

# Proposed Erection of a Warehouse (Class 6) With Ancillary Offices, Associated Vehicle Parking, Van Storage, Landscaping and Infrastructure

## KEY INFORMATION

**Ward** North East

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

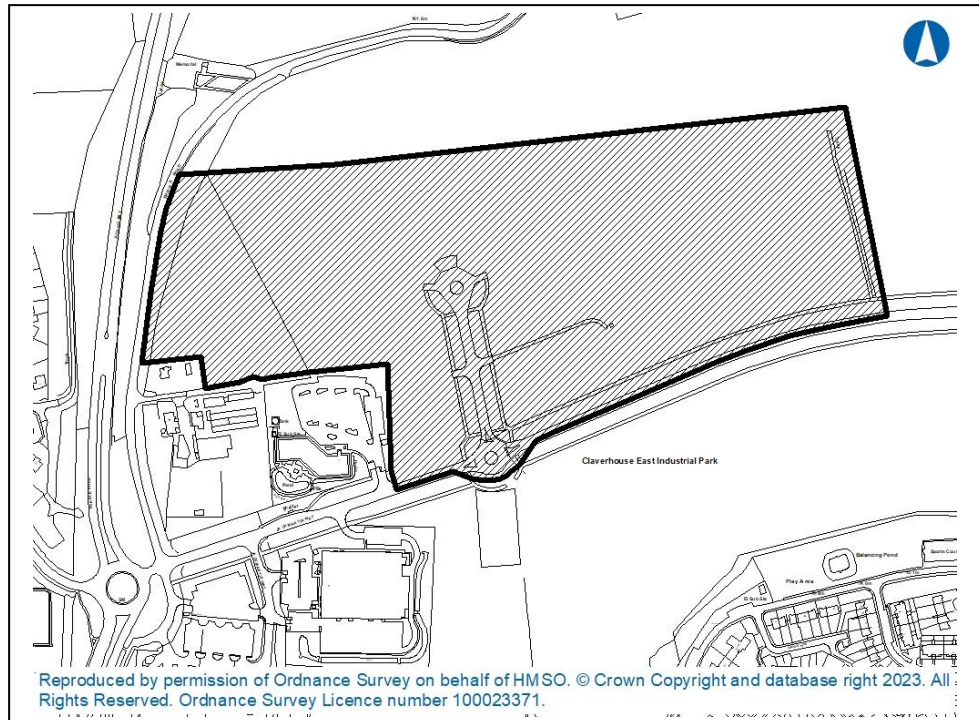
**Applicant**  
West Ranga Property Group

**Agent**  
Porter Planning Ltd

**Registered:** 16 Dec 2022

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

**Contact:** Craig Swankie



## SUMMARY OF REPORT

- Planning permission is sought for the erection of a warehouse (Class 6) with ancillary offices, associated vehicle parking, van storage, landscaping and infrastructure on an area of serviced employment land within the Claverhouse East Industrial Estate.
- The proposed storage and distribution warehouse would be located towards the centre of the site, with a 156 space staff and visitor car park to the east. Within the west of the site a 489 space van storage area is proposed. The proposals include associated footpaths and roads, drainage provision and landscaping.
- The industrial estate is allocated as a Principal Economic Development Area in the Dundee Local Development Plan 2019.
- The application is not in full accordance with the Development Plan. However, there are material considerations which support approval of planning permission subject to conditions.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. Two letters of objection have been received. These raise concerns in relation to impacts on existing soakaways to the west of the site and provision of cycle parking for both staff and visitors.
- 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.
- More details can be found at: <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=RMZ4WZGCGHX00>.

## 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.**

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 The application is for a storage and distribution warehouse (Class 6) with ancillary offices, associated vehicle parking, van storage, landscaping and infrastructure.
- 1.2 The proposed warehouse would be located towards the centre of the site, with a 156 space staff and visitor car park to the east. The building would measure 14.01 metres in height and be 115 metres long by 67 metres wide. The warehouse would be over two floors and includes ancillary structures such as security guard houses and a welfare cabin. The warehouse is to include direct access to 7 HGV loading bays to the east of the warehouse and van loading bays to the north. A simple palette of finishing materials is proposed including dark grey cladding to lower sections of the external walls and light grey to upper sections. Windows, an entrance door and roof canopy on the east elevation of the building are to include a blue surround.
- 1.3 A van storage area is proposed within the west of the site. This would have capacity for 489 vans, and includes access roads and provision for surface water drainage infrastructure.
- 1.4 Vehicular access to the development is proposed from Jack Martin Way via the existing roundabout and at two new vehicle accesses. These separate accesses are to allow safe and efficient access to delivery vans, staff vehicles and HGVs. All traffic would go west on Jack Martin Way and join the A90 Forfar Road trunk road.
- 1.5 Trees and landscaping are proposed within the site, with planting areas identified towards the south and east boundaries. These areas would contain a mixture of trees and shrubs. The drainage swales and the slope along the north of the site would be planted with wild flowers and grass. Security fencing is proposed along the site boundaries with additional fencing and gates to the east of the proposed warehouse to create secure areas for vehicle loading and unloading.
- 1.6 The applicant has submitted the following in support of the application:
  - Pre-application Community Consultation Report;
  - Design and Access Statement;
  - Landscape Plans;
  - Transport Statement;
  - Flood Risk Assessment
  - Drainage Strategy;
  - Contaminated Land Study;
  - Noise Impact Assessment; and
  - Air Quality Assessment.

