

City Chambers
DUNDEE
DD1 3BY

1st December, 2023

Dear Colleague

You are requested to attend a MEETING of the **PLANNING COMMITTEE** to be held remotely on Monday, 11th December, 2023, at 5.00 pm.

Members of the Press or Public wishing to join the meeting should contact Committee Services on telephone (01382) 434205 by Friday, 8th December, 2023.

Yours faithfully

GREGORY COLGAN

Chief Executive

AGENDA OF BUSINESS

1 DECLARATION OF INTEREST

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

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

2 DEPUTATIONS

- (a) 23-00165-FULM – FLATTED RESIDENTIAL DEVELOPMENT, WITH ASSOCIATED CAR PARKING, AMENITY SPACE AND LANDSCAPING, SITE OF WALLACE CRAIGIE WORKS, 2 BROUGHTY FERRY ROAD, DUNDEE – FOR FIRST ENDEAVOUR LLP WITH CRAIGIE ESTATES LTD

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

- (b) 23-00311-FULM – ERECTION OF PURPOSE BUILT STUDENT ACCOMMODATION, SOUTH WARD ROAD – 19-21 SOUTH WARD ROAD, DUNDEE – FOR NEWTIDE INVESTMENT LIMITED

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

- (c) 23-00539-FULM – BATTERY ENERGY STORAGE SYSTEM – STAR INN FARM, C12 FROM A90 AT STAR INN FARM TO U329 AT MAINS OF FOWLIS, DUNDEE – FOR SUNSHINE PROJECT 01 LIMITED

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

3 PLANNING APPLICATIONS

(Copy attached).

Planning Applications

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

Item No	Case No/Ward	Location	Page
1	23/00165/FULM W05-Maryfield	Site of Wallace Craigie Works, 2 Broughty Ferry Road, Dundee	1
2	23/00311/FULM W05-Maryfield	19-21 South Ward Road, Dundee, DD1 1PU	44
3	23/00539/FULM W02-Lochee	Star Inn Farm, C12 From A90 at Star Inn Farm to U329 at Mains of Fowlis, Dundee	84

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

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Flatted Residential Development, With Associated Car Parking, Amenity Space and Landscaping

KEY INFORMATION

Ward Maryfield

Address

Site of Wallace Craigie Works
2 Broughty Ferry Road
Dundee

Applicant

First Endeavour LLP with
Craigie Estates Ltd

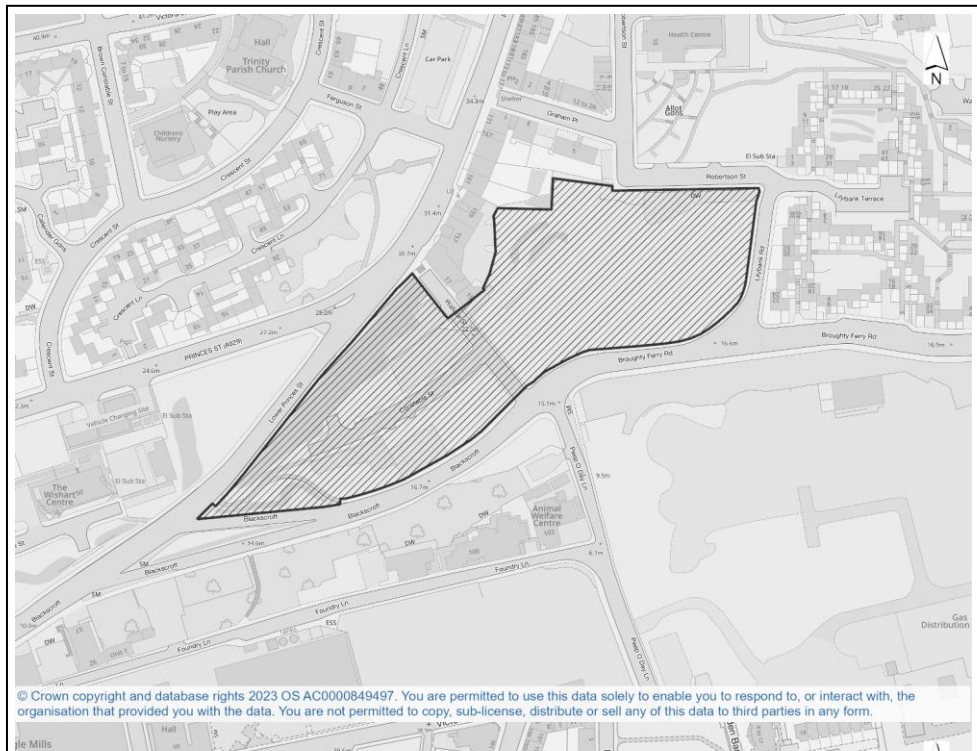
Agent

Neil Gray
Gray Planning & Development
Ltd
AYE House
Admiralty Park
Rosyth
KY11 2YW

Registered 13 April 2023

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the erection of 144 flats, comprising a mixture of one, two and three-bedroom units with associated parking, amenity space and landscaping.
- The application fails to accord with the requirements of the Development Plan.
- In total, six letters of objection were received. The letters of objection raise concerns with the scale of the proposed development and impact on parking provision. One representation in support of the proposal was received.
- Supporting information including a Planning Statement, Design and Access Statement, Drainage Strategy and Noise Impact Assessment have been provided with the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is a 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=RRO9XPGCIJP00>

RECOMMENDATION

The proposal fails to comply with Policies 3b, 14b, 16a, 16b, 16c, 16f, 20b, 22c, and 23e of National Planning Framework 4 and Policies 1, 9, 10, 37 and 39 of the Dundee Local Development Plan 2019. There are no material considerations of sufficient weight to justify approval of planning permission. It is therefore recommended that planning permission be REFUSED.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of a flatted development on the site of the former Wallace Craigie Works, Wallace Street, Dundee. The proposal would create a development of 144 dwellings within seven flatted blocks, comprising 24 one-bedroom, 112 two-bedroom and 8 three-bedroom flats. Each flat includes living room, dining room, kitchen and bathroom. As part of the development, external amenity spaces are to be provided within the site for residents, including landscaped areas towards the site's north boundary.
- 1.2 The proposed flats would be contained within seven blocks, sited towards the south and centre of the site within parking and amenity spaces to the north. The flatted blocks range in scale from five and six storeys in height along Broughty Ferry Road, reducing to three storeys in height at block 1 towards the centre of the site. The varying height is proposed to provide a varied street frontage and integrate the development into the sloping site. The buildings have been designed to provide an active frontage with resident entrances onto surrounding streets. The proposed finish materials include buff and grey brick to external walls, pitched roofs finished in profiled metal and dark grey UPVC windows and doors. The majority of upper floor flats benefit from external terrace or Juliet balconies and residents would have access to outdoor amenity spaces within the site. The design includes recessed elements to the north and south elevations, with the development including taller elements towards the south of the site. The proposed position of the building frontages onto Broughty Ferry Road would reflect the established building line of houses to the east of the site. The form of the buildings reflects the topography of the application site, with frontages onto Broughty Ferry Road and Wallace Street. The external amenity spaces have been formed to integrate with the sloping nature of land towards the site's north boundary.
- 1.3 Each proposed flatted building includes communal entry areas and flats across lower and upper floors. A total of 144 flats are proposed, comprising 1, 2 and 3-bedroom dwellings within living/dining area, kitchen, bathrooms and storage spaces. Each building contains a bin storage area which will be accessible to residents and a secure cycle storage area. The secure cycle stores will provide space for each flat to store a cycle, with direct access onto footpaths within the site. Across the development, a total of 180 cycle storage spaces will be provided for the 144 flats.
- 1.4 The proposed buildings which front onto Broughty Ferry Road would include principal elevations towards the south, with resident entrances, windows, balconies and an area of amenity space to be provided. Within the centre and north of the site, block 1 and block 4 include balconies on south facing elevations and windows within elevations which front onto Wallace Street. The rear elevation of block 1, which would be visible from Blackcroft/Princes Street, will include windows associated with bedrooms and communal entries.
- 1.5 Within the centre of the site parking spaces are proposed, comprising a 52-space car park at blocks 1-3, and a 61-space car park at blocks 4-7. The car parks include provision of disabled parking spaces and EV charging points. To the north of the car parks, external amenity spaces are proposed with outdoor open spaces and landscaping. To the rear of blocks 1, 4 and 7, drying greens are proposed with open spaces beyond. The open spaces which would be within sloping areas of the site are to include areas of lawn with planting including trees, hedging and wildflowers.
- 1.6 The applicant has submitted the following in support of the application:
- Pre-Application Consultation Report;
 - Planning Statement;

- Drainage Strategy Report;
- Drainage Impact Assessment;
- Design and Access Statement;
- Ground Condition Survey;
- Low Carbon Statement;
- Heritage Statement;
- Transport Statement;
- Preliminary Ecological Appraisal; and
- Noise Impact Assessment.



Figure 1 – Proposed View from Broughty Ferry Road/Blackscroft



Figure 2 – Proposed Block 1 Elevations



Figure 3 – Proposed Block 5 Elevations

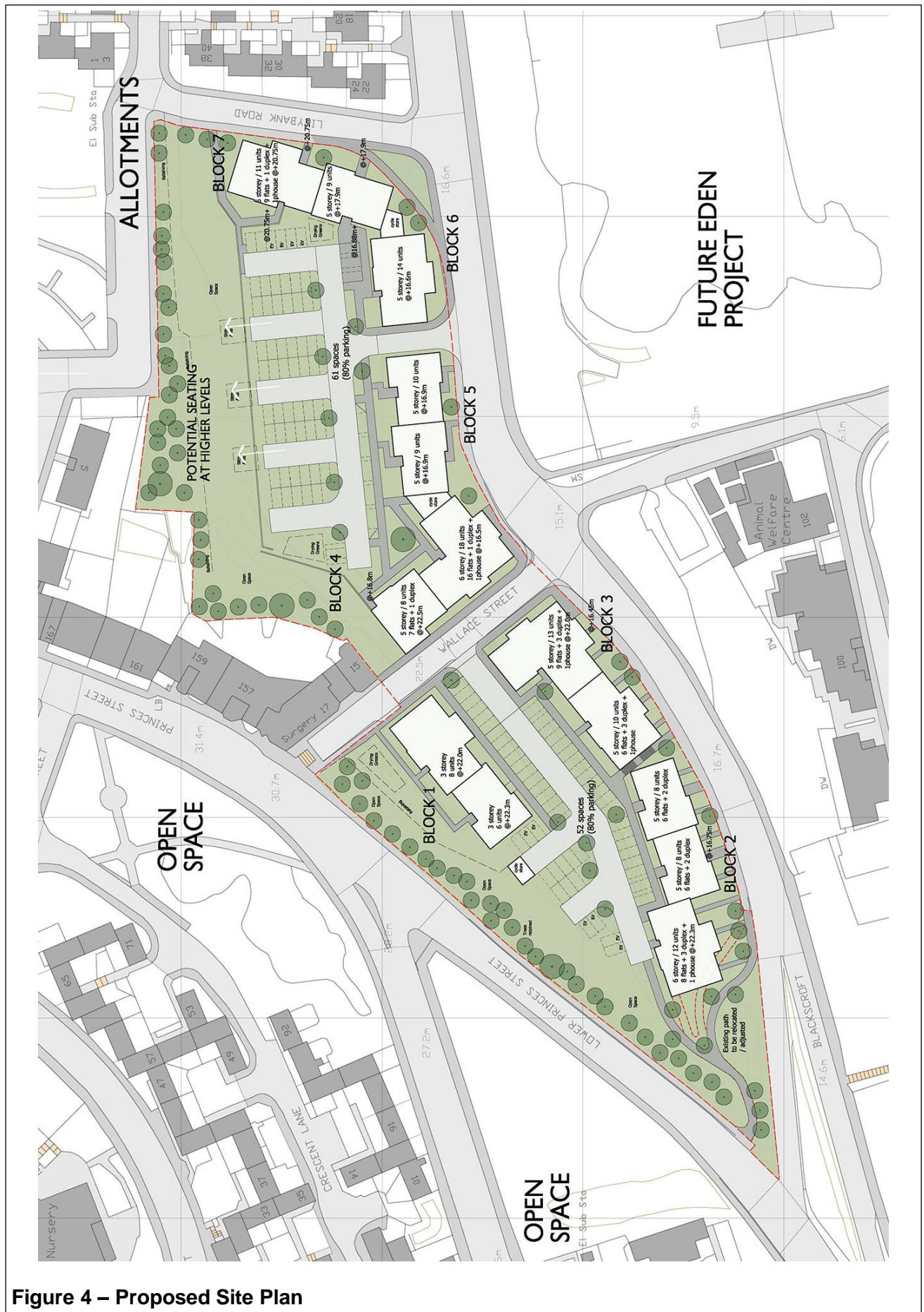


Figure 4 – Proposed Site Plan

2 SITE DESCRIPTION

- 2.1 The application site is located between Blackscroft, Lilybank Road and Broughty Ferry Road. Wallace Street which is located within the centre of the site, provides access to a car park and flatted development to the north-east. The site slopes steeply from north to south with exposed rock outcrops located within the east of the site.
- 2.2 The east of the application site contains areas of level ground towards Broughty Ferry Road, with steeply sloping areas to the north. The level area of the site was formerly occupied by Wallace Craigie Works. Since demolition of the building in 2018, the site has been in an unkempt condition with areas of rubble and grassland. The site is bounded by a mixture of stone boundary walls, temporary mesh fencing and timber fencing.
- 2.3 Within the west of the application site is a car park and area of hardstanding with greenspace beyond. Below the car park is an area of level hardstanding which was previously occupied by one of the former mill buildings.
- 2.4 The surrounding area contains a mixture of uses, with residential areas to the north and east including houses and flats on Lilybank Terrace and Graham Place. To the west is housing, a hotel and offices with East Marketgait and the city centre beyond. To the south of the site is Broughty Ferry Road with Gallagher Retail Park, a bus depot and a vacant industrial site beyond. The industrial site is subject of proposals for the Eden Project.



Figure 5 – View of Western Section of Application Site From Broughty Ferry Road



Figure 6 – View of Eastern Section of Application From Broughty Ferry Road

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the climate and nature crises
Policy 3b: Biodiversity
Policy 6a: Forestry, Woodland and Trees
Policy 7o: Historic Assets and Places
Policy 9 a, c: Brownfield, vacant and derelict land and empty buildings
Policy 12 a, c: Zero Waste
Policy 13 b: Sustainable transport
Policy 14 b: Design, quality and place
Policy 15 a: Local Living and 20-minute Neighbourhoods
Policy 16 a, b, c, f: Quality Homes
Policy 20b: Blue and Green Infrastructure
Policy 22c: Flood Risk and Water Management
Policy 23 e: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking
Policy 2: Public Art Contribution
Policy 9: Housing Land Release
Policy 10: Design of New Housing
Policy 35: Tree and Urban Woodland
Policy 37: Sustainable Drainage Systems
Policy 39: Environmental Protection
Policy 41: Land Contamination
Policy 44: Waste Management Requirements for Development
Policy 46: Delivery of Heat Networks
Policy 48: Low and Zero Carbon Technology in New Development
Policy 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.

4 SITE HISTORY

- 4.1 Planning application ref: 12/00371/FULM sought planning permission for the development of 174 flats at the Former Wallace Craigie Works, Broughty Ferry Road, Dundee. The proposals included the conversion of Wallace Craigie Works building to flatted accommodation and erection of new build flats towards Lilybank Road and Constable Street as enabling development. The application was approved subject to conditions on 23 October 2012.
- 4.2 Listed building consent application ref: 12/00369/LBC sought consent for the conversion and alteration of Category B listed Wallace Craigie Works building to form 24 flats and the demolition of two listed structures. This application was approved subject to conditions on 14 November 2012.
- 4.3 Planning application ref: 13/00271/FULM sought consent to vary Conditions 1 to 10 of application ref: 12/00371/FULM to allow for the implementation of a phased development.

This application was approved by the Development Management Committee subject to 8 additional conditions on 15 August 2013.

- 4.4 Planning application ref: 14/00758/FULM sought planning permission for the development of 100 flats at the Former Wallace Craigie Works, Broughty Ferry Road, Dundee. This was a variation to the original scheme. This development included Wallace Craigie Works and sought changes to the flatted blocks on the eastern part of the site. This application was approved subject to conditions on 20 January 2015.
- 4.5 Listed building application ref: 14/00759/LBC sought consent for the conversion of B Listed Mill into 32 Flats. This application was approved subject to conditions on 22nd January 2015.
- 4.6 The entire mill complex was demolished in May 2018.
- 4.7 Proposal of application notice 22/00303/PAN for a proposed residential development was submitted on 6th May 2022.

5 PUBLIC PARTICIPATION

- 5.1 A Pre-application Community Consultation Report has been submitted with this Major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. Namely that the applicant hosted two events including an online event on 27th July 2022 and a public event on 16th November 2022.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 In total six letters of objection were received, raising the following material considerations:
 - the proposed buildings are of a design and form which would not contribute positively to the site. The buildings are of a scale which would result in overshadowing, provide small, flatted dwellings, restrict light to rooms which are to north facing elevations of the proposed buildings and fail to provide high quality frontages. The provision of 144 flats significantly exceeds previously approved developments.
 - There is a lack of open spaces and play areas within the site, and there is no SUDS provision.
 - The proposed development would increase parking pressures on the surrounding area and have a detrimental impact on parking provision and access at a GP surgery. The increase in traffic to and from the site would also increase pressures on surrounding roads.
 - The proposed parking provision is excessive and should be reduced, as the site is close to the city centre and accessible by sustainable modes of transport provision.
- 5.4 One letter of support was received. The representation welcomes the proposed development as contributing to the regeneration of this area of the city. However, it is recommended and requested that matters including adherence to Passivhaus or equivalent standards, potential for solar gain, excessive parking provision, details of landscaping and public art provision are addressed by any planning permission.

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

6 CONSULTATIONS

- 6.1 **Archaeological Consultant** – has reviewed the submitted Heritage Statement which stands as a record of the mill complex. It is requested the applicant's archaeological contractor deposit the Heritage Statement with the National Record of the Historic Environment.
- 6.2 **The Head of Community Safety and Protection** - has commented on the following matters:
- Contaminated Land** – a Ground Condition Survey has been submitted and reviewed. It is recommended a detailed contaminated land risk assessment be completed and any required remediation measures implemented. These matters can be controlled by condition should members be minded to approve planning permission.
- Noise** – the applicant has submitted a noise impact assessment in support of the application which considers sources of noise within the surrounding area including road traffic. The assessment demonstrates mitigation measures can be provided which ensure flats within the proposed buildings achieve satisfactory internal noise levels. However, noise levels would exceed acceptable levels within external amenity spaces. An acoustic barrier is required to reduce noise levels within amenity spaces however the applicant does not wish to provide this as it would have a visual impact. As currently proposed, noise levels within external areas would exceed acceptable levels. The Head of Community Safety and Protection therefore does not support the application.
- 6.3 **The Head of Design and Property Services** – has raised concerns with the type, design and form of the proposed surface water drainage system.
- 6.4 **The Head of Environment** – commented on the following matters:
- Greenspace** – has no objection to the application and supports the proposed landscaping which includes tree planting and wildflowers. It is requested further measures to support biodiversity including the addition of swift boxes be confirmed.
- 6.5 **The Head of Sustainable Transport and Roads** – has reviewed the application and supporting documentation, including transport statement, and has no objection to the proposals.
- 6.6 **Scottish Water** - has no objection to the proposal.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (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

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.

- 7.2 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.
- 7.3 The proposal includes the erection of 144 flats within a brownfield site. The proposed development would support the provision of residential accommodation within an accessible location, close to the city centre. The proposed buildings would include insulation and low carbon technologies to current building standards. The site is well connected to the surrounding area by existing road and footpath networks which support the use of active travel. The site is within walking distance of shops and services minimising the need to travel by car.
- 7.4 The proposals would include biodiversity enhancements and have no detrimental impact on local air quality. The development would be constructed to modern building standard requirements and is in a highly accessible location.
- 7.5 **The proposal is in accordance with Policy 1.**
- 7.6 **Policy 3b: Biodiversity** - states development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all the following criteria:
- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v local community benefits of the biodiversity and/or nature networks have been considered.
- 7.7 With regard to criteria i, the applicant has provided a Preliminary Ecological Appraisal which considers existing wildlife and planting within the site. The Appraisal does not identify any protected species within the site but does note nesting birds may be present during the breeding season. It is therefore recommended works are undertaken out with this period. As

areas of planting within the site are of limited ecological value, there is no ecological constraints to redevelopment of the site.

- 7.8 The brownfield site is within a densely developed area, bound by public roads and neighbouring development. There is no habitat or planting within the site of significant value. However, redevelopment provides an opportunity to improve biodiversity within the site.
- 7.9 Criteria ii states wherever feasible, nature-based solutions have been integrated and made best use of. The existing corridor of trees towards the north-west boundary of the site would be retained, along with areas of smaller self-seeded trees and shrubs within the north of the site. This would maintain the character and ecological value of these areas. Towards the centre of the site, an area of trees and shrubs would be removed. This planting is of no significant ecological value and the applicant proposes to provide compensatory planting within the site. This would include a mixture of new trees, shrubs and wildflowers which would contribute positively to the overall biodiversity value of the site. However, the development does not include proposals for a nature-based SUDS solution. Instead, surface water would be directed through drainage systems and small areas of rain garden to underground water storage crates. Although the proposal includes areas of landscaping and small rain gardens, these are limited in scale and miss an opportunity to provide significant biodiversity enhancement through nature-based solutions. This is contrary to the aims of criteria ii.
- 7.10 With regard to criteria iii, the submitted Design and Access Statement and Preliminary Ecological Appraisal considers the proposed development and landscaping would enhance the biodiversity value of the site which contains areas of hardstanding and demolition material. It is agreed that the redevelopment of the site would have no significant impacts on the existing ecology, or biodiversity, and through the provision of planting, enhancements could be made. However, the scale of these enhancements is limited. As noted above, the proposal misses the opportunity to provide significant biodiversity enhancements.
- 7.11 Criteria iv requires proposals to provide significant biodiversity enhancements. The proposal retains trees towards the site boundary and provides new trees and hedgerows within the development. However, the proposal fails to provide a green drainage solution and areas of development and hardstanding would occupy large areas of the site. Whilst planting is proposed towards the site boundaries, there are no areas within the site where habitats or nature networks are to be formed or supported. Whilst some landscaping is retained and enhanced, the proposal fails to provide the significant biodiversity enhancements required by Policy 3b.
- 7.12 With regard to criteria v, the proposal provides few useable greenspaces where residents would be able to benefit from the proposed planting. The planting areas towards the site's north boundary are on steeply sloping areas of land limiting usability, and planting within the car park areas would provide limited community benefit. There are open spaces within the west of the site and towards the south boundary which would contribute positively to the development. However, these are limited in area. As considered above, no nature networks are proposed. The proposed landscaping mix of trees and shrubs is appropriate to the site. However, the location and form of the planting fails to provide local community benefits and would not form or support a nature network.
- 7.13 **The proposal is not in accordance with Policy 3b.**
- 7.14 **Policy 6a: Forestry, woodland and trees** – states development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 7.15 The existing site includes a row of eight trees along the north boundary, along with areas of shrubs and unkempt grass. The trees contribute positively to the application site and wider

streetscape along Blackcroft. The applicant proposes to retain these trees, which will ensure the avenue of trees on Blackcroft protected.

- 7.16 The proposal includes the removal of an area of self-seeded trees and shrubs towards the centre of the western section of the site to form a car park. These trees are not of a high quality, and compensatory planting is to be provided with a new avenue of trees within the west of the site and planting around the proposed car park. Through the addition of new planting, including 67 trees and a range of shrubs and hedging, the loss of a small number of trees and shrubs would be mitigated. The provision of planting and its maintenance as outlined in the submitted landscaping proposals could be controlled by condition should members be minded to approve planning permission.
- 7.17 **The proposal is in accordance with Policy 6a, subject to a planning condition.**
- 7.18 **Policy 7o: Historic 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.
- 7.19 Wallace Craigie Works which previously occupied the site was demolished in 2018. The site is no longer designated as containing a listed building. There are no remaining historic features which require recording, with the footprint of the site heavily disturbed and out with the historic core of the burgh.
- 7.20 Following consultation with the Council's Archaeological Consultant, it is considered there would be no value in sub-surface archaeological investigation with the site archaeologically sterile and devoid of any historic architectural interest.
- 7.21 Accordingly, no archaeological conditions are required. The applicant has deposited the Heritage Statement submitted with the application with the National Record of the Historic Environment for their records.
- 7.22 **The proposal is in accordance with Policy 7o.**
- 7.23 **Policy 9a: Brownfield, Vacant and Derelict Land and Empty Buildings** – states development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.24 The proposal seeks to erect 144 flats on a vacant brownfield site. The proposal would support the re-development and re-use of a prominent site for residential use. The site is primarily surfaced in areas of hardstanding and demolition material with areas of trees and unkempt planting towards the north boundary. The areas of hardstanding and demolition material are of no significant biodiversity value. Bushes and trees to the site boundary would be retained and where areas of planting would be removed to facilitate the proposed development, compensatory planting is proposed. Overall, the proposed development would occupy a vacant brownfield site without significant detriment to the biodiversity value of the site or surrounding area.
- 7.25 **The proposal is in accordance with Policy 9a.**

- 7.26 **Policy 9c: Brownfield, Vacant and Derelict Land and Empty Buildings** – states here 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.
- 7.27 The site has historically been occupied by industrial buildings including Wallace Craigie Works, and presently contains a mixture of open spaces and demolition material. The applicant has provided a Ground Condition Summary which has been reviewed by The Head of Community Safety and Protection.
- 7.28 As the proposal relates to a residential use, a full preliminary risk assessment for contaminated land, site investigation and remediation scheme are required provided before any works progress to ensure the site is suitable for development. The completion of further reporting and implementation of any mitigation measures could be controlled by condition should Members be minded to grant planning permission.
- 7.29 **The proposal is in accordance with Policy 9c, subject to conditions.**
- 7.30 **Policy 12a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- 7.31 As required by this policy, there is sufficient provision for waste reduction and waste separation in the proposed bin storage areas within the ground floor of each building. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.
- 7.32 **The proposal is in accordance with Policy 12a.**
- 7.33 **Policy 12c: Zero Waste** - states development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
- i provision to maximise waste reduction and waste separation at source; and
 - ii measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- 7.34 As required by this policy, there is sufficient provision for waste reduction and waste separation in the proposed bin storage areas within the ground floor of each building. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.
- 7.35 **The proposal is in accordance with Policy 12c.**
- 7.36 **Policy 13b: Sustainable Transport** - states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii will be accessible by public transport, ideally supporting the use of existing services;
 - iii integrate transport modes;
 - iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii adequately mitigate any impact on local public access routes.

