

KEY INFORMATION

Ward West End

Proposal

Erection of new headquarters

Address

Land to southeast of Explorer Road
Dundee Technology Park

Applicant

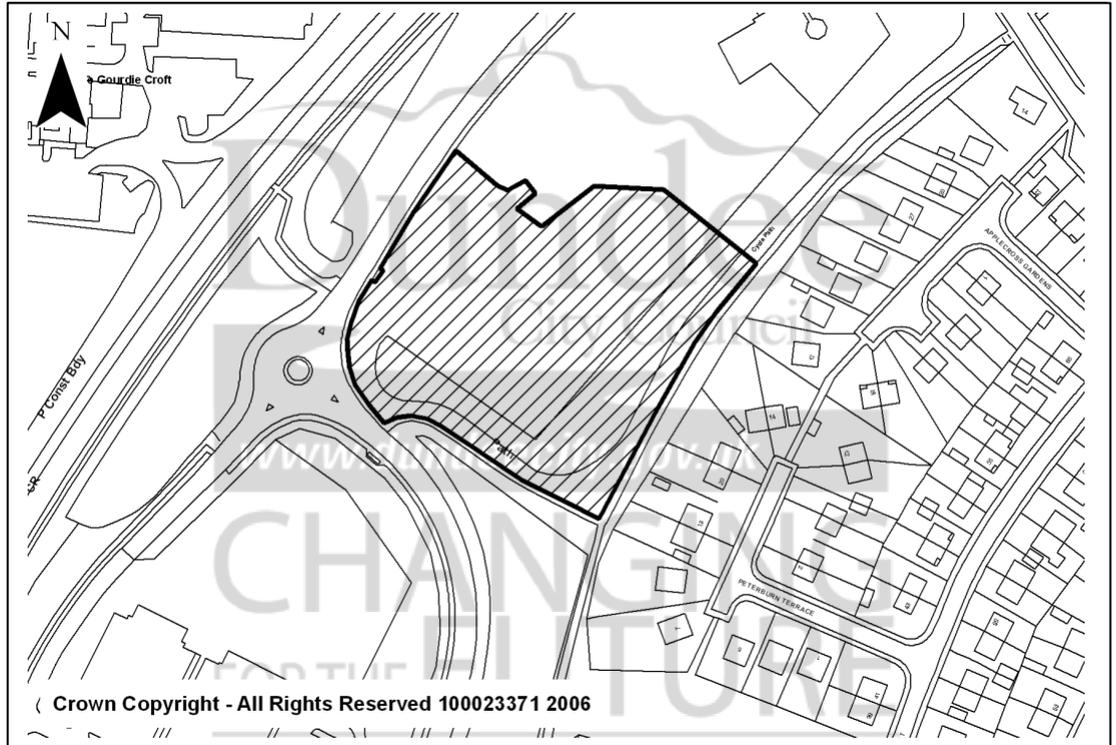
Hillcrest Group
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Dundee
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Agent

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DD5 1EL

Registered 21 Mar 2007

Case Officer D Gordon



Proposed New Headquarters Building in Technology Park

The erection of a new headquarters is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is considered to be in accordance with the relevant land-use policies of the development plan. The development will achieve a very low carbon footprint consistent with the Council's promotion of renewable energies within the city. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect a new office headquarters building on a greenfield site located within the Technology Park. The premises will incorporate a biomass heating facility including the erection of an associated 20m high (approx) 12" diameter flue.
- The statutory neighbour notification procedure has been completed by the applicants. The proposals have attracted 183 objections from local residents located to the south. The main issues raised relate to potential emissions from the flue, reduction in the environmental quality enjoyed by local residents, impact of the flue on the visual quality of the area, detrimental impact of additional traffic in the area and the inappropriate location of the new building. The application has also attracted 1 letter of support.
- It is considered that the proposed development is in accordance with the relevant development plan policies for the area.
- The proposal will result in the provision of an office building of a quality design to be welcomed in the city. The structure has also been designed to have a very low carbon footprint.
- The application is recommended for approval. There are no material considerations, including the concerns raised by the local residents that would justify the refusal of the application contrary to these adopted policies.

DESCRIPTION OF PROPOSAL

The application under consideration seeks permission to erect a new office headquarters for the Hillcrest Group. The building is to be located on the south side of Explorer Road, immediately to the west of a recently approved office development and an existing children's nursery (Oranges and Lemons).

The new building will orientate in a north to south direction through the site and will sit at an angle to the Explorer Road frontage. Access into the site is proposed from the north and this will be shared with the new office building to be located on the adjacent site. A total of 70 associated car parking spaces are to be provided to the north side of the offices and these are to be screened by new landscaping proposals. An enclosed courtyard is to be accommodated on the south side of the building and a pond feature is to be located on the Explorer Road frontage.

