

City Chambers
DUNDEE
DD1 3BY

10th May, 2024

Dear Colleague

You are requested to attend a MEETING of the **PLANNING COMMITTEE** to be held remotely on Monday, 20th May, 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 17th May, 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) 24-00083-FULM – CONSTRUCTION OF A 49.99MW BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED WORKS AND ACCESS – 1 NEW CRAIGIE ROAD, NEW CRAIGIE RETAIL PARK, DUNDEE – FOR MR JAMES PERKINS, WHIRLWIND RENEWABLES

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).

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Planning Applications

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

Item No	Case No/Ward	Location	Page
1	23/00208/FULM W04-Coldside	Site of Former Hilltown Market, Main Street, Dundee	1
2	23/00535/FULL W02-Lochee	Land to Southeast of Pitalpin House, Pitalpin Street, Dundee	43
3	23/00832/FULM W06-North East	Land to North of Jack Martin Way, Claverhouse East Industrial Estate, Dundee	75
4	24/00083/FULM W07-East End	1 New Craigie Road, New Craigie Retail Park, Dundee, DD4 7FF	92

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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Residential Development of 131 Homes and 4 Commercial Units, With Access, Landscaping and Associated Works

KEY INFORMATION

Ward Coldsidde

Address
Site of Former Hilltown
Market
Main Street
Dundee

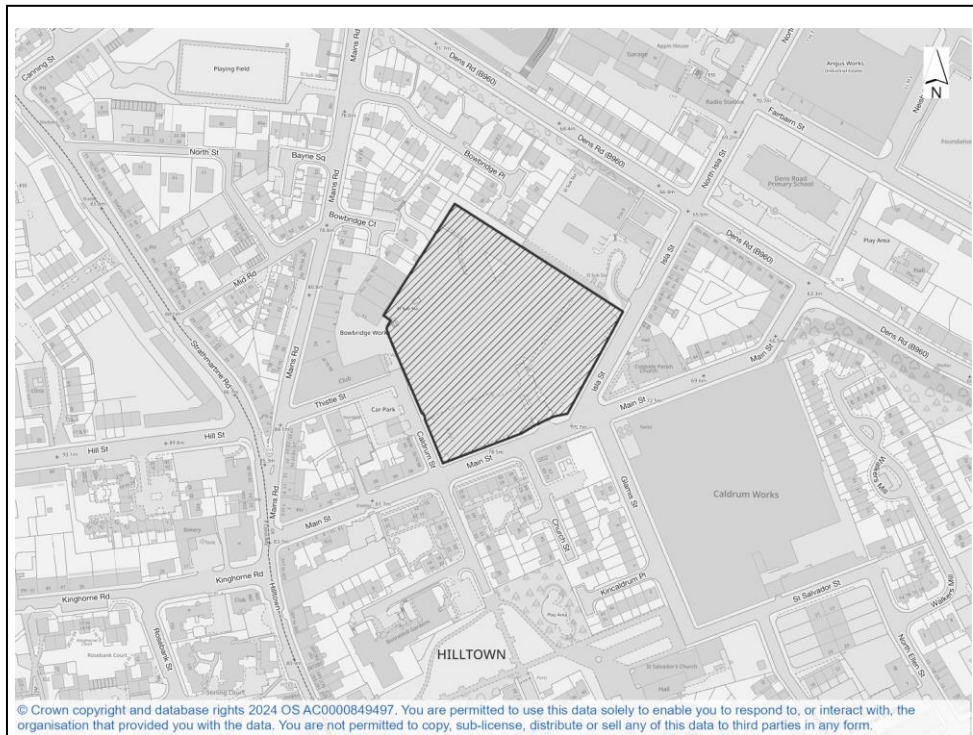
Applicant
Springfield Properties Plc

Agent
Springfield Properties Plc

Validated: 31 May 2023

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

Contact: Edward Bean



SUMMARY OF REPORT

- Planning permission is sought for the erection of a residential development, comprising 131 social and mid-market affordable housing units and 4 commercial units.
- The site is a brownfield site that has lain vacant and derelict for several years.
- 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. Two letters of objection were received, raising concerns with lack of nearby community facilities, the condition of surrounding roads, and antisocial behaviour. One neutral representation was received which supports the principle of the proposal but makes recommendations regarding the form of the development.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is a major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=RSP05CGCJ2C00>

RECOMMENDATION

The proposal is not fully in accordance 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 a residential development, comprising 131 social and mid-market affordable housing units with associated amenity space, landscaping and access as well as 337 square metres of commercial space.
- 1.2 The residential mix incorporates a combination of houses and flats ranging in size from 1 to 4 bedrooms with 10% of units specifically designed to accommodate wheelchair users. All dwellings are 100% affordable housing, comprising social housing and properties for mid-market rent. The proposed mix is as follows:
- 11 x 1 bed flats;
 - 94 x 2 bed flats;
 - 5 x 3 bed flats;
 - 4 x 2 bed wheelchair adaptable houses;
 - 5 x 4 bed wheelchair adaptable townhouses;
 - 4 x 2 bed wheelchair adaptable flats; and
 - 8 x 2 bed duplex flats.
- 1.3 Four commercial units with a total floor space of 337 square metres would be located at ground floor level of Block A facing onto Thistle Street. The applicant has not identified operators for the commercial units at the time of determination. However, it is envisioned that any future use of the commercial/retail units would fall within Class 1A (Shops, Financial, Professional and Other Services) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).
- 1.4 The physical form is comprised of three flatted blocks (Block A, B & C), a terrace containing wheelchair adaptable flats and duplex flats, 3 storey townhouses and 2 storey houses.
- 1.5 Block A, the largest block would be positioned in the southernmost corner of the application site where Caldrum Street meets Main Street. This 'L' shaped block would be 6 storeys in height in the southernmost corner of the site, dropping down to 5 storeys on its north and east side, and would contain 55 flats.
- 1.6 Block B would be positioned against the south-east edge of the application site adjacent to Isla Street and would contain 35 flats.
- 1.7 Block C would be positioned against the west edge of the application site adjacent to Thistle Street and the Bowbridge Works buildings, and would contain 20 flats.
- 1.8 The block containing the wheelchair adaptable flats and duplex flats would take the form of a 3 storey terrace which would be positioned opposite the north-east boundary of the site.
- 1.9 The houses and townhouses would also each take the form of a terrace which would be positioned opposite the north-west boundary of the application site. The house terrace would be 2 storeys in height whilst the townhouses would be 3 storeys in height.
- 1.10 For the main flatted blocks, facing brick forms the principal material with two complementary tones of light buff and contrasting dark charcoal. A range of features will break up key frontages, such as projecting bricks, recessed balconies (Block A and B) and inset cladding panels. The ground floor commercial units would be finished with large, glazed curtain walling divided by dark cladding panels. A projecting canopy creates a horizontal break between commercial and residential, helping to emphasise the commercial entrances.

- 1.11 The block containing the wheelchair adaptable flats and duplex flats would also be constructed from facing brick, with a mix of dark brick at ground floor level, and light brick at first and second floor level. The townhouses would be constructed from light coloured brick whilst the terraced houses would be constructed from dark coloured brick. Projecting brick wall features would provide visual interest.
- 1.12 A central green open space to be used as a communal amenity area has been created as the main focal point with the buildings arranged around the perimeter. The green also contains pedestrian routes through the space to connect each of the buildings which are inset to the site, with wider links connect to Thistle Street and Main Street. The proposal also incorporates parking provision, covered cycle storage, soft and hard landscaping and public open space forward of the proposed commercial units. Acoustic fencing is also proposed to be installed around the periphery of the site as well as a new substation on the west side of the site.
- 1.13 The applicant has submitted the following in support of the application:
- Pre-Application Consultation Report;
 - Design and Access Statement;
 - Drainage Assessment;
 - Preliminary Site Investigation,
 - Energy Statement;
 - Transport Statement;
 - Tree Survey; and
 - Noise Impact Assessment.