- 7.37 **Criterion i** – the development proposal includes direct connections to existing footpaths and streets which would provide safe and convenient access to local facilities in the city centre and surrounding area. Residents would have access to secure bicycle storage areas within each of the seven proposed blocks.
- 7.38 **Criteria ii and iii** – bus stops within 400 metres of the site on Broughty Ferry Road and Blackcroft are served by frequent services to the City Centre, Ninewells, Barnhill, and towards Broughty Ferry, Carnoustie and Arbroath. Bus services into the City Centre enable integrated journeys through Dundee Railway Station and Dundee Bus Station.
- 7.39 **Criteria iv** – the proposed development would be served by 113 parking spaces, including 8 spaces served by electric vehicle charging points. There is also scope for infrastructure to be provided below the car park to allow installation of further chargers in due course. The proposal could therefore provide charging provision in alignment with building standards. The development includes cycle storage areas within each flatted block and one external cycle store. Within these spaces, there is scope for charging infrastructure to be provided.
- 7.40 **Criterion v** - the applicant proposes to create secure cycle storage areas with the proposed flatted blocks and within an external cycle store, providing spaces for up to 180 cycles. The provision of 180 spaces exceeds Dundee City Council Streets Ahead, which requires a minimum of 144 spaces to be provided for a development of this size. In the interest of supporting sustainable transport, the provision of secure cycle storage as proposed prior to first occupation of the development could be controlled by condition should Members be minded to grant planning permission.
- 7.41 **Criterion vi** – the proposal would utilise the existing road access between Wallace Street and Broughty Ferry Road and include a new road access onto Broughty Ferry Road. Pedestrian accesses are proposed towards Lower Princes Street, Broughty Ferry Road and Lilybank Road. The existing road access ensures that safe and adequate provision is made for walking, cycling and road vehicles including delivery and refuse vehicles. The proposed access could be formed to Dundee City Council specifications.
- 7.42 **Criterion vii** – pedestrian access locations are proposed at each of the flatted blocks, and towards areas of open space. This ensures the development would be well connected to surrounding streets including Broughty Ferry Road. There is provision of level access routes ensuring the development is accessible to all users/residents.
- 7.43 **Criterion viii** – the proposals include direct pedestrian access onto surrounding public footpaths. Access through the site via Wallace Street would be retained. The development would have no detrimental impact on public access routes.

- 7.44 The proposed development is in an accessible location, would include cycle storage and support provision of electric vehicle charging facilities, and supports the provision of safe access to all users.
- 7.45 **The proposal is in accordance with Policy 13b, subject to conditions.**
- 7.46 **Policy 13e: Sustainable Transport** - states development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- 7.47 The proposal includes 113 car parking spaces, which is 80% provision for the 144-dwelling development. The applicant has submitted supporting information which considers the proposed flatted development would not generate a significant parking demand, and the site is in a highly accessible location within walking distance of the city centre and a range of sustainable transport options. The proposed development would be accessible to residents of all abilities and there would be no barriers to access by disabled people.
- 7.48 The proposed flats would be served by 180 secure, covered cycle storage spaces in accessible locations. The provision of 180 spaces would exceed Dundee City Council's standards. A condition could be attached to any permission granted requiring the secure and covered cycle storage to be provided prior to first occupation should members be minded to approve planning permission.
- 7.49 As considered under Policy 13b, due to the site's location within close to the city centre and surrounding shops, services and amenities, the proposed 80% parking provision is acceptable. There will be sufficient parking provision for residents, including disabled spaces and EV charging points. The site is well served by public transport with bus stops within 400 metres of the site.
- 7.50 **The proposal is in accordance with Policy 13e, subject to a condition.**
- 7.51 **Policy 14b: Design, Quality and Place** - states development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable
- 7.52 The application site contains two areas of brownfield land, separated by Wallace Street which runs up the centre of the site. This is primarily vacant areas of hardstanding and unkept grassland with areas of demolition material. The site in its present condition is not of merit, and re-development would enhance the local streetscape. However, the proposed flatted development would introduce 144 dwellings into a 1.79-hectare site. To achieve this density, multi-storey buildings are proposed along the south of the site and towards the north boundary with parking and open space towards the centre. The proposed development would introduce a significant number of dwellings into the site, whilst providing limited variation in house type and useable amenity spaces for residents.
- 7.53 With regard to the character and amenity of Broughty Ferry Road and surrounding streets, existing development includes a mixture of houses and flatted dwellings within buildings between two and four storeys in height. The proposed buildings vary between 5 and 6 storeys and are therefore of a scale and massing which is greater than surrounding development. Due to the significant change in levels along the western part of Blackscroft, the proposed development would sit prominently on the skyline when viewed from the south. There are multi-storey buildings in the surrounding area. However, the proposed buildings fronting onto Broughty Ferry Road would be up to 6 storeys in height. This is greater than surrounding developments and would introduce buildings of significant massing to the north side of

Broughty Ferry Road and this would appear out of context with the character of the surrounding area. The provision of recessed elements and balconies on the south elevation of the buildings does provide visual interest. However, the buildings would not integrate sensitively with the existing streetscape. The buildings do not align with the site's south boundary and do not form a coherent frontage along Broughty Ferry Road. The scale of the buildings and small set back from Broughty Ferry Road does not contribute to the overall appearance of the development, and the open spaces created are small in scale and of low quality being subject of direct overlooking and traffic noise. Overall, the form and density of the proposed buildings has not been carefully considered and fails to respect the character of the surrounding area.

- 7.54 The site is in the inner-city area, where density and scale of development is lower than within the city centre. The site is vacant brownfield land, with no constraints or requirement for a dense, multi-storey flatted development. The proposal would provide a limited number of house types and useable open spaces, failing to provide residents with a high-quality amenity. The development would not contribute positively to the character of the local streetscape and fails to create a sense of community.
- 7.55 **Healthy and Pleasant:** the proposals include areas of planting and landscaping within the north of the site, and areas of useable amenity space with planting towards the north-east, centre and south of the site. The proposed planting within the north of the site would contribute positively to greenspace provision in the local area. Whilst the useable amenity spaces would benefit from natural surveillance, spaces within the south and east of the site are of a small scale and located in areas which are close to surrounding roads and impacted by traffic noise. They are also detached from the flatted blocks with residents required to cross the car parking areas to reach them. These spaces would fail to provide welcoming or high-quality outdoor spaces for activities such as exercise or social activities. The limited provision of high quality useable outdoor amenity spaces resulting from overdevelopment of the site would have a detrimental impact on the environmental quality and enjoyment of these spaces. Overall, the open spaces within the south and east of the site would fail to provide attractive natural spaces for residents.
- 7.56 **Connected:** the development would include road and pedestrian access onto surrounding streets and provides safe access to surrounding road and active travel routes. Safe, secure cycle storage and EV charging provision would be provided, supporting the use of sustainable transport options and the site is within walking distance of bus stops which are served by frequent services. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.57 **Distinctive:** the design principles and impact of the proposal on the surrounding area has been considered within the submitted Design and Access Statement and Planning Statement. The provision of high-quality materials within the development which is in a prominent location on Broughty Ferry Road is essential to ensure the proposal contributes positively to the streetscape and character of neighbouring development. The applicant has proposed materials including buff and grey brick, profiled metal roofing and UPVC windows and doors. The finish materials would be acceptable in principle and integrate with the colour and appearance of buildings in the local area. However, as considered above, the scale and density of the proposed development would be unacceptable and would fail to create a high-quality development.
- 7.58 The provision of external amenity areas and planting towards the front and rear elevations of each building would provide visual interest. However, the sloping nature of the site and, as is discussed later in this report, the impact of traffic noise reduces the usability of much of the amenity spaces. The proposal would provide residents with limited areas of useable open space, comprising sections of lawn and hard standing which fronts onto Broughty Ferry Road

to the south of the buildings or areas to the north of the flats which would be overshadowed for much of the day. There are some amenity spaces within the north-east of the site which are level in nature and include seating, providing higher quality outdoor space.

- 7.59 Through the provision of a high density, multi storey development the proposal fails to respect the character of the local area or scale and nature of development on Broughty Ferry Road. In this inner-city location, medium to low density developments of flats and housing are appropriate. The presently proposed high density, multi-storey buildings with limited outdoor amenity space would be incongruous to the wider streetscape.
- 7.60 **Sustainable and Adaptable:** the proposed new build development could include energy/carbon efficient solutions and is to include infrastructure for electric vehicle charging and cycle storage. Areas of greenspace are proposed, and connections would be provided to the surrounding road and footpath networks. However, the proposed drainage system comprises underground surface water storage crates which would not contribute to the provision of green infrastructure within the site. The drainage systems miss an opportunity to provide above ground drainage infrastructure such as a SUDS basin. The development would occupy a brownfield site in the inner-city area, which is well connected to surrounding shops and services including amenities in the city centre. The proposal would support local living and 20-minute neighbourhoods.
- 7.61 Overall, the proposed flatted development would result in the redevelopment of brownfield site within an accessible location. However, the proposal is of a scale and density which is incongruous to the site and surrounding area, and by virtue of its massing and design would fail to provide residents with an acceptable quality of residential amenity.
- 7.62 **The proposal is not fully in accordance with Policy 14b.**
- 7.63 **Policy 15a: Local Living and 20-minute neighbourhoods** - states development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
- sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks;
 - employment;
 - shopping;
 - health and social care facilities;
 - childcare, schools and lifelong learning opportunities;
 - playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
 - publicly accessible toilets; and
 - affordable and accessible housing options, ability to age in place and housing diversity.
- 7.64 The proposal is for a flatted development containing 144 units. The site is in an accessible location within walking distance of the city centre and a range of shops, services and amenities. The site is connected to the surrounding area by existing footpaths, and within 20

minutes of a range of facilities within the city centre and surrounding area including shops, amenities, places of employment, education, health and social care facilities.

- 7.65 The site is connected by public footpaths to open spaces within the wider area, including Baxter Park and Slessor Gardens. There are play areas and sports facilities within the surrounding area.
- 7.66 The proposed flatted blocks are of a form and density which results in overdevelopment of the application site as considered under Policy 14b. However, a residential development within the inner-city area would contribute to the range and availability of housing within a sustainable location.
- 7.67 Overall, the proposed development is well connected to surrounding facilities and services by existing footpaths and roads. The site is within the inner-city area where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.
- 7.68 **The proposal is in accordance with Policy 15a.**
- 7.69 **Policy 16a: Quality Homes** - states development proposals for new homes on land allocated for housing in LDPs will be supported.
- 7.70 The Dundee Local Development Plan 2019 allocates housing sites, comprising deliverable land to meet the 10-year local housing land requirement in locations that create quality places for people to live.
- 7.71 The application site is not allocated for housing within the Dundee Local Development Plan 2019.
- 7.72 **The proposal is not supported by Policy 16a.**
- 7.73 **Policy 16b: Quality Homes** - states development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
- i meeting local housing requirements, including affordable homes;
 - ii providing or enhancing local infrastructure, facilities and services; and
 - iii improving the residential amenity of the surrounding area.
- 7.74 The proposed development would introduce 144 flatted dwellings into the site. The applicant has not provided a Statement of Community Benefit. The site is not allocated for housing and is not identified within the Strategic Housing Investment Plan (SHIP) which sets out delivery priorities for affordable housing over a period of five years. The SHIP reflects the affordable housing priorities within the city's eight Local Community Planning Partnership areas and multi member wards. Whilst it is accepted that high-quality residential developments on opportunity sites can successfully contribute to meeting housing demands within Dundee, the applicant has failed to demonstrate that this particular proposal would directly address any specific local housing requirements.
- 7.75 **The proposal fails to comply with Policy 16b.**

- 7.76 **Policy 16c: Quality Homes** - states development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported.
- 7.77 The Local Development Plan Strategy 2019-2029 seeks to improve the quality of housing in Dundee with access to a range of housing options. However the applicant has not demonstrated that the scale and type of accommodation proposed is necessary to meet an identified gap in provision. Specifically, justification for the proposed flatted development including current demand within the local area, and a justification for the property type and size proposed has not been provided. The applicant has also not demonstrated that a flatted development is required, where a housing development in accordance with the Local Development Plan could be developed to enhance the range of house types and choice in the local area.
- 7.78 The application fails to demonstrate the development proposals would comply with Policy 16c of NPF4.
- 7.79 **The proposal fails to comply with Policy 16c.**
- 7.80 **Policy 16e: Quality Homes** – states development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i a higher contribution is justified by evidence of need, or
 - ii a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.
- 7.81 The applicant states within the planning statement and other documents that the proposed development would be 100% flatted dwellings for affordable rent. A local social housing provider is mentioned, but no firm evidence has been provided to demonstrate that the provider will take forward the development or let or purchase the homes. Furthermore, the site is not identified within the Strategic Housing Investment Plan. As such there is uncertainty around the tenure of housing that would ultimately be delivered.
- 7.82 In any case there is no requirement within the Dundee Local Development Plan 2019 or Developer Contributions Supplementary Guidance for housing developments to make provision for affordable homes. The approach to the provision of affordable housing in Dundee is through the Council working in partnership with Registered Social Landlords and the Scottish Government to deliver affordable housing through the allocation of grant funding (the Affordable Housing Supply Programme). The approach has enabled the delivery of affordable housing in the City without impacting on the viability of private housing development.
- 7.83 Therefore whilst the provision of affordable homes is generally supported, as there is no requirement for housing developments in Dundee to provide affordable homes it is not necessary in this case to require this development to include any element of affordable homes.
- 7.84 **The proposal complies with Policy 16e.**

- 7.85 **Policy 16f: Quality Homes** - states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i the proposal is supported by an agreed timescale for build-out; and
 - ii the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;
 - iii and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- 7.86 The proposal is for a development of 144 flatted dwellings within a site which is not allocated for housing.
- 7.87 The applicant proposes development of the site between 2025 and 2028. This timescale for build out seems reasonable for a development of this scale. Accordingly, the development would meet criteria i.
- 7.88 The proposal would see the redevelopment of a brownfield site in a location within walking distance of the city centre, is served by local shops, services and public transport connections. The proposal would therefore support local living and 20-minute neighbourhoods. The principle of development is therefore broadly consistent with the Local Development Plan Strategy 2019-2029 and would meet criteria ii.
- 7.89 With regard to criteria iii, the applicant proposes build out between 2025 and 2028. The site is not identified within the Strategic Housing Investment Plan as a pipeline development. There is no evidence through the recent Housing Land Audit that delivery of sites is happening earlier than identified in the deliverable housing land pipeline. The proposal does not relate to a rural site, is not a small-scale opportunity site and is for more than 50 homes. The proposal therefore does not meet any of the sub-criteria within criteria iii.
- 7.90 **The proposal fails to comply with Policy 16f.**
- 7.91 **Policy 20b: Blue and Green Infrastructure** - states development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.
- 7.92 The applicant proposes surface water within the site be conveyed via drains at the flatted blocks and cycle store into a filter trench before entering geo-cellular storage tanks below the

proposed car park. Surface water would then be discharged from the storage tanks into the combined sewer on Wallace Street at a controlled rate. The proposed cellular storage drainage system includes fully below surface water storage and discharge into the combined sewer.

- 7.93 The site is of a scale and form which could accommodate above-ground blue and green infrastructure.
- 7.94 It has been requested that above-ground blue and green infrastructure be provided. However, this has not been progressed by the applicant. The proposal incorporates limited new or enhanced blue and/or green infrastructure. What is proposed fails to incorporate any significant above-ground blue and green infrastructure, providing limited new or enhanced drainage provision.
- 7.95 **The proposal is not supported by Policy 20b.**
- 7.96 **Policy 22c: Flood Risk and Water Management** states development proposals for or incorporating new or 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.
- 7.97 The applicant has provided a drainage report and proposed drainage layout with the application. It is proposed to provide a private drainage system which would convey surface water from the roofs of the proposed buildings, rain gardens to the north of the flatted blocks and areas of hardstanding to underground surface water storage crates. Surface water within the storage crates would then be discharged into the combined sewer at a controlled rate.
- 7.98 This proposed drainage strategy has been reviewed by Dundee City Council's engineers. A full drainage check has been requested to demonstrate the proposed flow rate of 6.6l/s is achievable without causing substantial flooding. City Engineers have also requested site investigation information to be submitted to identify the locations of an existing culvert within the development site and the existing sewer connection. This has not been provided by the applicant.
- 7.99 The information provided with the application does not demonstrate that the proposed surface water flow rates can be achieved, and without confirmation of the location of existing culverts/connection points within the site, a drainage scheme cannot be agreed. Should there be further infrastructure constraints identified within the site, this could require alteration of the site layout.
- 7.100 The proposal therefore fails to demonstrate a satisfactory drainage system can be provided which would ensure there is no new or additional flood risk to the proposed development or surrounding area as required by criteria i. With regard to criteria ii, the proposals include rain gardens and surface water storage. However, the proposed private drainage system misses an opportunity to provide above ground surface water provision such as a SUDS basin which could be adopted and maintained by Scottish Water. The system would connect to the combined sewer network. In relation to criteria iii, much of the site would be surfaced in permeable materials including landscaping and paving. However, the proposal includes a

high-density development with underground surface water storage to achieve 144 units within the site. A lower density of development with above ground SUDS infrastructure would allow blue-green infrastructure to be provided and managed in a manner which would enhance climate resilience and connect people with nature.

- 7.101 Overall, the submitted drainage information and site investigations fail to demonstrate the proposed drainage system can be implemented, and that the proposed water flow and discharge rates can be achieved. Without information to demonstrate the proposed system can ensure surface water will be sustainably drained from the site, the provision of a private drainage system as proposed raises flood risk concerns.
- 7.102 **The proposal fails to comply with Policy 22c.**
- 7.103 **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.
- 7.104 The site is bound to the north and south by public roads, and there are a range of residential and commercial land uses within the surrounding area.
- 7.105 The proposed residential development includes flatted blocks towards the site boundaries, with amenity spaces towards the centre of the site. Following review of the proposals, The Head of Community Safety and Protection requested a noise impact assessment be provided to demonstrate an acceptable level of residential amenity would be achieved.
- 7.106 The applicant has submitted a noise impact assessment in support of the application which identifies a requirement for mitigation measures to be provided to achieve required internal and external noise levels. With regard to internal noise levels, mitigation measures including the use of acoustic insulation and window ventilators would ensure internal noise criteria can be met.
- 7.107 To achieve external noise level criteria within useable amenity spaces within the site, the NIA identifies a requirement for acoustic barrier to be provided along part the sites north and south boundary. The NIA assesses barriers of 1.4m to the north boundary and 2.1m in height to the south boundary which would reduce noise levels.
- 7.108 The NIA and responses from the applicant have been considered by The Head of Community Safety and Protection. The NIA highlights that the noise levels in the external amenity areas will be exceeded and therefore mitigation measures will be required. With acoustic barriers, external noise levels could be reduced to an acceptable level. However, the applicant considers such barriers would have a detrimental impact on the character of the development and proposes to not provide them. The NIA concludes that without barriers, the highest acceptable noise criteria level of 55dB(A) for external areas would be exceeded by between 9.4dB (Broughty Ferry Road) to 11.1dB (Lower Princes Street).
- 7.109 The use of the outdoor spaces would be impacted by traffic noise. As the applicant does not propose to provide acoustic barriers or amend the site layout to ensure high quality outdoor amenity spaces are provided, the development would fail to provide residents with high quality outdoor amenity spaces.
- 7.110 Residents of the proposed development would be subject to an unsatisfactory level of disturbance and would not benefit from high quality outdoor amenity spaces.
- 7.111 **The proposal fails to comply with Policy 23 e.**

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- 7.112 **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.
- 7.113 The existing site comprises brownfield land, sections of which contain vacant areas of hardstanding, a public road and areas of demolition material. The site in its present unkempt condition is not of merit, and re-development of the site would enhance the local streetscape. However, the proposed flatted development would introduce 144 dwellings into a 1.79-hectare site. To achieve this density, multi-storey buildings are proposed along the south of the site and towards the north boundary with parking and open space towards the centre. The proposed development would introduce a significant number of dwellings into the site, whilst providing limited useable outdoor spaces for residents.
- 7.114 Broughty Ferry Road and surrounding streets comprise a mix of houses and flatted dwellings within buildings between two and four storeys in height. The proposed buildings, at five and six storeys, are of a scale and massing which is greater than surrounding development. Whilst there are multi-storey buildings in the surrounding area, the proposed buildings fronting onto Broughty Ferry Road would be up to six storeys in height. This is greater than surrounding developments and would introduce buildings of significant massing to the north side of Broughty Ferry Road, and the proposal would be out of character with the surrounding area. The provision of recessed elements and balconies on the south elevation of the buildings towards Broughty Ferry Road would provide visual interest to the frontages. However, the buildings would not integrate sensitively with the existing streetscape. The form and density of the proposed buildings has not been carefully considered and fails to respect the character of the surrounding area.
- 7.115 The site is within the inner-city area, where density and scale of development is lower than within the city centre. The site is a vacant brownfield area of land, with no constraints or requirement for a dense, multi-storey development. The proposal for flatted dwellings only, with limited variety of house type and open space would not contribute positively to the character of the local area, create a sense of community or high-quality residential amenity.
- 7.116 The design principles and impact of the proposal on the surrounding area has been considered within the submitted Design and Access Statement and Planning Statement. The buildings would result in overshadowing to the north of each block. However, due to the sloping nature of the site and distances between the existing and proposed buildings, there would be no significant impacts on existing dwellings to the north and east by virtue of overshadowing or overbearing. Overall, the proposed development would have no significant impact on neighbouring dwellings by virtue of overshadowing or overbearing.
- 7.117 The proposal would result in a distinctive development. However, the proposal fails to respect the character of the local area and is not in keeping with the scale or nature of development on Broughty Ferry Road. The provision of external amenity areas and planting towards the front and rear elevations of each building would provide visual interest. However, the sloping nature of the site reduces the usability of much of this amenity space. The proposal would provide residents with limited areas of useable open space, comprising sections of lawn and

hard standing which fronts onto Broughty Ferry Road to the south of the buildings or areas to the north of the flats which would be overshadowed for much of the day. There are some amenity spaces within the north-east of the site which are level in nature and include seating, providing higher quality outdoor space. However, these are 105m² metres in area and do not provide a significant area of useable outdoor space for the scale of development proposed. The location of the majority of the amenity spaces within the site would fail to provide residents with high quality, useable outdoor spaces for recreational uses or drying areas.

- 7.118 The provision of high-quality materials within the development which is in a prominent location on Broughty Ferry Road is essential to ensure the proposals would contribute positively to the streetscape and character of neighbouring development. The applicant has proposed materials including buff and grey brick, profiled metal roofing and UPVC windows and doors. The finish materials would be acceptable in principle and integrate with the colour and appearance of buildings in the local area. However, as considered above the scale and density of the proposed development would be unacceptable and would fail to create a high-quality development.
- 7.119 The buildings would provide active street frontages through the provision of main access doors and windows of proposed dwellings facing towards surrounding streets including Broughty Ferry Road. The proposed ground floors of each building would also contain bin storage and cycle storage areas. Towards the rear of the building, parking spaces and landscaping is proposed in accessible locations.
- 7.120 Safe pedestrian access is provided from the surrounding streets and there is provision of public transport in the surrounding area with bus stops on Broughty Ferry Road and Blackcroft. Dundee railway station is 0.8 miles to the south-west of the site. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.121 The site previously contained a mill building which was demolished in 2018. Wallace Street, Constable Street and a car park remain towards the centre of the site, with vacant land to either side. The vacant areas have been unoccupied since demolition of Wallace Craigie Works. The site is in an inner-city location and its redevelopment could contribute to the overall character and appearance of the local area. However, as considered above, the proposed buildings are of a scale and density which fails to reflect the established character of the local area. The proposal is for a flatted development only. Within the site there are no constraints or matters which demand a flatted solution. The proposed 144 flats would be served by limited areas of garden ground and are sited close to surrounding streets. This would not provide residents with a high quality of amenity. A development of a reduced scale with a variety of house types could be provided, with garden ground and open spaces which ensure residents are afforded an acceptable level of amenity. As proposed, the development would fail to integrate with surrounding buildings, and fails to incorporate creative approaches to urban design.
- 7.122 The proposed drainage system comprises underground storage crates positioned below areas of hardstanding, which is then discharged to the public network. There is scope within this brownfield site to provide above ground, green drainage infrastructure which would contribute positively to sustainable water management and biodiversity. The proposed system of underground crate storage misses an opportunity to enhance surface water management and biodiversity as part of the development.
- 7.123 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the six qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive - a Design and Access Statement has been submitted which considers the design, access and development concepts of the proposed flatted accommodation. The buildings which would be up to six storeys in height towards the south of the site would be a prominent feature in the local streetscape. They would be finished in a range of materials which provide a modern appearance to the development. The proposed finish materials would contribute positively to the appearance and visual interest of the development, and areas of landscaping within the north of the site would enhance the streetscape along Blackcroft/Princes Street. However, the proposed flatted blocks are of a significant scale and massing and would provide residents with limited useable outdoor amenity spaces. The general layout of the development is appropriate. However, the density requires to be reduced and level of useable amenity spaces increased to ensure the proposal provides residents with a high-quality amenity and contributes positively to the character of the local area. As presently proposed, the development fails to sensitively integrate with the character of the area and does not maintain the established density of development in this part of the city.

Safe and Pleasant – the site is bound to the south by Broughty Ferry Road and Blackcroft/Princes Street to the north. There are existing developments to the north, east and south. The proposal would connect to the existing road and path network linking the development to the surrounding area. There are to be areas of open space within the north of the site and there are pedestrian links to the surrounding open spaces including Baxter Park. The proposed amenity spaces within the site would benefit from natural surveillance due to the location of windows on the proposed development. However, they are of a limited size and fail to provide high quality useable spaces for residents.

Easy to Move Around and Beyond – the proposed development would connect to existing footways to the north and south of the site, ensuring sensitive integration into the surrounding footpath network. This also ensures the site is well connected to public transport links within the surrounding area, including bus stops on Blackcroft and Broughty Ferry Road which are all within walking distance. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – the proposal would provide a prominent frontage onto Broughty Ferry Road, with main entrances and flats fronting towards the principal elevation. The proposals would utilise existing footpaths around the site providing connections to the surrounding area including the city centre. The proposal positively promotes wayfinding and a sense of orientation.

Adaptable – The proposed development would occupy a vacant site, and result in the provision of residential accommodation within an accessible location. However, the proposed provision of a flatted development in this location would not be a positive addition to the range of residential development within this part of the city. Supporting information provided with the application fails to demonstrate there is demand for the type and mix of flatted development proposed, and the site is not allocated for residential development.

Resource Efficient – a Low Carbon Statement and Planning Statement have been submitted. The proposal has been designed to include energy efficient materials which minimise heat loss and there is scope to provide sustainable heating infrastructure.

- 7.124 The proposal is considered to be overdevelopment of the site and fails to provide residents with an acceptable level of amenity.
- 7.125 **The proposal fails to fully comply with the requirements of Appendix 1.**
- 7.126 **Policy 1** - the proposed development of flatted residential accommodation would contribute to the range of types and size of development within the inner-city area. However, the development is of a scale and density which results in overdevelopment of the site. The

provision of a fully flatted development, with limited outdoor useable spaces and no above ground sustainable drainage systems misses an opportunity to create a development which both contributes positively to the type and range of housing in this part of the city and maximises the benefits to the local streetscape and biodiversity. The general layout of the development is considered appropriate. However, the type, form and massing of development proposed fails to integrate with the local landscape and does not provide a visually attractive development with a high-quality amenity.

7.127 **The proposal fails to comply with Policy 1.**

7.128 **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.

7.129 The proposed residential development will require to provide public art in an accessible/visible location within the site. Details of the public art have not been confirmed as part of this application. However, full details of public art provision, and its completion as part of the development could be secured by condition should Members be minded to approve planning permission.

7.130 **The proposal is in accordance with Policy 2, subject to a condition.**

7.131 **Policy 9: Housing Land Release** states priority will be given to the development of the allocated brownfield and greenfield sites. To ensure that an effective five-year supply of housing land is maintained over the plan period the sites allocated in Appendix 3 shall not be developed for other uses.

