Council are currently considering what can be achieved locally to improve the physical quality of the area through active travel, blue green infrastructure improvements and waymarking.

7.59 It is accepted on balance that the development would be acceptable based on the current available active travel arrangements. The proposal therefore broadly complies with point i) of Policy 13b.

7.60 As highlighted within the Transport Assessment the proposal is within walking distance of the main transport hubs. It is proposed to upgrade a bus stop on Broughty Ferry Road and provide a crossing on the north side of the road. Coach access and parking is proposed within the site, cycle parking and facilities for visitors and staff are to be situated within the site and the development will be accessible by pedestrians. Disabled parking by way of a ticketing system is also proposed. The proposal will allow for a number of sustainable transport modes while supporting ease of all abilities access through parking on site. The proposal is in compliance with points ii and iii.

- iv Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards:

7.61 EV charging spaces will require to be delivered and this will be subject to further scrutiny through the Building Regulations. The proposal complies with point iv subject to condition.

- v Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking:

- 7.62 Drawings show that 60 visitor cycle spaces and 50 staff cycle spaces are to be provided. A condition is recommended to secure finalised details. The proposal complies with point v subject to condition.
- vi Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- 7.63 A new crossing point is proposed to the east of Eden Terrace which will serve the northern side of Broughty Ferry Road.
- 7.64 It is proposed to close Peep O' Day Lane to road traffic and deliver a zig-zag ramp up the western side of the site addressing the gradient between East Dock Street and Broughty Ferry Road. This will improve walking, wheeling and cycling in the immediate area. A Traffic Regulation Order is proposed to allow northbound traffic only from the bus depot site. A crossing point is also proposed joining into existing footways at the south end of Peep O' Day Lane.
- 7.65 The proposals would not result in a drop in vehicle numbers as it would introduce coaches to the area and there are 20. No accessible parking spaces within the site. Safety measures include restricting any right turns out of East Dock Street and it is proposed to prevent buses from the depot exiting onto East Dock Street. Crossings are proposed locally as described above and the site proposes low to no parking. The proposal is broadly in compliance with point vi of Policy 13b.
- 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;
- 7.66 As above, measures are proposed to include accessible parking on site, which will be ticketed to ensure these are being appropriately accessed. The final details of which are to be secured by a planning condition. There are nearby car parks within walking distance for smaller groups and coach parking arrangements alongside improvements to adjacent bus stops to accommodate links for larger groups. The proposal complies with point vii.
- viii Adequately mitigate any impact on local public access routes.
- 7.67 It is not anticipated that the proposed development would have a significantly detrimental impact on local public access routes. The development could further support the case to deliver and connect into improved routes within the local area. The proposal is in compliance with point viii of Policy 13 part b.
- 7.68 **The proposal complies with NPF4 Policy 13b criterion i – viii subject to conditions.**
- 7.69 **NPF4 Policy 13c** – states that where a development proposal will generate a significant increase in the number of person trips, a Transport Assessment will require to be undertaken in accordance with the relevant guidance.
- 7.70 A Transport Assessment has been carried out and assessed by The Council and Transport Scotland. This resulted in a Road Safety Audit being carried out and has informed an indicative design of crossing points and junctions within both the local and trunk road network. There are no significant issues with the Assessment. Conditions are recommended to secure further detail on matters such as specific design and layout of cycle parking, improvements to bus stops and pedestrian crossings in vicinity to the site.
- 7.71 **The proposal complies with NPF4 policy 13c subject to conditions.**

- 7.72 **NPF4 Policy 13d and e** – Part d states that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area. Part e 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.
- 7.73 As described above, measures are proposed to reduce the number of private cars accessing the site. This includes low to no parking given the proximity of the site to transport hubs and a bus stop with relatively frequent service, alongside coach drop off and cycle facilities. It is proposed that only disabled parking is available on site thereby ensuring no barrier to disabled access via private vehicles.
- 7.74 **The proposal complies with NPF4 Policy 13 d and e.**
- 7.75 **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.
- 7.76 An Interim Travel Plan has been submitted in support of the application and it is recommended that a revised Travel Plan is submitted prior to works commencing on site to allow for further review as the project progresses. This will also allow an opportunity to integrate altered travel patterns in the event active travel measures are secured/delivered.
- 7.77 **The proposal complies with NPF4 Policy 13f subject to condition.**
- 7.78 **NPF4 Policy 13g** – as the site is located adjacent to a Trunk Road, part g is relevant. This states that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.
- 7.79 Transport Scotland was consulted as the A92 (East Dock Street) is under their control. The proposal has been assessed and no objections were raised in regard to impacts to the trunk road, subject to conditions which secure further junction design details, provision of Traffic Regulation Orders, lighting plans, boundary treatments, and Servicing and Construction Traffic Management Plans.
- 7.80 **The proposal complies with NPF4 Policy 13g subject to condition.**
- 7.81 The principles of Policy 13 of NPF4 are reiterated within Policy 54 – Safe and Sustainable Transport of the Dundee LDP.
- 7.82 **LDP Policy 54: Safe and Sustainable Transport** – reiterates many of the principles of policy 13 of NPF4. Policy 54 requires all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the 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.