The rectangular office building is to be 2 - 3 storeys in height and will be finished in aluminium cladding, aluminium curtain walling, timber cladding, stainless steel gabions filled with natural stone and glazing. The majority of the prominent tower feature to be provided on the north west corner of the building will be finished in timber cladding to accommodate climbing plants. The remainder of the tower will be finished with a timber screen that will reveal the glazing to be located behind. Access into the building is on the north side of the structure.

The proposal also involves the provision of a biomass heating system. This is to be located on the south side of the building and will accommodate a boiler room, bin store and a 20m high (approximately) 12" diameter flue. A two to three metre high timber screen is to be provided at the base of the facility. These panels are to be used a trellis for climbing plants.

The applicants advise that the building has been specifically designed to achieve a very low carbon footprint.

SITE DESCRIPTION

The site is located within the Technology Park on the south side of Explorer Road. This greenfield site slopes gently in a south to north direction with a belt of structural



West elevation

landscaping evident on the south side of the site.



South Elevation

The surrounding area accommodates a variety of uses including a children's nursery to the east, residential properties to the south and business uses to the west.



North Elevation

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:



Site Plan

Employment Policy 2: Existing Employment Areas. The Council will continue to safeguard and promote land for employment use at existing employment sites located throughout the city.

Environmental Resources Policy 10: Renewable Energy. Proposals for renewable energy development will be favourably considered where they deliver quantifiable environmental and

economic benefits and any significant or cumulative impacts on the natural and historic environment, landscape and local communities can be satisfactorily addressed.

Development proposals will be considered in the context of the wider environmental policies of the Structure Plan. Detailed criteria based policy, locational guidance and, where appropriate, areas of search for individual sources of renewable energy will be established by Local Plans. An Environmental Statement will be required for all large scale proposals or where development is likely to have significant effects on the environment.

Dundee Local Plan Review 2005

The following policies are of relevance:

POLICY 1: VIBRANT AND SUSTAINABLE COMMUNITIES

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

POLICY 22: HIGH AMENITY ECONOMIC DEVELOPMENT AREAS

The Council will encourage the establishment and retention of uses within Class 4 (Business) within the high amenity sites as identified on the Proposals Map. Exceptions where defined in Policy 27 (Ancillary Services within Economic Areas), will only be considered favourably where it can be demonstrated that the development will enhance the attractiveness of the area for business investment.

POLICY 55: URBAN DESIGN

For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

POLICY 56: PUBLIC ART

The City Council will continue to support Public Art through the adopted Public Art Strategy and the Percent for Public Art Policy by:

- a implementing the “Percent for Public Art” policy where all new development in Dundee with construction costs of £1,000,000 or over will be required to allocate at least 1% of the construction costs for the inclusion of an art project/s in a publicly accessible/visible place or places within their development. The implementation of the policy will be delivered through the development control process by the imposition of appropriate conditions on planning permission and the conclusion of legal agreements; and
- b involving the Dundee Public Art Programme at every opportunity in future environmental improvements and building developments; and
- c encouraging and developing the role of the artist within private sector developments; and
- d promoting the development of the community arts in residential areas; and
- e identifying sites through Development Briefs where public art would make a contribution to the streetscape, City image or local environment.

POLICY 70: SEMI-NATURAL GREENSPACES OF LOCAL NATURE CONSERVATION IMPORTANCE

Development proposals must not adversely affect the nature conservation qualities of Sites of Importance for Nature Conservation or Local Nature Reserves. Any development proposals affecting these sites must be accompanied by an

ecological or similar assessment that details the likely impacts of the proposal on the conservation interests of the designation, along with proposed mitigation measures.

Development proposals that improve the conservation and educational value of Community Wildlife Sites shown on the Proposals Map will be generally supported. The conservation status of Community Wildlife Sites will be monitored and reviewed accordingly as improvements are implemented. Development proposals affecting Community Wildlife Sites will be resisted where their conservation and educational value have been significantly improved.

There will be a presumption against the development of semi-natural greenspaces within Wildlife Corridors shown on the Proposals Map, to minimise physical barriers to continuity, safeguard ecological integrity and promote biodiversity conservation. The Council will promote sympathetic maintenance of Wildlife Corridors to improve their nature conservation, community and educational value.

POLICY 77: RENEWABLE ENERGY AND ENERGY EFFICIENCY

The Council will continue to support the generation of renewable energy via the Waste to Energy plant in Dundee. Small scale wind energy developments will be favourably considered where they are consistent with other Environmental policies of the Plan; they do not necessitate ancillary developments that may have an adverse environmental impact, eg power lines, and where they have no significant adverse or cumulative effects on:

- a neighbouring residential occupiers, other uses or road safety by reason of visual disturbance, noise emission, shadow flicker, reflected light or electro-magnetic influences;
- b landscape; and
- c aircraft activity or known flight paths of migratory birds.