7.132 Housing land release on brownfield sites, in addition to the allocations set out in Appendix 3, may be acceptable where it can be demonstrated that it will improve the tenure mix in an area where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.

7.133 Progress on the release of housing land will be monitored through the Action Programme and the annual Housing Land Audit. Where the annual Housing Land Audit identifies a shortfall in the effective five-year land supply the Council will look to bring forward additional housing land with sites that have been allocated within the second five-year period of the Plan to be considered first.

7.134 The proposal site has not been allocated for housing within the Dundee Local Development Plan 2019. However, the site is brownfield land where development can be acceptable if it is demonstrated that it will improve the tenure mix where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.

7.135 The applicant has provided information in support of the application which considers the proposal is acceptable as it would contribute 144 units to the City Council's annual affordable housing land requirement of 200 units. The applicant considers the tenure mix in the area is relatively varied, with the private purchases of Council stock for private tenure impacts on availability of social housing in the area. As explained above, the applicant has not clarified how the development would contribute to the affordable housing requirement. The development would, however, make a positive contribution to the regeneration objectives of the area.

7.136 As considered above the site is not allocated for housing within the Dundee Local Development Plan 2019. The site is also not identified as part of the housing programme or a pipeline project within the Dundee Strategic Housing Investment Plan 2023-28. The

applicant considers the development would provide affordable housing which meets demand and that it will be delivered by an affordable housing provider. However, no evidence of agreement or timescale for progressing development has been provided as part of the application. Any development within this site, particularly of the scale proposed, could impact on the progression of sites allocated within the Strategic Housing Investment Plan.

- 7.137 With regard to the provision of 100% flatted development, the site is within the inner-city area where the Local Development Plan only permits flats where identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building of merit is proposed and houses are impractical. The site does not meet any of these criteria, with the site being suitable for a development of housing of a design and density which would provide residents with a high-quality residential amenity. The applicant has not provided a statement from the Council or an affordable housing provider to demonstrate there is specific demand for a flatted development in this location of the size, scale and density proposed.
- 7.138 The submitted information fails to demonstrate the development responds to demand for the type and size of accommodation proposed or would address a gap in local demand for affordable housing. The site is suitable for a development of lower density housing which would provide residents with high quality residential amenity. The presently proposed development of high-density flatted accommodation would not contribute positively to the character of the site or surrounding area, fails to provide residents with high quality outdoor amenity spaces and does not meet the requirements of the Local Development Plan. The delivery of housing in this location ahead of allocated sites within the Local Development Plan or identified in the Strategic Housing Investment Plan would fail to support the wider delivery of affordable housing in the city.
- 7.139 The applicant has failed to consider housing choice or demonstrate that the proposals will improve the tenure mix in this area. Similarly, the applicant has not demonstrated that the proposals would make a positive contribution to the regeneration objectives of the area.
- 7.140 **The proposal fails to comply with Policy 9.**
- 7.141 **Policy 10: Design of New Housing** – the design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the city. All new housing developments should meet the six qualities of successful place, as set out in Policy 1 and should provide a balanced choice and type of housing. All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4. All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.
- 7.142 The following inner-city standards set out in Appendix 4 are required to be met:
- Flats - flats will be permitted if identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building of merit is proposed and houses are impractical. All flats will have a minimum of two bedrooms or a minimum gross internal floor area of 60m².
- Car Parking – Flats – all car parking should be located within the curtilage of the property. Private flats should have 130%; and social rented 100% parking provision.
- Cycle Provision – Flats – secure indoor storage for bikes will be provided in accordance with the number of flats being provided.

Amenity/Garden Ground – Flats – useable private communal garden area of a minimum of 100m² or 10m² per flat, whichever is greater. Drying areas to be provided in addition. Private communal garden provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided.

Privacy – Flats – a minimum of 18 metres between the facing windows of habitable rooms or between balconies and the facing windows of habitable rooms will be provided. Living room windows and balconies should not unacceptably overlook private gardens of houses.

General Requirements

- provision for waste and recycling should be provided in accordance with the council's waste management strategy;
- parking areas should include provision for electric car charging points; and
- flatted developments should include storage areas in addition to cycle storage.

7.143 The proposal responds to the Appendix 4 standards as follows:

7.144 House Type - 144 flats are proposed. The site is not allocated for housing or subject of a site planning brief. There are no site-specific circumstances which demand a flatted solution, no conversion of an existing building of merit is proposed and housing within the site is not impractical. The development would include 120 flats with two or more bedrooms and 24 one-bedroom flats. Of the 24 one-bedroom flats, two flats have a floor area of 56.3m². The remaining 22 flats provide below 52m² of floor area. The Local Development Plan standard is not met.

7.145 Car Parking – 113 spaces are proposed comprising 80% parking provision. This is below the required standard.

7.146 Cycle Provision – Secure covered cycle storage is provided within each flatted block, and a cycle store within the west of the site. The cycle storage proposed would accommodate 180 cycles which is greater than the number of flats proposed. This standard is met.

7.147 Amenity/Garden Ground – The proposed development would require a minimum of 1,440 sqm of useable private communal garden ground. Useable private communal amenity/garden ground of 1120 sqm would be provided, with three separate drying areas. There are areas of open space proposed within the site. However, these would not be useable as they would contain planting; are steeply sloping in nature; and are some distance from the flats. It is proposed that 85 of the properties would include balconies with attractive outlooks to the south. However, they are of a small scale varying from 4m² to 10m² which would provide limited useable outdoor space in addition to the communal garden ground. Overall, the proposal fails to provide a minimum of 1,440m² of useable private communal garden ground or useable amenity spaces. This standard is not met.

7.148 Privacy – blocks 2 to 6 achieve a minimum window separation distance of 18 metres. Block 7 would include windows 17 metres from neighbouring property to the east. However, the windows would not align and there would be no detrimental impact on privacy. A bedroom window within block 1 would be 12 metres from windows of a flat on the east side of Wallace Street. The minimum separation distance of 18 metres is therefore not achieved.

7.149 General Requirements

- waste and recycling provision are to be provided within bin stores contained within each flatted block. This standard is met;
- The site plans and submitted supporting information note that 10no spaces would be served by electric vehicle charging points; and
- the flats include internal storage on the proposed floor plans. This is in addition to the external cycle storage proposed. This standard is met.

7.150 The proposed development fails to meet the six qualities of successful place as set out in Policy 1 and fails to comply with the Appendix 4 Standards.

7.151 **The proposal fails to comply with Policy 10 and Appendix 4.**

7.152 **Policy 35: Trees and Urban Woodland states** - 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

7.153 As considered under Policy 6a of NPF4, the applicant proposes to retain existing trees and shrubs towards the edges of the site, including a row of eight trees along the north west boundary which contribute positively to the wider streetscape.

7.154 The proposal includes the removal of an area of self-seeded trees and shrubs towards the centre of the western section of the site to form a car park. These trees are not of a high quality, and compensatory planting is to be provided with a new avenue of trees within the west of the site and planting around the proposed car park. Through the addition of new planting, the loss of a small number of trees and shrubs would be mitigated. The provision of planting and its maintenance as outlined in the submitted landscaping proposals could be controlled by condition should members be minded to approve planning permission.

7.155 **The proposal is in accordance with Policy 35, subject to a planning condition.**

7.156 **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.

7.157 A Surface Water Management Plan and associated supporting information, including proposed drainage plans have been submitted. The drainage strategy includes proposals for on-site storage of surface water within underground storage crates with controlled discharge to the public network.

- 7.158 Following review of the submitted drainage strategy, it has been requested that the applicant provide a full drainage check to demonstrate the proposed discharge rate of 6.6l/s is achievable without causing flooding. This has not been provided. It has therefore not been demonstrated that the proposed discharge rates are achievable, and that the proposal would ensure there is no risk of flooding.
- 7.159 The proposed surface water drainage system collects surface water generated by multiple flatted dwellings. Such infrastructure in new developments is only fully effective if it is properly maintained. The current system is not designed to be adopted by Scottish Water and the responsibility for future maintenance and repair would fall on individual landowners or through a factor on behalf of residents. This approach is not generally supported by the Council, particularly on large scale developments such as this due to the potential impacts should such a large scale system fail. The drainage system should therefore be designed to be adopted by Scottish Water for maintenance and repair.
- 7.160 Overall, the site is of a scale and form which could accommodate above ground blue/green infrastructure of a design that can be vested in and maintained by Scottish Water. The applicant has failed to demonstrate the presently proposed system can operate at the specified discharge rates, raising flood risk concerns. There are no local circumstances that require the proposed drainage solution, and the proposal would not be integrated or easily accessible.
- 7.161 **The proposal fails to comply with Policy 37.**
- 7.162 **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.
- 7.163 The site is bound to the north and south by public roads, and there are a range of residential and commercial land uses within the surrounding area.
- 7.164 The proposed residential development includes flatted blocks towards the site boundaries, with amenity spaces towards the centre of the site. The applicant has submitted a Noise Impact Assessment which considers the proposals ability to achieve acceptable internal and external noise levels.
- 7.165 As considered under Policy 23e of NPF 4, the submitted a noise impact assessment identifies a requirement for mitigation measures to be provided to achieve target internal and external noise levels. With regard to internal noise levels, mitigation measures including the use of acoustic insulation and window ventilators would ensure internal noise criteria can be met.
- 7.166 The NIA and responses from the applicant have been considered by The Head of Community Safety and Protection. To achieve external noise level criteria within useable amenity spaces within the site, the NIA identifies a requirement for acoustic barrier to be provided along part the sites north and south boundary. The NIA assess barriers of 1.4m to the north boundary and 2.1m in height to the south boundary which would reduce noise levels. The NIA highlights that with acoustic barriers, external noise levels could be reduced to an acceptable level.
- 7.167 The applicant considers acoustic barriers would have a detrimental impact on the character of the development and does not propose to include these as part of the development. The NIA concludes that without barriers, the highest acceptable noise criteria level of 55dB(A) for

external areas would be exceeded by between 9.4dB (Broughty Ferry Road) to 11.1dB (Lower Princes Street).

- 7.168 As the applicant does not propose to provide acoustic barriers or amend the site layout to ensure high quality outdoor amenity spaces are provided, the development would fail to provide residents with high quality outdoor amenity spaces. As residents of the proposed development would not be provided with a satisfactory level of amenity, the proposals fail to demonstrate the requirements of Policy 39 can be met.
- 7.169 **The proposal fails to comply with Policy 39.**
- 7.170 **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.
- 7.171 The site has historically been occupied by industrial buildings including Wallace Craigie Works, and presently contains a mixture of open spaces, public roads and demolition material. The applicant has provided a Ground Condition Summary which has been reviewed by the Head of Community Safety and Protection.
- 7.172 As the proposal relates to a residential use, it is requested a full preliminary risk assessment for contaminated land, site investigation and remediation scheme are provided before works progress to ensure the site is suitable for development. It is recommended the completion of further reporting and implementation of any mitigation measures is controlled by condition should Members be minded to grant planning permission.
- 7.173 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.174 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012. The policy also requires site waste management plans be prepared and used during the construction of major developments.
- 7.175 Bin storage areas are to be provided within each flatted block, in locations which are safely accessible to residents and waste collection services.
- 7.176 The proposed bin storage area and associated access demonstrates that this site can accommodate sufficient space for waste separation and the collection of recyclables. Should members be minded to grant planning permission, it is recommended that the provision of a site waste management plan and its implementation during construction works be controlled by condition.
- 7.177 **The proposal is in accordance with Policy 44, subject to a condition.**
- 7.178 **Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted with applications that are Major planning applications or are within locations identified within

the Scotland's Heat Map or the City's Heat Strategy as close to significant heat supply or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.

- 7.179 The application site is to the east of the city centre, out with any existing heat networks. The application does not propose to create or join a heat network. The application proposes the use of renewables to supply heating and hot water to the building, with no proposals to join a heat network. Notwithstanding this, the type of development proposed could include centralised heating facilities within each building which connects to a heat network should such infrastructure be progressed in future.
- 7.180 Whilst a viable connection to an existing heat network is not available at present, the proposed development could accommodate future infrastructure and therefore has potential to connect into a heat network without any significant on-site works being required.
- 7.181 **The proposal is in accordance with Policy 46.**
- 7.182 **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.
- 7.183 A Planning Statement and Low Carbon Statement have been submitted with the application. The statements outline that the proposal has been designed to include energy efficiency measures to reduce energy consumption such as the use of LED lighting, and that renewables including solar panels and air source heat pumps could be provided.
- 7.184 At this stage full details of the low carbon technologies which will be included within the development are not confirmed. It is not therefore possible for the applicant to provide a detailed Energy Statement and details of specific equipment. There is scope for heating and energy production to be provided by sustainable and renewable sources including solar panels and heat pumps. The provision of a detailed energy statement which demonstrates compliance with the required standards can be controlled by condition should Members be minded to grant planning permission.
- 7.185 **The proposal would be in accordance with Policy 48, subject to conditions.**
- 7.186 **Policy 52: Scheduled Monuments and Archaeological Sites b)** states where 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.
- 7.187 As considered under Policy 7o of NPF4, Wallace Craigie Works which previously occupied the site was demolished in 2018. Following demolition, there are no remaining features which

require recording, with the footprint of the site heavily disturbed and out with the historic core of the burgh.

7.188 The Council's archaeological consultant has reviewed the application and considers there would be no value in sub-surface archaeological investigation with the site archaeologically sterile and devoid of any historic architectural interest.

7.189 Accordingly, no archaeological conditions are required. The applicant has deposited the Heritage Statement submitted with the application with the National Record of the Historic Environment for their records.

7.190 **The proposal is in accordance with Policy 52.**

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

7.192 Development proposals will be required to:

- 4 minimise the need to travel by private car;
- 5 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;
- 6 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;
- 7 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 8 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 9 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 10 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.

7.193 A Transport Statement and supporting statement have been submitted. The Head of Sustainable Transport and Roads has reviewed these and has no objection to the proposals.

7.194 In respect of the above Criteria 1-7:

- 1 The proposal would incorporate and be connected to the existing footpath network surrounding the site. Bus stops are located within 200m of the site on Broughty Ferry Road, Blackcroft and Princes Street. Dundee Bus Station is within 700 metres of the site. Cycle storage is proposed within a secure, covered spaces within the ground floor

of the development and an external cycle store. The proposal would be located within an accessible location with connections to surrounding streets and the city centre. The site is within close to sustainable transport infrastructure and connections to surrounding footpaths which help to reduce the reliance on the private car.

- 2 The proposed development will include connections to existing footpaths which provide safe and convenient connections to the wider footpath network within the surrounding area. Direct pedestrian access is provided onto Broughty Ferry Road and accessible cycle storage areas are to be provided. Residents of the proposed development would have access to bicycle storage areas within the ground floor of the proposed buildings and towards the centre of the site. Streets in the vicinity of the development are suitable for use by pedestrians: being lit and being pedestrianised or having footways contiguous to the carriageway. The roads surrounding the site are suitable for cycling, and the site is linked by roads and paths to signed cycle routes including the Dundee Green Circular at Camperdown Street/City Quay.
- 3 The site is well served by public transport, with bus stops on Broughty Ferry Road, Blackscroft and Princes Street within 400 metres of the application site. These stops are served by local bus services towards the City Centre, Ninewells Hospital, Camperdown and longer distance services towards Arbroath. Dundee railway station is 0.8 miles to the south-west of site. The station provides access to local and long-distance rail services and is equipped with bicycle lockers, short stay car park and taxi drop-off spaces.
- 4 A Transport Assessment has been submitted as part of the application and following review by DCC Roads Engineers the findings of the Assessment have been accepted. Due to the site's location close to the city centre and as flats accommodation typically has lower car ownership, the proposed 80% parking provision is acceptable. Residents would also be able to make trips by sustainable transport options including public transport, cycling and on foot. Due to the central location of the proposed development, and proximity of shops and services the proposed development would not generate a significant travel demand. Full details of boundary treatments at access roads into the site have not been confirmed. These details will be required to demonstrate there is no adverse impact on visibility splays. However, this matter could be controlled by condition should members be minded to grant planning permission. Subject to details of boundary treatments, the form and layout of the development ensures the proposal would have no detrimental effect on the capacity or safe functioning of the existing road or rail networks.
- 5 The proposed access roads and parking areas are of a size and form which would support safe access and loading/unloading of service vehicles, road freight and waste management vehicles within the site.
- 6 The proposal includes Constable Street which is currently a public road becoming a private road. No details of the proposed alterations to the road have been submitted with the application. Alterations to the road or services underneath could impact on adjoining and surrounding public roads. As presently proposed, the application fails to demonstrate Dundee City Council's roads design standards can be met. Should Members be minded to grant planning permission, the provision of full details for prior approval will require to be controlled by condition.
- 7 The Transport Assessment contains a summary of the proposed developments impacts on traffic and information on local public transport provision. The proposed development would be accessible location and would not generate a significant travel requirement.

7.195 The proposal is in accordance with Policy 54, subject to conditions.

- 7.196 **Policy 56: Parking** states all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. Residential developments should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas.
- 7.197 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. At places of employment covered secure parking with changing facilities should be provided for employees.
- 7.198 The proposal includes 80% parking provision for residents. As considered under Policy 54, due to the site's proximity to the city centre and access to sustainable modes of transport the proposed parking provision is acceptable. The parking areas will include disabled bays as required by roads standards. Electric vehicle charging points are to be provided..
- 7.199 The proposal would include 180 cycle spaces, comprising secure internal cycle parking spaces within the flatted blocks and an external cycle store. The cycle stores would be within accessible locations. The provision of 180 spaces would exceed Dundee City Council's Road Standards, which require a minimum of 144 spaces to be provided. Should Members be minded to approve planning permission, it is recommended that a condition be attached to any permission granted requiring the secure covered cycle storage provision is fully formed prior to first occupation of the development.
- 7.200 **The proposal is in accordance with Policy 56, subject to conditions.**
- 7.201 **It is concluded that the proposal fully accords with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.203 In total six letters were received objecting to the proposal. The objections raised the following valid material grounds:
- i the proposed buildings are of a design and form which would not contribute positively to the site. The buildings are of a scale which would result in overshadowing, provide small, flatted dwellings, restrict light to rooms which are to north facing elevations of the proposed buildings and fail to provide high quality frontages. The provision of 144 flats significantly exceeds previously approved developments.
 - ii There is a lack of open spaces and play areas within the site, and there is no SUDS provision.
 - iii The proposed development would increase parking pressures on the surrounding area and have a detrimental impact on parking provision and access at a GP surgery. The increase in traffic to and from the site would also increase pressures on surrounding roads.
 - iv The proposed parking provision is excessive, as the site is close to the city centre and accessible by sustainable modes of transport provision should be reduced.

- 7.204 The grounds of objection are considered and assessed as follows:
- 7.205 **Objection** – the proposed buildings are of a design and form which would not contribute positively to the site. The buildings are of a scale which would result in overshadowing, provide small, flatted dwellings, restrict light to rooms which are to north facing elevations of the proposed buildings and fail to provide high quality frontages. The provision of 144 flats significantly exceeds previously approved developments.
- 7.206 **Response** – the scale and design of the building is considered under Policy 14 of NPF4 and Policy 1 of the Dundee Local Development Plan. The proposal is considered to be overdevelopment of the site, with 144 flats proposed across seven flatted blocks. Whilst there is separation between existing and proposed buildings to ensure there is no significant overshadowing impacts, the buildings are of a scale and massing which occupy large areas of the site, and the sloping nature of land towards the north boundary results in a low level of useable amenity space being provided. The proposal includes one-bedroom flats with less than 60m² floor area and areas of outdoor space where noise level would exceed target requirements. The development would not provide residents with an acceptable level of residential amenity. The proposed frontages would provide visual interest through the provision of appropriate finish materials and balconies. However, the buildings are of a scale and massing which does not complement the local streetscape. Multi-storey flatted dwellings have previously been approved within the site under 12/00371/FULM and 14/00758/FULM. However, these proposals formed part of enabling development to support the conversion of Category B Listed Wallace Craigie Works to flatted accommodation. These proposals also included larger areas of useable open space for residents. As the building is now demolished, there is no policy support or justification for enabling development of a high-density development of flatted accommodation within this inner-city site. A lower density development of housing with high quality outdoor spaces for residents could be provided.
- 7.207 **Objection** - there is a lack of open spaces and play areas within the site, and there is no SUDS provision.
- 7.208 **Response** - the proposed development would provide limited useable open spaces for residents, and the areas of open space are small in nature. There are proposals for three seating areas within the north-east of the site, but no designated play or recreational areas are proposed. With regard to SUDS, as considered under Policy 20b of NPF4 and Policy 37 of the Dundee Local Development Plan the proposed private drainage system would comprise underground storage crates which discharge into the public network. The proposals fail to provide above ground SUDS which would reduce flood risk, enhance biodiversity and would not be adopted by Scottish Water. The submitted drainage information fails to demonstrate the proposed system can operate without creating a flood risk.
- 7.209 **Objection** - the proposed development would increase parking pressures on the surrounding area and have a detrimental impact on parking provision and access at a GP surgery. The increase in traffic to and from the site would also increase pressures on surrounding roads.
- 7.210 **Response** - the proposed development would provide 80% parking provision for residents. This is considered to be acceptable in this inner-city location, with the site easily accessible by a range of sustainable transport options and within walking distance of the city centre. The Transport Assessment submitted with the application demonstrates the proposed development would have no significant impact on the local road network. The proposal would not result in any significant impacts on parking pressures or road safety in the surrounding area. The existing GP surgery to the north of the site currently benefits from access to a parking area within the application site, which would be lost if development is progressed. The finding of alternative parking is not a matter this application can control and is a matter for the surgery to address. Road access onto Wallace Street would be retained, and there is parking

provision within the surrounding area including Ferguson Street car park which would be accessible to staff and visitors to the surgery.

- 7.211 **Objection** – The proposed parking provision is excessive, as the site is close to the city centre and accessible by sustainable modes of transport provision should be reduced.
- 7.212 **Response** – Policy 10 of the Dundee Local Development Plan seeks 100% parking provision for flatted development within the inner-city area. The applicant has submitted a supporting statement which considers 80% parking provision would be appropriate. The matters raised in the supporting statement, including the site's proximity to sustainable modes of transport, are acknowledged.
- 7.213 Whilst the site is close to the city centre, the development would include 144 flats. Any further reduction in parking to below 80% would raise concerns that residents will require to park in the surrounding area which would increase local parking pressures. The proposal would provide residents with adequate parking provision and access to sustainable modes of transport, and not result in a significant parking demand on the surrounding area. The currently proposed parking is therefore considered to be acceptable.
- 7.214 One representation was received in support of the proposed development.
- 7.215 The representation welcomes the proposed development as contributing to the regeneration of this area of the city. However, it is recommended and requested matters including adherence to Passivhaus or equivalent standards, potential for solar gain, excessive parking provision, details of landscaping and public art provision are addressed by any planning permission.
- 7.216 **Response** – during consideration of the application further details of landscaping and parking provision have been provided. The information is acceptable and would ensure appropriate planting is provided and residents have access to parking. With regard to matters including energy and Passivhaus standards, the buildings would benefit from south facing frontages. Details of the buildings construction and renewable technologies will be addressed as part of any building warrant. There is space within the site for public art to be provided. However, details have not been provided. Should members be minded to approve planning permission, the provision of full details and the provision of public art on site can be controlled by condition.

B – PARKING JUSTIFICATION AND PRIVACY

- 7.217 The applicant has provided a Parking Justification Statement in support of the application.
- 7.218 The justification statement notes the site sits just outside the city centre area and in a highly accessible location given its proximity to public transport services and local amenities. It is considered an overall parking ratio of 80% will be higher than what the demand is likely to be based on specific Census data which shows car ownership levels are local for social rented accommodation in areas around the site. It is noted that Enterprise Car Club have expressed interest in principle in providing Car Club facilities within the development to supplement their existing services in Dundee. The site will also be served by cycle storage and is well connected to surrounding footpath networks.
- 7.219 The justification statement has been reviewed by The Head of Sustainable Transport and Roads and is supported. The proposed 80% parking provision would be sufficient for residents and ensure there is no increase in parking pressures within the surrounding area. The site is accessible by a range of transport options and within close proximity to shops and services within the city centre.

7.220 With regard to privacy – blocks 2 to 6 achieve a minimum window separation distance of 18 metres. Block 7 would include windows 17 metres from neighbouring property to the east, however the windows would not align and there would be no impact on privacy. A bedroom window within block 1 would be 12 metres from windows of a flat on the east side of Wallace Street. The minimum separation distance of 18 metres is therefore not achieved. However, the window opening is however small in scale and would not result in any significant impacts on privacy. In this instance the proposed windows, whilst within 18 metres of windows of habitable rooms, would not have any significant impact on privacy.

C – SUPPORTING INFORMATION

7.221 The applicant has submitted a Planning Statement and subsequent supporting information which provides information on the development, responds to planning policy and provides comments on matters including:

7.222 **Demand for affordable housing** – the applicant states there is demand for good quality, highly accessible affordable housing in the city and considers the proposed development of 144 flats would achieve these aims. It is considered the development would support meeting the annual target of 200 affordable homes set out in the Strategic Housing Investment Plan (SHIP).

7.223 **Response** – affordable homes are homes of a good quality that are affordable to people on low incomes. This can include social rented, mid-market rented, shared-ownership, shared-equity, and low cost housing without subsidy. As considered within the policy assessment above, priority is given to the development of the allocated brownfield and greenfield sites. The site is not allocated for housing or identified within the SHIP. The development of this site ahead of allocated sites does not align with the Council's housing strategy and could be detrimental to the delivery of allocated sites. The proposed development would introduce 144 flats into the site, contained within seven flatted blocks. The site layout fails to provide the minimum level of useable private outdoor amenity spaces, includes one-bedroom flats with below 60 sqm floor area and would not provide above ground drainage provision. These matters result in overdevelopment of site. A housing development of a lower density, with good quality private amenity areas for residents, a mix of house types and green drainage infrastructure would contribute positively to the regeneration of the site. The presently proposed development fails to achieve this.

7.224 **Amenity and Noise** - the applicant considers the areas of outdoor amenity space being provided are of a high quality, and that they would provide residents with sufficient external drying greens and useable outdoor spaces for recreational use. With regard to the NIA and the requirement to provide acoustic screening to achieve target noise levels within external amenity areas towards Broughty Ferry Road and Princes Street, the applicant requests that the Council's environmental health officers accept that in this particular situation, screening is not required. It is considered that the positive benefits of the development justify setting aside this requirement.

7.225 **Response** – as considered under Policy 10 of the Local Development Plan, the proposed flats would not provide residents with the required minimum level of private useable communal garden ground. The areas of garden ground proposed towards the site boundaries would be open in nature, close to public footpaths and subject to traffic noise which exceeds target levels. Consideration has been given to removing the requirement for mitigation measures. However, this would result in a development which fails to provide residents with an acceptable level of amenity. It is acknowledged that acoustic screening would impact on the appearance of the development. However, design solutions or amendments to the layout of the development could address this matter and ensure that all useable outdoor spaces are afforded an acceptable level of amenity. There is no justification for the scale or layout of

development proposed. The site is not allocated for housing and the development would fail to provide residents with an acceptable level or quality of useable outdoor amenity space.