7.83 The 7 criteria set out in Policy 54 of the Dundee LDP have all been considered in detail under the relevant parts of Policy 13 of NPF4. The proposed transportation measures are compliant with this.

7.84 **The proposal complies with LDP Policy 54.**

7.85 **LDP Policy 56: Parking** – states that for developments out with the city centre all new developments shall be 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.

7.86 The adopted guidance on road standards does not contain a parking standard for this type of development. It does contain standards for large public assembly type uses such as concert halls and theatres but with an exception for developments that are in or adjacent to the City Centre.

7.87 The site is located close to the City Centre and the applicant has proposed a visitor access strategy that would see a through ticketing system used to require visitors to use the existing central public car parks and then walk to the site. Disabled car parking spaces would be provided at the main visitor entrance. Bus parking and drop off are also provided at and close to the main entrance and at the bus laybys on Broughty Ferry Road.

7.88 The proposal is considered to broadly satisfy the requirements of Policy 56 as the applicant has considered how car-borne visitors would access the site and it has been satisfactorily demonstrated that the demand for car parking can be met elsewhere.

7.89 With regard to cycle parking Policy 56 states that, at places of employment covered secure parking with changing facilities should be provided for employees. A condition is recommended to secure further detail on cycle parking and there are facilities available within the development for changing.

7.90 **The proposal complies with NPF4 Policy 13e and LDP Policy 56.**

Flood Risk and Drainage

- 7.91 in their response, SEPA advise that the site is out with an area of coastal flood risk as denoted on SEPA Future Flood Maps. However, the 200-year Coastal Flood Boundary level plus climate change is 4.75m AOD and there are some areas of the site which are below the 5m contour level and therefore could be at risk of flooding.
- 7.92 **NPF4 Policy 22: Flood Risk and Water Management part a** – presumes against development proposals at risk of flooding or in a flood risk area and these 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.
- 7.93 The proposal meets criteria iv as the site is allocated within the LDP as a General Economic Development Area and more recently as part of Dundee Waterfront within NPF4 as a National development. Therefore, subject to complying with the relevant SEPA advice the development will bring the site into a positive use.
- 7.94 SEPA were consulted and have no objections to the proposals as it has been confirmed that the site is in compliance with Policy 22a, iv, that all built structures are above 5m AOD and that surveys indicate no risk of flooding from culverting/manholes in and around the site.
- 7.95 Policy 22 part a of NPF4 then goes on to say that development proposals meeting criteria iv, where flood risk is managed at the site rather than avoided these will also require:
- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
 - that the proposal does not create an island of development and that safe access/ egress can be achieved.
- 7.96 **LDP Policy 36: Flood Risk Management** also considers flood risk. Under the provisions of the Dundee LDP the site is not at high risk of flooding however the new guidance is applied as assessed above.
- 7.97 The area at risk of flooding lies on the lower portion of the site where built development is limited. Due to the steeply sloping levels on site, the buildings will be above the flood risk level and as there are three access and egress opportunities around the site from Peep O' Day Lane, East Dock Street and Melville Lane an island of development will not be created. The City Engineer has requested an updated Flood Risk Assessment as a condition of any consent to clarify further details on flood risk mitigation and design.
- 7.98 **The proposal complies with Policy 22a of NPF4 and Policy 36 of the Dundee LDP subject to condition.**