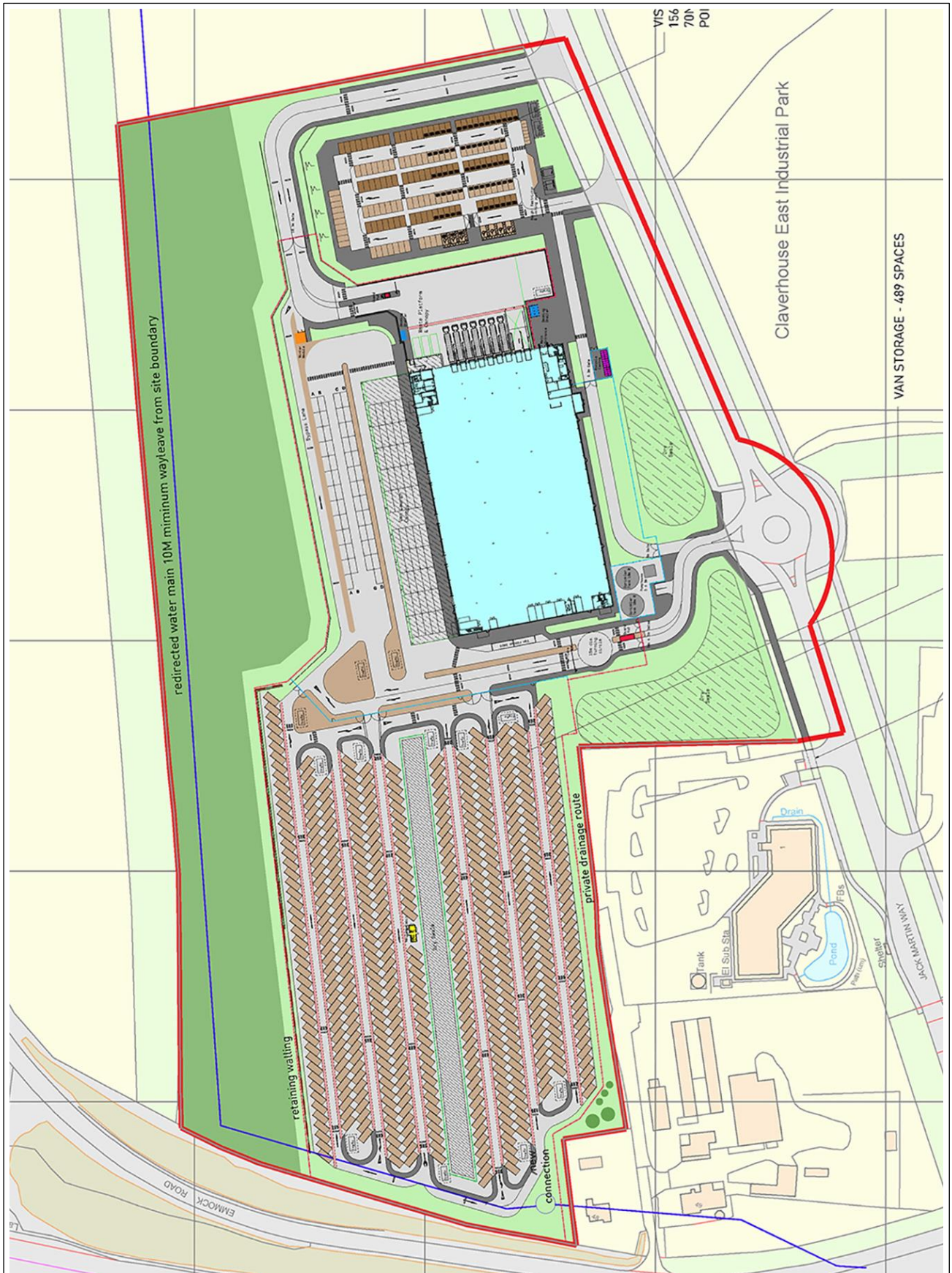


Figure 1 – Proposed Site Plan

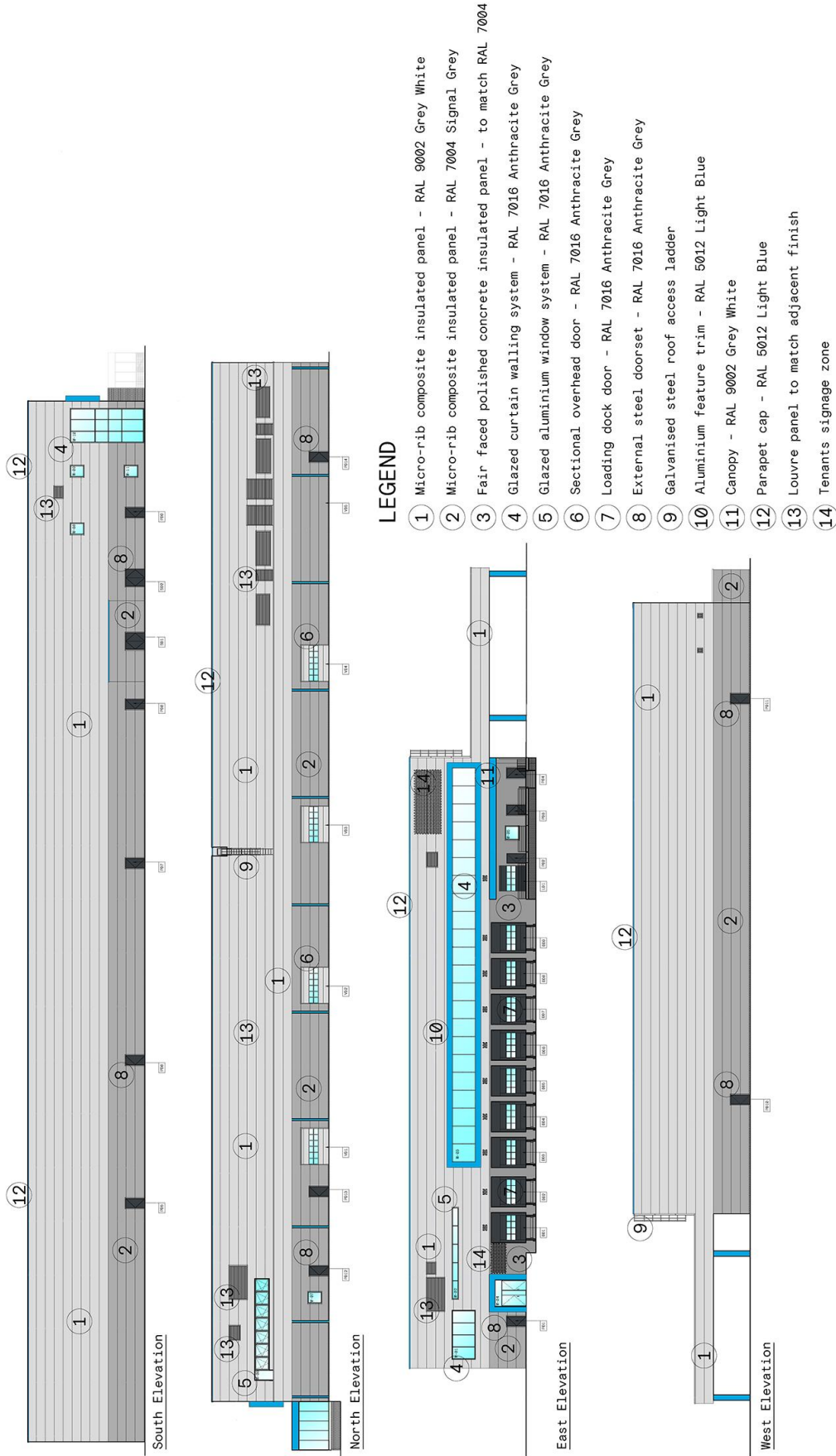


Figure 2 – Proposed Elevations

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## 2 SITE DESCRIPTION

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- 2.1 The site is located to the south 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, including 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. To the west 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 was approved by Planning Committee at the meeting on 13<sup>th</sup> March 2023.



**Figure 3 – View of Application Site Towards North West**



**Figure 4 – View of Application Site Towards North East/Powrie Castle**

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## 3 POLICY BACKGROUND

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

**NATIONAL PLANNING FRAMEWORK 4**

Policy 1: Tackling the climate and nature crises

Policy 3 b: Biodiversity

Policy 4 f: Natural places

Policy 5 b: Soils

Policy 6 a: Forestry, woodlands and trees

Policy 7 a, o: Historical Assets and Places

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

Policy 12 a: Zero Waste

Policy 13 b: Sustainable transport

Policy 14 b: Design, quality and place

Policy 26 a, e: Business and industry

Policy 22 c, e: Flood risk and water management

Policy 23 d, e: Health and safety

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 3: Principal Economic Development Areas

Policy 28: Protecting and Enhancing the Dundee Green Network

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 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 49: Listed Buildings

Policy 52: Scheduled Monuments and Archaeological Sites

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.