Figure 2- CAD image of proposed site

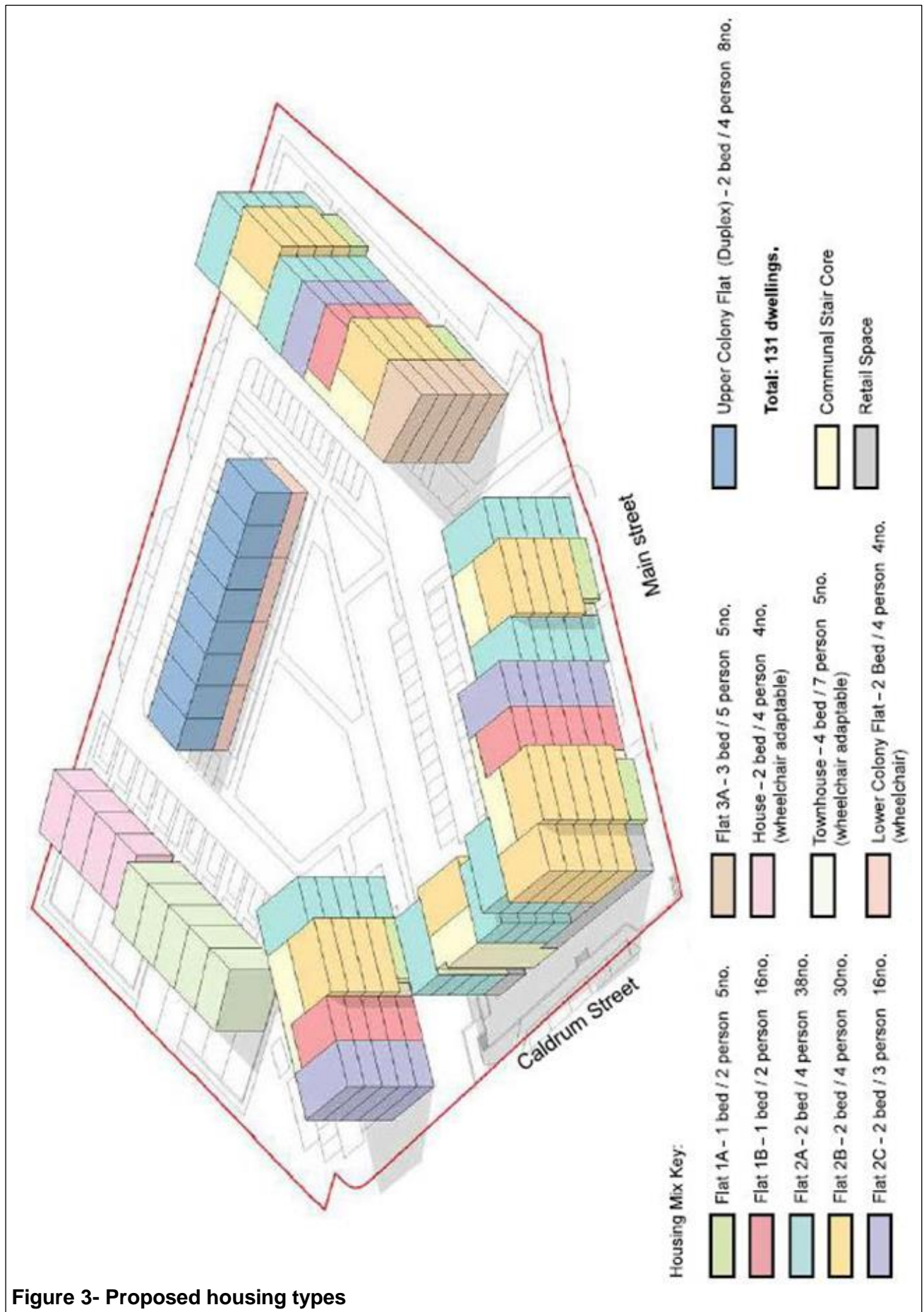


Figure 3- Proposed housing types

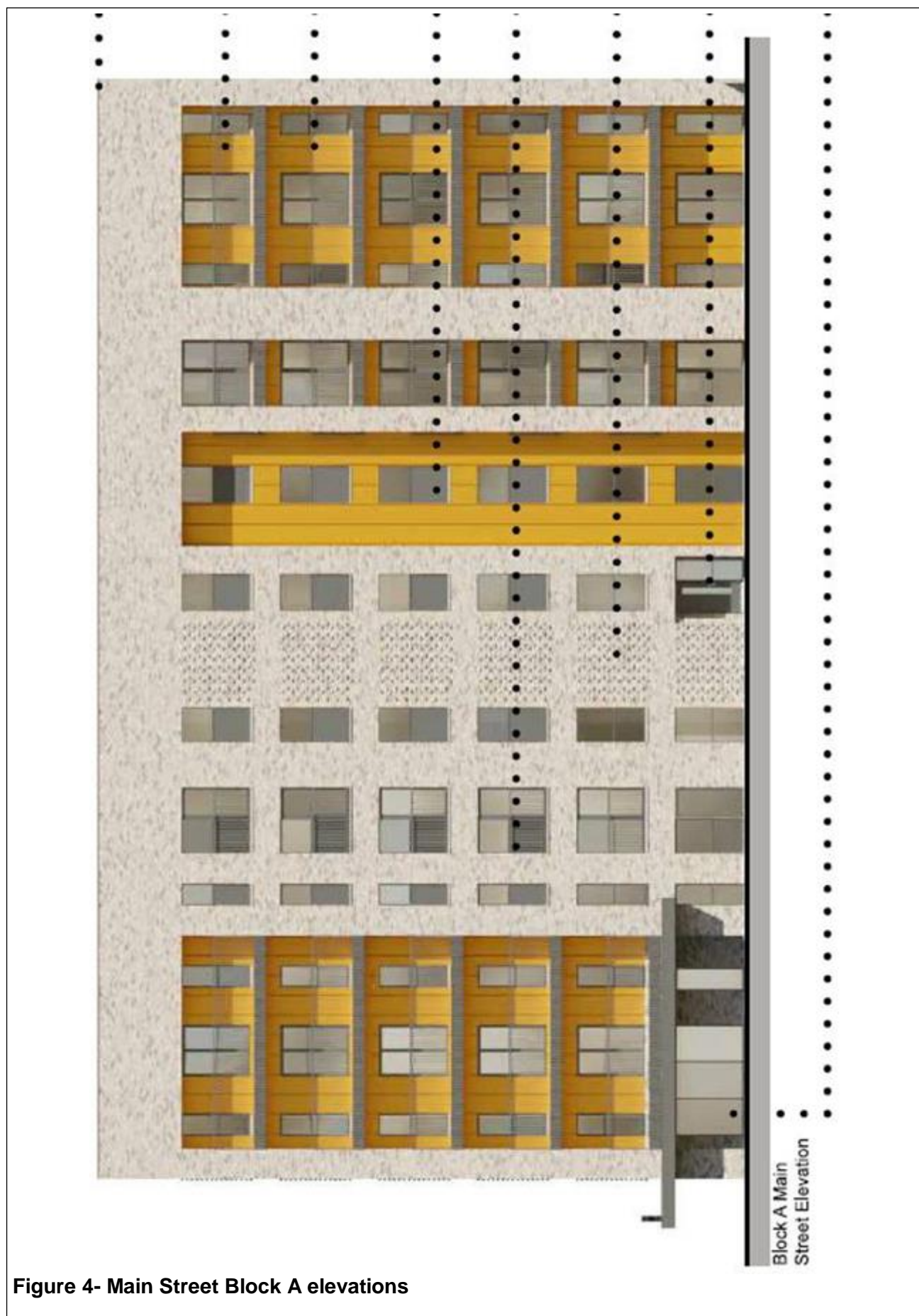


Figure 4- Main Street Block A elevations



Figure 5- Block B elevations

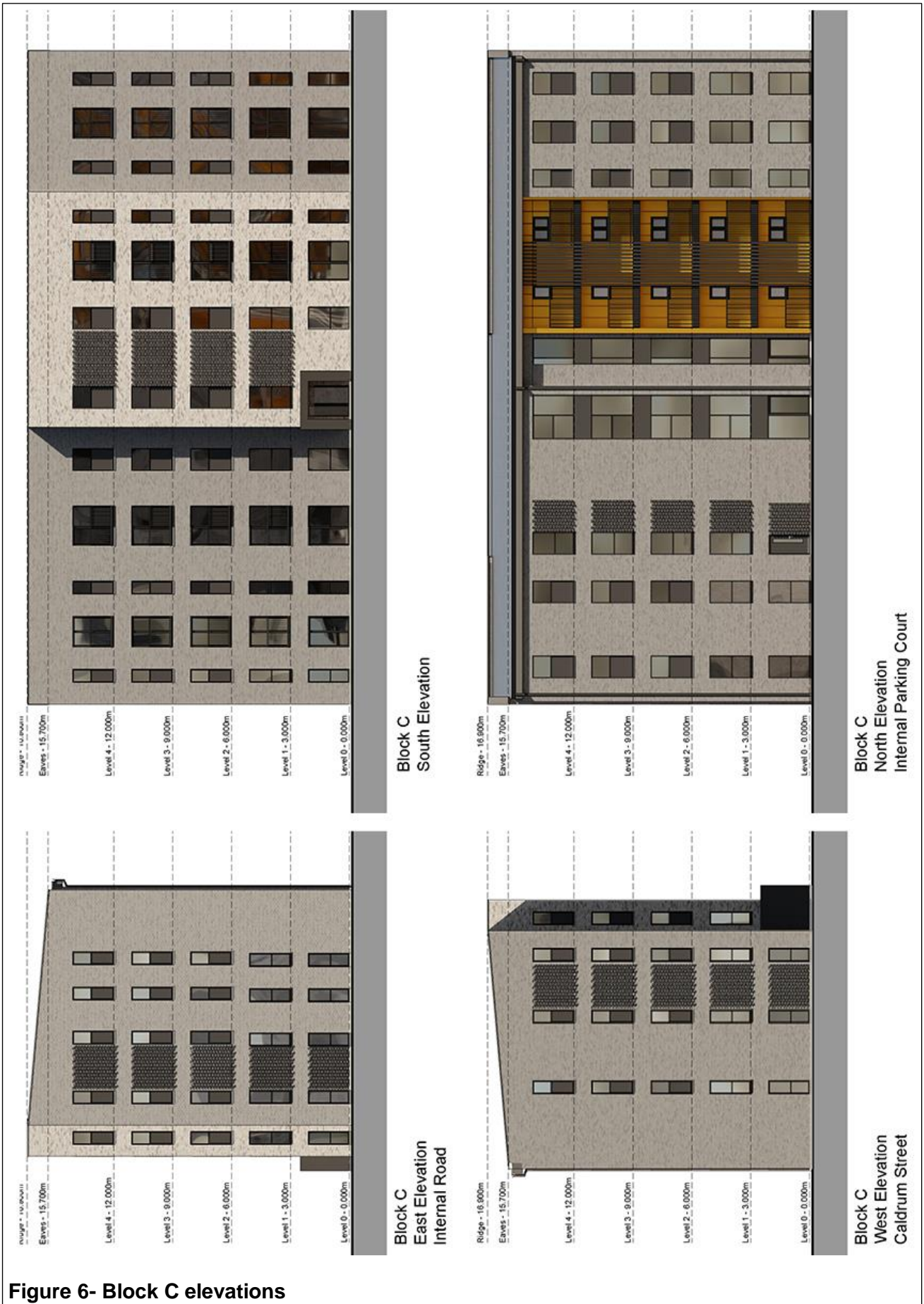


Figure 6- Block C elevations



Figure 7- Terraced duplex flats elevations

2 SITE DESCRIPTION

- 2.1 The application site application site is located on the north side of Main Street and measures some 1.6 Ha in area. It is bounded by Main Street to the south, Caldrum Street to the west and Isla Street to the east. To the north lies the residential properties within Bowbridge Court and Bowbridge Place, together with a small grouping of industrial buildings and an EV charging station accessed from Isla Street. Several commercial units also exist at the north end of Caldrum Street. The application site was most recently the location of a fitness club operated by Energie. However, the site has now been cleared of all buildings and lies vacant, enclosed by Heras fencing. Several mature trees existing along the roadside boundary with Isla Street.
- 2.2 Physically, the site is relatively level, but the street level reduces from east to west meaning there is a bank up to Caldrum Street to the west, and a drop onto Isla Street and the industrial units and EV charging station to the north-east.
- 2.3 Although the application site is not within a conservation area, the Category C listed Bowbridge Works Gates and Gatepiers are near the west of the site.
- 2.4 The site is not allocated in the Dundee Local Development Plan for any particular use, but is located within the Inner City, and within the Hilltown District Centre as shown on the LDP Proposals Map.



Figure 8- View of site from Main Street/ Isla Street junction



Figure 9- View of Site from Caldrum Street/ Main Street junction



Figure 10- View of site entrance facing Main Street



Figure 11- View across site facing Main Street

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 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: Heat and cooling

Policy 22: Flood risk and water management

Policy 23: Health and safety

Policy 27: City, town, local and commercial centres

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 17: Small Scale Commercial Uses within Residential Areas

Policy 21: Town Centre First Principle

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 46: Delivery of Heat Networks

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 of direct relevance.

4 SITE HISTORY

4.1 Proposal of Application Notice 22/00156/PAN was submitted in March 2022 for a proposed new housing and ground floor mixed use development.

4.2 Planning application 19/00846/FULL for a new leisure park was granted consent in September 2021.

5 PUBLIC PARTICIPATION

- 5.1 A Pre-application Community 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. Namely that the applicant conducted two in person consultation events, as well as hosting a website which allowed for the provision of feedback.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 Two letters of objection were received, raising the following material considerations:
- the existing traffic levels and associated noise are high, and the proposals will exacerbate this;
 - the condition of the existing road network in the area is poor and the proposals will exacerbate this;
 - the proposals will increase the current levels of anti-social behaviour;
 - the site should be used for business, instead of housing and retail;
 - no details have been submitted for the proposed retail units;
 - lack of nearby community facilities; and
 - concern about maintenance of the site
- 5.4 One neutral letter of representation was received. The letter confirms there is no objection to the principle of the development at this location, but does raise the following points:
- there is no consideration of district or even block heating, but only the heating of individual flats, with no attempt to provide renewable energy;
 - the layout does not permit maximum solar gain as stated in the submitted Sustainability Statement;
 - the shallow roof pitches are not suitable for solar panels and a steeper pitch would be more in keeping with the architecture of surrounding buildings;
 - the elevations would benefit from more variation in design;
 - the site layout suffers from an over-dominance of car parking, which needs breaking up with more greenery;
 - there is no biodiversity statement contained within the design statement;
 - more landscaping and planting should be provided on the north-east side of the site;
 - a public art contribution should be provided by the developer within the site; and
 - cycle storage provision should be one per household and should be secure.

- 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 Communities, Safety and Protection** has commented on the following matters:

Contaminated Land – a preliminary site investigation has been submitted and reviewed. Conditions are recommended should planning permission be granted.

Odour - as there is no high-level discharge or an extract ventilation system proposed for the commercial units, it is recommended that a condition is included which limits the carrying out of cooking/reheating within the commercial premises, together with details of the proposed occupying uses.

Noise – the applicant has submitted a noise impact assessment (NIA) in support of the application. The NIA identifies mitigation measures will be required to achieve target internal noise levels. As the NIA details that internal noise criteria are only able to be achieved with windows closed, there needs to be appropriate alternative ventilation. Should planning permission be granted, it is recommended the implementation of mitigation measures as outlined in the NIA, together with details of ventilation are provided prior to occupation. Further conditions are also recommended in relation to control of noise levels from plant equipment and a sub-station.

- 6.2 **Head of Environment** - recommends that a detailed landscape and maintenance plan, together with tree protection plan is provided prior to any works beginning. Subject to the imposition of conditions requiring the above, the Head of Environment does not object to the proposals.
- 6.3 **Head of Sustainable Transport and Roads** – reviewed the Transport Statement submitted with the application and is satisfied with its conclusion. The Head of Sustainable Transport and Roads does advise that several conditions are required should planning permission be granted.
- 6.4 **Scottish Water** - has no objection to the proposal.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

Principle of Development

- 7.2 **NPF4 Policy 9a: Brownfield, Vacant and Derelict Land and Empty Buildings** – states 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 application site was most recently the location of a fitness club operated by Energie. However, following a fire the site has now been cleared of all buildings and lies vacant, enclosed by temporary fencing. The site does not contribute positively to the surrounding area, instead detracting from it due to the sense of vacancy and dereliction the existing site and concrete hard standing conveys. It has also become a target for fly tippers. Redevelopment of the application site would improve this situation to a significant degree. The proposal seeks to completely clear the site and erect residential development with commercial units across several blocks. The proposal would support the long-term use and occupation of this inner-city site providing residential accommodation and generating footfall within a highly accessible location.
- 7.4 The existing site does not contribute to biodiversity, other than the existing roadside trees which are proposed to be retained. The redevelopment of the site provides opportunities to incorporate planting and measures to support wildlife such as bird or bat boxes, which will enhance its biodiversity value. Overall, the proposed development would be in a highly accessible, brownfield site supporting the re-use of vacant land and contributing to the vitality and vibrancy of the Hilltown District Centre.
- 7.5 **The proposal is in accordance with NPF4 Policy 9a.**
- 7.6 **NPF4 Policy 16b: Quality Homes** - states that development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
- i meeting local housing requirements, including affordable homes;
 - ii providing or enhancing local infrastructure, facilities and services; and
 - iii improving the residential amenity of the surrounding area.
- 7.7 The applicant has submitted a Statement of Community Benefit.
- 7.8 In reference to point i) the applicant explains that the proposal is for 100% affordable housing, resulting in 131 new homes. The house types proposed range from 1–3 bedroom flats and 2-4 bedroom houses and townhouses. From single occupants to families, the range of house types proposed meets a range of needs and demands. 10% of the properties proposed are wheelchair adaptable. All flats have lift access and are designed to Housing for Varying Needs space standards.
- 7.9 In reference to point ii) the applicant explains that the central accessible open space, along with the provision of commercial/retail units, will provide and enhance the local infrastructure, facilities and services.
- 7.10 In reference to point iii) the applicant explains that the application site is brownfield and currently classed as vacant and derelict land. There is no purpose to the site, and in its current form, degrades the amenity of the neighbouring area. Development of this site, with the design principles proposed, will bring a significant improvement to the residential amenity. The mixed-use nature of the site provides commercial/retail space for residents in the surrounding area to use and gives the opportunity for local investment through the expansion or start-up of new businesses.
- 7.11 The Statement of Community Benefit adequately explains how the development will benefit the local community.

- 7.12 **The proposal is in accordance with NPF4 Policy 16b.**
- 7.13 **NPF4 Policy 16c: Quality Homes** - states that 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, including affordable homes, will be supported.
- 7.14 The supporting statement advises that the need and demand for affordable housing in the area, along with the type and mix proposed has been established through discussions with Hillcrest to provide specific property types to meet their residents' requirements. All dwellings are 100% affordable housing, comprising social housing and properties for mid-market rent.
- 7.15 **The proposal is in accordance with NPF4 Policy 16c.**
- 7.16 **NPF4 Policy 16e: Quality Homes** - states that development proposals for new homes will be supported 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.
- 7.17 All dwellings are affordable housing, comprising social housing and properties for mid-market rent. The LDP notes that it will help meet the Local Housing Strategy through improvements to the quality, affordability and choice of housing across tenures and markets. The LDP strategy supports the delivery of affordable housing within the City through enabling the continued partnership working with the Scottish Government, affordable housing providers and developers. In this case the applicant is working with Hillcrest Housing Association who have, through partnership working with the Council identified a demand for the housing and in turn identified the site for funding through the Dundee Strategic Housing Investment Plan 2023 – 2028.
- 7.18 **As the development is for affordable housing it is in accordance with NPF4 Policy 16e.**
- 7.19 **NPF4 Policy 16f: Quality Homes** 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;
 - ii the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods; and
 - iii 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.