- 7.226 **Drainage** – the applicant considers the proposed drainage system is acceptable and the proposed discharge rate is achievable. There would therefore be no new or increased flood risk. The underground storage system is proposed in response to site topography and underground conditions which make provision of a SUDS basin or pond challenging.
- 7.227 **Response** – the applicant has provided a Drainage Strategy Report with the application and subsequent plans which outline the proposed system. Following review, the Head of Design and Property Services has requested further information, including a full drainage check to demonstrate the proposed discharge rate could be achieved. The applicant has not provided this. Therefore, it has not been demonstrated the private drainage system as presently proposed can operate as outlined in the submitted information. Any amendments required to address this matter could result in significant changes being made to the overall site layout. Furthermore as noted under the assessment against LDP Policy 37 the proposed private system would mean the responsibility for maintenance and repair would fall on owners and residents rather than Scottish Water. This presents potentially significant challenges should the system fail. Whilst there are some site constraints, the applicant has not provided information to demonstrate a SUDS basin or pond cannot be achieved on site. A lower density development with one or more SUDS areas would contribute to biodiversity and could be managed and maintained publicly. As submitted the proposed drainage system with underground storage is not in a position to be supported.
- 7.228 Matters raised in the submitted reports and supporting information and acknowledged. There are no material considerations which would justify supporting the proposals contrary to the requirements of National Planning Framework 4 and the Local Development Plan.
- 7.229 **It is concluded that there are no material considerations of sufficient weight which would justify approval of planning permission.**

8 CONCLUSION

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

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be **REFUSED** for the following reasons:
- 1 **Reason** - the proposal is contrary to Policy 14b) of National Planning Framework 4 and Policy 1 of the Dundee Local Development Plan 2019. The proposed development is of a scale and density which fails to respect the character and appearance of the surrounding area and is therefore incongruous to this prominent inner-city location. As a result of overdevelopment of this site the proposals fail to provide residents with high quality, useable outdoor amenity spaces. There are no material considerations of sufficient weight to justify a decision contrary to this.
 - 2 **Reason** - the proposal is contrary to Policy 16b), 16c) and 16f) of National Planning Framework 4 and Policy 9 of the Dundee Local Development Plan 2019. The application site is not allocated for housing within the Dundee Local Development Plan 2019 and the

applicant has not provided a justification for the need or demand for 144 flats in this location. A statement of community benefit has not been provided. The applicant has failed to demonstrate that the development would improve affordability or choice and that its delivery would not impact upon the delivery of allocated housing sites. There are no material considerations of sufficient weight to justify a decision contrary to this.

- 3 **Reason** - the proposal is contrary to Policy 10 of the Dundee Local Development Plan 2019. The proposed development fails to demonstrate that there is a need for a flatted development in this location; it includes one-bedroom flats with floor areas below the required 60 sqm standard; and it fails to provide the necessary area of useable private communal amenity space. As a result of overdevelopment, the proposal fails to meet the minimum standards set out in Policy 10 and Appendix 4. There are no material considerations of sufficient weight to justify a decision contrary to this.
- 4 **Reason** - the proposal is contrary to Policy 20b) of National Planning Framework 4 as the proposal fails to incorporate any significant above ground blue and green infrastructure, missing an opportunity to enhance biodiversity, or use such infrastructure for flood prevention and water management. There are no material considerations of sufficient weight to justify a decision contrary to this.
- 5 **Reason** - the proposal is contrary to Policy 22c) of National Planning Framework 4 and Policy 37 of the Dundee Local Development Plan 2019. The applicant has failed to demonstrate that the proposed surface water management system can operate at the specified discharge rates. As such it has not been demonstrated that the development proposals will not increase the risk of surface water flooding to others, or itself be at risk. There are no material considerations of sufficient weight to justify a decision contrary to this.
- 6 **Reason** – the proposal fails to fully comply with Policy 3b) of the National Planning Framework 4. The proposal fails to incorporate nature-based solutions; does not include significant biodiversity enhancements; and does not consider local community benefits of the biodiversity or nature networks. There are no material considerations of sufficient weight to justify a decision contrary to this.
- 7 **Reason** - the proposal is contrary to Policy 23e) of National Planning Framework 4 and Policy 39 of the Dundee Local Development Plan 2019. Noise levels within areas of useable outdoor amenity space towards the site boundaries will exceed target levels, to the detriment of the amenity and usability of the outdoor spaces. There are no material considerations of sufficient weight to justify a decision contrary to this.

Erection of Purpose Built Student Accommodation, South Ward Road

KEY INFORMATION

Ward Maryfield

Address
19-21 South Ward Road
Dundee
DD1 1PU

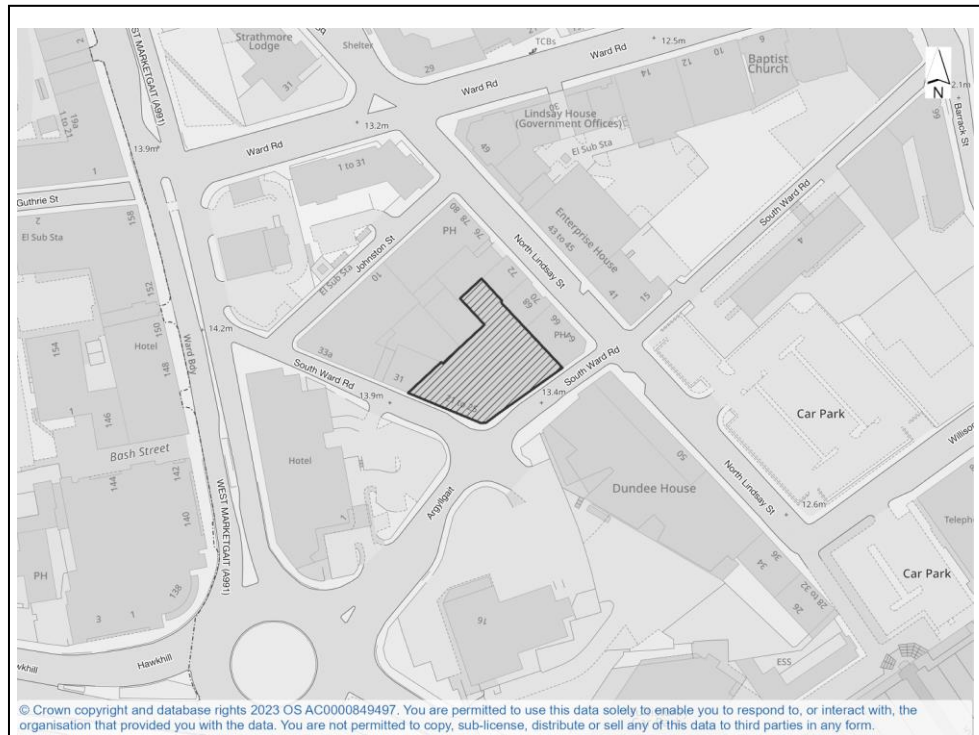
Applicant
Newtide Investment Limited

Agent
Scott Hobbs Planning
24A Stafford Street
Edinburgh
EH3 7BD

Registered 31 May 2023

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the erection of purpose-built student accommodation, comprising 215 bedrooms with associated amenity space, landscaping and access.
- The application accords with the requirements of the Development Plan.
- In total, three letters were received objecting to the proposal. The letters of objection raise concerns with noise from adjacent premises and renewable energy provision. One neutral representation was received.
- Supporting information including a Student Accommodation Demand Assessment, Design and Access Statement and Noise Impact Assessment have been provided with the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is a Major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=RV26PTGCK6600>

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of purpose-built student accommodation (PBSA) together with associated access, amenity spaces and infrastructure. The proposal would provide 215 student beds comprising a mix of studio apartments and cluster apartments (4 and 5 bed apartments each sharing a lounge/kitchen/diner). As part of the development, internal amenity spaces are to be provided for residents, including a gym and lounge areas. To the rear (north) of the proposed building external amenity space is to be proposed.
- 1.2 The proposed building is within the south of an existing block of buildings between South Ward Road and North Lindsay Street. The proposed building, which would be up to nine-storeys in height, has been designed to provide an active frontage, with the main entrance and reception towards the south-west elevation onto South Ward Road. To the front (south-west) elevations, finishes primarily comprise of darker brick at ground and first floor level with lighter brick to upper floors and areas of glazing. To the rear (north) elevation, render is proposed. The form of the building reflects the shape of the application site, with frontage which extends along South Ward Road. The rear elevation and external amenity space have been formed to integrate with the layout of development immediately to the north of the site. The building will be 2.1 metres higher than the tower element of the Category B listed buildings to the north of the site at 80 North Lindsay Street. The design includes recessed elements to the north and east elevations, with the building rising towards the centre of the site.
- 1.3 Within the ground floor, a range of uses are proposed. Towards the front of the building, the main entrance along with resident amenity spaces are proposed, and towards the east of the ground floor a gym is proposed. Within the north-west of the ground floor, a service area with plant room, substation and bin store is to be formed with access onto South Ward Road. To the rear of the building an external amenity space is to be formed with enclosed cycle storage area beyond. The cycle store will have capacity for 98 cycles within covered shelters. The upper floors contain a mix of single bedroom studios and cluster rooms with four to five bedrooms. The single bedroom studios include bedroom, bathroom and cooking facilities. The clustered rooms include ensuite bedrooms with study space and a communal kitchen and dining area. The proposal provides a total of 215 bedrooms, comprising 105 single studios, 10 four-bedroom clusters and 14 five-bedroom clusters.
- 1.4 The external amenity space within the north of the site provides an enclosed, accessible outdoor space of 246m² for residents of the development. The cycle storage area is proposed to the north of the building, with access onto South Ward Road and North Lindsay Street. The cycle store would accommodate up to 98 cycles, with a further 8 cycle parking spaces proposed at the main entrance.
- 1.5 The applicant has submitted the following in support of the application:
- Pre-Application Consultation Report;
 - Planning Statement;
 - Drainage Impact Assessment;
 - Preliminary Site Investigation,
 - Sustainability Report;
 - Transport Statement;
 - Student Accommodation Demand and Supply Report;
 - Noise Impact Assessment; and
 - Odour Assessment

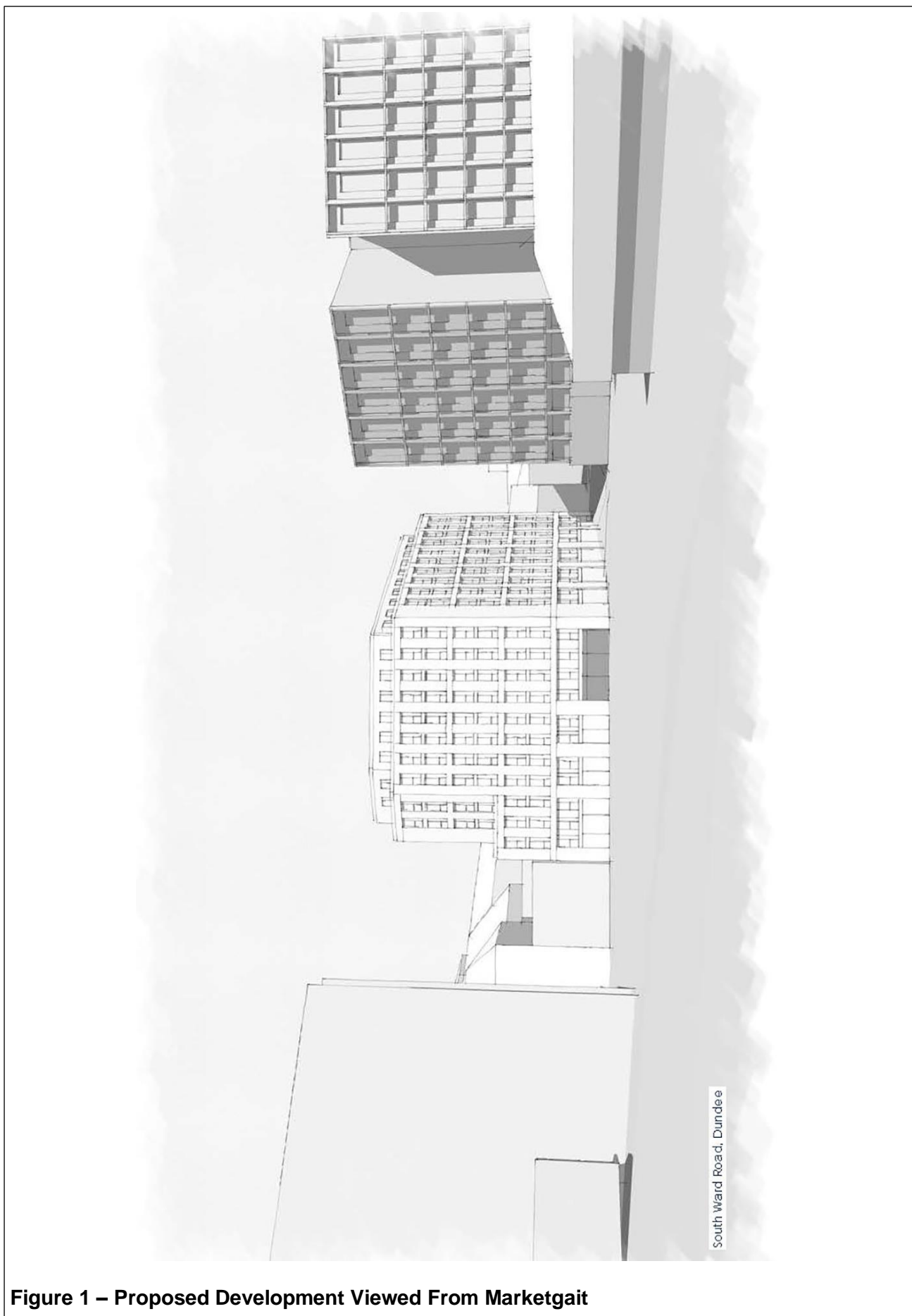




Figure 2 – Proposed South West Elevation



Figure 3 – Proposed South East Elevation

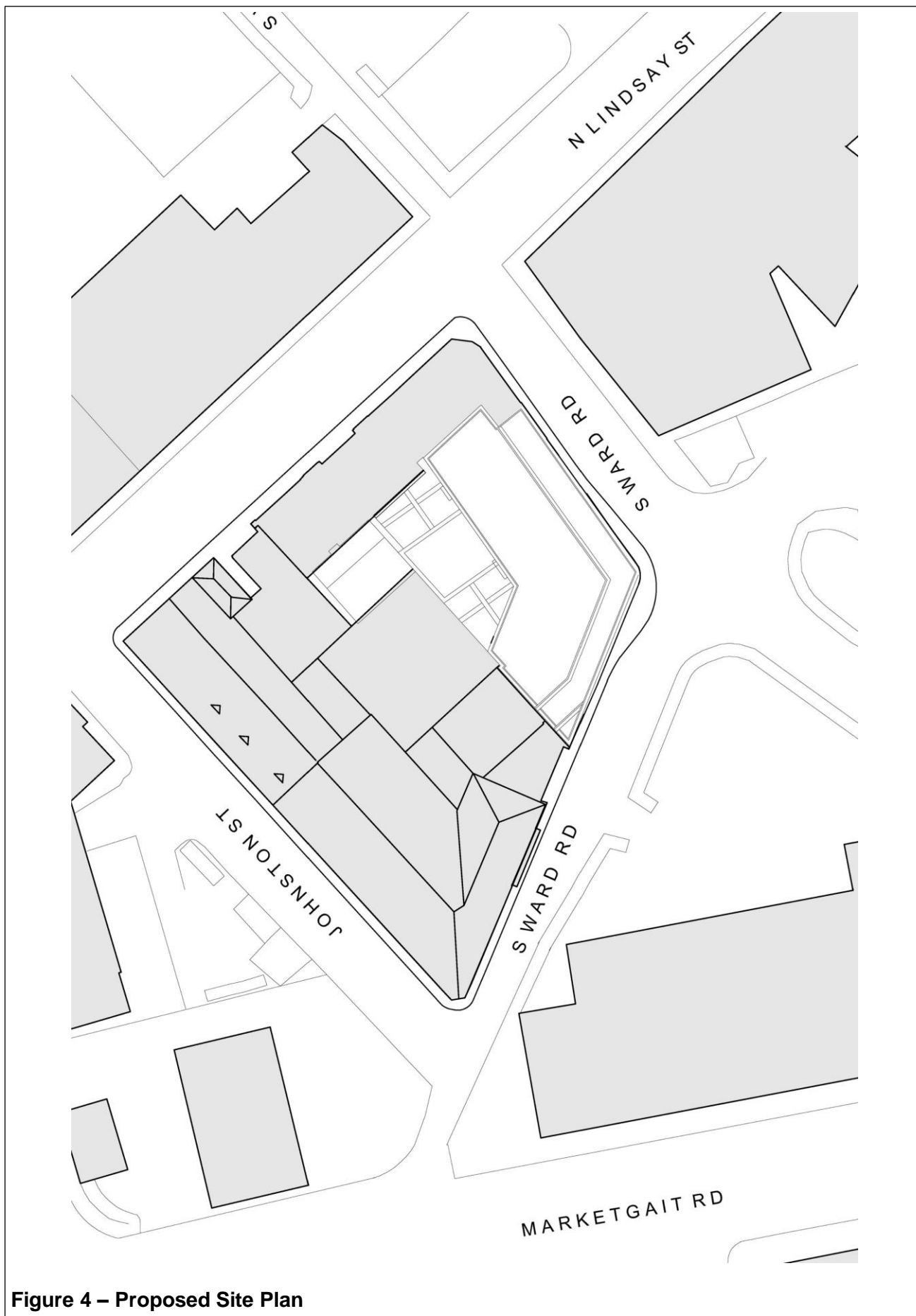


Figure 4 – Proposed Site Plan

2 SITE DESCRIPTION

- 2.1 The application site is located on the north side of South Ward Road. The site which contains a vacant nightclub premises is 0.11 hectares and level in nature. There are buildings adjoining the site to the north and east.
- 2.2 The existing nightclub building which is finished in white paint with pitched roof fronts onto South Ward Road. The main walls of the building are equivalent in height to two storeys. As the building was a night club it contains a largely open main floor area with amenities. The site can be accessed via South Ward Road, which provides connections to surrounding roads and footways.
- 2.3 The surrounding buildings contain various uses including office, healthcare services and leisure. The site is also close to the city centre shops and services including Overgate Shopping Centre, Dundee House, and High Street/Murraygate. The site is bound by the Central Conservation Area, with a range of heritage buildings within the vicinity including Category B and Category C listed buildings immediately adjacent to the site. The surrounding area contains a range of building types within the city centre, including modern offices and traditional stone-built buildings.



Figure 5 – View of Site From South Ward Road

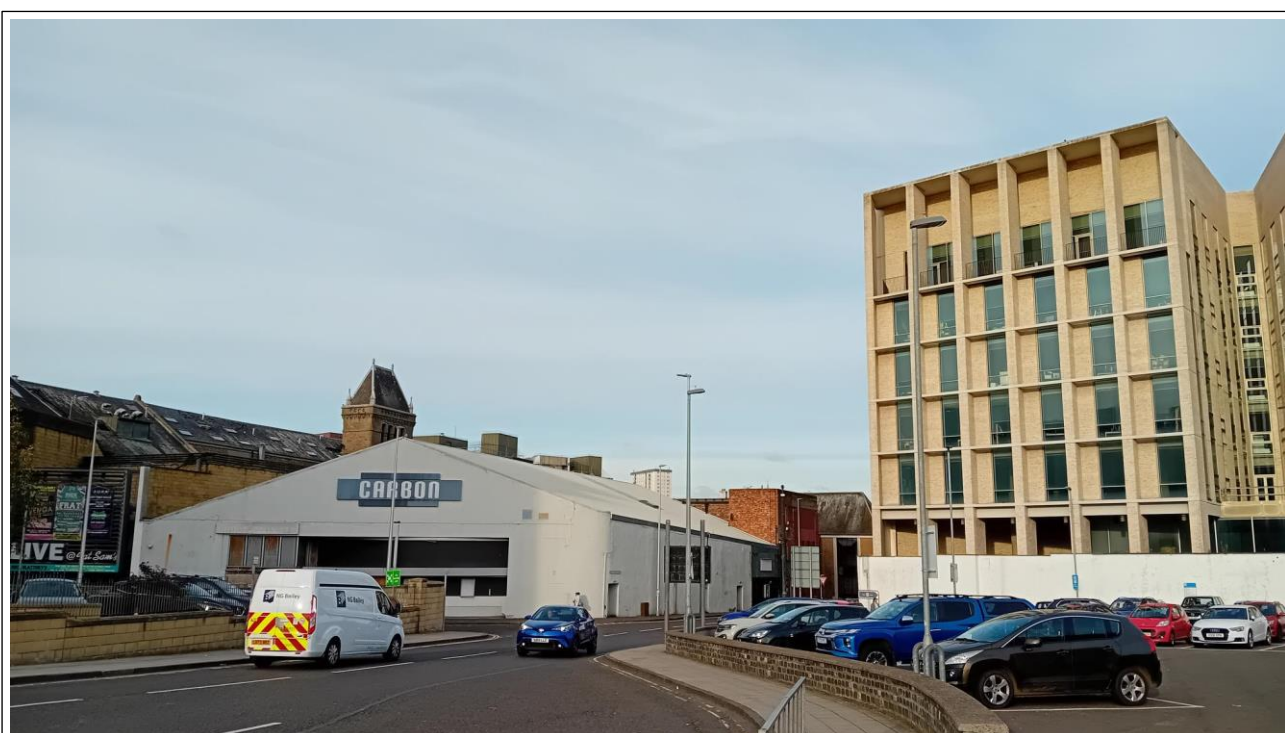


Figure 6 – View of Site From South Ward Road

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the Climate and Nature Crises

Policy 3a: Biodiversity

Policy 4f: Natural Places

Policy 7c, d, o: Historical Assets and Places

Policy 9a, c: Brownfield, Vacant And Derelict Land and Empty Buildings

Policy 12a: Zero Waste

Policy 13b, e: Sustainable Transport

Policy 14b: Design, quality and place

Policy 15a: Local Living and 20-minute Neighbourhoods

Policy 16c: Quality Homes

Policy 22c: Flood Risk and Water Management

Policy 23d, e: Health and safety

Policy 27e: City, Town, Local and Commercial Centres

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 15: Student Accommodation

Policy 21: Town Centres First Principle

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 51: Development in Conservation Areas

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 of direct relevance.

4 SITE HISTORY

4.1 Proposal of application notice 22/00387/PAN for the demolition of existing building and erection of purpose-built student accommodation was submitted in May 2022.

4.2 Planning application 22/00681/FULM for the proposed demolition of an existing building and erection of purpose-built student accommodation with ancillary amenity space, associated landscaping and cycle parking was withdrawn in March 2023.

5 PUBLIC PARTICIPATION

- 5.1 A Pre-application Community Consultation Report has been submitted with this major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. Namely that the applicant hosted a website and an online consultation event in accordance with the regulations in place at the time.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 In total three letters of objection were received, raising the following material considerations:
- the proposed development would be close to surrounding commercial premises including night clubs/music venues and public houses. These uses generate noise which could impact on residents of the development. There are significant concerns such complaints would lead to restrictions on existing venues; and
 - the submitted plans refer to the provision of renewable technologies and amenity spaces. However, there are limited details provided with the application. The development therefore fails to demonstrate suitable renewable technologies and resident amenity spaces will be provided.
- 5.4 One neutral letter of representation was received. The letter confirms there is no objection to the principle of student accommodation within the city centre. However, as the site is close to night clubs which generate noise from music and patrons, adequate noise mitigation measures will need to be confirmed to ensure there is no impact on established businesses in the surrounding area. There are also some concerns raised that any works or street closures during demolition and construction works would impact on surrounding businesses.
- 5.5 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **Archaeological Consultant** – has reviewed the submitted Desk-based Assessment and Heritage Statement, and concludes it is unlikely the site will contain any significant archaeological deposits. No further investigations or planning conditions are recommended.
- 6.2 **The Head of Community Safety and Protection** - has no objection to the application, but has commented on the following matters:
- Contaminated Land** – a preliminary site investigation has been submitted and reviewed. Conditions are recommended should planning permission be granted.
- Odour** – the site is close to premises which prepare, cook and sell food including public houses and takeaways. The applicant has provided an odour assessment which identifies mitigation measures are required at some rooms within the development including mechanical ventilation. It is recommended the implementation of mitigation measures is controlled by conditions.
- Noise** – the applicant has submitted a noise impact assessment (NIA) in support of the application. The NIA identifies mitigation measures will be required to achieve target internal

noise levels. Should planning permission be granted, it is recommended the implementation of mitigation measures as outlined in the NIA are provided prior to occupation. Further conditions are also recommended in relation to control of noise levels from plant equipment and a sub-station.

- 6.3 **Scottish Water** - has no objection to the proposal.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (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

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.

- 7.2 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.
- 7.3 The proposal includes the demolition of an existing night club premises and erection of a multi storey residential building within a brownfield city centre site. The building which presently occupies the site is not of a high quality and of no architectural or historic merit. The proposed development would support the provision of a modern residential accommodation within a highly accessible city centre site. The proposed building will include insulation and low carbon technologies to current building standards. The location of the site is appropriate for the proposed development, with links to surrounding road and footpath networks which support the use of active travel. The site is within walking distance of higher education institutions, shops and services minimising the need to travel by car.
- 7.4 The proposal would support the provision of a footfall generating use within a brownfield city centre site. The development would be constructed to modern building standard requirements and is in a highly accessible location.
- 7.5 **The proposal is in accordance with Policy 1.**
- 7.6 **Policy 3a: Biodiversity** - states development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all 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.
- 7.7 The site is presently occupied by an existing building with no planting, greenspaces or measures to support biodiversity. The site is within a city centre location surrounded by multi storey buildings with limited opportunities for nature. The proposed development would provide an opportunity to implement biodiversity enhancements into this city centre site.
- 7.8 The proposal includes the provision of outdoor amenity space where there is scope for planting and measures to support biodiversity such as wildflowers and native tree species. Within the building, including around the roof, there is scope to incorporate features such as bat and bird boxes.
- 7.9 The proposal includes outdoor amenity space towards the centre of the site. However, detailed landscaping proposals have not been provided. It is recommended the provision of full details of landscaping within the site, including plant species and measures to support biodiversity are controlled by condition. A bat survey submitted with the application identifies opportunities for biodiversity enhancement within the proposed building. The survey is considered in detail under Policy 4f below. It is recommended the provision of measures to support bat roosting within the development as identified within the bat survey are controlled by condition in the interest of supporting protected species.
- 7.10 The existing building within the site does not contribute to biodiversity and is of no ecological value. There is scope for the proposed new build development to contribute positively to and enhance biodiversity in this city centre location. Subject to conditions requiring full details of measures to enhance biodiversity being submitted to and agreed with the Council, the proposal would enhance biodiversity within the site.
- 7.11 **Subject to conditions, the proposal is in accordance with Policy 3a of NPF4.**
- 7.12 **Policy 4f: Natural Places** - states 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.