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## 4 SITE HISTORY

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4.1 Planning permission 03/00349/DLA for the provision of new roads and drainage infrastructure to facilitate 30,000m<sup>2</sup> 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.

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## 5 PUBLIC PARTICIPATION

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- 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. It outlines the online event that was held and the comments received prior to submitting the application.
- 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. The letters of representation raise concerns with the proposal's impact on an existing soak away associated with residential dwellings to the west of the site, and request clarification is provided on the cycle storage provision for both staff and customers.
- 5.2 The matters raised within the representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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- 6.1 **Archaeological Consultant** - has reviewed the submitted Archaeological Desk Based Assessment. As this is a development in an area of suspected archaeology potential, it is recommended a condition be attached to any consent requiring a programme of archaeological works be implemented prior to any construction.

- 6.2 **Head of Community Safety and Protection** – commented on the following matters:

**Air Quality** – an Air Quality Assessment was submitted for review, which considers the air quality impacts of the development on existing air quality hot spots on A90/Forfar Road. Following a review of the submitted Air Quality Report, it is concluded the proposed development would not have any significant impact on air quality within the local area or the existing hot spot on Forfar Road.

**Contamination** – following the submission of an initial contaminated land desk study, updated reporting was provided which clarified elements of the initial study and concludes that gas protection measures are required. A remediation strategy has subsequently been submitted and agreed. A planning condition is recommended requiring the remediation strategy be implemented and verification provided.

**Noise** – a Noise Impact Assessment was submitted for review. The noise impact assessment recommends mitigation measures to reduce the impact of the proposed development on surrounding properties. The Head of Community Safety and Protection has reviewed the submitted Noise Assessment. The assessment demonstrates mitigation measures can be implemented to reduce daytime noise, but target night time noise criteria may be exceeded. Planning conditions are recommended to ensure noise from the proposed development does not impact on the amenity of surrounding residential properties during both daytime and night-time hours.



- 6.3 **Head of Environment** – has no objection to the application. It is recommended the further surveys outlined within the ecology report are completed and landscaping is provided within the site.
- 6.4 **Head of Sustainable Transport and Roads** – reviewed the Transport Statement submitted with the application and is satisfied with its conclusion. A number of conditions are recommended should planning permission be granted in the interests of promoting vehicle and pedestrian safety.
- 6.5 **Historic Environment Scotland** – has been consulted and has no objection to the application.
- 6.6 **Scottish Water** – has no objection to the application.
- 6.7 **Transport Scotland** - has no objection to the application, planning conditions are recommended in relation to matters including the undertaking of road upgrades and implementation of measures to manage construction traffic.

## 7 DETERMINING ISSUES

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

### THE DEVELOPMENT PLAN

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

#### NATIONAL PLANNING FRAMEWORK 4

- 7.2 **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.
- 7.3 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, air quality, 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.
- 7.4 The proposed development of a warehouse and van storage area is intended to support the delivery of products across the local area. The development would occupy an area of serviced land in agricultural use within the north of the city. The location of the site is appropriate for the proposed development, with the development layout designed to ensure efficient operation of vehicles within the site and suitable connections to A90/Forfar Road which ensure it is accessible to a range of surrounding residential and commercial areas.
- 7.5 The proposals include enhancements to planting within the site and measures to support wildlife which will contribute positively to the ecological value of the site. The proposed development is to include electric vehicle charging infrastructure within the proposed parking areas, solar PV panels on the roof of the warehouse and sustainable drainage infrastructure including swales. The site layout and access to charging provision, including passive charging

infrastructure, ensures the development can accommodate sustainable and low carbon modes of transport.

7.6 These measures will help to minimise emissions from the development and result in enhanced biodiversity.

7.7 **The proposal is in accordance with Policy 1.**

7.8 **Policy 3 b: Biodiversity** – states development proposals for national or major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii wherever feasible, nature-based solutions have been integrated and made best use of;
- iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
- v local community benefits of the biodiversity and/or nature networks have been considered.

7.9 The application site comprises an area of land that is in agricultural use. This use is temporary as the site and adjoining land, all of which is in council ownership have been allocated for employment uses in the current and previous local development plans. In allocating these sites for employment use in the current and previous local development plans it was recognised that the development of these greenfield sites would mean the loss of natural habitat but that this was outweighed by the wider economic benefits of developing the land for employment use.

7.10 To make the land ready for development and to remove barriers to development the council has used grant funding to put basic infrastructure in place. This has taken the form of roads, street lighting, and drainage infrastructure.

7.11 **Criteria i** - the applicant has shown through the submitted ecological appraisal that the proposal is based on an understanding of the existing characteristics of the site and its ecological context prior to development. The appraisal notes the proposed development will result in the loss of arable land which provides habitat for smaller animals such as birds and hares. The appraisal did not identify any irreplaceable habitats.

7.12 **Criteria ii** - the proposal includes a drainage strategy which considers a range of measures for managing surface water and these include several nature based solutions. The strategy then proposes a range of measure including swales, and dry and potentially wet basins.

- 7.13 **Criteria iii and iv** - to mitigate the impacts of the proposed development upon wildlife, the appraisal identifies measures including tree planting, pre-works surveys and restricted use of lighting during construction works. The appraisal recommends further survey work is undertaken to identify Marsh Orchids within swales at the site and that measures to enhance biodiversity within the site are implemented. The measures to enhance biodiversity include planting of native species, include bird/bat boxes within the site and the creation of grassland meadows. The appraisal also identified the presence of Giant Hogweed on site. To ensure this invasive species is controlled and any spread prevented, it is recommended the implementation of a treatment plan is controlled by condition.
- 7.14 **Criteria v** - the site currently has little local community benefit in respect of biodiversity or any local nature network. In the longer term as other parts of the industrial estate are developed it is expected that Jack Martin Way could form a new green network linking Claverhouse through to Whitfield. The landscaping scheme does show potential for enhanced landscaping along the public edges of the site and this would help with the early establishment of a green network through the industrial estate.
- 7.15 The applicant has submitted proposed landscaping plans which confirm trees and grassland meadows are to be provided within the site. These show that the landscaping will extend existing areas of vegetation to the north and west of the application site, effectively extending those habitats. It is recommended the implementation of measures to enhance biodiversity and landscaping as required by the criteria of Policy 3 are controlled by condition.
- 7.16 **The proposal is in accordance with Policy 3b, subject to a condition.**
- 7.17 **Policy 4 f: Natural Places** - states development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- 7.18 An Ecological Appraisal was submitted with the application, which identifies species such as birds and hares are present within the local area. However, there are no protected species known to be within the arable farm land which would be developed.
- 7.19 The proposal would have no detrimental impact on any protected species, and mitigation measures are to be implemented as part of the proposals which support wildlife including new planting and landscaping.
- 7.20 **The proposal is in accordance with Policy 4 f.**
- 7.21 **Policy 5 b: Soils** - states development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
- i essential infrastructure and there is a specific locational need and no other suitable site;
  - ii small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
  - iii the development of production and processing facilities associated with the land produce where no other local site is suitable; and

- iv the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration.