7.20 In relation to point i), the applicant advises that it would be their intention to start on site in March 2025 and it would be a 24-month build, finishing in March/April 2027.

7.21 In relation to point ii), the site is not allocated in the Dundee Local Development Plan for any particular use, but is located within the Inner City, and within the Hilltown District Centre, where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.

7.22 In relation to point iii) the proposal does not meet any of the criteria.

7.23 **The proposal is therefore not fully in accordance with NPF4 Policy 16f.**

7.24 **NPF4 Policy 15a: Local Living and 20-minute neighbourhoods** - states 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; and
- affordable and accessible housing options, ability to age in place and housing diversity.

7.25 The proposal is for the erection of a residential development, comprising 131 social and mid-market units with associated amenity space, landscaping and access as well 4 commercial units.

7.26 The site is in a highly accessible district centre location, within walking distance of a range of shops, services and amenities. The site is connected to the surrounding area by existing footpaths, and within 20 minutes walking distance of facilities including primary and secondary schools, public open space, places of employment and health and social care facilities.

7.27 The site is connected by public footpaths to open spaces within the wider area, including Canning Street and Hilltown Park. There are playgrounds and sports facilities within the local area.

7.28 The supporting statement advises that the applicant has been working with Hillcrest Housing Association to identify the need and demand for affordable housing in the area, with the type and mix proposed having been established through discussions with Hillcrest to provide specific property types to meet their residents' requirements. All dwellings are 100% affordable housing, comprising social and mid-market properties. The proposal would therefore contribute to the range and availability of affordable housing in the city and help meet demand.

- 7.29 Overall, the proposed development is well connected to surrounding facilities and services by existing footpaths and roads. The site is within the Hilltown District centre where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.
- 7.30 **The proposal is in accordance with NPF4 Policy 15a.**
- 7.31 **NPF4 Policy 27a: City, Town, Local and Commercial Centres** - states that development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- 7.32 **NPF4 Policy 27b: City, Town, Local and Commercial Centres** - states that development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces will be supported in existing city, town and local centres.
- 7.33 **LDP Policy 21: Town Centres First Principle** - states all new or expanded uses that will generate significant footfall should be located in the City Centre or a District Centre.
- 7.34 The application is for a new build mixed use residential development, comprising 131 social and mid-market units as well as 337 square metres of commercial space. The commercial aspect of the proposed development would generate footfall. It would be contained within an accessible location within the Hilltown District Centre. The proposal would return to use a site which is currently vacant and provide a well-connected development in a location that would support the vibrancy and vitality of the Hilltown District Centre.
- 7.35 **The proposal is in accordance with NPF4 Policy 27a and Policy 27b and LDP Policy 21.**
- 7.36 **NPF4 Policy 27e: City, Town, Local and Commercial Centres** - states development proposals for residential development within city/town centres will be supported, including new build residential development.
- 7.37 The proposed development is for a new build mixed use residential development, comprising 131 social and mid-market units as well as 337 square metres of commercial space. The provision of residential accommodation within the District Centre supports the principles of local living and sustainable travel and encourages town centre living as required by Policy 27e.
- 7.38 **The proposal is in accordance with NPF4 Policy 27e.**
- 7.39 **LDP Policy 17: Small Scale Commercial Uses within Residential Areas** - states that the City Council will support the development of a range of small-scale commercial services and facilities close to and within existing and proposed housing areas. The development of small-scale commercial services and facilities will need to ensure that they do not have a detrimental effect on the environmental quality enjoyed by residents by virtue of design, layout, parking and traffic movement, noise or smell.
- 7.40 It is proposed that four commercial units with a total floor space of 337 square metres would be located at ground floor level of Block A facing onto Caldrum Street. The applicant has not identified operators for the commercial units at the time of determination. However, it is envisioned that any future use of the commercial units would fall with Class 1A of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

- 7.41 The commercial units are to be located within the ground floor of Block A which faces onto Caldrum Street. As assessed within this report, the proposal is consistent with the six qualities of successful places. The development, of which the commercial units form part, will be distinctive and well connected, and will contribute positively to the appearance of the Hilltown District Centre.
- 7.42 As assessed within this report, it is considered that subject to the inclusion of planning conditions, the commercial units would have the ability to be accommodated without having a detrimental effect on the residential amenity of existing nearby residents.
- 7.43 **The proposal is in accordance with LDP Policy 17, subject to conditions.**

Design

- 7.44 **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:** 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; and
 - **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.
- 7.45 **LDP Policy 1: High Quality Design and Placemaking** - all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.46 The built environment of the nearby vicinity is predominantly between 2 and 4 storeys in height, with the immediate context formed by 4-storey tenement buildings on Caldrum Street and Main Street and 2-storey dwellings both on Main Street and at Bowbridge Court/Place. The surrounding area currently features a mix of new and old developments, with existing structures using materials such as brick, render, stone, metal, and timber cladding, resulting in a diverse architectural palette within this part of the Hilltown District Centre.

- 7.47 In response to this context, the proposed development respects the height established by adjacent buildings to create a harmonious relationship. The development site is relatively flat in comparison with its surroundings. However, the site does sit 1.3/1.5m below Caldrum Street and part of Main Street, meaning that although Block A is 6-storeys in height, its overall height is not dissimilar to the 4 storey tenement buildings on the west side of Caldrum Street.
- 7.48 With the corner of Block A being 6 storeys in height, it offers scale and mass to the prominent corner of Main Street and Caldrum Street, subsequently stepping down to 5 storeys to the north and east. The varied storey heights create a sense of hierarchy, with the L-shaped Block A on the corner of Main Street and Caldrum Street serving as the main structure on this prominent corner. Similarly, Block B with its 5-storey height helps to provide a strong street presence, and when considered in combination with Block A, they provide an inviting frontage to the south, west and south east sides of the development. Adjacent buildings along the boundary edges step down to five storeys, while structures within the site decrease appropriately to three and two storeys where they face existing housing. This variation in scale is reflective of the surrounding area. The proposal responds positively and sensitively to the character of the area and maintains the established density of development in this inner-city location.
- 7.49 The lowered retail zone facing onto Caldrum Street enhances the urban realm along Caldrum Street and at the junction with Main Street. The applicant explains that the hard-landscaped area adjacent to the commercial units will feature formal seating, street trees, and raised planters, creating an aesthetically pleasing public zone with direct access to the commercial units.
- 7.50 Block C, together with boundary treatments have been intentionally set back from the west edge of the application site to avoid any harmful impacts on the C listed Bowbridge Works Gates and Gate piers. The form and scale of the proposal has been considered to reduce the physical impacts of the development on the nearby listed building, and to ensure there is no significant impact on the setting of the building.
- 7.51 By virtue of the above, the height, scale and massing of the proposed buildings are in keeping with that of the existing buildings surrounding the application site. With regard to the character and amenity of Main Street and surrounding buildings, the scale, massing and design of the proposed development is such that the proposal will integrate into the existing streetscape.
- 7.52 The proposals are therefore considered to be an acceptable scale of development in this location, which reflects the general height of buildings along Main Street and within the wider Inner City area and would create an appropriate development scale and height that respects the surrounding context.
- 7.53 The provision of high-quality finish materials on a development which is in a prominent location on Main Street is essential to ensure the proposals contribute positively to the local streetscape and improve the character of the local area. The proposed development would be of modern design, and a simple, robust, and cohesive palette of materials has been carefully chosen for use throughout the development to establish a strong sense of place and complement the existing built environment. Facing brick serves as the primary material, with two complementary tones: a multi-stock earthy light buff and a bold, contrasting dark charcoal. Various features will break up key frontages, including projecting bricks, recessed balconies, and contrasting materials. Full details and samples of the proposed finish materials, as well as a landscaping plan will be controlled by condition to ensure the development contributes to the character and quality of the local area.
- 7.54 The development has been carefully planned to allocate a significant portion of space to landscaping, ensuring a generous amount of maintained attractive greenspace throughout.

The proposal includes various landscaped areas, including informal public spaces, commercial areas, secure semi-private courtyards, and parking areas. The central green area serves as an engaging focal point, featuring a variety of amenity spaces subdivided to accommodate different uses. This mix includes soft and hardscaped finishes, as well as boundary treatments such as raised planters and seating, picnic areas, passive play zones, and shared community gardening opportunities. The proposal positively promotes wayfinding and a sense of orientation.

- 7.55 The proposal would be well connected to the existing road and path network linking the development to the surrounding area. Through design, the development creates a safe environment for a variety of users and considers how people will move through those spaces. The courtyard landscaping will be overlooked by the properties, host a variety of amenity uses and provide opportunities to establish community engagement within the development. Living rooms are mostly positioned to the front overlooking the streets and busy public areas, with bedrooms predominantly to the rear preventing noise pollution from busy streets. Entrances to blocks are welcoming and transparent and clearly defined with lots of glazing and change of facade material. There is provision of public transport in the surrounding area with a bus stop on Main Street directly to the south of the application site. A core path is also within proximity on Hilltown.
- 7.56 The applicant explains that internal road network will be softened with the addition of street trees, hedging, boundary walls, and low shrub planting at the ends of parking bays. The assessment against Policy 6 above outlines that conditions are attached to include mitigation for any trees loss, together with further biodiversity enhancement measures. Subject to the aforementioned planting, the site has the potential to create an attractive environment for future residents.
- 7.57 The site is currently vacant brownfield land and does not offer a positive contribution to the surrounding area, instead detracting from it due to the sense of vacancy and dereliction the existing site and concrete hard standing conveys. The application site has also become a target for fly tippers. The proposal seeks to introduce a modern high-quality development. The site is not at any specific risk from climate change and would not cause harm to nature given its brownfield nature. The new building would enhance the visual amenity of Main Street and improve the quality of the surrounding area. The proposed development would therefore demonstrate compliance with the six qualities of successful place.
- 7.58 For the reasons considered above, the proposal is consistent with the six qualities of successful places. The development will be distinctive and well connected and contribute positively to the appearance of this prominent District Centre site.
- 7.59 **The proposal is in accordance with NPF4 Policy 14b and LDP Policy.**
- 7.60 **LDP Policy 10: Design of New Housing** - design and layout of new housing developments in Dundee should 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.

- 7.61 The proposed development is required to meet the Inner-City Standards set out in Appendix 4. Each standard is considered in turn:
- 7.62 **House Type** - houses should have 2 or more bedrooms. In addition, 65% to have 3 or more bedrooms or a minimum gross internal floor area of living accommodation of 100m². Flats will be permitted if identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building of merit is proposed and houses are impractical. All flats will have a minimum of 2 bedrooms or a minimum gross internal floor area of 60m².
- 7.63 The residential aspect of the development comprises 131 units incorporating a combination of townhouses and flats ranging in size from 1 to 4 bedrooms. The proposed mix is as follows:
- 11 x 1 bed flats;
 - 94 x 2 bed flats;
 - 5 x 3 bed flats;
 - 4 x 2 bed wheelchair adaptable houses;
 - 5 x 4 bed wheelchair adaptable townhouses;
 - 4 x 2 bed wheelchair adaptable flats; and
 - 8 x 2 bed duplex flats.
- 7.64 In terms of the development of flats on this site, the supporting statement advises that the applicant has been working with Hillcrest Housing Association to identify the need and demand for affordable housing in the area, with the type, quantity and mix proposed having been established through discussions with Hillcrest to provide specific property types to meet their residents' requirements. The proposed flats would therefore contribute to the range and availability of affordable housing in this part of the city and would satisfy the identified demand both in terms of tenure and quantity of units. As the level of demand requires flatted properties, their construction on this site is adequately justified.
- 7.65 All houses have at least 2 bedrooms with a gross internal floor area of at least 100 square metres. All flats have an internal floor area of at least 60 square metres, therefore meeting the requirements of this standard.
- 7.66 **Car Parking** - all tenures should have at least 1 parking space within the curtilage of each dwellinghouse. Social rented flats should have 100% parking provision.
- 7.67 Flats - there are 110 parking spaces proposed for the 110 flats.
- 7.68 Block of flats containing wheelchair adaptable flats - there are 12 parking spaces proposed for the 12 flats. The 4 ground floor wheelchair flats will all have an accessible disabled parking bay, with the 2 bedroom upper duplex flat each having their own parking space. There are a further 3 communal parking bays on the opposite side of the road. These spaces can also serve as visitor spaces. The total parking, including communal spaces, equates to 15 spaces (125%).
- 7.69 Houses/Townhouses - the two-bedroom terrace housing, and the three storey 4 bedroom townhouses all have an in-curtilage private driveway, along with a further 6 communal parking bays. The total parking for the 12 terraced housing units, including communal spaces, equates to 16 spaces (133%)
- 7.70 The proposed parking provision meets the requirements of this standard.
- 7.71 **Cycle Provision** - one secure, covered space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house. For flats, secure

indoor storage for bikes will be provided in accordance with the number of flats being provided. Conversions may require a more flexible or creative approach to cycle storage.