Other small scale renewable energy and energy efficiency measures that benefit communities and households in Dundee will also be favourably considered where they are consistent

with Environmental policies of the Plan.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 1 (The Planning System) advises, amongst other things, that it is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are of sufficient to outweigh the provisions of the development plan

National Planning Policy Guideline 6: Renewable Energy. This NPPG sets out the Government's policy on developing renewable energy sources against a background of established land-use planning and environmental considerations.

Planning Advice Note 45: Renewable Energy Technologies (Revised 2002). Annex to Planning Advice Note 45 Renewable Energy Technologies - Planning for Micro Renewables (2006). These documents supports the policies in NPPG 6 above by providing information and best practice on renewable developments, particularly larger installations such as wind farms and waste to energy plants.

Planning Advice Note 51: Planning and Environmental Protection. This PAN gives advice on the role of the planning system in controlling pollution and its relationship to a number of environmental protection regimes.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee Sustainability Development Guide for Construction and Sustainable Construction Profile 2006. This promotes, amongst other things, the use of biomass heating facilities within the city.

SUSTAINABILITY ISSUES

The development incorporates a considerable number of energy saving features. It is considered that this proposal positively supports the Council's sustainability policies.

SITE HISTORY

There are no recent planning applications for this site that are of direct relevance to the determination of this application. A planning application for the erection of new office headquarters on the vacant greenfield site located to the east was granted permission on 15th October 2007 (07/00237/FUL refers)

PUBLIC PARTICIPATION

The applicants carried out the original neighbour notification procedure on 26th February 2007. One objection to the proposed development was received. Subsequent amendments to the proposed development (an increase in the height of the proposed Boiler House flue) required that the neighbouring properties were re-notified of the proposals. This re-notification was carried out on 29th October 2007 and attracted total of 183 objections to the proposals from local residents.

The relevant issues raised by the objectors relate to:

- 1 The proposed development will result in unacceptable levels of pollution in close proximity to a residential area.
- 2 The development will detract from the environmental quality of local residents by virtue of a reduction in privacy, overshadowing and noise.
- 3 The height of the proposed chimney will detract from the visual amenity of the area
- 4 The proposal will compound current traffic and access problems in the local area.
- 5 The proposed use should be located within existing vacant accommodation to be found elsewhere in the city.

In addition the above, a letter of support of the proposed development has been submitted by the Chair of Solar Cities Scotland. This letter advises, amongst other things, that the development is an outstanding example of the type of project that will become the norm as we move towards a low carbon society.

Copies of the objections and the letter of support can be viewed in the Members Lounges. It is intended to

comment on the various matters raised by the objectors in the 'Observations' Section of this report below.

CONSULTATIONS

- 1 The Council's Head of Environmental Health and Trading Standards has advised that a condition should be attached to any permission granted that requires that total noise from all mechanical and electrical services and equipment should not exceed NR35 during the night time as measured 1 metre external to the facade of the nearest dwelling house.
- 2 The Council's Head of Environmental Health and Trading Standards has offered comments with regard to the proposed development.

"With regards to the above planning application, we would offer the following. Whilst the text possesses an element of stand alone reading with a slant towards an explanation more from a lay perspective, with little in the way of technical information, it should be read in conjunction with the Supplementary Technical Information as attached. Accordingly, to read it without the additional benefit of the technical information is not to be appraised of the wider implications for air quality.

The proposal to build an office block development on this site is perfectly acceptable to this Department. However, the introduction of the biomass aspect of the development raises some concern with respect to air quality, not only under the National Air Quality Strategy (NAQS) but also as one of the six priority outcome measures for health in the Council Plan 2007-2011 which is "to improve air quality". In addition the main objective from the council's sustainable development plan is to "develop Dundee in a way that safeguards the future of the environment in the city".

To emphasise the rationale behind our concerns, it is worth noting that the combustion of wood (biomass) releases a number of

pollutants which can have adverse effects on human health and some of which are known to be persistent in the environment. Not all of the pollutants are currently regulated under the NAQS or the Clean Air Act 1993.

It is the intention of the applicant to introduce biomass combustion into the city which in itself comprises of not only a series of smoke control areas but also as an Air Quality Management Area (AQMA) for nitrogen dioxide. In light of this a request was made to provide supporting information in the form of computer dispersion modelling of the potential emissions from the associated chimney to determine the likely concentrations of pollutants where residents and the general public could be exposed. Although modelled as a worst case scenario, it incorporated several variations to determine the option likely to offer the least negative impact.