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

- 7.22 Land within the centre and north of the site is classified on the National Soil Map of Scotland as “brown soils within land capability for agricultural Class 3.1”, which is defined as prime agricultural land. The proposed development of a warehouse and associated van storage area would result in the development of part of the wider area of prime agricultural land to the north of Jack Martin Way.
- 7.23 The proposed development does not meet any of the Criteria of Policy 5 b.
- 7.24 **The proposal is not in accordance with Policy 5 b.**
- 7.25 **Policy 6 a: Forestry, Woodland and Trees States** - development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 7.26 Trees on the north boundary of the site which provide an important feature within the local landscape are to be retained. A range of new planting is proposed as part of the proposed development, including trees, shrubs and wildflowers. It is recommended that conditions are attached to any planning permission granted to ensure the proposed landscaping is implemented, and that any new trees and shrubs which die or become damaged within five years of planting are replaced to maintain an attractive development and contribute to the environmental quality of the application site.
- 7.27 **The proposal is in accordance with Policy 6 a, subject to a condition.**
- 7.28 **Policy 7 a: Historical Assets and Places** – states development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.
- 7.29 To the north of the application site are listed buildings, including the Category A Powrie Castle 250 metres to the north of the proposed warehouse and offices, and the Category B Black Watch War Memorial 330 metres to the north west of the site. The applicant has submitted supporting information and site sections to demonstrate the impact of the proposed development on the surrounding area, and its integration within the wider landscape.
- 7.30 As the application site is on a south facing slope, the proposed development sits below the listed buildings and monument to the north. The proposed warehouse is considered to be of a suitable design and form for this site, set away from the site’s north boundary and towards the lower sections of the site. The proposed warehouse and van storage area are of a size and form which would ensure the development integrates into the sloping site and is not overly prominent when viewed from surrounding roads against the backdrop of the city. The retention of trees and provision of new planting within the existing slope to the north of the site ensures visual and physical separation is maintained between the listed buildings and proposed development. Due to the scale and form of the proposed development, change in site levels and provision of planting, the proposed development would have no significant impact on the setting of the listed buildings.

- 7.31 Historic Environment Scotland has no objection to the proposal and acknowledges the principle of development is established through the site's allocation as a principal economic development area. This proposal has been given consideration and is not considered to result in any significant impact on the setting of Powrie Castle.
- 7.32 The proposed development including warehouse and van storage area is considered to be of an acceptable scale and would reflect the general height of buildings to the south west of the site. The proposals would have no significant impact on the setting of listed buildings within the surrounding area.
- 7.33 **The proposal is in accordance with Policy 7 a.**
- 7.34 **Policy 7 o: Historical Assets and Places** - states non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.
- 7.35 There are no archaeological sites/monuments recorded within the immediately area. However suspected sites are known in the general area. It is recommended a programme of archaeological works be progressed prior to any works on site to ensure appropriate investigations are undertaken, and if any remains are identified they will require to be investigated, recorded and recovered in advance of loss to development.
- 7.36 **The proposal is in accordance with Policy 7 o, subject to a condition.**
- 7.37 **Policy 9 b: Brownfield, Vacant and Derelict Land and Empty Buildings** - states proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- 7.38 The proposal seeks to erect a warehouse (Class 6) with ancillary offices within the east of the site, and a van storage area (Class 6) within the west of the site. Dundee Local Development Plan 2019 allocates the application site as Principal Economic Development Land where uses within Class 4, 5 and 6 are supported. The proposed uses are explicitly supported by the Local Development Plan.
- 7.39 **The proposal is in accordance with Policy 9 b.**
- 7.40 **Policy 9 c: 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.
- 7.41 A Geo-environmental Desk Study and remediation strategy have been submitted with the application. The desk study notes there are very limited historical land uses on and near the site, there is a low potential risk of significant contaminant sources being present.
- 7.42 The Head of Community Safety and Protection has reviewed the submitted reports and further information which was provided to clarify elements of the initial study. The recommendations within the remediation strategy are supported. A planning condition is recommended requiring the remediation scheme be implemented and verification provided to the Council prior to occupation of the development.
- 7.43 **The proposal is in accordance with Policy 9 c, subject to a condition.**

- 7.44 **Policy 12 a: Zero Waste** – states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- 7.45 As required by this policy, there is sufficient provision for waste reduction and waste separation at source as part of the proposed development. The applicant has provided an operators waste strategy which confirms waste will be separated into five streams including cardboard, plastic, pallets, general and hazardous waste. Waste including cardboard and plastic is to be recycled and any hazardous waste removed and processed by specialist contractors.
- 7.46 The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.
- 7.47 **The proposal is in accordance with Policy 12 a.**
- 7.48 **Policy 13 b: 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.
- 7.49 **Criteria i** – the proposed development includes connections to existing footpaths which would provide safe and convenient connections to the wider footpath network on Jack Martin Way and the surrounding residential areas. The site would also include links to Fintry Road which would support access to Dundee Green Circular. Staff and visitors to the proposed development would have access to bicycle storage areas. Streets in the vicinity of the development are suitable for use by pedestrians.
- 7.50 Although there are footways within the Claverhouse East Industrial Park towards Forfar Road, there is not a direct route from the existing bus stop outside the DCC Social Work office to the application site. Pedestrians are required to use a circuitous route via the footway on the south side of the road. It is likely that pedestrians would instead take a more direct route and walk along the unmade verge or on the carriageway. To provide a practical and convenient walking route along the north side of Jack Martin Way the developer is required to complete the missing link between the bus stop and the footways at the roundabout on Jack Martin Way. Planning conditions will be used to secure provision of this footway. Cycle parking is proposed

within the site and connections are to be provided to surrounding roads and footpaths which are lit and provide access to surrounding residential areas.