- 7.72 Each block will be provided with 100% cycle provision by providing a secure, sheltered space either within the block or in the form of a secured external pergola style enclosure. The houses all have secured rear gardens or generous internal storage to house a bike.
- 7.73 **Amenity/Garden Ground** - a minimum of private useable garden ground of 50 square metres should be provided for all houses. In addition, 30% should have garden ground of more than 75 square metres. For flats, a useable private communal garden area of a minimum of 100 square metres or 10 square metres per flat, whichever is greater is required. Drying areas to be provided in addition. Private communal garden provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided.
- 7.74 A minimum of 1,100 square metres of open space is required for the 110 flats. The proposal, with its central green space provides more than double this at 2,408 square metres. When taking into account the front of block amenity space, the developments useable open space totals 3461 square metres which equates to 34 square metres per flat. In addition, each of the blocks have a rear courtyard to house the functional requirements including drying areas and cycle storage. The flats within block A will also be provided with a very spacious balcony to further enhance their amenity. The terraced houses have their own private rear garden providing at least 75 square metres of private amenity space.
- 7.75 The garden ground requirement is therefore met.
- 7.76 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms.
- 7.77 A privacy distance of 18m has been retained between the habitable windows of new houses and existing residential properties surrounding the site. The layout of the site has been sensitively designed to mitigate any privacy issues. Overall, the proposal would not result in any loss of privacy due to harmful overlooking. This standard is met.
- 7.78 **General Requirements** - provision for waste and recycling should be provided in accordance with the Council's waste management strategy. Also, parking areas should include provision for electric car charging points.
- 7.79 The bins for low-rise terraced dwellings are stored in the rear garden and will be presented on street on collection days. The flatted blocks have an external refuse store and integral store, which both have the ability to be easily accessed. 'Pergola' style bin and recycling stores with facing brick and timber slatted perimeter walls provide an aesthetically pleasing enclosure which integrates with the road and pedestrian network landscaping, whilst permitting natural surveillance and ventilation. Block A has been designed with an internal bin and bike store. Commercial and domestic waste will be segregated and provided with separate collection points. The proposal is to have a separate safe and secure bin store for the commercial units.
- 7.80 It is proposed that there will be 100% electric vehicle charging points provided, meaning the properties are capable of EV charging installation as required through the Building (Scotland) Regulations. This standard is met.
- 7.81 The proposals are generally in accordance with the Appendix 4 standards.
- 7.82 Policy 10 requires that new development does not have a detrimental impact on residential amenity. The plans show that the proposed Block A in the south-west corner of the development is located where its six storey height may impact on the level of daylight and sunlight entering the existing tenement flats on Caldrum Street to the west.

- 7.83 It is acknowledged that there would be some loss of light to those properties. However, by virtue of their close proximity to the junction of Main Street and Caldrum Street, the dwellings on the west side of Caldrum Street benefit from a relatively open aspect to the south. It is also 18 metres from the windows to Block A meaning that the development would not have an overbearing effect on the Caldrum Street flats. This relative openness and distance between buildings means that the loss of light is likely to be at a level which would not significantly reduce the levels of light within the affected properties to such a degree that there would be a detrimental impact on residential amenity.
- 7.84 It is also noted that the height, massing, and position of the building in the context of the existing streetscape would not be atypical of the relationship between historic buildings found in the nearby surrounding streetscape. The positioning of the proposed building close to the junction of Main Street and Caldrum Street creates a strong street frontage, with Block A on the corner of Main Street and Caldrum Street serving as the main structure on this prominent corner. The building subsequently steps down to 5 storeys to the north and east, to create a sense of hierarchy, and is no higher than the tenement block to the west. Block A is sufficiently set back into the site that harmful overlooking would not occur.
- 7.85 The proposal would otherwise be a sufficient distance away from any other existing neighbouring properties that they would not have an overbearing effect, nor result in any harmful loss of sunlight or daylight.

7.86 **The proposal is in accordance with LDP Policy 10.**

Public Art

7.87 **LDP Policy 2: Public Art Contribution** – all developments in Dundee with construction costs of £1 million or over will be required 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.

7.88 The proposals will require to provide public art as part of the development. Details of the public art have not been confirmed as part of this application. Therefore, it is recommended that full details of public art provision, and its completion as part of the development be secured by condition.

7.89 **The proposal is in accordance with LDP Policy 2 subject to a condition.**

Transport

7.90 **NPF4 Policy 13b: Sustainable Transport** - states 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;
- 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.

7.91 **LDP Policy 54: Safe and Sustainable Transport** - 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.

7.92 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.

7.93 **LDP Policy 56: Parking** – states for developments outwith 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. 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.

7.94 In respect of the policy criteria, the development proposal includes direct connections to existing footpaths and streets which would provide safe and convenient access to local facilities in the Hilltown District Centre and surrounding area. The site is adequately served

by public transport, with a bus stop on Main Street directly to the south of the application site. This stop is served by regular services to the city centre and Lochee.

- 7.95 It is proposed that there will be 100% electric vehicle charging points provided. Each block will be provided with 100% cycle parking by providing a secure, sheltered space either within the block or in the form of a secured external pergola style communal enclosure. The houses all have secured rear gardens or internal storage to house a bike. Further details of the external cycle parking will be required to be agreed through a planning condition and this will also require the cycle parking to be provided prior to first occupation of the development. The proposal would utilise existing footpaths on Main Street and Thistle Street, with direct access on surrounding streets. The existing footpaths and road crossing ensure that safe and adequate provision is made for walking, cycling and road vehicles including delivery and refuse vehicles.
- 7.96 The existing vehicular site access from Main Street will be upgraded and widened as necessary, with full details to be provided as a requirement of condition should planning permission be granted. Internally, the dedicated footpaths and shared street surfaces would create a distinct, pedestrian friendly environment. The central green also contains pedestrian routes through the space to connect each of the buildings which are inset to the site, with wider links deliberately positioned to connect externally to Thistle Street and Main Street, allowing movement permeability and choice of routes into, through the site, and to the wider area.
- 7.97 The application has been considered by the Council's Head of Sustainable Transport and Roads, who is content that the proposed development would not result in any detrimental effect on the capacity or safe functioning of the existing road network.

- 7.98 **The proposal is in accordance with NPF4 Policy 13b and LDP Policies 54 and 56 subject to conditions.**

Flood Risk and Drainage

- 7.99 **NPF4 Policy 22c: Flood Risk and Water Management** - states 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 and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.
- 7.100 **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.

- 7.101 There is an area of low-risk surface water flooding within the boundary of the site. However, based upon the degree of risk of flooding and the fact that the proposals are supported by a proposed SUDS system, it is considered that the proposals would not increase the risk of surface water flooding to others, or itself be at risk
- 7.102 Detailed drainage information has been provided through the application process and reviewed by City Engineers. Upon review of the surface water management proposals and accompanying calculations and certificates, City Engineers have confirmed that they have no objections to the proposed development.
- 7.103 It has been demonstrated that an acceptable drainage solution for this site can be achieved. Conditions are recommended to ensure full details of the drainage system are agreed with Dundee City Council and thereafter implemented on site in the interest of flood protection.
- 7.104 **The proposal is in accordance with NPF4 Policy 22c and LDP Policy 37 subject to conditions.**
- 7.105 **NPF4 Policy 22d: Flood Risk and Water Management** - states proposals will be supported if they can be connected to the public water mains. If this is not possible then a demonstration is required that drinking water can be sourced from a sustainable water source.
- 7.106 In terms of connection to water, Scottish Water have been consulted and do not object to the proposals.
- 7.107 **The proposal is in accordance with NPF4 Policy 22d.**
- Climate and Nature Crises**
- 7.108 **NPF4 Policy 1: Tackling the Climate and Nature Crises** - states when considering all development proposals, significant weight will be given to the global climate and nature crises.
- 7.109 Through the assessment of this planning application consideration has been given to the global climate and nature crises. The assessment of the proposal against policies relating to biodiversity, transport, waste, flooding and drainage considers the local level effects of development, which can collectively with other developments have an impact on the global climate and nature crises.
- 7.110 The proposal includes the complete clearing of the existing vacant brownfield site. The proposed redevelopment of the site as proposed would support the provision of modern affordable residential accommodation and commercial units within a highly accessible location within the Hilltown District Centre. The proposed buildings will include insulation and low carbon technologies to current building standards. The proposals will include enhancements to planting within the site and measures to support wildlife which will contribute positively to the ecological value of the site.
- 7.111 The location of the site is appropriate for the proposed development, with links to surrounding road and footpath networks which support the use of active travel. The site is within walking distance of higher education institutions, shops and services minimising the need to travel by car.
- 7.112 **The proposal is in accordance with NPF4 Policy 1.**
- 7.113 **NPF4 Policy 2: Climate Mitigation and Adaptation Crises** – states that:

- a Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b Development proposals will be sited and designed to adapt to current and future risks from climate change.

- 7.114 **LDP Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted with applications that are major planning applications or are within locations identified within the Scotland's Heat Map or the city's heat network strategies as close to significant heat supply source or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.
- 7.115 **LDP Policy 48: Low and Zero Carbon Technology in New Development** - proposals for all new buildings will be required 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. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.
- 7.116 The applicant has submitted an Energy Statement which considers various heating strategies, including forming communal air source heat pumps via a centralised 'energy centre'. However, the applicant advises that it is more financially viable to use individual air source heat pumps to serve the housing, with the flats served with individual air heat pumps with integrated ventilation. Notwithstanding this, the type of development proposed in this district centre location would be suitable for connection to a heat network in future should such infrastructure be progressed.
- 7.117 Implementing the strategy options would allow the development to achieve compliance with building regulations, providing a significant improvement over the regulations through the installation and operation of low and zero carbon generating technologies.
- 7.118 In respect of part b) of NPF4 Policy 2, there is an area of low-risk surface water flooding within the boundary of the site. However, based upon the degree of risk of flooding and the fact that the proposals are supported by a proposed SUDS system, it is considered that the proposals are able to adapt to current and future risks from climate change.
- 7.119 **The proposal is in accordance with NPF4 Policy 2 and LDP Policies 46 and 48.**
- 7.120 **NPF4 Policy 19f: Heat 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.
- 7.121 The planning statement submitted with the application advises that the site layout has been carefully considered to maximise solar gain where possible through orientation of blocks and large areas of glazing where appropriate, with careful consideration given preventing overheating. Furthermore, all dwellings have been designed to achieve high energy performance SAP ratings demonstrating low CO2 emissions and high energy efficiency.
- 7.122 **The proposal is in accordance with NPF4 Policy 19f.**
- 7.123 **NPF4 Policy 12a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

- 7.124 **LDP Policy 44: Waste Management Requirements for Development** - development proposals should 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. The policy also requires site waste management plans be prepared and used during the construction of major developments.
- 7.125 The development has been designed to allow for safe access by refuse, emergency and large delivery vehicles. The bins for low-rise terraced dwellings are stored in the rear garden and will be presented on street on collection days. The flatted blocks have an external refuse store and integral store, which both have the ability to be easily accessed. 'Pergola' style bin and recycling stores with facing brick and timber slatted perimeter walls provide an aesthetically pleasing enclosure which integrates with the road and pedestrian network landscaping, whilst permitting natural surveillance and ventilation. Block A has been designed with an internal bin and bike store. Commercial and domestic waste will be segregated and provided with separate collection points. The proposal is to have a separate safe and secure bin store for the commercial units.
- 7.126 There is therefore sufficient provision for waste reduction and waste separation within the development. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.
- 7.127 It is recommended that the provision of a site waste management plan and its implementation during construction works be controlled by condition.
- 7.128 **The proposal is in accordance with NPF4 Policy 12a and LDP Policy 44 subject to a condition.**
- 7.129 **NPF4 Policy 3a: Biodiversity** - states development proposals for national or major development, or for development that requires an Environmental Impact Assessment 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 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.

- 7.130 The site is presently vacant and derelict. Other than several trees existing along the south roadside boundary, there is no planting, greenspaces or measures to support biodiversity. The application site is within a district centre location surrounded by relatively dense development with limited opportunities for nature. The proposed development would provide an opportunity to implement biodiversity enhancements into this district centre site.
- 7.131 The proposal includes the provision of outdoor amenity space where there is scope for planting and measures to support biodiversity such as wildflowers and native tree species. Within the buildings, including their roofs, there is scope to incorporate features such as bat and bird boxes.
- 7.132 The proposal includes outdoor amenity space throughout the site with a larger central area surrounded by the proposed buildings. However, detailed landscaping proposals have not been provided. It is recommended the provision of full details of landscaping within the site, including plant species and measures to support biodiversity are controlled by condition.
- 7.133 The existing site does not contribute to biodiversity and is of little to no ecological value except for the trees along the south boundary, for which conditions are proposed to ensure their retention and protection during construction. There is scope for the development to contribute positively to and significantly enhance biodiversity in this district centre location. Subject to conditions requiring full details of measures to enhance biodiversity being submitted to and agreed with the Council, the proposal would significantly enhance biodiversity within the site.
- 7.134 **Subject to conditions, the proposal is in accordance with NPF4 Policy 3a.**
- 7.135 **NPF4 Policy 6b: Forestry, Woodland and Trees** states that development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.
- 7.136 **LDP Policy 35: Trees and Urban Woodland** - states that the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the Council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.
- 7.137 As discussed above in relation to Policy 3, several mature trees exist along the south roadside boundary. The applicant has submitted a tree survey which details the trees within the application site are predominantly minor specimens categorised as Category C (low quality) with an individual specimen recorded as Category B (moderate quality). The trees on the site are therefore not considered to have high biodiversity value nor are they identified for protection in Dundee City Councils Strategic Forest Plan. The trees on the site are also not protected by any Tree Preservation Order (TPO).
- 7.138 The applicant proposes to retain the trees along the south boundary of the site adjacent to Isla Street only. Whilst the remainder of the trees are not considered to be of high biodiversity value, they do contribute to the overall biodiversity value of the site. Conditions are therefore attached to include mitigation planting for any tree loss and protection for retained trees during construction, together with further biodiversity enhancement measures and features. It is considered that the tree cover on the site will be enhanced as a result.
- 7.139 **The proposal is in accordance with NPF4 Policy 6b and LDP Policy 35 subject to conditions.**