- 7.13 The applicant has submitted a Bat Survey which concludes that following survey of the interior and exterior of the building, there was no evidence that bats are using the building for roosting. The report concludes that there is no risk to bats should demolition of the building progress as part of the proposed development, and there is no requirement for further surveying. The report recommends measures which can provide on-site enhancements to biodiversity as part of the proposed development including the installation of features that bats could use to roost in such as bat boxes and gaps within the exterior of the building that bats could enter in order to shelter. It is recommended the provision of measures to support bat roosting within the development are controlled by condition in the interest of supporting protected species.
- 7.14 **Subject to a planning condition, the proposals are in accordance with Policy 4f of NPF4.**
- 7.15 **Policy 7c: Historical Assets and Places** - states development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 7.16 The proposed building has been designed with a stepped form to the north-west elevation, reducing the height and massing of areas of the building which are located towards the Category B Listed 29-31 South Ward Road and 80 North Lindsay Street. The form of the building reduces the impact of the proposals on neighbouring buildings and ensures there is no significant impact on the character or setting of the listed building. There are further listed buildings to the south and east of the site including Dundee House. The height, scale and form of the proposed building has been considered, with further stepped and recessed elements to upper floors on the south elevation to minimise the impact of the proposal on surrounding listed building. The proposed building is of a finish and massing which reflects the character of buildings within the surrounding area and wider city centre.
- 7.17 The listed building immediately to the north of the site is between 18 metres and 26.8 metres in height, with the proposed student accommodation being between 13.2 metres and 29 metres in height. The upper floors of the proposed building would sit between 10 metres and 13 metres away from Category B listed buildings to the north and south of the site.
- 7.18 The form and scale of the building has been considered to reduce the physical impacts of the development on surrounding listed buildings, and to ensure there is no significant impact on the setting of the buildings. Principal views of the listed buildings from North Lindsay Street and Johnston Street would not be impacted, and the character and fabric of the buildings would be retained as existing. The proposed development is considered to be of an acceptable scale for this city centre location and would be in keeping with the varied height of buildings on Ward Road and North Lindsay Street. The proposed development would preserve the character and special architectural and historic interest of the setting of the listed buildings surrounding the site.
- 7.19 **The proposal is in accordance with Policy 7c.**
- 7.20 **Policy 7d: Historical Assets and Places** - states development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i architectural and historic character of the area;
 - ii existing density, built form and layout; and

- iii context and siting, quality of design and suitable materials.
- 7.21 The application site is not located within a conservation area. However, the site is bound by the Central Conservation Area.
- 7.22 Conservation areas provide opportunities to introduce good quality modern design and bring together old and new to create an attractive evolving urban landscape. The proposed development is of a high-quality design and would be appropriate to this prominent site which is presently a vacant night club premises. The proposal reflects the scale and massing of modern buildings in the surrounding area and is to the enhancement of the character of South Ward Road and the Conservation Area.
- 7.23 In this instance, the proposed student accommodation development would have no detrimental impact upon the historic character of the Central Conservation Area.
- 7.24 **The proposal is in accordance with Policy 7d.**
- 7.25 **Policy 7o: 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.
- 7.26 The applicant has submitted a desk based archaeological study and heritage statement with the application. These reports suggests that the application site stands on ground that originally formed part of Windmill Hill which was quarried away in 1820s. Consequently, the ground surface on site today is not a natural ground level.
- 7.27 The submitted reports have been reviewed and accepted by the Council's Archaeological Consultant. It is noted any archaeology on site can only date to the period after the 1830s. As the site is well mapped from this period onwards, excavation would not provide any further information from what is already know about the site during the 19th and 20th centuries. It is therefore considered the site is unlikely to contain any significant archaeological deposits, and there is no justification for any further investigations. The approval of planning permission and redevelopment of the site would have no impact on features of archaeological interest.
- 7.28 **The proposal is in accordance with Policy 7o.**
- 7.29 **Policy 9a: Brownfield, Vacant and Derelict Land and Empty Buildings** – states development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.30 The proposal seeks to demolish a vacant building within the city centre and erect a multi storey development of purpose-built student accommodation. The proposal would support the long-term use and occupation of a city centre site with a use which generates footfall and provides residential accommodation within a highly accessible location. The existing building does not contribute positively to the character or appearance of the surrounding area. The provision of a modern building of high-quality design would contribute positively to the character of South Ward Road and wider city centre area.
- 7.31 The existing site does not provide any positive contributions to biodiversity. The redevelopment of the site provides opportunities to incorporate planting and measures to

support wildlife, such as bird or bat boxes, which will enhance the biodiversity value of this city centre site. Overall, the proposed development would be in a highly accessible, brownfield site supporting the re-use of vacant land and contributing to the vitality and vibrancy of the city centre.

7.32 **The proposal is in accordance with Policy 9a.**

7.33 **Policy 9c: Brownfield, Vacant and Derelict Land and Empty Buildings** – states where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

7.34 A Preliminary Site Investigation has been submitted as part of the application. The Head of Community Safety and Protection has reviewed the report and notes subject to further monitoring gas protection measures are likely to be required, and possibly vapour protection. There is also evidence of lead and asbestos being present within the site. Further investigation and risk assessment is required following demolition of the existing structure.

7.35 Planning conditions are recommended in relation to the completion of further investigations and provision of a remediation strategy to ensure any contamination within the site is addressed prior to any construction works. Subject to the recommended conditions to ensure any required remediation works are completed, the proposals will ensure any risks are addressed.

7.36 **The proposal is in accordance with Policy 9c, subject to conditions.**

7.37 **Policy 12a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

7.38 As required by this policy, there is sufficient provision for waste reduction and waste separation within the proposed bin storage area within the ground floor of the development. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.

7.39 **The proposal is in accordance with Policy 12a.**

7.40 **Policy 13b: Sustainable Transport** - states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii will be accessible by public transport, ideally supporting the use of existing services;
- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii adequately mitigate any impact on local public access routes.
- 7.41 **Criterion i** – the development proposal includes direct connections to existing footpaths and streets which would provide safe and convenient access to local facilities in the city centre and surrounding area. Staff and residents would have access to secure bicycle storage.
- 7.42 **Criteria ii and iii** – bus stops within 400 metres of the site on Hawkhill, Marketgait and Courthouse Square are served by frequent services to the City Centre, Ninewells, Craigowl and Kirkton. City centre bus services enable integrated journeys through Dundee Railway Station and Dundee Bus Station.
- 7.43 **Criteria iv** – the proposed development would not include any on-site parking provision or electric vehicle charging infrastructure. As the site is within the city centre, the provision of no dedicated parking is acceptable. The development includes cycle storage and is served by the surrounding footpath network which provides access to a range of sustainable transport options. There are electric vehicle charging spaces within the wider city centre area in safe and convenient locations which would be accessible to staff and residents of the development.
- 7.44 **Criterion v** - the applicant proposes to create a secure cycle storage area with space for 98 cycles. It is proposed to provide shelters above the storage area. However, full details have not been confirmed. A further eight cycle spaces are to be provided within covered locations at the main entrance of the building. The provision of 106 spaces exceeds Dundee City Council Streets Ahead guidance for student accommodation, which requires a minimum of 28 spaces to be provided for a development of this size. In the interest of supporting sustainable transport, it is recommended that full details of the proposed cycle storage and associated shelters are submitted for prior approval, and thereafter cycle storage is installed and made available to staff and residents prior to first occupation of the development.
- 7.45 **Criterion vi** – the proposal would utilise existing footpaths on South Ward Road, with direct access on surrounding streets. The existing footpaths and road crossing ensure that safe and adequate provision is made for walking, cycling and road vehicles including delivery and refuse vehicles. No alterations are proposed to public roads surrounding the site.
- 7.46 **Criterion vii** – Pedestrian access locations are towards the front of the site with connections onto South Ward Road. The access would be level in nature ensuring the development is accessible to all users/residents.
- 7.47 **Criterion viii** – the proposals include direct pedestrian access onto surrounding public footpaths. No vehicle accesses are proposed. The development would have no impact on public access routes.
- 7.48 **The proposal is in accordance with Policy 13b, subject to a condition.**
- 7.49 **Policy 13e: Sustainable Transport** - states development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- 7.50 The proposal does not include provision for resident or visitor parking. Student accommodation does not generate a significant parking demand, with car ownership lower than mainstream residential accommodation. The site is in an accessible location, within

walking distance of the universities and shops and services within the city centre. Residents would have access to a range of transport options including walking and cycling. The proposed development would be accessible to residents of all abilities and there would be no barriers to access by disabled people.

- 7.51 The proposal would include 106 cycle spaces, comprising 98 secure cycle parking spaces and a further eight cycle parking spaces within a publicly accessible location. The provision of 106 spaces exceeds Dundee City Council's road standards which require a minimum of 28 spaces. It is recommended that a condition be attached to any permission granted requiring full details of the secure and covered cycle storage to be provided, and the provision installed prior to first occupation.
- 7.52 As considered under Policy 13b, due to the site's city centre location, the provision of no onsite parking is acceptable as there is public parking available within the surrounding area to support the proposed development.
- 7.53 **The proposal is in accordance with Policy 13e, subject to a condition.**
- 7.54 **Policy 14b: Design, Quality and Place** - states development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable
- 7.55 With regard to the character and amenity of South Ward Road and surrounding buildings, the scale, massing and design of the proposed development is such that the proposal will integrate into the existing streetscape. The height, form and finish materials of the proposed building has been carefully considered to respect the category B listed buildings to the north and south of the site. Towards the centre of the proposed building, upper floors are to be recessed to reduce the overall massing of the building whilst providing a high-quality frontage.
- 7.56 The building is of a large scale being up to nine storeys in height. The building's form has been reduced during extensive pre-application discussions in order to positively address the visual and physical impact of the development. The building would be of a scale which is appropriate to the city centre, with large and multi storey buildings within the surrounding area including Dundee House to the south and the Hampton Hotel to the west.
- 7.57 The proposed building would extend between up to 18.2 metres above buildings to the east of the site, and 11.3 metres to buildings to the north of the site. The inclusion of stepped elements and a recessed upper floor reduces the overall massing of the proposed building and provides separation between the development and neighbouring listed buildings. Whilst the building is taller than the listed building to the north, it is an acceptable scale which reflects the general height of buildings within the city centre. Views of the listed building from surrounding streets would not be significantly affected, and the development would be of a similar scale to multi storey buildings to the south and west.
- 7.58 The impact of the proposal on the existing buildings has been considered within the submitted Design and Access Statement and supporting information. The building would result in overshadowing and alter the outlook from buildings around the site. However, at surrounding buildings, overshadowing at lower floor levels would not be significantly greater than it is at present. There would be overshadowing impacting upper floors of buildings to the north during the middle of the day. However, there is sufficient separation between the existing and proposed building to ensure there is no significant loss of natural light. The proposed building is of a height and form which is appropriate to this city centre location, with compact urban development in the surrounding area. Through the provision of high-quality materials and external amenity space, the development would contribute positively to the character and visual amenity of the site and surrounding area.

- 7.59 The proposal would result in a distinctive development which respects the existing building lines and street pattern. The provision of an external amenity area towards the rear elevation of the building at ground floor level would provide visual interest and useable amenity space for residents. The location of the amenity space would not result in any overlooking of private amenity spaces within the surrounding area.
- 7.60 The provision of high-quality materials within the development which is in a prominent location on South Ward Road is essential to ensure the proposals contribute positively to the local streetscape and maintain the character of neighbouring listed buildings. The applicant has proposed materials including brick and render which are acceptable and would create a development which maintains the character and quality of development in the local area. Given the prominence of the building, proximity to listed buildings and the importance of materials on this particular development, full details and samples of the proposed finish materials, including brick, render and glazing will be controlled by condition to ensure finishes are of a high quality and create a development which maintains the character and quality of development in the local area.
- 7.61 The proposed ground floor would contain the main entrance, reception area and access to the upper floors. To ensure an active street frontage is provided, the main entrance will be from South Ward Road, with further spaces including a gym and amenity area with glazing to be provided on this front elevation. Towards the rear of the building external amenity space and cycle storage areas are proposed. Within the north of the building the servicing, bin storage and plant rooms are proposed in accessible locations.
- 7.62 Safe pedestrian access is provided from the surrounding streets and there is provision of public transport in the surrounding area with bus stops on West Marketgait, Courthouse Square, Hawkhill and across the city centre. Dundee railway station is 600 metres to the south of the site. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.63 The site which is presently occupied by a vacant nightclub. The building would be demolished and site cleared ahead of the proposed building being constructed. The building has been vacant for several years and does not contribute to the character or amenity of surrounding listed buildings or the wider city centre area. The site is in a central location and its redevelopment would contribute positively to the overall character and appearance of the local area. The proposed building would reflect the established building line on South Ward Road. The stepped nature of the upper floors and recessed upper level reduces the physical impact of the building on surrounding premises. The proposed student accommodation is of a scale and form which would create a feature building whilst integrating with the height and form of surrounding buildings. There is sufficient separation provided between the proposed building and neighbouring listed buildings to the north and south of the site to ensure there would be no significant impact on the character or setting of these listed buildings. As discussed above, the provision of high-quality materials will ensure the building complements neighbouring listed buildings, and the overall design and form of the development ensures it would contribute positively to the local streetscape.
- 7.64 Within the site, drainage provision would be provided by surface water storage cells, which is then discharged at a controlled rate to existing drainage infrastructure on South Ward Road. The provision of an underground drainage system is acceptable in this city centre location, where the site is of a small scale and bound by existing development. The applicant has provided plans and a surface water management plan which demonstrate that an acceptable solution could be provided.
- 7.65 Overall, the proposed development will provide a well-connected, high quality modern development of purpose-built student accommodation within a brownfield city centre location.

Residents will be within walking distance of a range of shops, services and higher education institutions and the site is served by a range of sustainable transport options. The development would contribute positively to the character and appearance of South Ward Road and the surrounding area.

- 7.66 For the reasons considered above, the proposal is consistent with the six qualities of successful places. The development will be distinctive and well connected, and contribute positively to the appearance of this highly visible city centre site.
- 7.67 **The proposal is in accordance with Policy 14, subject to a condition.**
- 7.68 **Policy 15a: Local Living and 20-minute neighbourhoods** - states development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
- sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks;
 - employment;
 - shopping;
 - health and social care facilities;
 - childcare, schools and lifelong learning opportunities;
 - playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
 - publicly accessible toilets; and
 - affordable and accessible housing options, ability to age in place and housing diversity.
- 7.69 The proposal is for the erection of purpose-built student accommodation with 215 bedrooms. The site is in a highly accessible city centre location, within walking distance of a range of shops, services and amenities. The site is connected to the surrounding area by existing footpaths, and within 20 minutes walking distance of facilities including higher education institutions, public open space, places of employment and health and social care facilities.
- 7.70 The site is connected by public footpaths to open spaces within the wider area, including Dudhope Park and Slessor Gardens. There are playgrounds and sports facilities within the local area.
- 7.71 The proposal would provide accommodation for students studying in the city, contributing to the availability of student accommodation within the city. The proposal would contribute to the range and availability of purpose-built student accommodation in the city and help meet demand.
- 7.72 Overall, the proposed development is well connected to surrounding facilities and services by existing footpaths and roads. The site is within the city centre where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.
- 7.73 **The proposal is in accordance with Policy 15a.**

- 7.74 **Policy 16c: Quality Homes** - states development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include homes for people undertaking further and higher education.
- 7.75 At present, student accommodation within the city comprises University halls of residence, other private halls of residence, rented accommodation/HMO and at home/living with parent accommodation. The proposed development would support the provision of a range and type of student accommodation within the city centre.
- 7.76 The applicant has submitted supporting information to demonstrate that there is demand for the proposed 215 bedroom development of student accommodation, and that the proposals will complement and improve the existing offer.
- 7.77 The proposed development would result in the redevelopment of a vacant nightclub which does not contribute to the character or appearance of the local streetscape or surrounding Central Conservation Area. The proposal would integrate with the character and appearance of modern multi storey development within this part of the city, whilst ensuring students are provided with appropriate high-quality amenities and facilities including kitchens, lounges and a gym.
- 7.78 In relation to gaps in provision, the proposed development with 215 bedrooms is of a scale which would contribute to the level and availability of student accommodation within the city. The development is located within an accessible location in the city centre, close to higher education institutions. The proposal would contribute positively to the type and range of student accommodation within the city, and enhance the existing supply.
- 7.79 **The proposal is in accordance with Policy 16c.**
- 7.80 **Policy 22c: Flood Risk and Water Management** states development proposals will:
- i not increase the risk of surface water flooding to others, or itself be at risk;
 - ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
 - iii seek to minimise the area of impermeable surface and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.
- 7.81 The site which is presently occupied by an existing building which is not identified as being of any risk of flooding by SEPA. The proposed development which would occupy the site would not alter or increase the flood risk at the site or within the surrounding area.
- 7.82 The existing building benefits from drainage infrastructure which discharges into the existing public network. As the site is within a dense urban area there is limited potential for green infrastructure to be provided. A Drainage Impact Assessment and associated supporting information, including proposed drainage plans and calculations, have been submitted. The assessment includes proposals for on-site storage of surface water towards the rear of the proposed building, with discharge at a controlled rate into the existing public network on South Ward Road. The controlled discharge of surface water from on-site storage will restrict flows into the public network during rain events, reducing the risk of flooding compared to the existing situation. It has been demonstrated that an acceptable drainage solution for this city centre site can be achieved. Conditions are recommended to ensure full details of the

drainage system are agreed with Dundee City Council and thereafter implemented on site in the interest of flood protection.

7.83 **The proposal is in accordance with Policy 22c, subject to conditions.**

7.84 **Policy 23d: Health and Safety** - states development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

7.85 The entire city is an Air Quality Management Area (AQMA) for nitrogen dioxide and pollutant particulate matter. An Air Quality Assessment (AQA) has been prepared due to the nature of the development proposed and its location within the city centre.

7.86 Within the AQA, the applicant proposes an electric heating system will serve the building, comprising under floor heating or panel radiators. An electric system would negate any need for on-site combustion heating systems such as gas boilers. In principle, this would be acceptable. However, full details of the heating strategy have not yet been confirmed. Until a heating strategy is finalised, there remains scope for centralised plant equipment to be installed as part of heating and hot water systems. The Head of Community Safety and Protection has requested the submission of full details of the heating system and any associated flues be controlled by condition. Subject to details being agreed which confirm an electrical system is to be provided, or any combustion applications will include flues which terminate at an appropriate height, the development would have no detrimental impact on air quality.

7.87 Within the ground floor of the building, a standby back-up generator is proposed. The diesel generator would provide power for life safety systems such as sprinklers and smoke vents in an event such as a power cut and will only operate during monthly testing or in case of emergency. The applicant has stated the standby generator will not generate any significant emissions, will include a flue which terminates at least 1 metre above roof level, and annual testing will not exceed 18 hours of operation. This is acceptable in principle, subject to a planning condition which requires full details of the generator to be submitted for review and approval as recommended by the Head of Community Safety and Protection.

7.88 **The proposal is in accordance with Policy 23d, subject to conditions.**

7.89 **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.

7.90 The proposed student accommodation would provide 215 bedrooms across the upper floors of the development. The site is within the city centre, close to sources of noise including surrounding commercial premises which generate noise from patrons, music and fixed plant and equipment which may impact upon residential amenity.

7.91 The applicant has submitted a Noise Impact Assessment (NIA). The NIA identifies a requirement to provide mitigation measures including closed window attenuation and acoustically rated glazing to ensure target noise levels are achieved and residents are afforded an acceptable level of amenity.

7.92 The Head of Community Safety and Protection has reviewed the NIA and has no objection to the proposal, subject to planning conditions requiring the mitigation measures identified in the

report are implemented in the interest of protecting the amenity of residents. Further conditions are recommended in relation to noise associated with mechanical and electrical plant and a proposed substation and standby generator within the site.

- 7.93 Subject to the provision of mitigation measures and noise controls as identified within the NIA, the proposed development would ensure residents are provided with a satisfactory level of residential amenity and that there is no disturbance on premises within the surrounding area.
- 7.94 **The proposal is in accordance with Policy 23e, subject to conditions.**
- 7.95 **Policy 27e:** states development proposals for residential development within city/town centres will be supported, including: i new build residential development.
- 7.96 The proposed development of purpose built student accommodation would introduce a residential development with 215 bedrooms to this city centre site.
- 7.97 The provision of student accommodation within the city centre supports the principles of local living and sustainable travel, and encourages town centre living as required by Policy 27e.
- 7.98 **The proposal is in accordance with Policy 27e.**

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- 7.99 **Policy 1: High Quality Design and Placemaking** – all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.100 With regard to the character and amenity of South Ward Road and surrounding buildings, the scale, massing and design of the proposed development is such that the proposal will integrate into the existing streetscape. The height and form of the proposed building has been carefully considered to respect the category B listed buildings to the north and south of the site. Towards the centre of the proposed building, upper floors are to be recessed to reduce the overall massing of the building whilst providing a high-quality frontage.
- 7.101 The building is of a large scale being up to nine storeys in height, however as discussed earlier in this report the building's form has been considered to reduce the impact of the development. The building would be of a scale which is appropriate to the city centre, with many large and multi storey buildings within the surrounding area including multi storey offices and student accommodation to the north and east of the site, and Dundee House to the south of the site.
- 7.102 The west element of the proposed building would be in keeping with the ridge height of the category B listed building to the north of the site, before rising to nine storeys towards the centre of the building. The building is taller than the listed buildings to the north of the site but is lower in height than Dundee House. This is an acceptable scale which reflects the general height of buildings within the city centre.
- 7.103 The impact of the proposal on the existing buildings has been considered within the submitted Design and Access Statement and supporting information. The building would result in

overshadowing and alter the outlook from buildings around the site. However, at surrounding buildings, overshadowing associated with the proposed development would not be significantly greater than it is with a building currently occupying the site. At upper floor levels where new overshadowing would occur, there are no residential uses or occupiers which would be significantly impacted by the proposed development. The proposed development would include landscaping and high-quality finish materials, contributing positively to the character and visual amenity of the site and surrounding area.

- 7.104 The proposal would result in a distinctive development which respects the existing building lines and street pattern. The provision of an external amenity area towards the rear elevation of the building at ground floor level would provide visual interest and useable amenity space for residents. The location of the amenity space would not result in any overlooking of private amenity spaces within the surrounding area.
- 7.105 The provision of high-quality materials within the development which is in a prominent location on South Ward Road is essential to ensure the proposals contribute positively to the local streetscape and maintain the character of neighbouring listed buildings. The applicant has proposed materials including brick and render which are acceptable and would create a development which maintains the character and quality of development in the local area. Given the prominence of the building, proximity to listed buildings and the importance of materials on this development, full details and samples of the proposed finish materials, including buff brick, render and cladding will be controlled by condition. This is to ensure that finishes are of a high quality and create a development that maintains the character and quality of the local area.
- 7.106 The proposed ground floor would contain the main entrance, reception area and access to the upper floors. To ensure an active street frontage is provided, the main entrance will be from South Ward Road, with further spaces including amenity uses for residents such as a gym and meeting areas. Towards the rear of the building open space is proposed, and within the west servicing areas and plant rooms are proposed in accessible locations.
- 7.107 Safe pedestrian access is available from the surrounding streets and there is good access to public transport in the surrounding area with bus stops on Meadowside, Courthouse Square, Nethergate and Hawkhill and across the city centre. Dundee railway station is 600 metres to the south of the site. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.108 The site is presently occupied by a modern building which operated as a nightclub. The building is vacant and does not contribute to the character of the city centre or neighbouring listed buildings. The demolition of the existing building, which is not of a high-quality design, would support the regeneration of this part of the city centre. The application site is in a central location and its redevelopment would contribute to the overall character and appearance of the local area. The proposed building is of a scale and form which reflects the established building line on South Ward Road and the stepped nature of the upper floors and recessed upper level minimise the physical impact of the building on surrounding premises. The proposed student accommodation is of a scale and form which would integrate with surrounding buildings and maintain the historic form of South Ward Road with buildings fronting directly onto footways. As discussed above, high quality materials are proposed, and the building would be of a form and finish which contributes positively to the local streetscape. The proposed building is of a height and form which respects category B listed buildings to the north and south of the site. There is separation provided between the proposed building and listed buildings, to ensure there would be no significant detrimental impact on the character or setting of these buildings.

7.109 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the six qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive - a Design and Access Statement has been submitted which addresses the design, access and development concepts of the proposed student accommodation. The building would be nine storeys in height with stepped element to the north-west elevation. The building would be finished in a range of modern materials, with materials and colours to reflect buildings within the surrounding area. The variety and form of finish materials will contribute positively to and add interest to the development. It is proposed to provide an enclosed courtyard within the north of the site which will incorporate hard and soft landscaping. The proposal responds positively and sensitively to the character of the area and maintains the established density of development in this city centre location.

Safe and Pleasant – the site is bound to the south by South Ward Road, with existing developments to the north and east. The proposals would connect to the existing road and path network linking the development to the surrounding area. There are to be areas of amenity space within the north of the site and there are pedestrian links to the surrounding open spaces including Dudhope Park and Slessor Gardens. The proposed amenity spaces within the site would benefit from natural surveillance due to the location of windows on the proposed development. The proposal will create a vibrant and attractive place.

Easy to Move Around and Beyond – the proposed development would connect to existing footways to the south along South Ward Road, ensuring sensitive integration into the surrounding footpath network. This also ensures the site is well connected to public transport links within the surrounding area, including bus stops on Meadowside, Courthouse Square, Nethergate and Hawkhill which are all within walking distance. Access for residents, staff and visitors is to be taken from South Ward Road. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – the proposal would provide a prominent frontage onto South Ward Road, with main entrance and reception spaces towards the principal elevation ensuring an active frontage. The proposals would utilise existing footpaths around the site providing connections to the surrounding city centre area and university campuses. The proposal positively promotes wayfinding and a sense of orientation.

Adaptable – The proposed development would occupy the site of a vacant building, and result in a positive addition to the mix of development within this part of the city centre which includes a range of multi storey buildings containing offices, retail and commercial uses.

Resource Efficient – a Sustainability Report and Planning Statement have been submitted. The proposal has been designed to include energy efficient materials which minimise heat loss and there is scope to provide sustainable heating infrastructure.

7.110 **The proposal meets the requirements of Appendix 1.**

7.111 The proposed development of student accommodation provides a facility which would contribute to the range of types and size of development within the city centre. The design and layout of the building has been sensitively considered to ensure the building is of a height and massing which integrates with the scale of surrounding buildings and respects listed buildings within the surrounding area. The proposed building has been designed to provide a visually attractive development with a high-quality finish which will contribute positively to the character and appearance of the surrounding area. The site layout has been sensitively considered to ensure a high-quality frontage is provided onto South Ward Road, and that the

character and setting of the local streetscape is protected. The proposal will be well connected and have green infrastructure.

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

7.113 **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.

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

7.115 **The proposal is in accordance with Policy 2, subject to a condition.**

7.116 **Policy 15: Student Accommodation** - states student accommodation will only be supported where:

- 1 it can be suitably demonstrated that a demand exists within the particular area for the level and type of student accommodation proposed;
- 2 it is within convenient walking distance of the higher education institution to which a need exists and is well connected to local services and facilities; and
- 3 the design and layout of the proposed development is of a high quality and provides an appropriate level of amenity space, car parking provision, refuse/recycling storage space and secure bike storage facilities.

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

7.117 The applicant has submitted a Student Demand and Supply Report in support of the application. The report provides analysis of the existing student population and student accommodation within the city.

7.118 The study considers that the full-time student population within the city has grown in recent years to over 17,930 in 2021/2022. Whilst there has been growth in the city's student population, resulting in increased demand for purpose-built student accommodation, this demand is not being met with no new build development under construction. At present, student accommodation within the city comprises University halls of residence, other private halls of residence, rented accommodation/HMO and at home/living with parent accommodation.

7.119 The submitted report considers much of the student accommodation in the city is dated and there is limited supply of studio style accommodation, which is increasingly a preferred choice for students post Covid 19. The applicant notes there is a continuing rise in the number of international students attending the universities in Dundee, and that students from both EU and non-EU countries prefer studio accommodation located close to university campuses.