- 7.51 **Criteria ii and iii** – a bus stop is located on Jack Martin Way, 200 metres west of the access to the site. The bus stop is served by Xplore Dundee Service 33 which provides services between the application site, the city centre, Fintry and Whitfield. Through use of the bus service which connects the site to the city centre, linked journeys can be made to Dundee Railway Station and Dundee Bus Station. The footway improvements discussed under Criteria 1 would assist with encouraging employees to use bus transport.
- 7.52 **Criteria iv and v** – the proposal includes provision of electric vehicle charging points and cycle storage within the site. It is recommended the provision of full details of the type and form of cycle parking, charging and electric vehicle charging points are controlled by condition.
- 7.53 **Criteria vi** – the site layout and proposed access locations are designed to ensure that safe and adequate provision is made for road freight and waste access, loading and unloading. The Head of Sustainable Transport and Roads has reviewed the detailed information submitted as part of the planning application process and conditions are recommended to ensure full details of new road and footpath connections are submitted prior to the commencement of development. Roads and parking spaces within the application site will be managed privately by the occupier of the proposed development.
- 7.54 **Criteria vii** – the site layout has been designed to ensure the development is safe and accessible for all users. Pedestrian and cyclist access locations are towards the south of the site with connections onto Jack Martin Way and areas for loading and servicing vehicles are located towards the north and east of the site in secure areas.
- 7.55 **Criteria viii** – the site would be accessed via Jack Martin Way, with connections onto Forfar Road and surrounding streets. A Transport Statement submitted as part of the application has been review by Transport Scotland and the Head of Sustainable Transport and Roads. At peak times between 81 and 144 trips per hour would be made to/from the proposed development onto the A90. This traffic includes delivery vans, HGVs and staff/visitor vehicles. The existing road network has capacity for vehicle movements associated with this development. Transport Scotland recommend the provision of wheel cleaning facilities for construction vehicles is controlled by condition to minimise debris on the surrounding road network in the interest of road safety.
- 7.56 Jack Martin Way was constructed by Dundee City Council to accommodate development within Claverhouse East Industrial Park. The scale of development proposed is within the capacity that the road was designed to accommodate. With regard to the roundabout between Jack Martin Way and A90/Forfar Road, Transport Scotland has advised a 2021/22 Road Safety Review identified works which were required to enhance road safety in this location. Transport Scotland recommends the provision of a Road Safety Audit, and undertaking of works to widen the exit radius of the access from A90 onto Jack Martin Way be undertaken by the applicant to ensure longer vehicles, such as HGVs can safely enter and exit the roundabout. It is recommended these matters are controlled by condition.
- 7.57 Overall, the proposed development will not have any significant effect on the capacity or safe functioning of the existing local or trunk road network. The proposed development is of a scale and form which Jack Martin Way was designed to serve and has capacity for and road safety enhancements are to be provided at the roundabout on A90/Jack Martin Way.
- 7.58 **The proposal is in accordance with Policy 13 b, subject to conditions.**

- 7.59 **Policy 13 g: Sustainable Transport** - states development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.
- 7.60 The application has been reviewed by Transport Scotland as trunk road authority. Transport Scotland advises that planning conditions should be attached to any permission the council may give. These conditions are in relation to matters including the provision of a construction traffic management plan, undertaking of road upgrades to the roundabout onto the trunk road, and implementation of a comprehensive travel plan.
- 7.61 **The proposal is in accordance with Policy 13 g, subject to conditions.**
- 7.62 **Policy 14 b: 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
- 7.63 The proposal is for a warehouse with van storage and landscaping. The warehouse would be located towards the centre and east of the site. The proposed building measures 4.01 metres in height and is 115 metres long by 67 metres wide. To the east elevation are access doors and bays for the loading and unloading of HGVs, and to the north elevation are access doors and loading bays which would serve delivery vans. The south elevation contains windows and door openings, and the west elevations contain access doors. A simple palette of finishing materials is proposed including dark grey cladding to lower sections of the external walls and light grey to upper sections. Windows, an entrance door and roof canopy on the east elevation of the building are to include a blue surround. Within the curtilage of the proposed warehouse, ancillary structures including a security guard house and welfare cabin are proposed.
- 7.64 To the east of the proposed warehouse is a 156 space staff and visitor car park with associated access roads and landscaping. To the west of the warehouse, a 489 bay van storage area is proposed where vans would be stored overnight. The van storage area would be surfaced in tarmac, along with the associated access road onto Jack Martin Way and the van loading bays to the north of the proposed warehouse. Landscaping is proposed within the car park and towards the site boundaries. To the site's north boundary trees are to be retained, and wild flowers planted. Towards the site's south boundary landscaping comprising trees, shrubs and planting is proposed along with drainage swales. New road and footpath connections are proposed onto Jack Martin Way to the south of the site to enhance connectivity to the surrounding area.
- 7.65 In respect of the six qualities of successful place, the applicant's supporting documents demonstrate compliance with the six qualities of successful place. The Design and Access Statement considers the development, which is located within a gently sloping site, is of a scale and form which is appropriate within the wider landscape. The layout of the site and position of landscaping and access locations ensures the development provides a welcoming and vibrant development within an established principal economic development area. The layout of the site and form of the proposed building and van storage area responds positively to the sites topography and ensures there is no significant impact on the character or setting of the wider landscape. Measures to support the use of sustainable transport are to be provided, and the site will be connected to existing pedestrian and cycle networks.



- 7.66 The proposal would result in the development of warehouse, offices and van storage area within an allocated industrial site. The proposed development supports the function of Claverhouse East Industrial Estate in an appropriate manner.
- 7.67 **The proposal is in accordance with Policy 14 b.**
- 7.68 **Policy 22 c and e: 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.
- 7.69 Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.
- 7.70 A Flood Risk Assessment has been submitted which identifies the key flood risk to the site is from surface water runoff entering the site from land to the north. Through the provision of surface water drainage infrastructure within the site, the runoff from the site and wider catchment to the north-west will be attenuated, and then discharged to a surface water sewer on Jack Martin Way.
- 7.71 Subject to the provision of appropriate on-site drainage provision, the flood risk assessment demonstrates the proposed development would not be at any significant risk from flooding, and would not increase the risk of flooding at the site or within the surrounding area.
- 7.72 With regard to the onsite drainage provision, the applicant has submitted a Drainage Strategy and proposed drainage plans which confirm drainage infrastructure is to be provided within the site. It is proposed that surface water from the proposed building and areas of hard standing within the site is managed within swales towards the centre and south of the site, before being discharged into the existing surface water sewer within Jack Martin Way. The approach to SUDS will not have a detrimental impact on the ecological quality of the water environment, and there is sufficient capacity within sewers on Jack Martin Way to accommodate the proposed development.
- 7.73 The submitted drainage information is acceptable, subject to full specifications of the proposed infrastructure and connections to existing sewers being agreed with Dundee City Council. As discussions between Dundee City Council Engineers, Scottish Water and the applicant are ongoing, should planning permission be granted, planning conditions are recommended to ensure that full details of the system are agreed.
- 7.74 **The proposal is in accordance with Policy 22 c and e, subject to conditions.**
- 7.75 **Policy 23 d: 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.
- 7.76 The proposal would generate vehicle trips onto Forfar Road/A90, and an Air Quality Assessment was submitted and has been reviewed by the Head of Community Safety and

Protection. The report considers the impact the vehicle trips associated with the proposed development would have on existing air quality hot spot areas at the junction of Forfar Road/A90 and Kingsway.