Historic Environment

- 7.140 **NPF4 Policy 7c: Historical Assets and Places** - states development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 7.141 **LDP Policy 49: Listed Buildings** - states development proposals near or within the curtilage of a listed building should have regard to the preservation or enhancement of the setting of the listed building.
- 7.142 Of significance to this application is the Category C listed Bowbridge Works Gates and Gatepiers which lie directly to the west of the application site on Caldram Street.
- 7.143 The applicant advises in the submitted design statement that Block C, together with boundary treatments have been intentionally set back from the west edge of the application site to avoid any harmful impacts on the C listed Bowbridge Works Gates and Gatepiers. The form and scale of the development has therefore been considered to reduce its physical impacts on the nearby listed building, and to ensure there is no significant impact on the setting of the building.
- 7.144 By virtue of the height, scale, massing and position of the proposed built form on the application site, there would be no substantial impact on the above designation. The proposed development would preserve the character and special architectural and historic interest of the setting of the listed building adjacent to the application site.
- 7.145 **The proposal is in accordance with NPF4 Policy 7c and LDP Policy 49.**

Health, Safety and Amenity

- 7.146 **NPF4 Policy 23d: Health and Safety** - states 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.
- 7.147 In terms of odour, the Head of Communities, Safety and Protection notes that there is no high-level discharge or an extract ventilation system proposed for the commercial units. It is recommended that a condition is included which limits the carrying out of cooking/reheating within the commercial premises, together with details of the proposed occupying uses.
- 7.148 Subject to the inclusion of controls over the use of the commercial units, the proposed development would ensure residents are provided with a satisfactory level of residential amenity and that there is no disturbance on premises within the surrounding area.
- 7.149 **NPF4 Policy 23e: Health and Safety** - states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.150 **LDP Policy 39: Environmental Protection** – all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development close to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

- 7.151 The proposals comprise 131 social and mid-market residential units as well as 337 square metres of commercial space.
- 7.152 The site is within the Hilltown District Centre. Due to the proximity of the site to the surrounding road network, the industrial estates and local businesses/venues, there is potential for road noise, commercial/industrial noise and live music noise to impact future residents of the proposed development.
- 7.153 The applicant has submitted a Noise Impact Assessment (NIA). The NIA explains that noise monitoring of road traffic, industrial/commercial activities, live music/events, and baseline/background noise took place over the course of multiple surveys between November 2022 and January 2023. Noise modelling was then carried out in order to determine the noise levels at the most exposed parts of the proposed development. Based on the results of the modelling, the NIA identifies that mitigation would be required to achieve the required external and internal limits.
- 7.154 The NIA advises that acoustic barriers in combination with non-standard glazing specifications have a cumulative effect, reducing all internal noise impacts to neutral for all situations, resulting in no noise impacts throughout the site. No internal closed window exceedances are predicted for any situation (road, industrial/commercial and live music noise) with the improved window specifications recommended.
- 7.155 The Head of Communities, Safety and Protection has reviewed the NIA and has no objection to the proposal. On the basis that the internal noise criteria are only able to be met with closed windows, they advise that details of appropriate ventilation for the residential units that does not compromise the façade insulation or the resulting noise level must be supplied. The Head of Communities, Safety and Protection is able to support the proposals subject to planning conditions requiring the implementation of mitigation measures identified in the report in the interest of protecting the amenity of residents. Further conditions are recommended in relation to noise associated with mechanical and electrical plant and a proposed substation within the application site.
- 7.156 In terms of odour, the Head of Communities, Safety and Protection notes that there is no high-level discharge, or an extract ventilation system proposed for the commercial units. It is recommended that a condition is included which limits the carrying out of cooking/reheating within the commercial premises.
- 7.157 Subject to the provision of mitigation measures and noise controls as identified within the NIA, together with controls over the use of the commercial units, the proposed development would ensure residents are provided with a satisfactory level of residential amenity and that there is no disturbance on premises within the surrounding area.
- 7.158 **The proposal is in accordance with NPF4 Policy 23d and 23e and LDP Policy 39 subject to conditions.**
- 7.159 **NPF4 Policy 9c: Brownfield, vacant and derelict land and empty buildings** - states 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.
- 7.160 **LDP Policy 41: Land Contamination** – development of potentially contaminated or statutorily identified contaminated land will be considered where:
- 1 a site investigation is submitted establishing the nature and extent of contamination; and

- 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.

- 7.161 A combined Phase 1/Desk study and Phase 2/Site investigation has been submitted as part of the application. The Head of Communities, Safety and Protection has reviewed the report and notes that it does not consider the full site history which includes the potential for an underground petrol tank. The Head of Communities, Safety and Protection therefore requested that revised reporting is submitted for review, or alternatively that suspensive planning conditions are applied in relation to the completion of further investigations and provision of a remediation strategy to ensure any contamination within the site is addressed prior to any construction works.
- 7.162 Subject to the inclusion of the recommended suspensive conditions, the proposals will ensure any risks are addressed.
- 7.163 **The proposal is in accordance with NPF4 Policy 9c and LDP Policy 41 subject to conditions.**
- 7.164 **It is concluded that the proposal is not in full accordance with the Development Plan.**

STATUTORY DUTY

- 7.165 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**
- 7.166 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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 they possess.
- 7.167 These matters have been considered in the assessment of the proposed development under policy 7 of NPF4 and policy 49 of the Dundee Local Development Plan 2019. It is concluded that the proposed development would have no significant impact on the character or setting of listed buildings within the surrounding, namely the Category C listed Bowbridge Works Gates and Gatepiers which lie directly to the west of the application site on Caldrum Street.
- 7.168 It is considered that the application discharges the statutory duty as set out above.

MATERIAL CONSIDERATIONS

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

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

- 7.170 The proposal fails to comply with NPF4 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.

7.171 The site is currently vacant land and does not offer a positive contribution to the surrounding area, instead detracting from it due to the sense of vacancy and dereliction the existing site and concrete hard standing conveys. The proposed redevelopment of the site as proposed would support the provision of modern affordable residential accommodation which would meet an identified need and demand for affordable housing in the area. The proposal would support the long-term use and occupation of this vacant and inner-city site which would provide residential accommodation and generate footfall within a highly accessible location.

7.172 The proposal would make a positive contribution to the regeneration objectives of the area and would not have a detrimental impact on the housing strategy in the LDP, thereby justifying the departure from NPF4 Policy 16.

B – REPRESENTATIONS

7.173 In total two letters of objection were received, raising the following valid planning considerations:

- the existing traffic levels and associated noise are high, and the proposals will exacerbate this;
- the site should be used for business, instead of housing and retail;
- no details have been submitted for the proposed retail units; and
- lack of nearby community facilities.

7.174 These are considered and assessed as follows:

7.175 **Objection** – the existing traffic levels and associated noise are high, and the proposals will exacerbate this.

7.176 **Response** – the application has been considered by the Council's Head of Sustainable Transport and Roads, who is content that the proposed development would not result in any detrimental effect on the capacity or safe functioning of the existing road network. Noise from traffic is typical and should be anticipated within this District Centre location.

7.177 **Objection** – the site should be used for business, instead of housing and retail.

7.178 **Response** – the site is not allocated in the Dundee Local Development Plan for any particular use. However, the above assessment finds that the redevelopment of the site as proposed would support the provision of modern residential accommodation which would meet an identified need and demand for affordable housing in the area. Furthermore, the proposed commercial units would help support the role and function of the District Centre and would have the ability to be accommodated without any detrimental effect on the residential amenity of existing nearby residents.

7.179 **Objection** – no details have been submitted for the proposed retail units.

7.180 **Response** – the applicant has not identified tenants for the proposed commercial units at this stage. As such, conditions are included which require the submission of details of the

occupying use prior to occupation, as well as a condition which limits the carrying out of cooking/reheating within the commercial premises.

- 7.181 **Objection** – lack of nearby community facilities
- 7.182 **Response** – as discussed above in relation to Policy 15a: Local Living and 20-minute neighbourhoods, the proposed development is well connected to surrounding facilities and services by existing footpaths and roads. The site is within the Hilltown District centre where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.
- 7.183 One neutral representation was received:
- 7.184 **Comment** - there is no consideration of district or even block heating, but only the heating of individual flats, with no attempt to provide renewable energy.
- 7.185 **Response** – the applicant has submitted an Energy Statement which explores and considers various heating strategies including forming communal air source heat pumps via a centralised 'energy centre'. However, the applicant advises that it was more financially viable to propose individual air source heat pumps to the housing, with the flats served with individual exhaust air heat pumps with integrated ventilation.
- 7.186 **Comment** - the shallow roof pitches are not suitable for solar panels and a steeper pitch would be more in keeping with the architecture of surrounding buildings.
- 7.187 **Response** – solar panels could be fitted at a later date without reliance on roof pitch angle. The proposed appearance of the buildings is considered acceptable and would contribute positively to the appearance of this prominent District Centre site as determined above in the assessment against NPF4 Policy 14.
- 7.188 **Comment** - the elevations would benefit from more variation in design.
- 7.189 **Response** – the proposed appearance of the buildings is considered acceptable and would contribute positively to the appearance of this prominent District Centre site as determined above in the assessment against NPF4 Policy 14.
- 7.190 **Comment** - the site layout suffers from an over-dominance of car parking, which needs breaking up with more greenery.
- 7.191 **Response** – the level of vehicle parking proposed conforms to the guidance on the Design of New Housing set out in Appendix 4. Although details of indicative planting have been submitted, conditions requiring full details of planting and measures to enhance biodiversity and soften the visual impact of parking will require to be submitted to and agreed with the Council, should the application be approved.
- 7.192 **Comment** - there is no biodiversity statement contained within the design statement.
- 7.193 **Response** – the existing site does not contribute to biodiversity and is of little to no ecological value with the exception of the aforementioned trees along the south boundary, for which conditions are included to ensure their retention and protection during construction. There is scope for the proposed new build development to contribute positively to and enhance biodiversity in this District Centre location. Subject to conditions requiring full details of measures to enhance biodiversity being submitted to and agreed with the Council, the proposal would enhance biodiversity within the site.

- 7.194 **Comment** - more landscaping and planting should be provided on the north east side of the site.
- 7.195 **Response** – as above, although details of indicative planting have been submitted, conditions requiring full details of planting and measures to enhance biodiversity will require to be submitted to and agreed with the Council, should the application be approved.
- 7.196 **Comment** - a public art contribution should be provided by the developer within the site.
- 7.197 **Response** - details of public art have not been confirmed as part of this application. Therefore, it is recommended that full details of public art provision, and its completion as part of the development be secured by condition, should the application be approved.
- 7.198 **Comment** - cycle storage provision should be one per household and should be secure.
- 7.199 **Response** – each block will be provided with 100% cycle provision by providing a secure, sheltered space either within the block or in the form of a secured external pergola style enclosure.
- 7.200 **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 conditions:
- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.
Reason - to comply with Section 58 of the Town & Country Planning (Scotland) Act 1997.
 - 2 **Condition** - development shall not begin 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, a Remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
 - ii measures to deal with contamination during construction works, and
 - iii 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.

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

- 4 **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.

- 5 **Condition** - prior to the commencement of development, 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 to and agreed in writing by the Council. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

Reason - to ensure that a satisfactory biodiversity enhancement scheme is proposed and implemented, mitigating the biodiversity impact that development has on the site.

- 6 **Condition** - no development shall take place on site until temporary protective fencing has been erected in around the existing trees to be retained on the development site. This temporary protective fencing shall be 2.3 metres in height, erected prior to works commencing and kept in good condition throughout the works, all in accordance with Figure 2 of British Standard 5837:2005 "Trees in Relation to Construction".

All weather notices shall be erected on said fencing with words such as "construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

Care must be taken when planning site operations to ensure that wide or tall loads, or plant with booms, jibs and counterweights can operate without coming into contact with any retained trees.

Material that will contaminate the soil, e.g. concrete/mortar mixing, diesel oil, paints, solvents and vehicular washings, shall not be discharged within 10 metres of any tree trunk. Allowance shall be made for the slope of the ground so that such damaging materials cannot run towards retained trees.

Reason - to ensure the retention and maintenance of the trees on the site which make an important contribution to the visual appearance of the area.

- 7 **Condition** – prior to the commencement of development, a detailed hard and soft landscaping plan shall be submitted to the Council for written approval. 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 plan 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 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.

- 8 **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.

- 9 **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.

- 10 **Condition** - Prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

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

- 11 **Condition** – prior to first occupation of the residential dwelling units hereby approved, the noise mitigation measures detailed in the Noise Impact Assessment undertaken by Envirocentre, Reference Document number 14039, dated February 2024 shall be implemented in full. For avoidance of doubt, the noise level criteria to be met in perpetuity are 35dB LAeq (16 hour) within bedrooms and other habitable rooms for daytime periods (07:00 to 23:00 hours), 30dB LAeq (8hour) within bedrooms during night-time periods (23:00 to 07:00 hours), 50dB LAeq(16 hour) for external amenity areas for daytime periods (07:00 to 23:00 hours) and an internal level of NR15 for music noise generated from the existing commercial music venues. 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 – to ensure adequate noise mitigation measures are implemented in the interests of protecting surrounding land uses and residential amenity.

- 12 **Condition** - prior to the first occupation of the residential dwelling units hereby approved, the exact specification of the glazing for each residential property, as detailed in the Noise Impact Assessment undertaken by Envirocentre, Reference Document number 14039,

dated February 2024, is required to be submitted to the Council for approval in writing, and the windows shall be installed as per the approved specification.

Reason – to ensure measures are implemented in the interests of protecting residential amenity.

- 13 **Condition** - prior to the commencement of works on site, the exact specification of ventilation to be provided for each residential property is required to be submitted to the Council for approval in writing, and the ventilators/ventilation systems shall be installed as per the approved specification.

Reason – to ensure residential amenity is protected.

- 14 **Condition** - the total noise from the mechanical and electrical plant/services shall not exceed NR45 during daytime and shall not exceed NR35 during nighttime, 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.

- 15 **Condition** – the received noise from the electrical substation(s) shall not exceed NR30, as measured 1 metre external to the facade of adjacent residential property.