- 7.99 **NPF4 Policy 22c** – relates to surface water. 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; and
 - iii seek to minimise the area of impermeable surface.
- 7.100 **LPD 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.
- 7.101 The climate change allowances specified in the Dundee LDP policy differ from those which are now embedded within Policy 22 of NPF4 and SEPA advice. In this instance Policy 22 would take precedence. Both policies state a preference for SUDs.
- 7.102 The Drainage Strategy clarifies that SUDs are to be embedded within the development and include below ground attenuation tanks, rainwater harvesting, filter drains, rain gardens, retention pond, swales, green roofs and constructed wetlands.
- 7.103 The measures proposed are acceptable with some elements being embedded within the landscaping for the development. Conditions are recommended to secure finalised details on surface water drainage design.
- 7.104 **The proposal complies with NPF4 Policy 22c and LDP Policy 37 subject to conditions.**
- 7.105 **NPF4 Policy 22d** – requires development proposals to connect to the public water mains. If this is not feasible the applicant will need to demonstrate that water for drinking water purposes will be served from a sustainable water source that is resilient to periods of water scarcity.
- 7.106 It is proposed to connect to the public water mains. Scottish Water have no objections noting that there is capacity within Clatto Water Treatment Works. Connections to their infrastructure will require a direct application to Scottish Water.
- 7.107 **The proposal complies with NPF4 Policy 22d.**
- 7.108 **The proposal complies with all relevant parts of NPF4 Policy 22 and LDP Policies 36 and 37 subject to conditions.**
- Climate and Nature Crises
- 7.109 **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.

- 7.110 **LDP Policy 1: High Quality Design and Placemaking of the Dundee Local Development Plan** - also makes reference to proposals being designed with reference to climate mitigation and adaptation.
- 7.111 The ethos of the project itself is an educational and social enterprise which seeks to find ways to work with nature to respond to the climate planetary emergency. Information submitted in support of the application highlights that sustainability is a fundamental aspect of the Eden Project and that the development will implement net zero carbon technologies, circular economy, biodiversity enhancement, green travel and have positive impacts on health and wellbeing. Given the brownfield and contaminated nature of the site, the proposal would have a positive impact on the climate and nature and provide an educational and green/ eco tourist destination that seeks to address the crises. Specific ways in which the climate and nature crises are addressed are assessed through the relevant environmental policies within this report.
- 7.112 **The proposal complies with NPF4 Policy 1 and LDP Policy 1.**
- 7.113 **NPF4 Policy 2a: Climate Mitigation and Adaptation** – states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Part b states that development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.114 **LDP Policy 48: Low and Zero Carbon Technology** – in line with NPF4, New Development of the Dundee LDP and the associated Supplementary Guidance it is required that proposals for all new buildings demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. The relevant Building Standards and percentage contribution required is set out in supplementary guidance.
- 7.115 The Energy Statement sets out an Energy Strategy for the development. Passive design principles are to be integrated into the buildings to minimise reliance on heating, ventilation and air conditioning technologies and artificial lighting. To limit heat loss measures such as optimising window to wall ratios and high levels of insulation and air tightness will be embedded in the design. It is submitted that the performances applied will go significantly beyond building regulations compliance.
- 7.116 The Statement also includes a Low & Zero Carbon Technology Appraisal which presents the results from a low and renewable technology feasibility study for the proposed development. This discounts a number of renewable energy options such as solar thermal heating, wind turbines and biomass and recommends that the most suitable form of renewable energy is via air source heat pumps. This is because air source heat pumps do not require large areas of ground, are cost effective, can be integrated with other technologies and can deliver low carbon heating to the various venues across the site. It is also recommended that solar panels are utilised as they provide energy with potential for battery storage/grid export alongside solar panels being a key technology in delivering low carbon in electric buildings.
- 7.117 Use of low carbon technologies such as air source heat pumps and solar panels will minimise carbon emissions. The conclusions of the Energy Statement and Strategy are accepted.
- 7.118 The main risk from climate change is flood risk. The proposal has been sited and designed to avoid such risks. Details have been considered by SEPA and the City Engineer and have been assessed under the flood risk and drainage policies of the development plan above.
- 7.119 **The proposal complies with NPF4 Policy 2 and LDP Policy 48 alongside the associated Supplementary Guidance.**

- 7.120 **NPF4 Policy 3a Biodiversity** – 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.
- 7.121 A Biodiversity Net Gain Report has been submitted in support of the application. Habitats across the site were listed as bramble scrub, developed land: sealed surface, introduced shrub, lowland mixed deciduous woodland, modified grassland, vacant or derelict land and willow scrub. It is recognised that removal of buildings and contaminated land will result in the removal of colonising vegetation however it is submitted that it is proposed to replace the habitats lost with more distinct and valued habitats. It has been adequately demonstrated that the development would strengthen nature networks in the area.
- 7.122 **The proposal complies with NPF4 Policy 3a.**
- 7.123 **NPF4 Policy 3b** – the proposal is a national development. Part b states that proposals 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.
- 7.124 The proposed development would enhance biodiversity; more than if it was left in its current state with no intervention. The ecological characteristics of the site are not of any local, regional or international importance and there are no irreplaceable habitats. This is demonstrated within the submission and complies with point i) of Policy 3b.
- 7.125 The development will be landscaped and makes use of nature-based solutions both in terms of the built elements of the development and external landscaping. There will be no negative biodiversity effects as a result of the development, and it has been demonstrated that there will be a net gain through biodiversity enhancements. The proposal meets with the requirements of points ii – iv of Policy 3b.
- 7.126 With regard to the final point v) the development of the site will have community benefits as an educational facility which could be utilised by local schools alongside attracting visitors from further afield as an eco-tourism proposal.