- 7.77 Air quality modelling within the report predicts there will be no significant change in air quality at sensitive receptors, ie houses, along Forfar Road and at the junction with Kingsway. The assessment therefore concludes that there is no significant effect in relation to traffic associated with the proposed development and no mitigation measures are required.
- 7.78 The Head of Community Safety and Protection has reviewed the Air Quality Assessment and its associated traffic data. It is considered the submitted air quality report demonstrates there will be no significant effect on air quality within the existing hotspot on Forfar Road.
- 7.79 **The proposal is in accordance with Policy 23 d.**
- 7.80 **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.
- 7.81 The applicant has submitted a Noise Impact Assessment (NIA) which considers the impact of noise associated with the proposed development on surrounding land uses which include housing. The site is located within an allocated Principal Economic Development Area, however there are two houses to the west, one to the north of the site and housing to the south on Cheviot Crescent which could be impacted by the proposed development.
- 7.82 The NIA identifies a requirement for mitigation measures to be provided to ensure daytime noise level limits are met at sensitive receptors around the site such as houses. The proposed mitigation measures include the provision of acoustic enclosures, fencing and silencers on plant equipment. Further acoustic fencing is required within the north, east and west of the site at the HGV loading area and van loading and storage spaces. These areas of fencing vary from 6.5 metres at the HGV loading bay to 2.0 metres at the van storage area. Within the south west of the site a 3.0 metre acoustic fence is proposed. The acoustic fencing is required to protect the amenity of neighbouring dwellings within the surrounding area. The fencing would be visible from the surrounding area. However, it is within positions which are acceptable within this industrial development, and subject to full details being agreed by condition, would have no significant visual impact on the character or amenity of surrounding dwellings.
- 7.83 The applicant's NIA report also recommends the adoption of an Operational Noise Management Plan. This would include measures to minimise noise from HGVs and vans such as management of vehicle manoeuvring within the site, ensuring engines are off when vehicles are not in use and training of drivers to operate vehicles in a manner which minimises noise. The plan could reduce noise generated from vehicles within the site. However, it would only apply to vehicles under the operation of the occupier. Full details of night time operations are not confirmed.
- 7.84 The proposed noise mitigation measures would meet daytime noise criteria. However, the measures do not sufficiently reduce noise at surrounding houses during night time hours, with noise potentially above the criteria level set. The Head of Community Safety and Protection has reviewed the NIA and concluded that the submitted report does not provide a worst case scenario of all noise sources, and that proposed mitigation measures fail to meet the set criteria noise requirements during night time hours. It is expected that night time operations as modelled would result in an adverse noise impact on the neighbouring residential properties.

- 7.85 The applicant has explored the potential for further mitigation measures such as enclosures and additional acoustic barriers, but has not identified any mitigation measures that would reduce the potential night time noise to meet the criteria set.
- 7.86 To support this development proposal it is necessary to ensure that night time noise levels have no significant impact on residential amenity. If planning permission is granted it is recommended that planning conditions are used to control noise from equipment such as substations and to prevent refuse collections being undertaken during night time hours. It is also proposed that a planning condition is used to restrict van loading. This would have the effect of restricting van loading to the bays to the north and east of the building; that no van loading takes place between 23:00 hrs and 06:00 hrs; and only 50% of the bays are able to be used between 06:00hrs and 07:00hrs.
- 7.87 Subject to the implementation of mitigation measures identified within the NIA, and conditions which restrict noise levels on site and restrict night time operations, the proposed development would have no significant impact on residential amenity.
- 7.88 **The proposal is in accordance with Policy 23 e, subject to conditions.**
- 7.89 **Policy 26 a: Business and Industry** - states development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.
- 7.90 The proposal seeks to erect a warehouse (Class 6) with ancillary offices within the east of the site, and a van storage area (Class 6) within the west of the site. Dundee Local Development Plan 2019 allocates the application site as Principal Economic Development Land where uses within Class 4, 5 and 6 are supported.
- 7.91 **The proposal is in accordance with Policy 26 a.**
- 7.92 **Policy 26 e: Business and Industry** - states development proposals for business and industry will take into account:
- i Impact on surrounding residential amenity; sensitive uses and the natural and historic environment;
  - ii The need for appropriate site restoration at the end of a period of commercial use.
- 7.93 The applicant has submitted supporting information including a Noise Impact Assessment, Lighting Plan, Ecology Report and Design and Access Statement.
- 7.94 As considered under Policy 23e it is concluded that the proposed development would have no significant noise impact on surrounding residential amenity subject to physical and operational mitigation measures being implemented. The implementation of mitigation measures is to be controlled by condition.
- 7.95 The submitted lighting plan demonstrates there will be no significant light spill within the surrounding area. The Head of Community Safety and Protection has reviewed the proposals and has no objection to the proposed lighting plan, subject to lighting levels at neighbouring property being controlled by condition. The submitted information has demonstrated the required lighting levels can be achieved, and accordingly a condition is recommended limiting light at windows of neighbouring houses to levels of 5 lux between 0700 and 2300hrs and 1 lux out with these times.
- 7.96 The impact of the proposed development on nature is considered under Policy 4 f. The submitted ecology report and landscaping plans demonstrate the proposal will have no

detrimental impacts on the natural environment and provide enhancements to local ecology such as new planting.

- 7.97 The proposal would have no significant impact on the setting of Powrie Castle to the north east of the site. The undertaking of an archaeological investigation within the site is to be controlled by condition to ensure any remains are reviewed and recovered ahead of construction as considered under Policy 7 o.
- 7.98 The proposed development is of a nature that would not result in any significant impact on land within the application site. Should the development be demolished in future, the site could be restored to a condition similar to the present agricultural land.
- 7.99 **The proposal is in accordance with Policy 26 e, subject to conditions.**

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

- 7.100 **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 6 qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.101 Design and placemaking are considered under Policy 14 b of National Planning Framework 4. The proposal would result in the development of warehouse, offices and van storage area within an allocated industrial site. The proposed development supports the function of Claverhouse East industrial park and would create a vibrant and welcoming development, with green infrastructure, landscaping and connections to the surrounding area.
- 7.102 **The proposal is in accordance with Policy 1.**
- 7.103 **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.
- 7.104 The applicant states a scheme of public art can be provided as part of the proposal, within sections of the site towards Jack Martin Way which are out with the secured areas. The identified location is acceptable in principle. It is recommended that full details of the type and location of public art project to be provided is secured by condition.
- 7.105 **The proposal is in accordance with Policy 2, subject to condition.**
- 7.106 **Policy 3: Principal Economic Development Areas** – highlights that these areas are of city-wide significance and as such will be safeguarded for Class 4 (Business), Class 5 (General Industrial) or class 6 (Storage and Distribution) purposes. Uses other than these will be resisted.
- 7.107 The proposal seeks to erect a warehouse (Class 6) with ancillary offices within the east of the site, and a van storage area (Class 6) within the west of the site.
- 7.108 **The proposal is in accordance with Policy 3.**