Reason - in the interests of protecting residential amenity.

- 16 **Condition** – the total noise from the air source heat pumps shall not exceed NR35 as measured externally to any facade of adjacent residential property and shall not exceed NR25 within any adjoining residential property.

Reason - in the interests of protecting residential amenity.

- 17 **Condition** - prior to the first occupation of the residential dwelling units hereby approved, full details of the acoustic barriers/fencing to be provided, as detailed in the Noise Impact Assessment undertaken by Envirocentre, Reference Document number 14039, dated February 2024, and as shown in Drawing DU01-SK- (SL) - 04 dated August 2023, are required to be submitted to the Council for approval in writing. The acoustic barriers/fencing shall be installed as per the approved specification and maintained in perpetuity.

Reason – in the interest of protecting residential amenity.

- 18 **Condition** - all servicing and deliveries, including loading, unloading, or lay-up, shall be between 07:00 and 20:00 hours Monday to Saturday and 09:00 to 18:00 hours Sunday.

Reason - in the interest of protecting residential amenity.

- 19 **Condition** - prior to the first occupation of each of the ground floor commercial/retail units within the development, full details of the occupying use shall be submitted to the Council for approval in writing and thereafter occupied in accordance with the agreed use.

Reason – to ensure the proposed occupying use is suitable for this location in the interest of protecting residential amenity.

- 20 **Condition** - no cooking/reheating shall be carried out in the commercial premises hereby approved except for the use of microwaves, toasters, panini machines, and soup urns only. No other forms of cooking/reheating shall take place without prior written approval from the Planning Authority.

Reason - in the interest of protecting residential amenity.

- 21 **Condition** – prior to the commencement of works on site, details of the proposed roads within the development shall be submitted to the Council for written approval. Thereafter the roads shall be formed constructed in accordance with those approved details.

Reason - in the interest of ensuring in the interests of vehicle and pedestrian safety

- 22 **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.

- 23 **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.

- 24 **Condition** – full details of secure and covered cycle storage within the site shall be submitted to the Council for approval. Thereafter, the cycle storage shall be installed as the agreed details prior to first occupation of the development.

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

- 25 **Condition** - the hard surface within individual driveways 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.

- 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** - prior to the commencement of work on site, full details and samples of all of the proposed finishing materials of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

Reason - in the interests of visual amenity.

- 28 **Condition** - Prior to the commencement of development, a construction management plan shall be submitted for written approval by the planning authority. The construction management plan shall detail the site access to be used; vehicular routes to the site; site operational times; timing of construction traffic to minimise impact on local communities, particularly at school start and finishing times, on days when refuse collection takes place, on Sundays or during local events; arrangements for signage at site access and crossovers in order to provide safe access for pedestrians and cyclists; arrangements for safe use of footways in and around the site; details of information signs to inform other road users of construction traffic; arrangements to ensure that access for emergency service vehicles are not impeded; arrangements for the cleaning of wheels and chassis of vehicles to prevent material from the construction site associated with the development being deposited on the public road; and arrangements for cleaning of roads affected by material deposited from construction sites associated with the development.

Reason - In the interests of vehicle and pedestrian safety and residential amenity.

Informative

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.

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

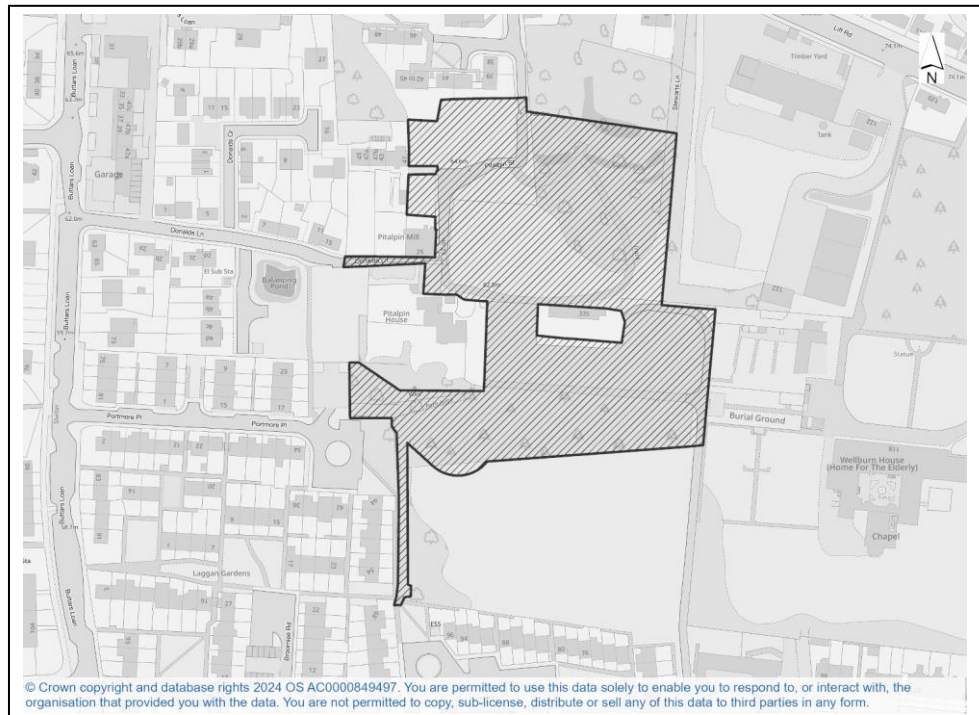
Applicant

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 bed mainstream market 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
- Statement of Community Benefit



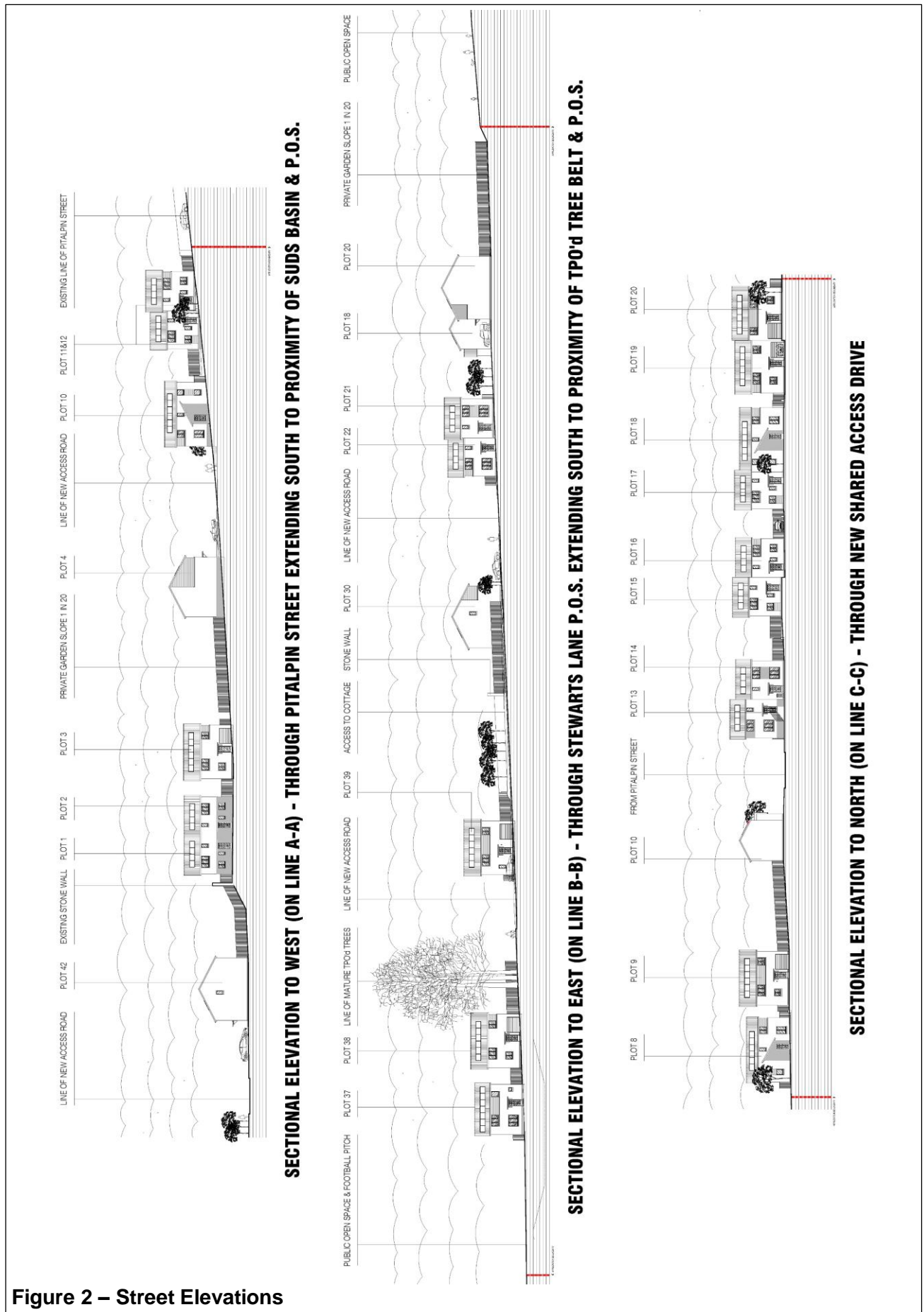


Figure 2 – Street Elevations

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 high 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 is relatively constrained due 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 All 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 100sqm.

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 – 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 140sqm per house with a minimum garden size of 120sqm.

The site plan shows that all houses will have a minimum private garden ground of 120 sqm 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 and 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 Donalds 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.

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

- 7.136 **Response** – five 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 23 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