- 7.127 **The proposal complies with NPF4 Policy 3a and b.**
- 7.128 **NPF4 Policy 6c: Forestry, Woodland and Trees** – There is an area of trees to the north of the site. Policy 6c 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 be expected to be delivered.
- 7.129 **LDP Policy 35: Trees and Urban Woodland** is also relevant. This provides a presumption for new development to ensure the survival of individual trees, especially healthy mature trees.
- 7.130 The trees which are to be removed are likely to be self-seeded as a result of the naturalisation of the site. The proposed tree loss to accommodate the development is accepted as the site will be heavily vegetated with a huge variety of plants and species. Landscaping and extensive greening is a key component of the development. As described under Policy 3, even with the loss of the area of trees there will be a net biodiversity gain through the landscaping of the site which is demonstrated within the landscape plans submitted with the application.
- 7.131 **The proposal complies with NPF4 Policy 6c and LDP Policy 35.**
- 7.132 **LDP Policy 46: Delivery of Heat Networks for New Development** – requires new development to meet its heat demand through heat networks, by considering the feasibility to create or link into an existing energy centre and heat network or demonstrate the capability to progress towards this technology in future. For major developments, part a) of Policy 46 requires a statement to be submitted which demonstrates that consideration has been given to the viability of creating or linking into a heat network. The Energy Statement submitted in support of the application considers heat network opportunities.
- 7.133 The Energy Statement highlights that there are two heat networks within 0.5km of the site at Martingale Gardens and Victoria Street. Having further inspected details of these networks it is concluded that these are classed as having small – medium capacities served by gas firing technologies and therefore are deemed unsuitable. It is submitted that there is currently no connection to a carbon neutral heat network, therefore, it is proposed to deliver low carbon heat to the building via air source heat pump technology in accordance with the Scottish Governments Heat in Buildings Strategy.
- 7.134 The above is accepted, however, Policy 46 then states that the development layout should be designed to be capable of connecting to the heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity. A condition is recommended to secure this.
- 7.135 **The proposal complies with LDP Policy 46 subject to condition.**

Historic Environment

- 7.136 **NPF4 Policy 7o: Historic Assets and Places** – the site is not located within a conservation area and there no designated or protected historic features within the site. Remaining structures within the site including the Engine Shed, Gas Meter House and the retaining wall to the north of the site, alongside the gas holder itself are all of local importance. The loss of the Engine Shed and Gas Meter House are acknowledged within the Stobswell Forum response to the application. Part o states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. The preferred retention of these buildings within the scheme was also highlighted at the pre application stage. At present there is nothing to preclude the demolition of these buildings by

the current landowner. It is submitted that the removal of the buildings is to be carried out under the remediation proposals for the site. As unprotected buildings, the planning authority has no control over the retention of these structures. The retention of the wall and utilisation of this as a feature alongside the retention of the spiral-guided gas holder is welcomed.

7.137 The proposal complies with NPF4 Policy 7o.

Zero Waste

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

7.139 NPF4 Policy 12b – states that 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; and
- v use materials that are suitable for reuse with minimal reprocessing.

7.140 The development will re-utilise the gas holder on site. Materials from other structures to be demolished within the site could be reused within the site to minimise waste. The waste generated from the gas holder if this was to be removed would be substantial, therefore its reuse is welcome. It is understood that the materials from the existing buildings will be re-used within the site. This is in compliance with parts i, ii and iii of part b of policy 12. With regard to cut and fill it is estimated that the site will generate 11 tonnes of excavation waste however requires 35 tonnes of fill. It is therefore anticipated that excavation waste will be reused within the site. This is in compliance with part iv and v of policy 12b.

7.141 With regard to construction waste, it is recommended that details on how this is to be re-used/disposed is clarified within a Site Waste Management Plan. It is recommended that this is secured by condition.

7.142 The proposal complies with NPF4 Policy 12a subject to condition.

7.143 NPF4 Policy 12c – states that 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.

7.144 A Waste Strategy has been submitted in support of the application. It is proposed that the development will implement circular economy principles with an aspiration to deal with organic waste on site.