7.120 In addition to a lack of new of purpose-built student accommodation, many traditional flats typically rented to students have been taken out of the letting market. This is partly due to a

number of landlords of traditional flatted accommodation taking advantage of recently high house prices and selling their properties to owner occupiers. This has resulted in less rental stock available to full-time students in Dundee.

- 7.121 Following a combination of factors as above, there is considered to be a shortage of purpose-built student accommodation. As such, the submitted report considers there to be a clear need for the delivery, in the short and medium term, of purpose-built student accommodation to rectify the under provision facing Dundee. The proposed development would deliver purpose-built student accommodation to address short to medium-term supply issues. The site is accessible to both university campuses and benefits from ready access to the wider services and amenities available in the city centre.
- 7.122 The proposals will include the demolition of a vacant building within the city centre, and redevelopment of a highly visible brownfield site. With regard to unmet demand, the submitted report considers there to be up to 14,570 students who require accommodation within the city. Existing PBSA accommodation and pipeline developments would provide 5,026 bed spaces, The Report suggests that there is a potential unmet demand pool of 9,544 students.
- 7.123 The applicant's report considers there to be sufficient demand for the proposed 215-bedroom development to provide new build, accessible purpose-built student accommodation within the city. The report highlights that the city's student population is growing, and that this has resulted in a demand being created for student accommodation as proposed.
- 7.124 The submitted assessment provides a detailed analysis of the existing accommodation and growth in the city's student population in recent years, highlighting that there is an increasing number of students within the city who may require purpose-built student accommodation. Officers are in regular dialogue with the city's educational institutions and are aware that there is a current unmet demand for student accommodation of all types and rental levels and that the universities are forecasting growth in student numbers, particularly from overseas. From those discussions it is acknowledged that there is a large pool of potential unmet demand in the city however it is unlikely that this demand is solely for purpose built studio type accommodation.
- 7.125 In this case, it is considered that allowing this scale of development will not result in an oversupply of the type of accommodation proposed.
- 7.126 To ensure the development does not change into mainstream residential accommodation without full assessment, and to retain control over the use of the proposed purpose-built student accommodation it is recommended that a condition is attached to control the duration of occupancy of the accommodation.
- 7.127 The site is within walking distance of higher education institutes, with University of Abertay Campus 220 metres to the north of the site and University of Dundee Campus 280 metres to the south-west of the site. The site is connected to each Campus by existing public footpaths.
- 7.128 As the proposed student accommodation is located within the city centre, residents would have access to a range of shops and services within walking distance of the development. The site is also within walking distance of bus stops on surrounding roads including Marketgait, Courthouse Square and Hawkhill which provide access to services across the city.
- 7.129 The design of the proposed development is assessed under Policy 14 of NPF4 and Policy 1 of the Local Development Plan. It is considered the development is of a high-quality design and layout which provide residents with an acceptable standard of residential amenity and access to open spaces and surrounding services as part of the proposed development. The

level of amenity space, cycle parking and refuse/recycling storage space are appropriate for the number of bedrooms proposed.

- 7.130 Eight planning applications for purpose-built student accommodation have been approved since April 2021 creating a live pipeline of 1,398 beds. There are three other live planning applications for up to 617 student beds and the Council has received Proposal of Application Notices for 1,324 further purpose-built student beds across three other sites. This creates a potential pipeline of between 3,000 and 4,000 beds.
- 7.131 The current proposal is for a development of student accommodation within the city centre which would create a 215-bedroom development. Should planning permission be granted for purpose-built student accommodation on this site, and at other sites, there is potential for these competing developments to stall for several years until developers can attract funding. This could lead to long-term vacant sites continuing to remain vacant and undeveloped. To avoid this situation, and to encourage the early implementation of planning permission it is proposed to reduce the normal time limit for implementation of a planning permission from 3 years to 18 months. This allows a reasonable period for pre-commencement planning conditions to be agreed and should encourage timely development. This approach was taken when planning permission was granted for other PBSA schemes within the city in recent years.
- 7.132 With regard to supply, as considered above the present application has demonstrated there is demand for the type and scale of purpose-built student accommodation proposed. Whilst there is a sizeable pipeline of approved beds and potential for further planning applications to be submitted, allowing this current proposal is not considered to result in oversupply. Any further applications will, in accordance with Policy 15, require to demonstrate that there is demand for the level and type of accommodation proposed, and will be considered on their own merits. Officers will also continue to meet with the institutions to discuss the forecast growth in student numbers and the demand for accommodation.
- 7.133 **The proposal is in accordance with Policy 15, subject to a condition.**
- 7.134 **Policy 21: Town Centres First Principle** - states all new or expanded uses that will generate significant footfall should be located in the City Centre or a District Centre.
- 7.135 The proposal comprises a development of purpose-built student accommodation with associated amenities. The development, with 215 student bedrooms, would generate footfall. The proposed development would help support the role and function of the city centre.
- 7.136 The site is in an accessible location, is subject to passing pedestrian and vehicular traffic and would be well connected to the surrounding area. The proposal would return to use a site which is currently vacant, contributing positively to the vibrancy and vitality of the city centre.
- 7.137 **The proposal is in accordance with Policy 21.**
- 7.138 **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.

- 7.139 A Drainage Impact Assessment and associated supporting information, including proposed drainage plans and calculations, have been submitted. The assessment includes proposals for on-site storage of surface water within the site towards the rear of the proposed building, with discharge at a controlled rate into the existing public network on South Ward Road. The provision of an underground surface water storage system is acceptable in this city centre location, where the size of the site and proximity of neighbouring development significantly reduces the scope for green infrastructure to be provided. The applicant has demonstrated that an acceptable drainage solution can be achieved for this city centre site. Conditions are attached to ensure full details of the drainage system are agreed and implemented accordingly.
- 7.140 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.141 **Policy 39: Environmental Protection** – all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development close to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.
- 7.142 As considered under Policy 23e of National Planning Framework 4, the site is within the city centre, close to sources of noise including surrounding commercial premises which generate noise from patrons, music and fixed plant and equipment which may impact upon residential amenity.
- 7.143 The applicant has submitted a Noise Impact Assessment (NIA) which identifies a requirement to provide mitigation measures including acoustically rated glazing to ensure target noise levels are achieved and residents are afforded an acceptable level of amenity.
- 7.144 The Head of Community Safety and Protection has reviewed the NIA and has no objection to the proposal, subject to planning conditions requiring the mitigation measures identified in the report are implemented in the interest of protecting the amenity of residents. Further conditions are recommended in relation to noise associated with mechanical and electrical plant and a proposed substation within the site.
- 7.145 Subject to the provision of mitigation measures and noise controls as identified within the NIA, the proposed development would ensure residents are provided with a satisfactory level of residential amenity and that there is no disturbance on premises within the surrounding area.
- 7.146 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.147 **Policy 40: Air Quality** - states there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.148 The entire City is an Air Quality Management Area (AQMA) for nitrogen dioxide and pollutant particulate matter. An Air Quality Assessment (AQA) has been prepared due to the nature of the development proposed and its location within the city centre.
- 7.149 As considered under Policy 23d of NPF4, the applicant has submitted an Air Quality Assessment which has been reviewed by the Head of Community Safety and Protection.

- 7.150 The proposal is to heat the building with an electric system, comprising under floor heating or panel radiators. In principle, this would be acceptable. The Head of Community Safety and Protection has requested the submission of full details of the heating system and any associated flues be controlled by condition to ensure that any such system discharges at an appropriate height.
- 7.151 With regard to the proposed standby diesel generator, The Head of Community Safety and Protection has no objection, subject to a planning condition which requires full details of the generator and flue are submitted to the council for approval prior to construction works to ensure any system has no detrimental impact on air quality.
- 7.152 **The proposal is in accordance with Policy 40, subject to conditions.**
- 7.153 **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.
- 7.154 The submitted Preliminary Site Investigation has been reviewed by The Head of Community Safety and Protection. The report notes, subject to further monitoring, gas protection measures are likely to be required, and possibly vapour protection. There is also evidence of lead and asbestos being present within the site. Further investigation and risk assessment are required following demolition of the existing structure.
- 7.155 Planning conditions are recommended in relation to the completion of further investigations and provision of a remediation strategy to ensure any contamination within the site is addressed prior to any construction works. Subject to the recommended conditions to ensure any required remediation works are completed, the proposals will ensure any risks are addressed.
- 7.156 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.157 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012. The policy also requires site waste management plans be prepared and used during the construction of major developments.
- 7.158 A bin storage area is provided within the ground floor of the proposed development, with access onto South Ward Road. Refuse vehicles can safely collect waste from the site on South Ward Road. The proposed bin storage area and associated access demonstrates that this site can accommodate sufficient space for waste separation and the collection of recyclables. It is recommended that the provision of a site waste management plan and its implementation during construction works be controlled by condition.
- 7.159 **The proposal is in accordance with Policy 44, subject to a condition.**
- 7.160 **Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted

with applications that are Major planning applications or are within locations identified within the Scotland's Heat Map or the City's heat network strategies as close to significant heat supply source or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.

- 7.161 Given the time frame for the development and occupation of the proposed development it is not possible/viable for the development to be linked to any emerging heat network within the city centre. Notwithstanding this, the type of development proposed in a city centre location would be suitable for connection to a heat network in future should such infrastructure be progressed.
- 7.162 Consideration has been given to potential for the development to connect into any future offsite heat network should infrastructure be progressed.
- 7.163 **The proposal is in accordance with Policy 46.**
- 7.164 **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.
- 7.165 A Planning Statement and Sustainability Report have been submitted with the application. These outline that the proposal has been designed to include energy efficiency measures to reduce heat loss and energy consumption within the building. The proposed use of sustainable plant equipment and energy efficiency technologies such as LED lighting, air leak reduction and natural ventilation are discussed in the document. The applicant considers various technologies and materials which would ensure the development is energy efficient. At this stage full details of the low carbon technologies which will be included within the development are not confirmed, it is not therefore possible for the applicant to provide a detailed Energy Statement and details of specific equipment.
- 7.166 There is scope for heating and energy production to be provided by sustainable and renewable sources such as heat pumps and roof top solar panels. The provision of a detailed energy statement which demonstrates compliance with the required standards can be controlled by condition.
- 7.167 **Subject to a condition, the proposal would be in accordance with Policy 48.**
- 7.168 **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.
- 7.169 The proposed development is located to the south elevation of 80 North Lindsay Street and 29-31 South Ward Road which is a Category B listed building.
- 7.170 The proposed building has been designed to minimise any impact on the listed building to the north, with a stepped form to the upper floors and recessed elements to retain the setting of the listed building, including tower element at the junction between North Lindsay Street and Johnston Street. The proposed building respects the building line of South Wad Road and would have no detrimental impact on the character or fabric of the listed building. There are further category B listed buildings in the surrounding area, including Dundee House to the south of the site and 43-45 North Lindsay Street to the east. The height, scale and form of the proposed building has been considered, with stepped and recessed elements on upper

floors to minimise the impact of the development on the setting of surrounding listed building. The proposed building is of a finish and massing which reflects the character of buildings within the surrounding area and wider city centre.

- 7.171 The proposed building would sit between 10 metres and 13 metres from the Category B listed buildings to the north and south of the site. The form and scale of the building has been considered to reduce the physical impacts of the development on surrounding listed buildings and ensure there is no significant impact on the setting of the buildings. Principal views of the listed buildings from South Ward Road, Johnston Street and North Lindsay Street would not be significantly impacted, and the character and fabric of the buildings would be retained as existing. The proposed development is of an acceptable scale for this city centre location and would be in keeping with the varied height of buildings in the surrounding area. The proposed development would have no significant impact on the setting of listed buildings surrounding the site.
- 7.172 **The proposal is in accordance with Policy 49.**
- 7.173 **Policy 51: Development in Conservation Areas** states within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the conservation area.
- 7.174 The proposal site is not located within a conservation area but is bound by the Central Conservation Area. Development within this site provides an opportunity to introduce good quality modern design, contributing to the character of the surrounding Conservation Area and bring together old and new to create an attractive urban landscape.
- 7.175 The proposed development is of a high-quality design and would be of a height and massing that is appropriate to this city centre site with multi storey buildings to the south and west. The development would ensure the long-term use of a site which is presently unoccupied, in a manner which contributes to the regeneration of the city centre and attracts footfall. The form and frontage of the building reflects the established building line along South Ward Road, and the building is of a height and finish which ensures it would integrate into the surrounding streetscape.
- 7.176 The front and side elevations of the proposed building are to be finished in brick, and rear elevation finished in render. The proposed materials would be modern in appearance, whilst reflecting the texture and colour of buildings within the surrounding area.
- 7.177 The proposal reflects the scale and massing of modern buildings in the surrounding area and would contribute positively to the character of South Ward Road and the Central Conservation Areas.
- 7.178 **The proposal is in accordance with Policy 51.**
- 7.179 **Policy 52: Scheduled Monuments and Archaeological Sites b) Archaeological Sites** - states where 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.

- 7.180 The applicant has provided a desk based archaeological study and heritage statement with the application. These investigations suggests that the application site stands on ground that originally formed the northwards-facing slope of the Windmill Hill. The hill was quarried away in 1820s and consequently, the ground surface on site today is not a natural ground level.
- 7.181 The submitted reports have been reviewed and accepted by the Council's Archaeological Consultant. It is noted any archaeology on site can only date to the period after the 1830s. As the site is well mapped from this period onwards, excavation would not provide any further information from what is already know about the site during the 19th and 20th centuries. It is therefore considered the site is unlikely to contain any significant archaeological deposits, and there is no justification for any further investigations. The approval of planning permission and redevelopment of the site would have no impact on features of archaeological interest.
- 7.182 **The proposal is in accordance with Policy 52.**
- 7.183 **Policy 54: Safe and Sustainable Transport** - all development proposals that generate travel should be designed to be well served by all modes of transport. In particular, the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.
- 7.184 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.

- 7.185 A Transport Statement and supporting statement have been submitted. The findings of the Transport Statement have been reviewed by Dundee City Council's Head of Sustainable Transport and Roads and are accepted.
- 7.186 In respect of the above Criteria 1-7:
- 1 The proposal would incorporate and be connected to the existing footpath network on South Ward Road and surrounding streets. Bus stops are located within 400m of the site on Meadowside, Courthouse Square, Hawkhill and Nethergate. Secure cycle storage is proposed to the rear of the building, and accessible cycle parking is proposed at the front entrance to the building. The proposal would be located within the city centre in an accessible location. The site is close to sustainable transport infrastructure and connections to surrounding footpaths which help to reduce the reliance on the private car.
 - 2 The proposed development will include connections to existing footpaths which provide safe and convenient connections to the wider footpath network within the city centre. Direct pedestrian access is provided onto South Ward Road and accessible cycle storage areas are to be provided at the main entrance. Residents of the proposed development would have access to bicycle storage areas within the site. Streets in the vicinity of the development are suitable for use by pedestrians, being lit and being pedestrianised or having footways contiguous to the carriageway. There are roads surrounding the site and pedestrianised streets within the city centre which are suitable for cycling. The site is linked by roads and paths to signed cycle routes including the Dundee Green Circular at Riverside Drive.
 - 3 The site is well served by public transport, with bus stops on Meadowside, Courthouse Square, Hawkhill and Marketgait within 400 metres of the application site. These stops are served by frequent local bus services to the City Centre, Ninewells, Craigowl and Kirkton and longer distance services to Perth, Arbroath and Aberdeen. Dundee railway station is 600 metres to the south of site. The station provides access to local and long-distance rail services and is equipped with bicycle lockers, short stay car park and taxi drop-off spaces.
 - 4 A Transport Statement has been submitted as part of the application and following review, the findings have been accepted. At peak times up to 270 trips would be made to the proposed student accommodation. Due to the site's location, all these trips can be made by sustainable transport options including public transport, cycling and on foot. As the proposed development is within walking distance of the two university campuses it is anticipated that none of the peak trips will be made by car. The provision of no on-site parking is consistent with developments in the surrounding area and would not impact upon the parking needs of the local area or existing public parking provision. There are multi storey public car parks in the surrounding area including at Bell Street and Overgate which are within walking distance of the site. Due to the central location of the proposed development, and proximity of shops, services and higher education facilities the proposed development would not generate a significant travel demand. The form and layout of the development ensures the proposal would have no detrimental effect on the capacity or safe functioning of the existing road or rail networks.
 - 5 On street parking is prohibited on South Ward Road immediately outside the application site. However, there is sufficient space for the loading and unloading of service vehicles, road freight and waste management vehicles. There is existing on street parking within the surrounding area which is accessible to residents and visitors to the site. Parking provision within the surrounding area is safe and accessible.

- 6 The proposal meets the Council's standards and conditions are recommended to ensure that details are submitted to and agreed by the Council as Planning and as Roads Authority.
- 7 The Transport Statement contains a summary of local public transport provision in support of the proposals, which demonstrate that the proposal would be accessible and would not generate a significant travel requirement. In support of the use of sustainable transport options, it is recommended the provision of a detailed Travel Plan to residents of the proposed development is controlled by condition.

7.187 **The proposal is in accordance with Policy 54, subject to conditions.**

7.188 **Policy 56: Parking** – states for developments within the city centre residential parking is permissible where this is in compliance with the standards indicated in Appendix 4. All new residential developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards. Publicly accessible cycle parking should be provided at new commercial buildings or alternatively may be the subject of developer contributions for the provision of shared facilities in a nearby public location.

7.189 The proposal does not include provision for resident or visitor parking. As considered under Policy 54, due to the site's city centre location the provision of no onsite parking is acceptable as there is parking provision within the surrounding area to meet the needs of the proposed development.

7.190 The proposal includes 106 cycle spaces, comprising 98 secure internal cycle parking spaces and a further eight covered cycle parking spaces within a publicly accessible location. The provision of 106 spaces would exceed Dundee City Council's road standards which requires 28 spaces. It is recommended the installation of cycle storage prior to first occupation is controlled by condition to ensure appropriate secure and covered cycle storage is provided to residents.

7.191 **The proposal is in accordance with Policy 56, subject to conditions.**

7.192 **It is concluded that the proposal fully accords with the Development Plan.**

STATUTORY DUTY

7.193 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**

7.194 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they possess.

7.195 Section 64 of the Act requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

7.196 These matters have been considered in the assessment of the proposed development under policy 7 of NPF4 and policies 49 and 51 of the Dundee Local Development Plan 2019. It is concluded that the proposed development would have no significant impact on the character or setting of listed buildings within the surrounding area, including Category B listed Dundee House to the south of the site and 29-31 South Ward Road to the north of the site.

- 7.197 The proposed building is of a design and form which would have no significant impact on the historic character of the local streetscape and surrounding Central Conservation Area. The proposed building would replace an existing building which is of no architectural merit and is of a scale and form which reflects that of modern buildings to the south and west. The use of materials including rustic brick will ensure the building is of a character and appearance which is appropriate in this city centre location surrounded by historic buildings. The proposals would result in a development which is to the enhancement of the character and setting of the conservation area.
- 7.198 It is considered that the application discharges the statutory duties as set out above.

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.200 In total three letters were received objecting to the proposal. The objections raised the following valid material grounds:
- 7.201 The grounds of objection are considered and assessed as follows:
- i The proposed development would be close to surrounding commercial premises including night clubs/music venues and public houses. These uses generate noise which could impact on residents of the development. There are significant concerns such complaints would lead to restrictions on existing venues.
 - ii The submitted plans refer to the provision of renewable technologies and amenity spaces. However, there is limited details provided with the application. The development therefore fails to demonstrate suitable renewable technologies and resident amenity spaces will be provided.
- 7.202 The grounds of objection are considered and assessed as follows:
- 7.203 **Objection** – the proposed development would be close to surrounding commercial premises including night clubs/music venues and public houses. These uses generate noise which could impact on residents of the development. There are significant concerns such complaints would lead to restrictions on existing venues.
- 7.204 **Response** – a noise impact assessment (NIA) was submitted with the application, which considers noise from surrounding premises including night clubs. The NIA identifies a requirement for noise mitigation measures to be provided to ensure acceptable internal noise levels can be achieved. Subject to the provision of the mitigation measures, including acoustic glazing as part of the development, target internal noise levels would be achieved and residents would be afforded an acceptable level of residential amenity. The proposed mitigation measures and planning conditions controlling noise associated with plant equipment and a substation would also ensure the proposed development does not impact on neighbouring businesses including night clubs and public houses. The NIA demonstrates, subject to mitigation measures, the proposed student accommodation can achieve target internal noise levels with existing neighbouring businesses operating as normal. The development can therefore operate without any impact on the operation of existing businesses or venues in the surrounding area.
- 7.205 **Objection** – the submitted plans refer to the provision of renewable technologies and amenity spaces. However, there is limited details provided with the application. The development

therefore fails to demonstrate suitable renewable technologies and resident amenity spaces will be provided.

- 7.206 **Response** – the application includes a Sustainability Statement and plans which outline the potential for low carbon technologies such as solar panels to be included as part of the development, along with measures to minimise heat loss. The proposed new build development will require to meet current building standards with regard to the provision of low carbon technologies. At this stage full details of the proposed low carbon technologies have not been confirmed. The information provided with the application demonstrates there is scope for renewable technologies to be included as part of the development, and that a low carbon heating system along with thermal insulation will be included to minimise carbon emissions. Once details are confirmed through the building warrant process the applicant will be able to provide full details. It is recommended the provision of full details of the low carbon technologies proposed is controlled by condition.
- 7.207 With regard to amenity spaces, the ground floor of the development includes a range of internal and external areas. These include a gym, external courtyard and open space towards the front of the building. Whilst the proposed use of the main internal amenity space is not identified, the open area could include uses such as seating/study area and meeting spaces. The upper floor flats include living and dining areas where residents can meet. There is therefore, sufficient amenity space provided within the proposed development for the 215 residents. As the site is within the city centre, a range of services, amenities and public open spaces are within walking distance.
- 7.208 One neutral representation was received.
- 7.209 **Comments** - there is no objection to the principle of student accommodation within the city centre. However, as the site is close to night clubs which generate noise from music and patrons, adequate noise mitigation measures will need to be confirmed to ensure there is no impact on established businesses in the surrounding area. There are also some concerns raised that any works or street closures during demolition and construction works would impact on surrounding businesses.
- 7.210 **Response** – the submitted Noise Impact Assessment identifies a requirement for noise mitigation measures to be provided to ensure acceptable internal noise levels can be achieved. Subject to the provision of the mitigation measures, including acoustic glazing as part of the development, target internal noise levels would be achieved and residents would be afforded an acceptable level of residential amenity. The proposed mitigation measures and planning conditions controlling noise associated with plant equipment and a substation would also ensure the proposed development does not impact on neighbouring businesses including night clubs and public houses.
- 7.211 With regard to any impacts on surrounding premises from demolition/construction works and potential street closures, these are not a planning matter. Any construction works and associated road closures and noise would be temporary in nature. Any occupation/closure of public roads and footpaths around the site will need to be agreed with Dundee City Council and suitable alternative access arrangements provided to ensure there is no impact on access to surrounding premises.

B – CITY CENTRE STRATEGIC INVESTMENT PLAN

- 7.212 The City Centre Strategic Investment Plan seeks to prepare and guide the future vision for the city, setting out a long-term strategic investment plan for the next three decades, structured around five themes including city centre living. The plan seeks to double the residential

population living in and around the City Centre, ensuring a diverse range of people choose to live in the city.

- 7.213 Strategic Outcome 1 of the plan seeks to deliver high-quality residential development by promoting vacant and underused sites and buildings. The proposed development would meet this requirement, through the redevelopment of a brownfield site which presently contains a vacant building which is not of merit. The redevelopment of the site, and provision of high-quality purpose-built student accommodation for 215 students would support the target of doubling the residential population in the city centre and the returning to use of an unused site.
- 7.214 Strategic Outcome 2 seeks to provide a variety of residential types and tenures to meet the needs of different households and to create a diverse community. As considered under Policy 15 of the Local Development Plan, there is demand for purpose-built student accommodation within the city. The proposed development would contribute positively to the variety and form of development within the city centre and support the creation of diverse communities.
- 7.215 Strategic Outcome 3 seeks to attract a range of centrally located services and facilities to support city centre living. The proposed development would introduce a number of residents to the area, which would support the provision, vitality and viability of shops and services within the city centre. The development is located within walking distance of a range of facilities and supports the provision of 20-minute neighbourhoods.
- 7.216 Overall, the proposed development aligns with the themes and requirements of the City Centre Strategic Investment Plan through the provision of city centre residential accommodation, re-development of a brownfield site and by being within proximity of a range of shops and services.
- 7.217 **It is concluded that there are no material considerations of sufficient weight which would justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application for a development of purpose-built student accommodation accords with the Development Plan. It is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** - the development hereby permitted shall be commenced within 18 months of the date of this permission.

Reason - to ensure the timeous commencement of development and in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997.
 - 2 **Condition** - development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and a remediation strategy to deal with contamination risks at the site has been submitted to and approved in writing by the Council. The strategy shall contain proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site;

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

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

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

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

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

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

- 5 **Condition** - prior to the commencement of development, a scheme of features or measures to conserve, restore and enhance biodiversity, such as those measures set out in the NatureScot Developing with Nature guidance and Section 6 of document 07 – Bat Roost Survey dated May 2023, shall be submitted to and agreed in writing by the Council. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

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

- 6 **Condition** – prior to the commencement of development, a detailed hard and soft landscaping plan shall be submitted to the Council for written approval. Thereafter, landscaping shall be provided on site as the agreed details prior to first occupation of the development hereby approved. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

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

- 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 the scheme of sound insulation detailed in Appendix 5 of the Noise Impact Assessment "Proposed Student Accommodation, South Ward Road, Dundee " (Project No: 5220 V6) dated 25th October 2023, shall be implemented in full. If the specified glazing/ventilation is not to be installed, a revised scheme of sound insulation shall be submitted to the Council for approval prior to construction and thereafter implemented in accordance with the approved scheme.

Reason – to ensure adequate noise mitigation measures are implemented in the interests of protecting surrounding land uses and residential amenity.

- 10 **Condition** - the total noise from the mechanical and electrical plant/services shall not exceed NR45, during daytime, and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property. NR45 is applicable for the period 0700 to 2300 hours and NR35 and NR25 are applicable for 2300 to 0700 hours.

Reason - in the interests of protecting residential amenity.

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

Reason - in the interests of protecting residential amenity.

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

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

- 13 **Condition** - prior to first occupation, the mitigation measures detailed in Section 6 of the Odour Risk Assessment dated 27th October 2023 entitled "Proposed Purpose-Built Student Accommodation, South Ward Road, Dundee" Version 2.1 (Project number 5220) prepared by ITP Energised, shall be implemented in full.

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

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

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

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

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

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

Reason - to retain control of use of the building.

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

Reason - in the interest of sustainable waste management.

- 18 **Condition** - prior to the commencement of work on site, full details and samples of all of the proposed finishing materials of the development hereby approved shall be submitted to the Council for written approval. For the avoidance of doubt, these shall include bricks, cladding, render, windows and doors. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

Reason - in the interests of visual amenity and to ensure the character and setting of surrounding listed buildings is maintained.