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

KEY INFORMATION

Ward North East

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

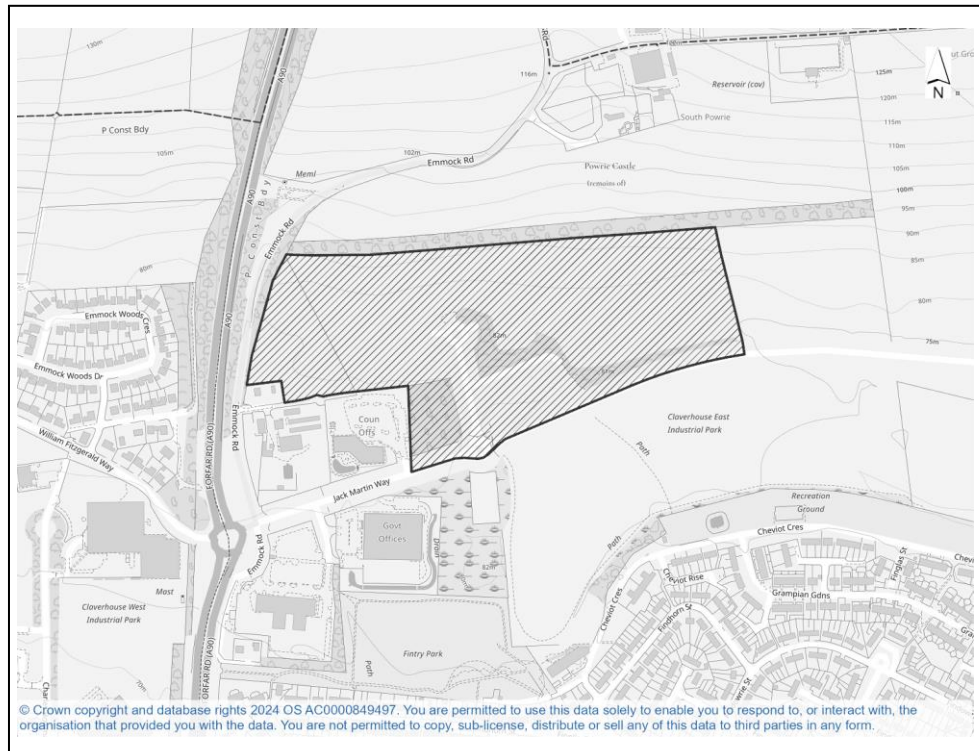
Applicant
West Ranga Property Group

Agent
Porter Planning Ltd

Validated: 19 Dec 2023

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

Contact: Craig Swankie



SUMMARY OF REPORT

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

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

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

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

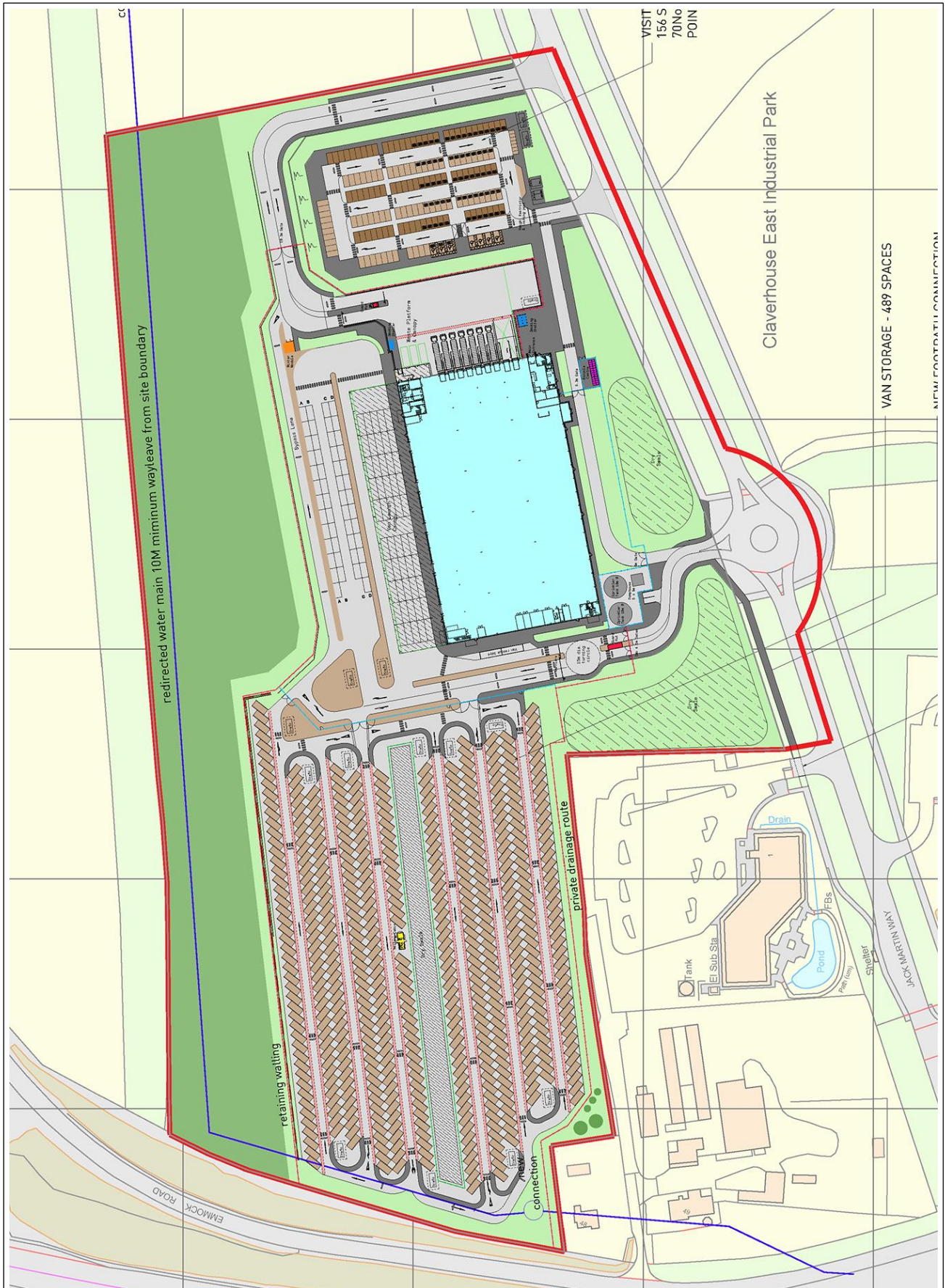


Figure 1 – Proposed Site Plan

2 SITE DESCRIPTION

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



Figure 2: View of East of Site



Figure 3: View of West of Site

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

Policy 23e: Health and Safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)

Policy 39: Environmental Protection

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

4 SITE HISTORY

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

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

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

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

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken.

5.2 No letters of representation were received.

6 CONSULTATIONS

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

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

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

Principle of Development

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

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

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

MATERIAL CONSIDERATIONS

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

A – Scottish Government Circular 4/1998

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

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

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

8 CONCLUSION

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

9 RECOMMENDATION

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

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

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

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

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

- 4 **Condition** - prior to the first use of the development, landscaping as illustrated on Drawing 01 – Soft Landscaping Layout dated 6 May 2022 shall be provided within the application site. The planting and landscaping shall thereafter be maintained as proposed within 2 – Soft Landscaping Layout dated 6 May 2022. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

Reason - in the interests of providing an attractive and pleasant environment.

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

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

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

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

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

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

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

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

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

Reason - in the interests of promoting sustainable transport.

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

Reason – in the interest of sustainable waste management.

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

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

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

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

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

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

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

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

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

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

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

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

Reason – in the interests of promoting sustainable transport.

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

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

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

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

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

Reason - in the interests of vehicle and pedestrian safety.

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

a 5 lux, between 0700 and 2300 hours; and

b 1 lux between 2300 and 0700 hours.

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

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

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

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

Reason - in the interests of promoting sustainable transport.

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

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

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

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

- 25 **Condition** - the total noise from the mechanical and electrical plant/services shall not exceed NR45, during daytime, and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of existing adjacent residential property. For the avoidance of doubt, night-time hours are from 23:00 to 07:00 hours.

Reason - in the interests of protecting residential amenity.

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

Reason - in the interests of protecting residential amenity.

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

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

Reason - in the interests of protecting residential amenity.

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

Reason - in the interests of protecting residential amenity.

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

Reason - in the interests of protecting residential amenity.

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

Reason - in the interests of protecting residential amenity.

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

Reason - in the interests of protecting residential amenity.

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

Reason - in the interests of protecting residential amenity.

Informatives

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

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

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

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

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

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

Construction of a 49.99MW Battery Energy Storage System with Associated Works and Access

KEY INFORMATION

Ward East End

Address

1 New Craigie Road
New Craigie Retail Park

Applicant

Mr James Perkins
Whirlwind Renewables

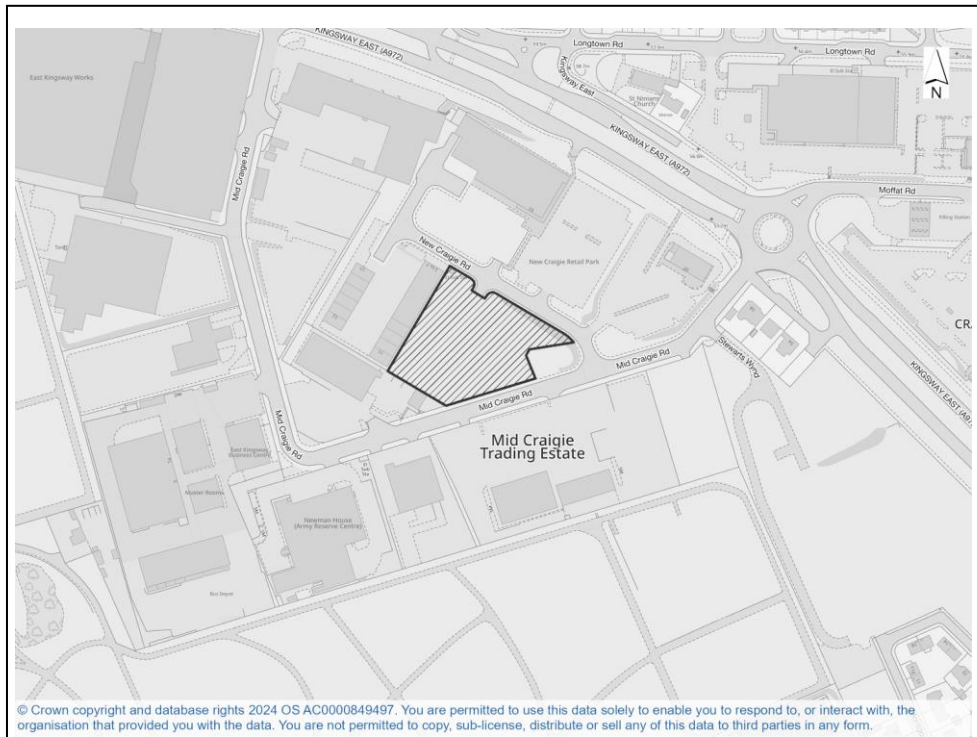
Agent

Dan Grierson
The Energy Workshop

Validated: 14 Feb 2024

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

Contact: Sharon Dorward



SUMMARY OF REPORT

- Planning permission is sought for the construction of a battery energy storage facility with a maximum import or export capacity of 49.99 megawatts.
- The application site is located within Mid Craigie General Economic Development Area, on brownfield land between New Craigie Road and Mid Craigie Road.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken, and the application was advertised in the press. One letter of support was received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is classed as a Major development as identified in 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?activeTab=documents&keyVal=S8DW84GCI6H00>.

RECOMMENDATION

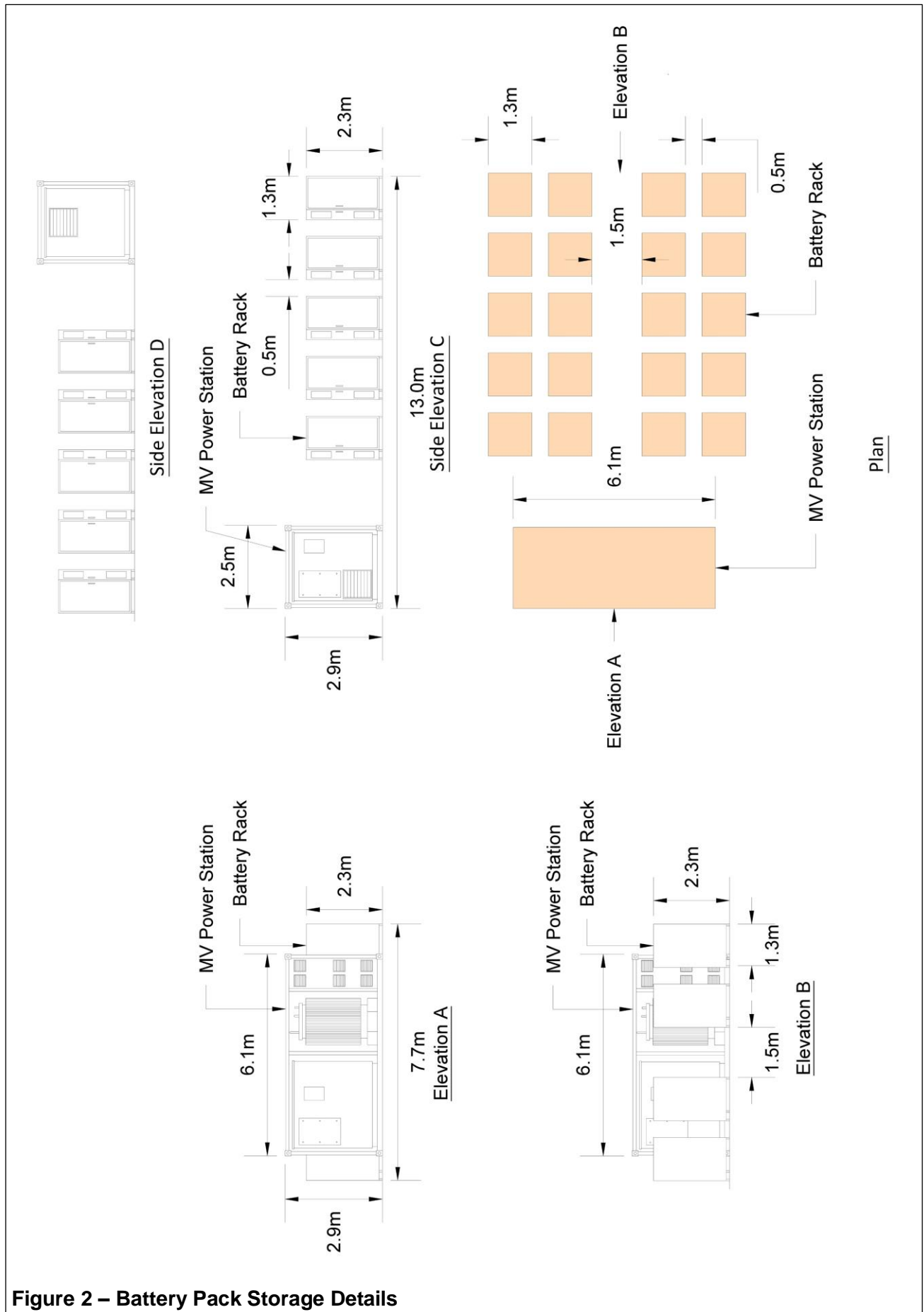
The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the construction of a battery energy storage facility which would have a maximum import or export capacity of 49.99 megawatts, and a maximum storage capacity of 100 megawatt hours. The batteries would 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 proposal falls into the major development category as an energy storage facility with a capacity up to 49.99 megawatts; those proposals exceeding 20 megawatts fall into this category.
- 1.3 The development would comprise 14 sets of battery containers, housed within steel cabinets. Ancillary containers and structures include power conversion units, a control room, switch room, site office and storage container. The containers and units would be mounted on concrete supports. These are all connected to the switch room via underground cables.
- 1.4 A 2.4-metre-high steel security fence is proposed around the perimeter of the site, with a double access gate and pedestrian gate. The fencing would be finished in a dark green powder coating. Lighting for the site would consist of motion-sensitive lighting at the entrances to the buildings and storage units, all to be downward facing. Two fire hydrants would be installed within the site, along with an alarm and CCTV system, and four, 3-metre-high CCTV columns. Landscaped areas within site cover an area of some 366 square metres.
- 1.5 The individual battery cabinets would be 3.3 metres high, including the concrete support pads. External finishes would be powder-coated steel in a light grey and/or green finish. The control building and switch room would be 5 metres and 4.5 metres high respectively, constructed in blockwork with a render or glass reinforced plastic finish. The site storage and site office buildings would comprise shipping containers with a footprint each of 32.5 square metres, again mounted on small concrete plinths. The applicant proposes that finalised finishing details are secured by planning condition.
- 1.6 The applicant has submitted a supporting statement which includes a design and access statement and a planning statement, along with a transport assessment, drainage strategy, noise impact assessment, remediation statement and pre-application consultation report.



Figure 1 – Proposed Site Plan



2 SITE DESCRIPTION

- 2.1 The application site measures 5.28 hectares and is located to the east of Dundee within Mid Craigie General Economic Development Area, on brownfield land between New Craigie Road and Mid Craigie Road. The site is accessed from New Craigie Road, which leads from the A972 Kingsway.
- 2.2 The site is currently vacant and comprises bare earth and part grass and weeds, with some mounding. The site is currently partly bound by temporary fencing. The site slopes gently from north-east to south-west and then steeply down to meet Mid Craigie Road.
- 2.3 Surrounding land uses are largely commercial, with residential properties beyond. The site is near the A972 trunk road.
- 2.4 Planning permission 17/00144/PPPM approved the development in principle of a mixed-use site, across a wider area than the application site. Developments completed adjacent to the application site to date include the access road, industrial units, a food retail store (Lidl) and a drive-thru coffee shop (Tim Hortons).