- 7.145 Waste is to be segregated at source. Litter bins will be located around the site and waste at each of the venues is to be segregated at source which will ultimately be transported to the service yard for onward collection. These measures are accepted and a finalised Operational Waste Management Plan is secured by condition.
- 7.146 **The proposal complies with NPF4 Policy 12c subject to condition.**
- 7.147 **Dundee 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 and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.
- 7.148 Site waste management plans are required for major developments to ensure sufficient control for site waste during the construction and operation of new development.
- 7.149 Policy 44 largely aligns with the requirements of Policy 12 of NPF4 and subject to a condition to secure finalised construction and operational waste management plans the proposal complies with Policy 44.
- 7.150 **The proposal complies with NPF4 Policy 12 and LDP Policy 44 subject to condition.**

Health, Safety and Amenity

- 7.151 **NPF4 Policy 23d and e: Health and Safety** – intends to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 7.152 **NPF4 Policy 23d** – states that development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- 7.153 **LDP Policy 40: Air Quality** – provides a presumption against development proposals that can significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.154 The application is supported by an air quality assessment. The Head of Communities, Safety and Protection highlighted that the mitigation measures should be controlled in a Construction Management Plan and that additional traffic generated would be spread widely enough across the area that localised impacts would be negligible both from visitors and operational traffic.
- 7.155 **The proposal complies with Policy 23d of NPF4 and Policy 40 of the Dundee LDP subject to condition.**
- 7.156 **NPF4 Policy 23e** – relates to noise. 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.
- 7.157 **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 in the surrounding area.

- 7.158 The main sources of noise are from outdoor music concerts and plant and machinery. The proposals include an outdoor performance space which could accommodate up to 6,000 people, and the applicant has indicated that they propose to use this to hold several music concerts each year.
- 7.159 The Head of Communities, Safety and Protection's concerns are noted. A condition was recommended to set the maximum music noise levels from outdoor events. Although the planning permission could set maximum music noise limits it is more appropriate for the noise from large scale events to be controlled through the public entertainment licensing process; a separate regulatory process that would allow music noise limits to be set, monitored and reviewed on an event by event or annual basis.
- 7.160 It is acknowledged that such events will cause some disturbance to neighbouring residential properties. Although the noise disturbance from each event can be controlled through the licensing process, frequent events would cause significant disturbance to residents of those properties. Therefore, it is necessary to control the number of outdoor events each year. It is recommended that a planning condition is used to limit the number of events to 8 open air live music concert days per year. Smaller events which may not be as loud will also require to be defined within an Events Statement. A planning condition is recommended to secure this.
- 7.161 The hours during which events take place can be controlled through the planning permission and it is considered appropriate to only allow outdoor events to take place between 0900h and 2300h.
- 7.162 These planning conditions together with the licensing requirements would ensure that events would not result in an unsatisfactory level of disturbance in the surrounding area.
- 7.163 Plant and machinery are to be located throughout the site. The noise levels from these sources are recommended to be controlled by a planning condition.
- 7.164 It is also recommended that a construction environmental management plan is secured by condition to protect amenity during construction works. This will require to provide detail on the timing of any works which create vibration, detail on dust suppression and lighting with the site.
- 7.165 A detailed finalised lighting plan will be required for when the development is in operation. An External Lighting Pollution Statement has been submitted in support of the application which highlights the current baseline conditions at the site. It is concluded that a detailed assessment of the external lighting design will be required once the lighting design is complete. This will consider in detail sky glow, light spill, glare to residents and effects on wildlife. It is recommended that a final lighting design is secured by condition.
- 7.166 **The proposal complies with Policy 23e of NPF4 and Policy 39 of the Dundee LDP subject to conditions.**
- 7.167 **NPF4 Policy 23g** – states that development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.
- 7.168 **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.

- 7.169 The development would introduce people into an area which is within a Health and Safety Executive consultation zone. The site falls within proximity to the Outer Consultation Zone for hazards related to activities within Dundee Port to the south east. The proposal was assessed against the Health and Safety Executive's (HSE) planning advice. This conclusion was that HSE did not advise against, on safety grounds the granting of planning permission. The proposal is therefore not contrary to Policy 23g of NPF4.
- 7.170 **The proposal complies with NPF4 Policy 23g and LDP Policy 42.**
- 7.171 It is concluded that the proposal is fully in accordance with the Development Plan.

MATERIAL CONSIDERATIONS

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

A – SUPPORTING INFORMATION

- 7.172 All of the information submitted in support of the application has been considered with the main body of the report.