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

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

Battery Energy Storage System

KEY INFORMATION

Ward -W02 - Lochee

Address

Star Inn Farm - C12 From
A90 at Star Inn Farm To
U329 at Mains Of Fowlis,
Dundee

Applicant

Sunshine Project 01 Limited

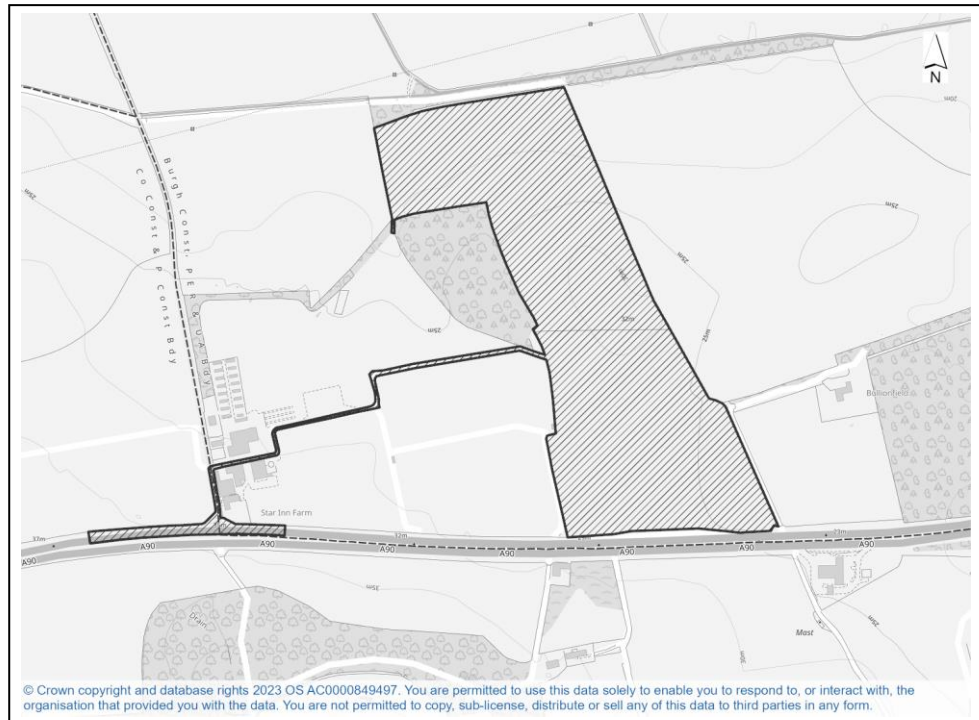
Agent

Murray Planning Associates

Registered: 25.08.2023

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

Contact: Edward Bean



SUMMARY OF REPORT

- Planning permission is sought for the installation of a battery energy storage system with associated infrastructure on agricultural land at Star Inn Farm, Mains of Fowlis.
- The proposal comprises 30 battery containers and associated infrastructure, contained within a fenced compound. The proposal also includes an access track and landscaping. The facility has a generation capacity of 49.9 megawatts.
- The application site is located within an area designated as Open Countryside in the Dundee Local Development Plan 2019.
- The application is not fully in accordance with the Development Plan. However, there are material considerations which support approval of planning permission subject to conditions.
- The statutory neighbour notification process was undertaken, and the application advertised in the local press. No letters of objection have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is classed as a Major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. It is a Major development due to the capacity of the battery energy storage system exceeding 20 megawatts.
- More details can be found at: <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=S03VWVGC0CS00&activeTab=summary>

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

- 1.1 The application is for a battery energy storage system (BESS) with associated infrastructure. The batteries would store electricity and allow the local electricity network to operate more efficiently by taking excess energy, storing it and releasing it onto the network when the grid needs it at times of peak demand.
- 1.2 The development would comprise the following main elements:
- 30 no containerised battery units (2.9m high) and 15 no. power conversion systems within separate containers (2.9m high), organised in a grid formation;
 - 2 x substation cabins (2.9m high);
 - 1 x spare parts container (2.9m high);
 - 6 no. infrared CCTV cameras and a satellite communications dish on 3m high poles;
 - the fenced compound which would contain the battery containers and associated infrastructure would measure some 118 metres in length by 47 metres in width;
 - a 2.1m high mesh steel security fence with gate (painted dark green) surrounding the compound;
 - a 4m high acoustic barrier along the partial length of the south and west edges of the BESS compound;
 - a 4m wide crushed aggregate access track connecting the battery compound to the existing farmyard to the west;
 - mitigation planting in the form of a reinforced field margin, new tree groups, and wildflower grassland; and
 - all containers and fencing will be painted a dark green colour to mitigate their visual appearance within the landscape.
- 1.3 Vehicular access to the development is proposed via the existing vehicular access to the Star Inn Farm from the C12 Benvie Road to the west of the application site. The site access on the Benvie Road joins the A90 trunk road to the south, which passes close to the south boundary of the application site.
- 1.4 The developer has advised that the equipment would be decommissioned after an expected 40-year life span, returning the land to its original full agricultural use afterwards.
- 1.5 The applicant has submitted the following in support of the application:
- Pre-application Community Consultation Report;
 - Design and Access Statement;
 - Site Location Plan;
 - Site Layout Plan;

- Elevations Plans;
- Landscape Visual Impact Assessment;
- Ecological Assessment;
- Heritage Statement;
- Noise Assessment;
- Soil Assessment;
- Transport, Construction Management Plan;
- Flood Risk and Drainage Assessment;
- Tree Report; and
- Landscape Mitigation Plan.

Figure 1 – Proposed Site Plan

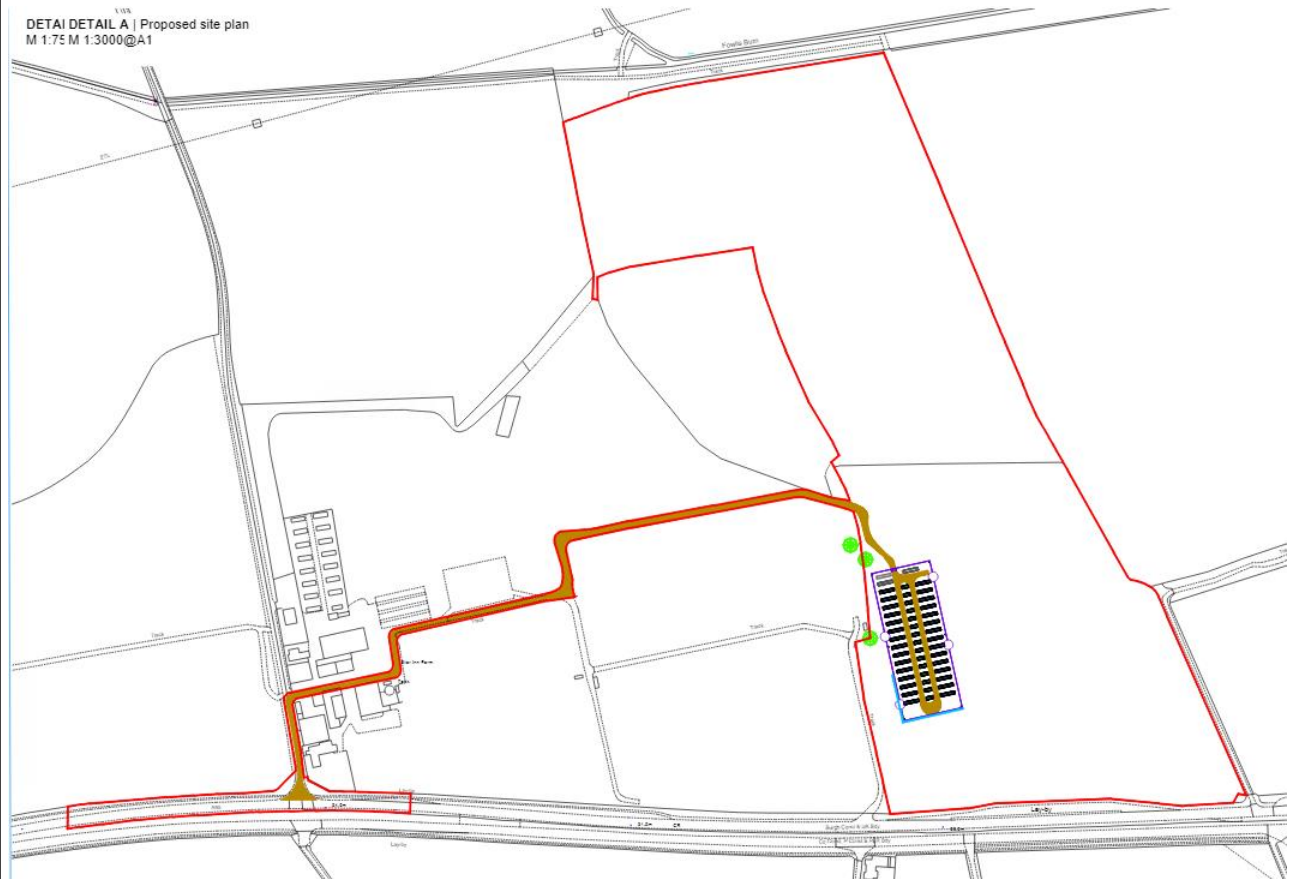


Figure 2 – Proposed Block Plan

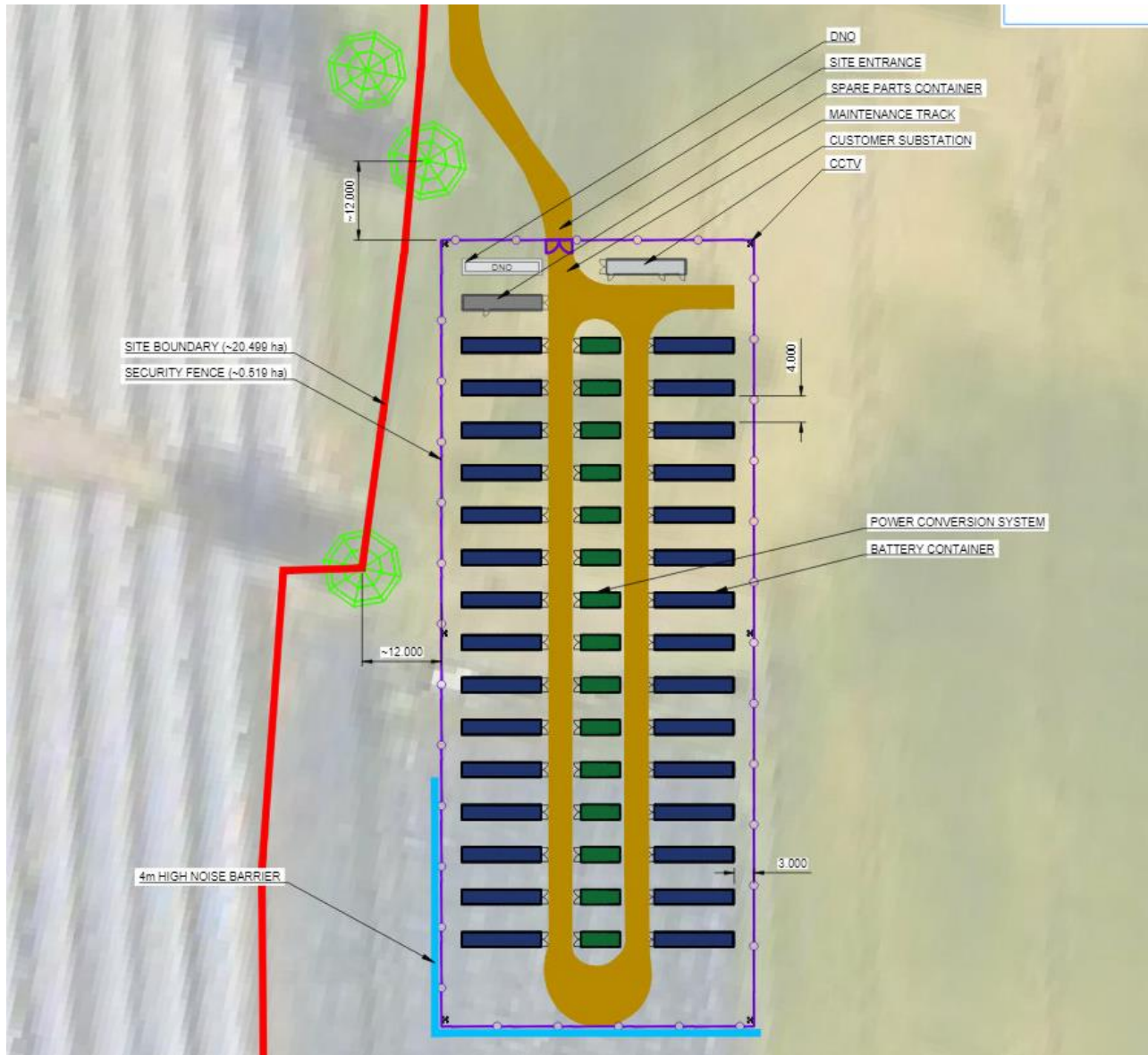
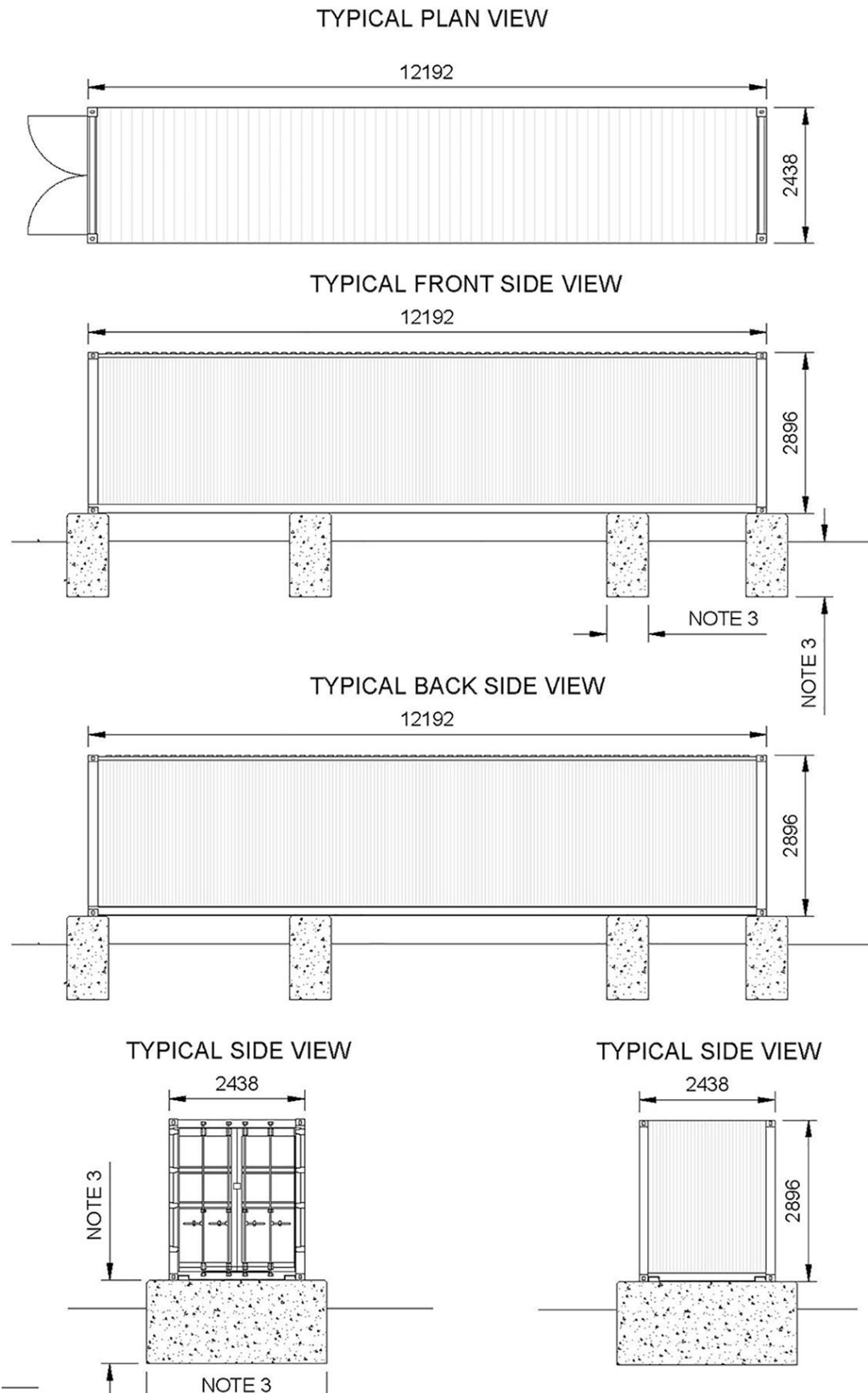


Figure 3 – Proposed elevations of single battery unit



2 SITE DESCRIPTION

- 2.1 The application site lies in a rural location, directly to the north of the layby at the side of the A90 trunk road, and forms part of Star Inn Farm, which operates as a soft fruit farm.
- 2.2 The site lies largely within a field which covers an area of approximately 11 hectares of agricultural land, with the proposed BESS compound to be located in the south-west corner of the field and occupying approximately 0.56 hectares. The remainder of the site incorporates an existing access track to the west which passes through land belonging to the farm and emerges on to the C12 Benvie Road before joining the A90 trunk road. The main part of the application site is bound by agricultural land to the north and west. To the east lies agricultural land, as well as a vehicular access track leading to the residential property of Bullionfield. To the south lies the A90 trunk road, which also forms the border with the administrative area of Perth & Kinross Council.
- 2.3 The area where the compound would be located is currently partially occupied by polytunnels and weed suppression matting but is no longer being actively used for agricultural purposes. It is screened from the south by established trees along the field boundary with the layby on the north side of the A90.
- 2.4 The application site is located within an area designated as Open Countryside in the Dundee Local Development Plan 2019.



Figure 4 – View of Existing Polytunnels Facing North



Figure 5 – View Towards Existing Polytunnels Facing South



Figure 6 – View of Application Site Facing North From A90



Figure 7 – View of Application Site Facing South Towards A90

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the climate and nature crises

Policy 2: Climate mitigation and adaptation

Policy 3: Biodiversity

Policy 4: Natural places

Policy 5: Soils

Policy 6: Forestry, woodlands and trees

Policy 7: Historical Assets and Places

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

Policy 11: Energy

Policy 13: Sustainable transport

Policy 14: Design, quality and place

Policy 22: Flood risk and water management

Policy 23: Health and safety

Policy 29: Rural development

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 31: Development within the Open Countryside

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 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 45: Energy Generating Facilities

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.

4 SITE HISTORY

4.1 There is no recent planning application history relevant to the determination of this current application.

5 PUBLIC PARTICIPATION

5.1 A Pre-application Community Consultation Report has been submitted with this Major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. The Report states that the applicant hosted two public consultation events at a local hotel, and an online session.

- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 One letter of support was received. The letter considers that sufficient screening should be proposed to provide an effective visual barrier and enhance the biodiversity around the application site.

5 CONSULTATIONS

- 6.1 **Archaeological Consultant** - has reviewed the submitted Heritage Assessment which confirms the presence of archaeology on site. It is therefore 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:
- Contamination** – The Head of Community Safety and Protection requests that conditions are included for the submission and approval of a Preliminary Risk Assessment for contaminated land, together with (if required) an Intrusive Investigation and a scheme to deal with any contamination. Conditions will also require a remediation strategy along with verification proposals. Subject to the imposition of such conditions, the Head of Community Safety and Protection does not object to the proposals.
- Noise** – a Noise Impact Assessment was submitted for review. This explains that in order to predict the noise emission levels of the proposed development, noise modelling has been based on candidate plant typical for the size and class of the proposed development, noting that the final plant specifications for the development may vary during the tendering process. The Head of Community Safety and Protection advises that conditions should be included which require the submission of an updated NIA, together with demonstration that noise limits/levels can be complied with.
- 6.3 **Head of Environment** – recommends that a detailed landscape and maintenance plan, together with tree protection plan is provided prior to works beginning. A preliminary bat roost survey should be carried out prior to tree removal. Subject to conditions requiring the above, the Head of Environment does not object to the proposal.
- 6.4 **Head of Sustainable Transport and Roads** – reviewed the Construction Traffic Management Plan submitted with the application and is satisfied with its conclusion. Does not advise that any conditions are required upon grant of consent.
- 6.5 **Transport Scotland** - Has no objection to the application.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

The provisions of the 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, 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 Planning Statement submitted by the applicant advises that the proposed development would contribute to achieving net zero by 2050 by increasing the amount of zero carbon renewable electricity generated and supplied to the National Grid.
- 7.5 The proposal includes 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 also include above ground sustainable drainage infrastructure including a basin and swales.
- 7.6 The Scottish Government's Energy Storage: Planning Advice document (2013) provides advice for Planning Authorities on energy storage and states that energy can be stored at variable scales, for both electricity and heat, in a number of ways, through technologies such as hydro pumped storage, hydrogen and fuel cells, compressed air and cryogen. This document further advises that a clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production and can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland.
- 7.7 The proposed development itself would help to facilitate renewable energy production whilst resulting in enhanced biodiversity.
- 7.8 **The proposal is in accordance with Policy 1.**
- 7.9 **Policy 2: Tackling the Climate and Nature Crises** – states that:
- a development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible; and
 - b development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.10 In respect of part a), the applicant explains that the proposals are a direct form of zero carbon generating technology that will assist with allowing other low carbon forms of energy generating technologies to come forward. The proposals will therefore offset their lifecycle greenhouse gas emissions.
- 7.11 In respect of part b), there are areas at risk of surface water flooding within the boundary of the site. However, the layout of the proposed development does not cross these areas, and

therefore is shown to be at a little to no risk from surface water flooding. Based upon the degree of risk of flooding and the fact that the proposals are supported by a proposed SuDS system, it is considered that the proposal is able to adapt to current and future risks from climate change.

7.12 **The proposal is in accordance with Policy 2.**

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

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

7.14 Although the wider application site comprises an area of land that is in use for cereal crops, the area which will be covered by the proposed battery energy storage system is partially occupied by polytunnels and weed suppression matting. The land subject of the proposed development has already partially been developed.

7.15 **Criteria i** – the applicant has submitted a Biodiversity Net Gain assessment (BNG) which includes an existing habitat condition assessment, broken down into area-based habitats that are measured in hectares (eg woodland, grassland or lakes), and terrestrial linear habitats that are measured in kilometres (hedgerows and tree lines). The applicant has shown through the submitted BNG assessment that the proposal is based on an understanding of the existing characteristics of the site and its ecological context prior to development. The BNG assessment finds that the proposed development will result in the loss of two types of habitat, vacant and derelict land (the area covered by the polytunnels) and cereal crops. The appraisal did not identify any irreplaceable habitats and noted that the habitats recorded were of poor biodiversity value and as such any mitigation and enhancement is likely to have a positive effect on biodiversity.

7.16 **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 including above ground basins and swales. The proposal also includes the planting of 0.07ha of new trees, 0.45km of hedgerow, and the creation of 0.97ha of wildflower meadow.

- 7.17 **Criteria iii and iv** - to mitigate the impacts of the proposed development upon wildlife, the proposals include the planting of 0.07ha of new trees, 450m of hedgerow, and the creation of 0.97ha of wildflower meadow. The BNG assessment advises that with the creation of new habitats and hedgerows proposed through the aforementioned mitigation planting, post development there will be a +1.32% (habitats) and +184.97% (linear) biodiversity net gain. This score highlights that the proposed development will offer significant biodiversity enhancements to the site. The BNG assessment also recommends measures to further enhance biodiversity within the site are implemented. The measures to enhance biodiversity include bird/bat boxes, traffic calming measures, fencing gaps, bat friendly lighting etc.
- 7.18 **Criteria v** – as the site is not publicly accessible, the site currently has little to no local community benefit in respect of biodiversity or any local nature network. This would not change post development.
- 7.19 The applicant has submitted a basic landscaping plan which confirms trees, hedging and wildflower grassland is to be provided within the site. It is recommended the implementation of measures to enhance biodiversity and landscaping as required by the criteria of Policy 3 are controlled by condition.
- 7.20 **The proposal is in accordance with Policy 3 subject to conditions.**
- 7.21 **Policy 4 (Natural Places) Part f** - states development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- 7.22 The applicant has submitted a Biodiversity Net Gain assessment (BNG) with the application, which advises that no evidence of protected species has been recorded within the site boundary.
- 7.23 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.
- 7.24 **The proposal is in accordance with Policy 4.**
- 7.25 **Policy 5 (Soils) Part b** 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.

- 7.26 Land within the site which would be covered by the battery energy storage system compound is classified on the National Soil Map of Scotland as “brown soils within land capability for agricultural Class 2”, which is defined as prime agricultural land. The proposed development of the battery energy storage system would therefore result in the development of part of the wider area of prime agricultural land.
- 7.27 Battery storage was confirmed by the Scottish Government’s Chief Planner as an energy generating development in the letter issued to the Heads of Planning Scotland in August 2020. The letter advises ‘The Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station’.
- 7.28 With reference to Criteria iv, the planning statement submitted by the applicant advises that the proposed battery energy storage system (BESS) would act as a grid balancing service. The BESS would store excess electricity energy from the national electricity grid and release it onto the network when the grid needs it at times of peak demand. The statement explains that the electricity being stored in the BESS would be predominantly from renewable sources due to an increase in the amount of renewable energy generation (mainly wind and solar energy) installations resulting in high volumes of intermittent energy generation which needs to be balanced. The balancing offered by the BESS would help manage the supply and demand of electricity across the grid network and ensure constant power supplies for all electricity users. The proposed BESS would therefore play an intrinsic role in the production and generation of energy from renewable sources.
- 7.29 For the reasons above, the proposed battery energy storage system is considered to be the generation of energy from renewable sources.
- 7.30 The proposal will result in the loss of prime agricultural land. Although the proposed BESS is a long-term but temporary use of the land, careful restoration of the site to agricultural use afterward would avoid any permanent adverse impacts on the local environment and will provide opportunities for positive enhancement of the site. It is therefore considered appropriate that details of how the developer intends to restore the site to agricultural use after the development has been decommissioned are controlled via condition. Furthermore, the planning statement submitted advises that the landowner has confirmed that the area of land currently covered by the polytunnels is no longer in use following poor yields from historic crop growing, and is therefore not currently suitable for crop growing purposes.
- 7.31 **The proposal is in accordance with Policy 5, subject to condition.**
- 7.32 **Policy 6 (Forestry, Woodland and Trees) Part a)** - states that development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 7.33 All existing trees within the boundary of the application site are to be retained. The applicant has submitted a basic landscaping plan which confirms that additional trees, hedging and wildflower grassland are to be provided within the site as part of the proposals. The landscaping proposals not only contribute to the biodiversity of the site but will also provide visual screening of the BESS compound from out with the site. 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 are replaced to maintain the desired screening effect, providing an attractive development and contributing to the environmental quality of the application site.
- 7.34 **The proposal is in accordance with Policy 6, subject to condition.**

- 7.35 **Policy 7 (Historical Assets and Places) Part o)** - 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.
- 7.36 There are no archaeological sites/monuments recorded within the immediate area. However, the submitted Heritage Assessment confirms the presence of archaeology on site. It is therefore recommended that 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.
- 7.37 **The proposal is in accordance with Policy 7, subject to condition.**
- 7.38 **Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) Part b)** - 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 local development plan.
- 7.39 The proposal seeks to erect a battery energy storage system with associated infrastructure on agricultural land. Although the wider application site comprises an area of land that is use for cereal crops, the area which will be covered by the proposed battery energy storage system is partially occupied by polytunnels and weed suppression matting, with the northern portion of the compound being located on an area of cereal crop greenfield land. Therefore, whilst part of the development is located on brownfield land, the remainder is located on greenfield land, which in this location, is not allocated for such use nor explicitly supported by policies in the local development plan.
- 7.40 **The proposal is not in accordance with Policy 9 Part b).**
- 7.41 **Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) Part c)** - 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.
- 7.42 The Head of Community Safety and Protection has reviewed the reporting submitted with the application and advises that a Preliminary Risk Assessment for contaminated land is required in order to determine the extent of any possible contamination on the site. Planning conditions are recommended requiring the submission and approval of a Preliminary Risk Assessment for contaminated land, together with (if required) an Intrusive Investigation and a scheme to deal with any contamination. Conditions will also require a remediation strategy along with verification proposals.
- 7.43 **The proposal is in accordance with Policy 9 Part c) subject to conditions.**
- 7.44 **Policy 11 (Energy) Part a)** states that Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
- a wind farms including repowering, extending, expanding and extending the life of existing wind farms;
 - b enabling works, such as grid transmission and distribution infrastructure;
 - c energy storage, such as battery storage and pumped storage hydro;

- d small scale renewable energy generation technology;
- e solar arrays;
- f proposals associated with negative emissions technologies and carbon capture; and
- g proposals including co-location of these technologies.