- 7.109 **Policy 28: Protecting and Enhancing the Dundee Green Network** – development proposals shall protect and enhance the Dundee Green Network by ensuring that development will not lead to the fragmentation of the existing network of green infrastructure. New development should contribute to the Dundee Green Network where appropriate and as determined by the Council, through the integration of green infrastructure in masterplans or development frameworks and the creation and/or improvement of green infrastructure within development sites or in the local area.
- 7.110 The proposal will not lead to the fragmentation of the existing network of green infrastructure. Although an area of prime agricultural land will be lost to the development the application proposes the creation of new green infrastructure within the development site. Trees on the northern boundary of the site are to be retained and a range of new planting is proposed as part of the proposed development, including trees, shrubs and wildflowers.
- 7.111 **The proposal is in accordance with Policy 28.**
- 7.112 **Policy 34: Protected Species** – states development proposals which are likely to have a significant effect on a European protected species will not be supported unless:
- 1 there is no satisfactory alternative; and
  - 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.
- 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.
- 7.113 The impact of the development on protected species and ecology is considered under Policy 3b of National Planning Framework 4. It is recommended the undertaking of additional surveys and implementation of measures to enhance biodiversity within the site are controlled by condition.
- 7.114 **The proposal complies with Policy 34, subject to conditions.**
- 7.115 **Policy 35: Trees and Urban Woodland** – 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.
- 7.116 Trees and planting are considered under Policy 6a of National Planning Framework 4. Trees on the northern boundary of the site which provide an important feature within the local landscape are to be retained. A range of new planting is proposed as part of the proposed development, including trees, shrubs and wildflowers. It is recommended that conditions are attached to any planning permission granted to ensure the proposed landscaping is implemented, and that any new trees and shrubs which die or become damaged within 5

years of planting are replaced to maintain an attractive development and contribute to the environmental quality of the application site.

7.117 **The proposal is in accordance with Policy 35, subject to conditions.**

7.118 **Policy 36: Flood Risk Management** – states within Low to Medium Risk Areas with a 1 in 1000 to 1 in 200 year annual probability of flooding will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range or where the nature of the development or local circumstances indicates heightened risk. These areas are generally not suitable for essential civil infrastructure. Where such infrastructure must be located in these areas, it should be capable of remaining operational and accessible during extreme flooding events.

7.119 Flood risk is considered under Policy 22c of National Planning Framework 4. Subject to the provision of appropriate on-site drainage provision, the flood risk assessment demonstrates the proposed development would not be at any significant risk from flooding, and would not increase the risk of flooding at the site or within the surrounding area.

7.120 **The proposal is in accordance with Policy 36.**

7.121 **Policy 37: Sustainable Drainage Systems** – 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.

7.122 Surface water management is considered under Policy 22 e of National Planning Framework 4. As discussions between Dundee City Council Engineers, Scottish Water and the applicant are ongoing, should planning permission be granted, planning conditions are recommended to ensure that full details of the system are agreed.

7.123 **The proposal is in accordance with Policy 37, subject to conditions.**

7.124 **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 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.

7.125 Noise is considered above under Policy 23 e of the National Planning Framework 4. The applicant has submitted a Noise Impact Assessment (NIA) which considers the impact of noise associated with the proposed development on surrounding land uses which include houses to the north, south and west of the site. The site is located within an allocated Principal Economic Development Area, however there are two houses to the west, one to the north of the site and housing to the south on Cheviot Crescent which could be impacted by the proposed development.

- 7.126 The NIA identifies a requirement for mitigation measures to be provided to ensure day noise level limits are met at sensitive receptors around the site such as houses. The proposed physical mitigation measures would enable the development to meet daytime noise criteria. However, the measures do not sufficiently reduce noise at surrounding houses during night time hours.
- 7.127 The Head of Community Safety and Protection has reviewed the NIA and concluded that the submitted report does not provide a worst case scenario of all noise sources, and that the proposed mitigation measures fail to meet the set criteria during night time hours. It is expected that night time operations as modelled would result in an adverse noise impact on the neighbouring residential properties.
- 7.128 The applicant has explored the potential for further mitigation measures such as enclosures and additional acoustic barriers, but has not identified any mitigation measures that would reduce the potential night time noise to meet the criteria set.
- 7.129 To support this development proposal it is necessary to ensure that night time noise levels do not result in an unsatisfactory level of disturbance on the surrounding area. As discussed under NPF Policy 23 e above, if planning permission is granted it is recommended that planning conditions are used to control noise from equipment such as substations and to prevent refuse collections being undertaken during night time hours. It is also proposed that a planning condition is used to restrict van loading. This would have the effect of restricting van loading to the bays to the north and east of the building; that no van loading takes place between 23:00 hrs and 06:00 hrs; and only 50% of the bays are able to be used between 06:00hrs and 07:00hrs.
- 7.130 Subject to the implementation of mitigation measures identified within the NIA, and conditions which restrict noise levels on site and restrict night time operations, the proposed development would not result in an unsatisfactory level of disturbance on the surrounding area.
- 7.131 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.132 **Policy 40: Air Quality** – 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.
- 7.133 Air quality is considered under Policy 23 d of National Planning Framework 4. An Air Quality Assessment was submitted for review by the Head of Community Safety and Protection.
- 7.134 Air quality modelling within the report predicts there will be no significant change in air quality at sensitive receptors, including houses, along Forfar Road and at the junction with Kingsway.
- 7.135 The Head of Community Safety and Protection has reviewed the Air Quality Assessment and its associated traffic data. It is considered the submitted air quality report demonstrates there will be no significant effect on air quality within the existing hotspot on Forfar Road.
- 7.136 **The proposal is in accordance with Policy 40.**
- 7.137 **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.
- 7.138 Contaminated land is considered under Policy 9 c of National Planning Framework 4. A Geo-environmental Desk Study and remediation strategy have been submitted with the application. A planning condition is recommended requiring the proposed remediation scheme be implemented and verification provided prior to occupation of the development.
- 7.139 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.140 **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 to be prepared and used during the construction of major developments.
- 7.141 Waste management is considered under Policy 12a of National Planning Framework 4. A condition is recommended, should planning permission be granted, to ensure a site waste management plan is prepared and used during the construction of this major development.
- 7.142 **The proposal is in accordance with Policy 44, subject to a condition.**
- 7.143 **Policy 46: Delivery of Heat Networks** – requires new development to consider the feasibility of meeting their heat demand through heat networks.
- 7.144 An Energy and Sustainability Strategy has been submitted which assesses surrounding heat networks and the ability of the proposed development to connect to a heat network.
- 7.145 The application site lies out with any existing local district heating network. As there are no emerging heat networks in the local area, and given the time frame for the development to be progressed, it is not possible/viable for the development to be linked to a heat network. Notwithstanding this, the development is of a scale and nature which would be suitable for connection to a heat network in future should such infrastructure be progressed.
- 7.146 Whilst a viable connection to an existing heat network is not available at present, plant areas and substations are located within the site which could accommodate future infrastructure. The proposal therefore has potential to connect into a heat network in future without any significant on-site works being required.
- 7.147 **The proposal is in accordance with Policy 46.**
- 7.148 **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.
- 7.149 The submitted Energy Report highlights low and zero carbon technologies such as electric air source heat pumps and roof mounted solar PV panels are suitable for use as part of the warehouse and office development. In addition to low and zero carbon technologies, other areas of sustainable building design are included in the development, such as the use of thermal insulation and technologies which reduce waste and water consumption.