B – REPRESENTATIONS

- 7.173 No valid objections have been received. Comments were received from Stobswell Forum which have been summarised:
- 7.174 **Comment** - query why there are two separate applications, what will happen if consent for the bridge is not obtained and access route implications for pedestrian/vehicle conflicts without this.
- 7.175 **Response** – the bridge is being considered separately through an application for planning permission in principle. If consent is not obtained, or in the event that it is not delivered the existing pedestrian and cycle routes have been assessed as appropriate. While the delivery of the bridge is an aspiration of the applicant it has been demonstrated that it is not strictly necessary. As stated earlier in the report the Council and the applicant are working to find a solution to improve the linkages between the site and the city centre.
- 7.176 **Comment** - Active Travel - existing poor access arrangements to the north of the site and east/west at Blackcroft; support Active Travel Strategy but concern about 'park and stride' from Stobswell and how this will be addressed; who will develop Foundry Lane route – conflicts between bins and buses noted.
- 7.177 **Response** – there is permeability between Stobswell and the site although it is acknowledged that due to topography this could be challenging for all abilities however there are alternative routes and disabled parking and drop off arrangements within the site. Users will be directed to City Centre car parks and walking to access the site. While visitors may park in Stobswell and walk to the site this is not something that the Council have control over particularly where on street parking is concerned as everyone has the right to use on street spaces. Foundry Lane public realm improvements and funding arrangements are currently being explored by the Council.
- 7.178 **Comment** - query why the redline boundary extends beyond the site to include public streets.

- 7.179 **Response** – the application redline extends beyond the proposed site of the Eden Project as there are some improvements required to Melville Lane, Peep O’ Day Lane and a new crossing point and access arrangements at Broughty Ferry Road. In order to secure delivery of improvements the area of the works has to be included within the application site boundary which is why it extends beyond the site itself.
- 7.180 **Comment** - no reference made in supporting information to local attractions (Baxter and Stobsmuir Parks, Transport Museum, Albert Street District Centre).
- 7.181 **Response** – this is acknowledged, the proposal has the potential to introduce new people to these attractions.
- 7.182 **Comment** - Layout - welcome use of the Valve and re-use of materials - layout could be revised to retain Gas Meter House and Engine Shed; water feature could be better located alongside Peep O Day mansion and garden (site history).
- 7.183 **Response** – the gas meter house and engine shed are in a poor state of repair and are to be cleared as part of the remediation of the site. As the buildings are not protected there is no mechanism through which to ensure their protection – they can be demolished now without any consent. A condition is recommended to secure a photographic record prior to demolition. The water feature is understood to replicate as far as possible the original shoreline of the River Tay and as a landscape feature is welcomed. The landscaping itself returns the site to an original natural state, final landscaping design could incorporate further the history of the site however this is a matter to be considered in finalised landscape designs by the applicant.
- 7.184 **Comment** - unclear whether dense vegetation has prevented decontamination of the whole site.
- 7.185 **Response** – the vegetation will be removed. At the time of writing the site has been partially decontaminated, and further works are currently taking place. The applicant will also require to carry out further remediation to make safe the site for development. This is all subject to resolution by planning condition.
- 7.186 It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.

8 CONCLUSION

- 8.1 The application 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.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following condition(s):
- 1 **Condition** - the development hereby permitted shall be commenced within five 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** - this permission shall endure for the use of The Eden Project only.

Reason - in order to give due recognition to the special circumstances displayed by the applicant and to enable the Planning Authority to exercise appropriate control at the expiry of these special circumstances.

- 3 **Condition** - no development shall commence until a Flood Risk Assessment and Dundee City Council Compliance and Independent Check Certification shall be prepared and submitted to the Council and where appropriate, SEPA for written approval. Any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to the first occupation of the development.

Reason - in the interest of flood protection.

- 4 **Condition** - no development shall commence until 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. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

Reason - in the interest of flood protection.

- 5 **Condition** – no development shall commence until full details of 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 approved by virtue of this condition shall be carried out in perpetuity.

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

- 6 **Condition** - no open air music concerts shall take place between 2300 and 0900 hours.

Reason - in the interest of neighbouring residential amenity.

- 7 **Condition** – there shall be no more than 8 open air music concert days per calendar year.

Reason – in the interest of neighbouring residential amenity.

- 8 **Condition** - prior to the first use of the development hereby approved, an Events Statement which defines the scale and type of events to take place on site shall be submitted to and approved in writing by the Planning Authority.

Other smaller scale events shall also be defined within the statement.

Thereafter the development shall operate in accordance with the agreed Events Statement unless otherwise agreed in writing by the Planning Authority.

Reason - In order to define the scale and type of events to allow the Planning Authority to consider the matter in more detail.

- 9 **Condition** - Prior to the first use of the development hereby approved an Outline Events Management Plan shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include, but is not limited to:

- i Traffic Management Plan; and
- ii Crowd Management Plan.