7.45 This planning application seeks planning permission for the development of a battery energy storage system (BESS) and ancillary infrastructure, a form of zero emissions technology which is explicitly supported by criteria iii) of Policy 11 Part a).

7.46 **Part e) of Policy 11** states that project design and mitigation will demonstrate how the following impacts are addressed:

- i impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
- ii significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
- iii public access, including impact on long distance walking and cycling routes and scenic routes;
- iv impacts on aviation and defence interests including seismological recording;
- v impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- vi impacts on road traffic and on adjacent trunk roads, including during construction;
- vii impacts on historic environment;
- viii effects on hydrology, the water environment and flood risk;
- ix biodiversity including impacts on birds;
- x impacts on trees, woods and forests;
- xi proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
- xii the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
- xiii cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator.

In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

- 7.47 Criteria i - relevant to this proposal, visual and noise impact are assessed in detail under NPF4 policies 14 and 23 respectively, where it is found that the proposals would have an acceptable impact, subject to conditions.
- 7.48 Criteria ii - visual impact is assessed in detail under NPF4 policy 14. It is found that appropriate design mitigation has been applied and that the proposals would have an acceptable visual impact, subject to conditions.
- 7.49 Criteria iii - the proposals do not impact any public access routes.
- 7.50 Criteria iv - the proposals do not impact on any aviation or defence interests.
- 7.51 Criteria v - the proposals do not impact on any telecommunications or broadcasting installations.
- 7.52 Criteria vi - impacts on the road network are assessed in detail under NPF4 Policy 13. The Head of Sustainable Transport and Roads has reviewed the Construction Traffic Management Plan submitted with the application and is satisfied with its conclusion. In addition, Transport Scotland have reviewed the proposals and are content the proposals would not have an adverse impact on the adjacent A90 Trunk Road.
- 7.53 Criteria vii - impacts on historic environment are assessed in detail under NPF4 Policy 7. The assessment details that whilst there are no archaeological sites/monuments recorded within the immediately area, the submitted Heritage Assessment confirms the presence of archaeology on site. It is therefore recommended that a programme of archaeological works be progressed prior to any works on site to ensure appropriate investigations are undertaken.
- 7.54 Criteria viii - effects on hydrology, the water environment and flood risk are assessed in detail under NPF4 Policy 22, where it is found that any impacts can be mitigated with the implementation of a suitable a drainage strategy and SUDS system.
- 7.55 Criteria ix - biodiversity including impacts on birds is assessed in detail under NPF4 Policy 3, where proposals to mitigate the impacts of the proposed development upon wildlife are detailed.
- 7.56 Criteria x. impacts on trees, woods and forests are assessed in detail under NPF4 Policy 6. The assessment details that all existing trees within the boundary of the application site are to be retained, and additional trees and hedging is to be provided within the site as part of the proposals.
- 7.57 Criteria xi and xii - although the proposed BESS is a long-term use of the land, careful restoration of the site to agricultural use afterward would avoid any permanent adverse impacts on the local environment and will provide opportunities for positive enhancement of the site. Details of how the developer intends to restore the site to agricultural use after the development has been decommissioned are controlled via condition.
- 7.58 Criteria xiii - there is no existing development, approved developments or developments the subject of valid applications in proximity to the application site that would result in cumulative effects.
- 7.59 The proposed development would contribute to achieving net zero by 2050 by potentially increasing the amount of zero carbon renewable electricity generated and supplied to the National Grid. This would help to further decarbonise the production sector and achieve National Grid's target of a Net Zero electricity system by 2030. In any case, the above assessment demonstrates how potential impacts from the development can be adequately

mitigated. As the proposals are to be connected to the grid, the applicant advises that the proposed development would be connected to the grid substation located south-east of the site via underground cable.

7.60 **The proposal is in accordance with Policy 11 subject to conditions.**

7.61 **Policy 13 (Sustainable Transport) Part b)** - 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.

7.62 Vehicular access to the development will be taken from the existing access to Star Inn Farm accessed from the C12 road to the west of the application site. The access is approximately 80m north of the A90. The internal road will provide access to all parts within the site. The existing access (Star Inn Farm) currently comprises a hard-surfaced access, and in order to provide suitable access for construction once within the site, and delivery vehicles, a crushed aggregate haul road will be provided.

7.63 The construction traffic management plan submitted with the application advises that once operational, the battery energy storage site will be unmanned and will not be a trip attractor, with the exception of one trip approximately every 28 days associated with maintenance, which is to be undertaken in a transit-type van. Adequate room to park such a vehicle during this visit is available on site. On this basis, no vehicle charging points or cycle parking are considered necessary.

7.64 The site layout and proposed access locations allow safe and adequate provision is made for road freight and loading and unloading. The Head of Sustainable Transport and Roads has reviewed the Construction Traffic Management Plan submitted with the application and is satisfied with its conclusion. The Head of Sustainable Transport and Roads does not advise that any conditions are required upon grant of consent.

7.65 Overall, the proposed development will not have any significant effect on the capacity or safe functioning of the existing local or trunk road network.

- 7.66 **The proposal is in accordance with Policy 13 Part b).**
- 7.67 **Part g) of Policy 13** - 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.
- 7.68 The application has been reviewed by Transport Scotland as trunk road authority. Transport Scotland has also reviewed the Construction Traffic Management Plan submitted with the application and does not object to the proposals, nor request any conditions to be included upon grant of consent.
- 7.69 **The proposal is in accordance with Policy 13 Part g).**
- 7.70 **Policy 14 (Design, Quality and Place) part b)** - states development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable
- 7.71 The proposal is for a battery energy storage system and associated infrastructure. The fenced compound which would contain the battery containers and associated infrastructure would measure some 118 metres in length by 47 metres in width, with the fencing being 2.1 metres in height. All containers and cabins within the compound would be 2.9m high, with the camera and satellite communications poles being 3m high. The acoustic barrier fencing that would extend the partial length of the south and west edges of the compound would be 4m in height. All containers and fencing will be painted a dark green colour to reduce their visual appearance within the landscape.
- 7.72 The southern portion of the application site is characterised by a collection of disused and partly dilapidated polytunnels. The design of the proposed BESS installations would be somewhat utilitarian in appearance with the proposed battery containers effectively having a similar size and profile to shipping containers. The development would also be situated adjacent to an area to the west, which is characterised by existing polytunnel buildings, which are similar in size. It is therefore considered that such a development would likely have a similar visual impact to the polytunnel development that existed on the site previously.
- 7.73 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application proposals. The LVIA considers that the existing site is formed by agricultural fields surrounded by dense, mature boundary hedgerows and trees that screen/filter the majority of views into the development area. The site therefore benefits from a good level of existing natural screening to the south from a number of trees and hedgerows, with all existing trees and hedging within the boundary of the application site to be retained. Additional landscaping is proposed within the application site. The applicant has submitted a basic landscaping plan which confirms trees, hedging and wildflower grassland is to be provided within the site as part of the proposal. This includes a reinforced field margin along the south, east and west boundaries of the application site filling, a new section of hedging along the west boundary, and new tree groups to north and south of the compound area. The landscaping proposals not only contribute to the biodiversity of the site but will also provide additional effective visual screening of the BESS compound from out with the site. Considering the form of the proposed development and the additional planting proposed, the findings of the LVIA are supported insofar that the proposed BESS development would not fundamentally change the wider character of the landscape beyond the immediate site landscape.

- 7.74 It should be noted that the requirement for the proposed acoustic barrier was identified after the LVIA was carried out. Nevertheless, it is considered that due to the proposed size and positioning of the acoustic barrier, it would not appear out of place in the context of the BESS compound which it would be positioned against and would not significantly change the conclusions of the LVIA. A condition has been included to require full details of the acoustic barrier to be provided, which will allow control over materials and appearance, thus ensuring its visual impact will be acceptable.
- 7.75 The proposal would also operate for a limited period and a condition has been attached to this recommendation requiring that when the facility is no longer required, that the battery storage facility and its ancillary equipment shall be dismantled, removed from the site and the ground reinstated.
- 7.76 In respect of the six qualities of successful place, the applicant's supporting documents demonstrate compliance (where relevant) with the six qualities of successful place. The Planning Statement submitted with the application considers the development could be successfully accommodated and assimilated into the surrounding landscape without causing significant harm to the landscape character, visual amenity or landscape setting which is in line with the above assessment.
- 7.77 **The proposal is in accordance with Policy 14, subject to conditions.**
- 7.78 **Policy 22 (Flood Risk and Water Management) Part c)** 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.
- 7.79 The applicant has submitted a Flood Risk and Drainage Assessment which includes an outline drainage design.
- 7.80 The Flood Risk and Drainage Assessment submitted with the application advises that whilst there are areas at risk of surface water flooding within the red line boundary of the application site, the current layout of the BESS compound is not within these areas, and therefore is shown to be at a little to no risk from surface water flooding.
- 7.81 The Flood Risk and Drainage Assessment submitted with the application advises that a detention basin within open land to the east of the BESS development is proposed to provide the required attenuation and treatment of surface water. The detention basin would then discharge into an open grassed channel which would provide an additional level of treatment.
- 7.82 Subject to the provision of appropriate on-site drainage provision, the Flood Risk and Drainage 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.
- 7.83 Hard surfaces within the application site are proposed to be formed from a crushed aggregate material and therefore would be permeable.
- 7.84 Dundee City Council Engineers have reviewed the submitted Flood Risk and Drainage Assessment and advise that the drainage information is acceptable in principle, subject to full

surface water drainage specifications being agreed. As discussions between Dundee City Council Engineers and the applicant are ongoing, should planning permission be granted, planning conditions are recommended to ensure that full details of the system are agreed.

- 7.85 **The proposal is in accordance with Policy 22, subject to conditions.**
- 7.86 **Policy 23 (Health and Safety) Part e** 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.
- 7.87 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 nearest identified Noise Sensitive Receptors (NSRs), which have a high level of sensitivity, are existing residential properties located at varying distances to the north, east, south and west of the proposed development. The curtilage of the closest residential receptor is approximately 115m to the south of the nearest noise emitting plant. This is a dwelling located on the south side of the A90 trunk road. Other residences are located between 250m and 450m away in various directions. Located approximately 500m to the northeast of the proposed development is a new residential development which is currently under construction. The NIA proposes mitigation measures comprising a 4m high acoustic barrier along the partial length of the south and west edges of the BESS compound.
- 7.88 The submitted NIA explains that in order to predict the noise emission levels of the Proposed Development, noise modelling has been based on candidate plant typical for the size and class of the proposed development, noting that that final plant specifications for the development may vary during the tendering. The NIA concludes that the Proposed Development will not have an adverse noise impact on the nearest residential NSRs or the local area.
- 7.89 The Head of Community Safety and Protection has reviewed the NIA and advised that a frequency band analysis is also required to demonstrate compliance with noise rating curves (NR35). Furthermore, they advise that as the noise modelling and assessment is based on candidate plant only, the assessment will need to be repeated if the proposed plant were to change.
- 7.90 In response, the applicant has submitted a revised NIA which demonstrates that the calculated noise levels are below the NR criteria for all Noise Sensitive Receptors (NSRs). In response to the point about typical candidate plant being used for the noise modelling, the applicant advises that such an approach is typical for battery energy storage system developments where plant manufacturers are not chosen until after planning permission is secured. On this basis the applicant advises that they are content for another Noise Impact Assessment to be undertaken once the final plant specification is known.
- 7.91 Subject to the inclusion of conditions which require the submission of an updated NIA, together with demonstration that NR levels can be achieved, the proposed development would have no significant impact on residential amenity. The design and appearance of any mitigation measures will also be controlled by condition.
- 7.92 **The proposal is in accordance with Policy 23 subject to conditions.**
- 7.93 **Policy 29 (Rural development) Part a** states that a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be

supported. It then lists several types of proposals, and of relevance to development in this case are:

- ii - diversification of existing businesses; and
- v - essential infrastructure.

7.94 The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. The proposed BESS fits within this definition and is therefore supported by Policy 29.

7.95 The applicant has submitted a planning statement which includes an agricultural justification for the siting of the proposed BESS within the rural setting of Star Inn Farm. The statement advises that the farm supports 12 permanent members of staff (equalling eight families and the landowner who are dependent on the income from this business) plus approximately 50 seasonal workers employed for fruit picking. It is noted that over the past few years, farm running costs have spiralled and returns have not matched the ever-increasing operating expenses. As a result, the farm owner has, in order to protect jobs and ensure the ongoing viability of the farm, sought to diversify their business in several ways by:

- expanding the farm shop;
- freeze drying fruit for sale to a different market;
- growing honeyberries as a new crop; and
- seeking alternative long-term land uses for sustained and reliable income (this BESS Project).

7.96 It is considered that the proposed BESS, as a piece of essential infrastructure, would contribute to the viability, sustainability and diversity of the local rural economy by providing a steady and guaranteed income over its expected 40-year lifespan to support the remaining 378 acres of land which form the farming business.

7.97 **Part b) of Policy 29** states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

7.98 The scale and character of the proposed development has been assessed in detail against NPF4 policy 14, where it is found that the proposals would have an acceptable visual impact, and would not fundamentally change the wider character of the landscape beyond the immediate site landscape. As discussed above, the battery energy storage site will be unmanned and will not be a trip attractor. Whilst this means the transport needs of the development are very low, there would be little opportunity for the development to contribute towards local living.

7.99 **The proposal is in accordance with Policy 29.**

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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 Part b) of Policy 14 of National Planning Framework 4, where it is found that the proposals would have an acceptable visual impact and would not fundamentally change the wider character of the landscape beyond the immediate site landscape. The proposed development landscaping would not only contribute to the biodiversity of the site but will also ensure the site would be visually attractive from out with the site. The proposal meets the 6 qualities of successful place as relevant.

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

7.103 **Policy 31: Development within the Open Countryside** - states that within the areas designated as Open Countryside on the Proposals Map there will be a presumption against all new development unless:

- 1 the proposed development consists of no more than one additional building in a group of up to seven buildings or by two additional buildings in a larger group; or
- 2 the proposed development involves the restoration of an existing stone building of architectural merit and that has four walls surviving to wall head height; or
- 3 the proposed development is supported by an agricultural justification; or
- 4 the proposed development is consistent with a masterplan, strategy or programme approved by the Council.

7.104 The application site is located within an area designated as Open Countryside in the Dundee Local Development Plan 2019.

7.105 As considered under Part a) of Policy 29 of National Planning Framework 4, the applicant has submitted a planning statement which includes an agricultural justification for the siting of the proposed BESS within the rural setting of Star Inn Farm.

7.106 It is considered that the proposed BESS would contribute to the viability, sustainability and diversity of the local rural economy by providing a steady and guaranteed income for the farm business over its 40-year lifespan to support the remaining 378 acres of land. The BESS system would be a form of rural diversification that would justify its location with the Open Countryside.

7.107 **The proposal is in accordance with Policy 31.**

7.108 **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.

- 7.109 The impact of the development on protected species and ecology is considered under Policies 3 and 4 of National Planning Framework 4. 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. It is recommended that the implementation of measures to enhance biodiversity are controlled by condition.
- 7.110 **The proposal complies with Policy 34, subject to conditions.**
- 7.111 **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.
- 7.112 Trees and planting are considered under Policy 6a of National Planning Framework 4. All existing trees within the boundary of the application site 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 are replaced to maintain the desired screening effect, provide an attractive development and contribute to the environmental quality of the application site.
- 7.113 **The proposal is in accordance with Policy 35, subject to conditions.**
- 7.114 **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.
- 7.115 Flood risk is considered under Policy 22 part c) 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.
- 7.116 **The proposal is in accordance with Policy 36.**
- 7.117 **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.

- 7.118 Surface water management is considered under Policy 22 part e) of National Planning Framework 4. As discussions between Dundee City Council Engineers and the applicant are ongoing, should planning permission be granted, planning conditions are recommended to ensure that full details of the system are agreed.
- 7.119 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.120 **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.
- 7.121 Noise is considered above under Policy 23 part e) of the National Planning Framework 4. The assessment finds that subject to the inclusion of conditions which require the submission of an updated NIA, together with demonstration that NR levels can be achieved, the proposed development would have no significant impact on residential amenity.
- 7.122 A condition has been added which requires full details of a proposed lighting scheme to be submitted to and approved in writing by Dundee City Council. This will ensure any lighting will have no detrimental impact on any sensitive properties with regards to light spillage and glare.
- 7.123 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.124 **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.
- 7.125 Contaminated land is considered under Policy 9 part c) of National Planning Framework 4. Planning conditions are recommended requiring the submission and approval of a Preliminary Risk Assessment for contaminated land, together with (if required) an Intrusive Investigation and a scheme to deal with any contamination. Conditions will also require a remediation strategy along with verification proposals.
- 7.126 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.127 **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.

7.128 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.

7.129 **The proposal is in accordance with Policy 44, subject to a condition.**

7.130 **Policy 45: Energy Generating Facilities** – states that Proposals for small scale energy generating facilities out with Principal or General Economic Development Areas, other than single user or domestic appliances, will only be acceptable where their primary function is the production of heat or combined heat and power for local residential and business consumption.

Development may be acceptable where:

- 1 the Council is satisfied that there will be no significant negative effects in terms of their scale, design, location, emissions, landscape setting, storage requirements, and cumulative impact, odour or noise; and
- 2 levels of pollutants have been minimised through the use of best available technology, including abatement technology.

7.131 As discussed above, battery storage has been confirmed by the Scottish Government's Chief Planner as an energy generating development. In this context, the proposed BESS is located outwith Dundee's Principal or General Economic Development Areas and is not for a single user or domestic appliance.

7.132 **The proposal is contrary to Policy 45.**

7.133 **Policy 52: Scheduled Monuments and Archaeological Sites-** Part b) states where 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.

7.134 As considered under Policy 7 part 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.

7.135 **The proposal is in accordance with Policy 52, subject to a condition.**

7.136 **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.

7.137 The construction traffic management plan submitted with the application advises that once operational, the battery energy storage site will be unmanned and will not be a trip attractor, with the exception of one trip approximately every 28 days associated with maintenance, which is to be undertaken in a transit-type van. Adequate room to park such a vehicle during this visit is available on site. On this basis, no vehicle charging points or cycle parking are considered necessary, nor are links to adjacent walking and cycling networks.

7.138 The site layout and proposed access locations allow safe and adequate provision is made for road freight and loading and unloading. The Head of Sustainable Transport and Roads has reviewed the Construction Traffic Management Plan submitted with the application and is satisfied with its conclusion. The Head of Sustainable Transport and Roads does not advise that any conditions are required upon grant of consent.

7.139 **The proposal is in accordance with Policy 54.**

7.140 **Policy 56: Parking – Developments Out with 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.

- 7.141 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.
- 7.142 As above, the construction traffic management plan submitted with the application advises that once operational, the battery energy storage site will be unmanned and will not be a trip attractor, with the exception of one trip approximately every 28 days associated with maintenance, which is to be undertaken in a transit-type van. Adequate room to park such a vehicle during this visit is available on site. On this basis, no vehicle charging points or cycle parking are considered necessary.
- 7.143 **The proposal is in accordance with Policy 56.**
- 7.144 **The proposal is not in full accordance with the Local Development Plan.**

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.146 One letter of support was received. The letter considers that sufficient screening should be proposed in order to provide an effective visual barrier and enhance the biodiversity around the application site.
- 7.147 Design and placemaking are considered under Part b) of Policy 14 of National Planning Framework 4, where it is found that the proposals would have an acceptable visual impact and would not fundamentally change the wider character of the landscape beyond the immediate site landscape. The proposed development landscaping would not only contribute to the biodiversity of the site but will also ensure the site would be visually attractive from out with the site. The proposal meets the 6 qualities of successful place as relevant.

B - DEPARTURE FROM POLICY 9 OF NATIONAL PLANNING FRAMEWORK 4

- 7.148 The proposal is not in accordance with Policy 9 Part b) (Brownfield, Vacant and Derelict Land and Empty Buildings).
- 7.149 Part of the proposed BESS would occupy greenfield land, which in this location, is not allocated for such use nor explicitly supported by policies in the LDP and is therefore contrary to Policy 9 Part b).
- 7.150 Only the northern portion of the BESS compound would be located on an area of greenfield land in use for the cultivation of cereal crops. It is understood that whilst it would have been optimal for the BESS compound to be located entirely within the footprint of the existing disused polytunnels, this was not possible due to the associated plant being located closer to existing residential properties, thus resulting in a potential noise impact. Whilst it is recognised that the use of greenfield land is discouraged, the applicant has submitted sufficient supporting information which details the reasoning for the facility to be situated at this greenfield/countryside location. The proposal has evidenced the need for a countryside, and thus greenfield location, in compliance with Policy 31 of the LDP. The proposal would help to further decarbonise the energy production sector and achieve the National Grid’s target of a Net Zero electricity system by 2030, and would comply with Policy 11 of NPF4 which provides support for all forms of renewable, low-carbon and zero emissions technologies. Landscaping proposals will provide effective visual screening of the greenfield site, meaning the development would not be readily obvious in its wider setting. Furthermore, the proposed

BESS is a limited use of the greenfield area of land, with careful restoration of the site to agricultural use afterward avoiding any permanent adverse impacts on the local environment.

C – DEPARTURE FROM POLICY OF DUNDEE LOCAL DEVELOPMENT PLAN 2019.

- 7.151 The proposal is contrary to Policy 45 (Energy Generating Facilities).
- 7.152 The proposed BESS is located out with Dundee’s Principal or General Economic Development Areas and is not for a single user or domestic appliance and is therefore contrary to Policy 45.
- 7.153 The pretext to Policy 45 advises that ‘Some major energy generating facilities require to be supplied with large quantities of virgin biomass materials, waste materials, or a combination of both. These are transported to the site via road, rail or sea. Given the scale and nature of the operation of these facilities they are more suited to existing employment areas’. Furthermore, ‘Smaller scale energy generating facilities may be acceptable in locations out with existing employment areas’ with the policy text referring to smaller scale energy generating facilities being for the ‘production of heat or combined heat and power for local residential and business consumption’.
- 7.154 As discussed above, the proposed battery energy storage system is considered to be an energy generating facility by the Scottish Government. Battery energy storage systems are a relatively new concept, and therefore do not fit the typical properties of more traditional energy generating facilities as envisioned at the time Policy 45 was written. The proposed BESS does not require to be supplied with large quantities of virgin biomass materials, waste materials, instead being supplied via underground cable. The proposed BESS is a form of zero emissions technology with no ongoing requirement for proximity to road or rail links. Furthermore, it would be able to be accommodated without an unsatisfactory level of disturbance on the surrounding area, with landscaping proposals meaning the development would not be readily obvious in its wider setting. There is therefore no material reason that the proposed BESS should be required to be located within a Principal or General Economic Development Area.
- 7.155 **It is concluded that there are material considerations which would justify approval of planning permission.**

8 CONCLUSION

- 8.1 The application for the proposed battery energy storage system does not fully accord with the development plan. 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.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.
- Reason** - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 **Condition** - the development hereby permitted must be removed from the land on which it is situated within 12 months of it no longer being needed for battery energy storage purposes and the land must be restored in accordance with a decommissioning and site restoration scheme that has been submitted to and agreed in writing by the Planning Authority. This decommissioning scheme shall include an ecological survey, carried out by a suitably qualified ecologist, identifying any ecological constraints arising from decommissioning activities, any areas where new habitats that may have established need to be retained, and where any unavoidable loss of new habitat occasioned by decommissioning activities may need to be compensated for (on or off-site).

Reason - in the interests of visual amenity; in order that the Planning Authority retains control of the site after the period of planning permission expires and in the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established.

- 3 **Condition** - development shall not begin until a Preliminary Risk Assessment for contaminated land is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

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

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

- 4 **Condition** – prior to the first operation of the facility the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the Planning Authority.

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

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

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

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

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

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

6 **Condition** - prior to the commencement of any construction works, a detailed scheme of landscaping and associated maintenance schedule shall be submitted to and approved by the Planning Authority. The scheme shall include details of:

- a existing trees, shrubs and hedges to be removed;
- b existing trees and landscape features to be retained;
- c the location of new trees, shrubs, hedges, grassed areas and water features; and
- d a schedule of planting to comprise species, plant sizes and proposed numbers and density.

Thereafter, the agreed landscaping shall be implemented prior to first operation of the development and maintained for the lifetime of the planning permission hereby granted. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

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

7 **Condition** - before the development is brought into use, full details of a proposed lighting scheme shall be submitted to and approved in writing by the Planning Authority. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads, sensitive properties or adjacent sensitive habitats with regards to light spillage and glare. Thereafter, the lighting shall be installed and maintained in accordance with the manufacturer's specification and approved details.

Reason - in the interests of safeguarding the amenity of the surrounding area and species protection.

8 **Condition** - prior to the commencement of development, a scheme of features or measures to enhance biodiversity, such as those measures set out submitted document entitled 'Biodiversity Net Gain Assessment' by Gavia Environmental, dated 28/09/2023 shall be submitted to and agreed in writing by the Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

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

- 9 **Condition** - if any vegetation clearance is to take place within the bird nesting season (March to August inclusive), then prior to any such works taking place, the developer shall be required to first gain the express written consent of the Planning Authority. This shall require the developer to submit a walkover survey during the bird nesting season in question, undertaken by a suitably qualified ecologist.

Reason - in the interests of biodiversity and ecology.

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

Reason - in the interests of flood protection

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

Reason - in the interests of flood protection

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

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

- 13 **Condition** - prior to the commencement of development, a construction waste management plan shall be submitted to and approved in writing by the Planning Authority. 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.

- 14 **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.

- 15 **Condition** - upon final specification of plant and layout, and before first operation, a revised Noise Impact Assessment (NIA) shall be submitted to Dundee City Council for approval. The NIA should be undertaken in accordance with BS 4142:2014+A1:2019, as well as demonstrating that the noise levels from the Development shall not exceed NR30 as calculated 1 metre external to the façade of any residential property. This assessment

shall include full details of any necessary mitigation measures including their design and appearance and thereafter, the noise mitigation measures shall be fully implemented before first operation of the facility, and retained and maintained thereafter.

Reason - in the interests of maintaining surrounding residential amenity and in the interests of the visual amenity of the area.

- 16 **Condition** - the total noise from all mechanical and electrical plant/services shall not exceed NR30, as measured 1 metre external to the facade of any residential property.

Reason - in the interests of maintaining surrounding residential amenity.