- 7.150 The submitted Energy Statement demonstrates compliance with Scottish Building Standards can be achieved.
- 7.151 **The proposal is in accordance with Policy 48.**
- 7.152 **Policy 49: Listed Buildings** – states 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.
- 7.153 As considered under Policy 7 a of National Planning Framework, the proposed development including warehouse and van storage area is considered to be of an acceptable scale and would reflect the general height of buildings to the south west of the site. The proposals would have no significant impact on the setting of listed buildings within the surrounding area.
- 7.154 **The proposal is in accordance with Policy 49.**
- 7.155 **Policy 52: Scheduled Monuments and Archaeological Sites b) Archaeological Sites** - states here any proposal could affect a site of known archaeological importance or potential, the applicant will be required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource. Such an assessment will require a field evaluation to be carried out to the reasonable satisfaction of the Council, to determine:
- 1 the character and extent of the archaeological remains;
  - 2 the likely impact of the proposal on the features of archaeological interest; and
  - 3 the ways in which the development proposal can be amended or designed in order to mitigate its impact on the archaeological remains.

Where the development is considered to be acceptable and it is not possible to preserve the archaeological resource in situ, the developer will be required to make arrangements for an archaeological investigation. Planning conditions will be used and agreements sought to secure these arrangements.

- 7.156 As considered under Policy 7 o of National Planning Framework 4, it is recommended a programme of archaeological works be progressed prior to any works on site. This can be controlled by condition.
- 7.157 **The proposal is in accordance with Policy 52, subject to a condition.**
- 7.158 **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.

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.

- 7.159 With regard to Criteria 1 – 3, the proposed development would provide access to sustainable modes of transport being within walking distance of bus stops and with safe and convenient links to adjacent walking and cycling networks. The proposal will include EV charging points and cycle parking.
- 7.160 With regard to Criteria 4 - 6, the submitted Transport Statement has been reviewed by the Head of Sustainable Transport and Roads and Transport Scotland who are satisfied with its conclusions. Subject to upgrade works on Jack Martin Way and Forfar Road to enhance HGV access and pedestrian routes, the proposed development would have no significant impact on the local or trunk road network. The undertaking and completion of these works can be controlled by condition.
- 7.161 Criterion 7 requires a travel plan to be prepared. It is recommended the submission of a comprehensive travel plan to support and encourage the use of sustainable modes of transport and enhance the accessibility of the development be controlled by condition.
- 7.162 **The proposal is in accordance with Policy 54, subject to conditions.**
- 7.163 **Policy 56: Parking – Developments Outwith the City Centre** – vehicle parking – all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. All parking facilities at commercial developments should include the provision of charging stations for electric vehicles.

Cycle Parking – 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.

- 7.164 The proposed parking provision is of a scale and form which is appropriate for the scale of development proposed. Plans are provided which identify the location of 7 disabled bays, 16 electric vehicle charging points and infrastructure for a further 78 charging points within the staff and visitor car park. The provision of this electric vehicle charging infrastructure is acceptable. Planning conditions are recommended to ensure electric vehicle charging points are installed prior to occupation of the proposed development.

- 7.165 With regard to cycle parking facilities, the applicant proposes a bicycle storage centre within the south of site. The centre which would be accessible to staff is in a secured location. The proposal does not include secure cycle storage provision for visitors to the site. It is recommended the provision of full details of the proposed cycle storage provision, and its implementation prior to occupation of the development be controlled by condition.
- 7.166 **The proposal is in accordance with Policy 56, subject to conditions.**
- 7.167 **The proposal is in full accordance with the Local Development Plan.**

## **MATERIAL CONSIDERATIONS**

### **A – REPRESENTATIONS**

- 7.168 Two letters of objection were received, raising the following matters:
- 7.169 **Objection** - the proposed development would have a detrimental impact on existing soakaways within the site.
- 7.170 **Response** – the proposed drainage system includes capacity for all surface water within the site, including water from the soakaway. Therefore any water within the application site including from the soakaway would be managed by the proposed drainage system. The submitted drainage proposals are acceptable in principle, with planning conditions recommended to ensure full details of the drainage infrastructure are agreed with Dundee City Council engineers. Any alterations to the existing soakaway is a private matter which will require to be addressed between the relevant parties.
- 7.171 **Objection** – as required by Local Plan Policy 56, secure, sheltered cycle storage appears to be provided for staff within the bicycle centre. However, no details are provided of visitor cycle parking. Details of both cycle parking for staff and visitors will need to be confirmed.
- 7.172 **Response** – the proposed bicycle centre within a secure area to the south west of the main entrance would provide staff with secure cycle storage. However, full details of the type of storage have not provided. The applicant has stated visitor cycle storage is to be provided, however details have not been confirmed. There is space within the site for cycle storage to be provided. It is recommended a planning condition is attached to any permission granted which requires full details of staff and visitor cycle storage be submitted for approval, and that it is implemented on site prior to the development opening.
- 7.173 The matters raised in the representation have been considered and addressed in the report. Planning conditions are recommended to ensure full details of the drainage and cycle storage provision are agreed with the Council and implemented prior to occupation of the development.

### **B – DEPARTURE FROM POLICY OF NATIONAL PLANNING FRAMEWORK 4**

- 7.174 The proposed warehouse and van storage area would occupy an area of Prime Agricultural Land, contrary to Policy 5b: Soils of National Planning Framework 4.
- 7.175 The site forms part of Claverhouse East, an allocated Principal Economic Development Area within the Dundee Local Development Plan 2019. The site has been allocated for industrial use for a number of years, with access roads formed onto Jack Martin Way to support development within the application site.

- 7.176 The proposed development of a distribution warehouse and van storage area falls within Use Class 6 and therefore accords with the site's allocation as a principal economic development area. The proposal would support job creation and contribute to the vitality of Claverhouse East Industrial Park.
- 7.177 The centre and north of the site, whilst prime agricultural land, is of limited ecological value and provides limited habitat for animals. As considered within the main body of this report, the ecology survey identifies works, including planting and formation of swales, which will enhance the ecological value of the site. The development of the site would not have any significant impact on the availability of prime agricultural land within the local area, and would ensure measures are undertaken to support biodiversity.
- 7.178 Overall, the application site is within a long established Industrial Park and is allocated for industrial developments such as a distribution warehouse and van storage area as presently proposed. The development would support job creation and contribute to the vitality of the local area. The proposals impact on ecology and biodiversity can be mitigated through the provision of new planting, landscaping and open swales within the site.
- 7.179 **It is concluded that there are material considerations which would justify approval of planning permission.**

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## 8 CONCLUSION

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- 8.1 The application for a warehouse, offices and van storage area is in accordance does not fully accord with National Planning Framework 4. However, there are material considerations of sufficient weight that would justify approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 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.
  - 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.
  - 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 31<sup>st</sup> 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 be 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** – 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.

**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) 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.

#### 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](mailto: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.