Thereafter all events shall be managed in accordance with the agreed details unless otherwise agreed in writing by the Planning Authority.

Reason - in the interest of the amenity of the area.

- 10 **Condition** - the total noise from mechanical and electrical plant/services shall not exceed NR45 during the day and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property.

For the avoidance of doubt night time shall be 2300 to 0700 hours.

Reason - in the interest of neighbouring residential amenity.

- 11 **Condition** - no development shall commence until the investigation and further risk assessment proposed in the submitted Stage I Desk Study are completed and a remediation scheme to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with contamination to include:

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

Reason - in order to ensure that contamination on site is dealt with appropriately in the interest of health and safety.

- 12 **Condition** - before any part of the development is occupied the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

Reason - in order to ensure that contamination on site is dealt with appropriately in the interest of health and safety.

- 13 **Condition** - no development shall commence until the following details have been submitted to, and approved in writing by the Planning Authority in consultation with the Roads Authority:
- i all road, footway and cycleway alterations including road markings and signage to be provided;
 - ii full details of proposed public bus stop alterations and improvements;
 - iii full details of all road alterations to Peep O' Day Lane;
 - iv full details of all pedestrian and cycle links between the site and Broughty Ferry Road;
 - v full details of the proposed coach drop off/pick up point on Broughty Ferry Road including
 - vi all road markings and signage; and
 - vii full details of the service egress onto Melville Lane.

For the avoidance of doubt all works require to be formed and constructed to Dundee City Council standards and specifications and available for use prior to first occupation of the development hereby approved.

Reason - in the interests of vehicle and pedestrian safety and in order that the Planning and Roads Authorities can consider these matters further.

- 14 **Condition** - no development shall commence until full details of secure and covered cycle parking has been submitted to, and agreed in writing by the Planning Authority in consultation with the Roads Authority. Thereafter, the development shall progress in accordance with the approved details and be available for use prior to first occupation of the development hereby approved.

Reason - to ensure timeous delivery of suitably sited and designed cycle parking and storage in the interest of promoting sustainable transport opportunities.

- 15 **Condition** - prior to the commencement of the development, the detailed design and specification for all trunk road works, generally as illustrated in the WSP Drawing No. 5939-ATR-045 Rev. P01 "Overview of Proposal 4 to 8", shall be submitted to, and approved by the Planning Authority, after consultation with Transport Scotland.

Reason - to ensure that the standard of access layout complies with the current standards.

- 16 **Condition** - thereafter, and prior to the development becoming operational, all trunk road works covered in Condition 13 above shall be implemented in accordance with the approved designs.

Reason – to ensure that the safety and free flow of traffic on the trunk road is not diminished.

- 17 **Condition** - prior to the development becoming operational, all those Traffic Regulation Orders shown on WSP Drawing No. 5939-SK-016 Rev. A "Proposed TROs", shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason - to minimise interference with the safety and free flow of the traffic on the trunk road.

- 18 **Condition** - prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. In particular, the CTMP shall identify measures to control the use of any direct access onto the A92 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.

Reason - to mitigate the adverse impact of construction traffic on the safe and efficient operation of the trunk road network.

- 19 **Condition** - prior to the development becoming operational, a Servicing Management Plan (SMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. Thereafter, all servicing traffic associated with the development shall conform to the requirements of the agreed Plan.

Reason - to mitigate the adverse impact of servicing traffic on the safe and efficient operation of the trunk road network.

- 20 **Condition** - prior to commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland.

Reason - to ensure that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.

- 21 **Condition** - prior to commencement of the development, details of the fencing/barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

Reason - to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

- 22 **Condition** - there shall be no drainage connections to the trunk road drainage system.

Reason - to ensure that the efficiency of the existing trunk road drainage network is not affected.

- 23 **Condition** - prior to the first occupation of the development hereby approved an updated Travel Plan, which sets out proposals for reducing dependency on the private car, shall be submitted to, and approved in writing by, the Planning Authority. The Travel Plan shall include:

- i details of the proposed ticketing system for visitors by car;
- ii details of the implementation of any active travel measures between the site and the surrounding area;
- iii details for the management, monitoring, review and reporting of these measures; and

iv details of the duration of the Travel Plan.

The approved Travel Plan shall thereafter be implemented from the date of first operation of any part of the development hereby approved.

Reason - in order to ensure the site is accessible by a variety of modes of transport.