Figure 3: View of Site From Mid Craigie Road



Figure 4: View of Site From New Craigie Road

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

Policy 1: Tackling the climate and nature crisis

Policy 2: Climate mitigation and adaptation

Policy 3: Biodiversity

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 (LDP)

Policy 1: High Quality Design and Placemaking

Policy 5: General Economic Development Areas

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 54: Safe and Sustainable Transport

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

4 SITE HISTORY

4.1 Proposal of application notice 23/00442/PAN for the construction and operation of a 49.9-megawatt containerised energy store facility was submitted in July 2023.

4.2 Planning application 17/00144/PPPM gave planning permission in principle for a mixed-use development across the wider Mid Craigie site, comprising industrial units, a car showroom, family restaurant, coffee shop, food retail store, and associated works. Development to date includes the access road, industrial units, a food retail store (Lidl) and a drive-thru coffee shop (Tim Hortons). The indicative masterplan submitted with 17/00144/PPPM identified a car showroom on the current application site.

5 PUBLIC PARTICIPATION

5.1 A Pre-application Community 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. Namely that the applicant conducted two in person consultation events and hosted a consultation website.

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

- 5.3 One letter of support has been received for the proposal, which asks that additional landscaping and solar PV panels are incorporated into the design.

6 CONSULTATIONS

- 6.1 **Head of Communities, Safety and Protection** has no objection to the application, but has commented on the following matters:

Contaminated Land – advised that the submitted remediation scheme is accepted and a planning condition is recommended to ensure implementation and verification.

Noise – advised that the noise impact assessment should be revised once plant details are finalised. Appropriate planning conditions are recommended.

- 6.2 **Head of Sustainable Roads and Transport** – has no concerns, following the repositioning of the access gates.

- 6.3 **Transport Scotland** – no objection subject to planning conditions to ensure that a construction traffic management plan is submitted and that wheel cleaning facilities are installed.

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 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 considered.
- 7.3 The site has been vacant and derelict for several years following the wider decontamination of this former industrial site. It does not contribute positively to the surrounding area. Redevelopment would improve this situation to a significant degree. The proposal would support the long-term use and occupation of the site.
- 7.4 The existing site does not provide any positive contributions to biodiversity, other than the rough self-seeded grass and shrubs. As is discussed later in this report the redevelopment of the site provides opportunities to incorporate planting and measures to support wildlife which will enhance the biodiversity value of this vacant site. Overall, the proposed development would support the re-use of long-term vacant land.

7.5 **The proposal is in accordance with NPF4 Policy 9a of.**

7.6 **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.

7.7 **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.

7.8 The application site is located within Mid Craigie General Economic Development Area as shown on the LDP Proposals Map. The proposal is for an energy storage facility, which falls under the industrial use classes supported in these locations.

7.9 It is demonstrated later in this report that the development could be accommodated without a detrimental impact on residential amenity, or any other sensitive land uses. A site decommissioning and restoration plan is proposed, with further details to be sought by planning condition. 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.

7.10 **NPF4 Policy 11: Energy** aims to encourage, promote and facilitate all forms of renewable energy development, including generation, storage, new and replacement transmission and distribution infrastructure, and emerging low-carbon and zero emissions technologies.

Part a) states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

- i wind farms including repowering, extending, expanding and extending the life of existing wind farms;
- ii enabling works, such as grid transmission and distribution infrastructure;

- iii energy storage, such as battery storage and pumped storage hydro;
- iv small scale renewable energy generation technology;
- v solar arrays;
- vi proposals associated with negative emissions technologies and carbon capture; and
- vii proposals including co-location of these technologies.

7.11 **Policy 45: Energy Generating Facilities** of the Dundee LDP states that major energy generating facilities, not ancillary to wider development proposals, should be directed to Principal or General Economic Development Areas.

7.7 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 Mid Craigie General Economic Development Area. The development is therefore supported by these two policies.

7.12 **The proposal complies with NPF4 Policies 26 a), c) and e) and 11 a) and LDP Policies 5 and 45.**

Design

7.13 **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.

7.14 **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.

7.15 The proposed structures would be constructed to 3.3 metres in height, with two reaching 4.5 and 5 metres. Finishes are proposed as muted colours with the finalised details proposed to be agreed by planning condition. The development would also be screened by a powder coated green perimeter fence and mature planting. Trees would be planted up to 3 metres in

height to provide some immediate screening, which would further develop as the trees and shrubs mature. A planning condition is proposed to seek further landscaping details. The development would not result in a dominant feature within the local landscape. The proposed design and finishes would complement the scale and design of the neighbouring buildings and would be in keeping with the commercial and industrial nature of the area. The proposal would respect the character and amenity of the place.

7.16 **The proposal would comply with NPF4 Policy 14 and LDP Policy 1 subject to conditions.**

Transport

7.17 **NPF4 Policy 13: Sustainable Transport** seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport.

Part g) states that development proposals which have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact.

7.18 **NPF4 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.

7.19 As the development will generate a very low number of vehicle movements the only relevant parts of these policies are those relating to the potential impact on the operation and safety of the local and strategic transport network.

7.20 The application site is near the A972 trunk road. Transport Scotland have advised that conditions are appended to any planning permission granted to require a Construction Traffic Management Plan and to ensure that suitable wheel cleaning facilities are installed. This would mitigate any adverse impact of construction traffic on the trunk road network and ensure that material from the site is not deposited on the trunk road.

7.21 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.

7.22 **The proposal would comply with NPF4 Policy 13 and LDP Policy 54 subject to conditions.**

Flooding and Drainage

7.23 **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.

7.24 **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.

- 7.25 The site is not identified on the SEPA flood map as at risk from any flooding source. A drainage strategy has been submitted with the application documents. It is proposed to attenuate surface water on site prior to it being discharged at a controlled rate into the combined sewer at a rate that has already been agreed to by Scottish Water.
- 7.26 Further details are required in terms of surface water calculations and porosity test results. Certification is also required; 'compliance' and 'independent check' certificates for the drainage design, with a 'confirmation of future maintenance' certificate for surface water drainage, clarifying who will be responsible. Appropriate planning conditions are proposed.
- 7.27 **The proposal would comply with NPF4 Policy 22 and with LDP Policy 37 subject to conditions.**

Climate and Nature Crises

- 7.28 **NPF4 Policy 1: Tackling the Climate and Nature Crisis** 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. **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.
- 7.29 The nature of the proposal is to reduce carbon emissions; by storing excess electricity from the grid and releasing it back when required.
- 7.30 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.
- 7.31 The proposed development itself would help to facilitate renewable energy production.
- 7.32 **The proposal complies with NPF4 Policies 1 and 2.**
- 7.33 **NPF4 Policy 3: Biodiversity** seeks to protect biodiversity, reverse any biodiversity loss, encourage biodiversity through development and strengthen nature networks.
- 7.34 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.

Part d) requires that any potential adverse effects on biodiversity through development proposals are minimised through careful planning and design.

7.35 The application site does not have any significant existing biodiversity value, as a vacant and derelict site which contains rough self-seeded grasses and buddleia. The applicant has proposed some small areas of landscaping to the east of the site which would include native tree and shrub species. Whilst these would enhance the biodiversity of the site, 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 further scope for additional 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.

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

7.37 **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;

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.

- 7.38 **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.
- 7.39 The project has been designed to be reversible at the end of its operational life, and the vast majority of its components can be recycled or otherwise reused. The site has been designed to be accessible for waste collection, although this would be limited. A construction method statement is required to clarify how waste would be reused and to secure finalised construction waste details within a Construction Environmental Management Plan (CEMP). An appropriate planning condition is recommended.
- 7.40 **The proposal would comply with NPF4 Policy 12 and LDP Policy 44 subject to conditions.**

Health, Safety and Amenity

- 7.41 **NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** encourages, promotes and facilitates the re-use of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Development is directed to the right locations, maximising the use of existing assets and minimising additional land take. The policy supports the regeneration of derelict buildings and spaces to improve wellbeing and transform our places.

Part c) 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.

- 7.42 **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.
- 7.43 A remediation statement has been submitted with the application documents which sets out a strategy to allow for the redevelopment of the site. The strategy advocates a capping layer and barrier pipes; further investigation of existing site soils at foundation level; and general procedures for control during construction. The Head of Communities, Safety and Protection has reviewed the remediation strategy and accepts the recommendations in the report. A planning condition is recommended to ensure that the remediation scheme is fully implemented and verified.
- 7.44 **The proposal would comply with NPF4 Policy 9 and LDP Policy 41 subject to conditions.**

- 7.45 **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.

- 7.46 **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.

- 7.47 There are residential properties 120 metres to the east of the site and within the TA centre 75 metres to the south west. Properties to the north on the opposite side of the Kingsway are some 180 metres away. There are also houses under construction 60 metres to the east within the Permission development site.

- 7.48 A Noise Impact Assessment (NIA) has been submitted with the application documents. The NIA does not anticipate any adverse noise impacts.

- 7.49 The Head of Communities, Safety and Protection has advised that the NIA is speculative, as the detail for the plant and equipment is not yet available and the operational characteristics of the plant are not yet known. A revised NIA will be required to be prepared once details of all plant and operations are known. It is expected that plant and equipment can be installed that will not generate significant noise, or that mitigation measures can be used and it is therefore appropriate to use planning conditions to secure submission of a further NIA.

- 7.50 External lighting is proposed which has the potential to impact on residential properties. Further details are required for the lighting and to ensure that the operation of the lights is limited to only when required, to reduce impact. An appropriate planning condition is proposed to secure these details.

- 7.51 **The proposal would comply with NPF4 Policy 23 and LDP Policy 39 subject to conditions.**

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

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.54 One letter of support was received. The letter welcomes the proposal for a new battery storage plant and asks that additional planting as screening and to require the developer to provide solar PV panels.

- 7.55 The comments are noted. Planning conditions are proposed to seek enhanced planting and landscaping within the development. It is not reasonable or necessary for the planning authority to require the developer to install solar PV panels within the development.
- 7.56 **There are no material considerations to justify refusal of the application.**

8 CONCLUSION

- 8.1 The application is in accordance with the relevant policies of National Planning Framework 4 and the adopted Dundee Local Development Plan, 2019. There are no material considerations that would justify refusal of the application.

9 RECOMMENDATION

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

Reason - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
 - 2 **Condition** - prior to the commencement of any works on site, full finalised details of all plant and machinery and operational methods shall be submitted for the prior agreement of Dundee City Council as planning authority. Thereafter, the battery storage facility shall be developed and operated as per the agreed details.

Reason – to ensure that an appropriate and maintainable operation is provided.
 - 3 **Condition** - prior to commencement of the construction phase of the development, a Construction Traffic Management Plan (CTMP) shall be submitted for the approval of Dundee City Council, in consultation with Transport Scotland as the trunk roads authority. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed CTMP.

Reason - to mitigate the adverse impact of construction traffic on the safe and efficient operation of the trunk road network.
 - 4 **Condition** - prior to the commencement of the construction phase of the development, vehicle wheel cleansing facilities or other suitable facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of Dundee City Council, in consultation with Transport Scotland as the trunk roads authority.

Reason - to ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
 - 5 **Condition** – prior to the energy storage system coming into first use, the remediation scheme prepared by Fairhurst dated November 2023 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 that is safe and suitable for development.

- 6 **Condition** - prior to commencement of any works on site, a review of the Noise Impact Assessment shall be submitted to the Council for written approval. The Noise Impact Assessment shall assess all noise sources associated with the proposed development, including plant and equipment, to determine the cumulative noise impact on the existing residents and those dwellings with planning permission at the time the review is undertaken. The NIA must also demonstrate compliance with the noise levels as detailed in the other conditions attached to this consent.

Thereafter, full details of any noise mitigation measures recommended in the assessment shall be submitted to the Council for written approval. The approved mitigation measures will be implemented in full prior to first occupation of the development hereby approved.

Reason - in the interests of protecting residential amenity.

- 7 **Condition** – the total noise from mechanical and electrical plant/services, particularly the air conditioning units, 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 interests of protecting residential amenity.

- 8 **Condition** – the received noise from the transformers shall not exceed NR30, as measured 1 metre external to the facade of any residential properties within the vicinity of the site.

Reason - in the interests of protecting residential amenity.

- 9 **Condition** – an emergency standby generator shall not be installed without the prior written approval of the Council.

Reason - in the interests of protecting residential amenity.

- 10 **Condition** – prior to the commencement of any works on site, details of the proposed lighting shall be submitted to the Council for written approval. Thereafter, the lighting shall be installed only as per the agreed details.

Reason - in the interests of protecting residential amenity.

- 11 **Condition** - the received noise from the electrical substation(s) shall not exceed NR30 as measured 1 metre external to the facade of adjacent residential property.

Reason - in the interests of protecting residential amenity.

- 12 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, 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 flood protection.

- 13 **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 protection.

- 14 **Condition** – prior to the commencement of any works on site, full details for all external finishes shall be submitted for the prior approval of Dundee City Council as planning authority. Thereafter, the works shall be undertaken as per the agreed details.

Reason – in the interests of protecting visual amenity.

- 15 **Condition** – prior to the commencement of any works on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be developed and submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the first operation of the development.

Reason – in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

- 16 **Condition** - prior to the commencement of any works on site, 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.

- 17 **Condition** – within 6 months of the cessation of the development hereby approved, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval in writing. The scheme shall include:

- a details of all structures and buildings which are to be demolished;
- b details of the proposed reuse of any buildings to be retained;
- c details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise;
- d the phasing of the demolition and removal; and
- e details and phasing of the restoration work.

Reason – to ensure that the site does not become derelict and in the interests of environmental quality and public health.

- 18 **Condition** - prior to the commencement of any works on site, a Construction Environmental Management Plan (CEMP) shall be submitted for the approval of Dundee City Council. Thereafter, all site waste management associated with the development shall conform to the requirements of the agreed CEMP.

Reason – to ensure that site operations are managed appropriately during the construction period.