24 **Condition** - no development shall commence until a Construction Environmental Management Plan (CEMP) for the construction phase has been submitted to, and approved in writing by the Planning Authority, in consultation with Network Rail and other relevant third parties as appropriate. For the avoidance of doubt this shall cover:

- i Pollution Prevention and Control;
- ii Dust Management;
- iii Noise and Vibration Mitigation;
- iv lighting plans during construction;
- v Site Waste Management;
- vi Surface and Ground Water Management;
- vii drainage management plan containing drainage arrangements for the construction period;
- viii Public and Private Water Supply Protection Measures;
- ix Emergency Response Plans; and
- x other relevant environmental management as may be relevant to the development.

Thereafter, works shall be carried out in accordance with the approved plan.

Reason - in the interest of residential amenity; to protect the surrounding environment from construction impacts and to protect the stability of the adjacent railway embankment, railway lines and the safety of the rail network.

25 **Condition** - prior to the first occupation of the development hereby approved an Operational Waste Management Plan shall be submitted to, and approved in writing by the Planning Authority. Thereafter, the Operational Waste Management Plan shall be implemented and maintained in perpetuity unless otherwise agreed in writing by the Planning Authority.

Reason - to ensure that waste on site is managed on site in a sustainable manner.

26 **Condition** - no development shall commence until full details of a reservation strip or area within the site to be safeguarded from development to support the delivery, or connection to a heat network. Thereafter the agreed details shall be safeguarded from development.

Reason - to demonstrate that the development would be capable of connecting to a heat network as future demand dictates in accordance with policy 48 of the Dundee LDP.

- 27 **Condition** - no development shall commence until details of a scheme of public art to be provided within the development hereby approved shall be submitted to, and agreed in writing by the Planning Authority. The scheme shall include a programme for the installation of public art and works shall be completed in accordance with the agreed programme.

Reason - In the interests of enhancing the visual amenity and environmental quality of the development and in accordance with policy 2 of the Dundee LDP.

- 28 **Condition** - no development shall commence until an internal and external photographic record of the remains of all buildings and original features on site shall be submitted to, and approved in writing by the Planning Authority. For the avoidance of doubt this shall include a Site Plan and Floor Plans denoting the location of the photographs.

Reason - in order that a record of the buildings of local historic interest on site is retained.

- 29 **Condition** - no development shall commence until a finalised schedule of all external materials and finishes to be used on all structures within the development hereby approved has been submitted to, and approved in writing by the Planning Authority. Thereafter, development and work shall progress in accordance with the approved details.

Reason - in the interests of visual amenity.

- 30 **Condition** - prior to the commencement of development full details including the height, design and materials to be used on all boundaries, gates any other means of enclosure surrounding the site shall be submitted to, and approved in writing by the Planning Authority. Thereafter, development and work shall progress in accordance with the approved details and retained and maintained by the developer as agreed unless otherwise agreed.

Reason - in the interest of visual amenity both within and out with the site.

- 31 **Condition** - prior to the commencement of development a schedule of repairs including materials and method of repointing to make good the north boundary wall shall be submitted to and approved in writing by the Planning Authority. Thereafter works shall progress in accordance with the agreed details.

Reason - in the interest of amenity and to retain the character of an original feature within the site.

Informative Notes

Network Rail

- a No means of access to the railway or Network Rail assets shall be obstructed at any time during and after the construction of the development.
- b The applicant should inform Network Rail's Asset Protection team (contact details below) upon obtaining consent from Scottish Water to connect to their pipe below the railway.
- c Construction works and tree felling must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development. Details of all tree felling and changes in ground levels, laying of foundations, and operation of mechanical plant in

proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic ie by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. It is advised that applicants get in contact with Network Rail as early as possible to avoid delays to their anticipated timescales.

Further information regarding working on or near the railway can be found on the Network Rail website. <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St Vincent Street
Glasgow
G2 5NW

E-mail: AssetProtectionScotland@networkrail.co.uk

Road Construction Consent

A Road Construction Consent (RCC) application (found via the following link on DCC website: <http://www.dundee.gov.uk/a2z/constructionconsent>) must be submitted to Dundee City Council as Roads Authority for work on any proposed roads or the adjacent local public road or footway and consent for this must be obtained prior to the commencement of any works on new roads or the public road or footway. For further details please contact 07985 873758 or developmentroads@dundee.gov.uk

Transport Scotland

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

Transport Scotland Contact Details:

Roads - Development Management
Transport Scotland
2nd Floor George House
36 North Hanover Street
Glasgow
G1 2AD

Telephone Number: 01412 727100

e-mail: development_management@transport.gov.scot

Bird Breeding Season

Any site clearance should be carried out with the bird breeding season which is March – September. If works are to be taken out during this period a breeding bird survey should be undertaken prior to any site clearance/works.

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.