In considering the model's conclusions, as a local authority we are obliged to assess the findings against the national Air Quality Standards (AQS) and objectives for specific and relevant pollutants that are recognised as having an impact on human health. Whilst the model does not predict any breach of the AQS it does however reveal that current levels of nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀) will be elevated (see Supplementary Technical Information). It should be noted however that despite the fact that target standards for PM₁₀ have been set, the NAQS acknowledges that "it is not currently possible to discern a threshold concentration below which there are no effects on the whole population's health". In consequence, any deterioration of ambient PM₁₀ levels is detrimental to the health of local residents. Although this proposed plant in isolation would not breach aforementioned standards, it would contribute to the cumulative effect should other businesses in the area follow suit and install biomass combustion plant. It is

acknowledged that there can also be other sources of pollution which contribute to the cumulative impact. However the decision to deliberately increase the level of pollution in an area where there already exists a cleaner alternative fuel source (ie gas) is perhaps questionable. The UK Biomass Strategy (May 2007) states that the substitution of natural gas with biomass will lead to increases in emissions of all major pollutants.

We have also been advised that the fuel will be sourced from UK, Northern Ireland and Europe. Although biomass is theoretically considered carbon neutral you should be aware that to import a fuel source from any significant distance will be counter productive to the carbon footprint of the process in its entirety. Irrespective of the origin of the wood, the quality and composition, in particular the moisture content of the fuel is essential to achieve optimum combustion and hence minimise pollution impacts. Should the development be granted consent it would be imperative to ensure the composition of the fuel by condition, although it is accepted that there may be impracticalities in ensuring compliance with such a condition.

To conclude, the model indicates that chimney emissions of nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀) should not breach the national air quality standards. It will nevertheless be to the detriment of the local air quality and environment, contrary to the Council Plan. Given that PM₁₀ and other pollutants have no safe threshold for exposure there leaves a clear doubt that the biomass aspect of the development can exist without having a detrimental impact on the community.

Furthermore the Council Plan seeks to "improve air quality" and the stated national aim in the NAQS is:

"a steady decrease in ambient levels of pollutants towards the objectives over the period of implementation. Some areas of

the country will find it easier than others to achieve the objectives. If it is practicable and efficient to reach objectives before the target date, or to achieve a quality of air which exceeds the objectives, we should do so. The aim is then to sustain the improvement."

The effect of the choice of biomass over natural gas to fuel the heating of this development is counter to both these general principles.

Without the associated biomass process, we have no objections to the development. On the understanding that the two are inherently linked, it follows that this Department is not in a position to support the application"

A copy of the Supplementary Technical Information is available in the Members Lounges.

- 3 SEPA has been consulted with regard to the proposed biomass facility. Formal comments are, at the date of writing, awaited.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

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

Policy 1 (Vibrant and Sustainable Communities). The proposal under consideration seeks permission to erect a new office headquarters, with a biomass heating facility, on a greenfield site located within the Technology Park. The site is located to the south east of Gowrie Park housing estate. The nearest dwellings to the proposed new building (including the biomass facility) are approximately 50 metres distant

(Peterburn Terrace) with the dwellings in Applecross Gardens being approximately 60 metres distant (as measured to nearest walls of the houses). The development site is separated from Gowrie Park by a structural landscape belt of trees.

The development of a new Class 4 office building on the site proposed is considered to be consistent with the relevant land use policies for the Technology Park. The new building is to be located a considerable distance from the residential properties to the south and in this respect it is concluded that design and layout of the office and the parking and traffic movement proposals for the facility will not adversely impact on the environmental quality enjoyed by local residents. With regard to noise issues, it is intended to attach a condition to any permission granted that limits the night time noise levels generated by electrical and mechanical services associated with the development. As regards smell from the proposed biomass facility, the applicants have indicated that due to the efficiencies of the proposed boiler, any smoke from the flue will be insignificant. They have further advised that the flue gasses will be continually monitored and recycled through the boiler to ensure that all fuel is burnt and flue gasses are as clean as possible thereby minimising soot and smells. No evidence has been submitted that confirms that there is likely to be a significant impact on the environmental quality of the local residents by virtue of an unacceptable level of smell from the development and, on balance, the proposed is considered to be acceptable in this respect.

Policy 22 (High Amenity Economic Development Areas) of the Local Plan Review encourages the establishment and retention of uses within Class 4 (Business) within high amenity sites as identified on the Proposals Map. It is considered that the introduction of the proposed new Class 4 headquarters building is consistent with the requirements and aspirations of this adopted policy.

Policy 55 (Urban Design) requires that for all new developments within the city the emphasis will be on design quality. The details of the development are outlined in the 'Description of Proposal' Section of this report above. It is considered that

the proposed location, siting, orientation, design, appearance and materials of the proposed building are all appropriate for the area and are commensurate with other Class 4 developments found elsewhere in the Technology Park. It is concluded that this is a building that displays a quality of design that is to be welcomed within the city. With regard to the proposed biomass facility, this is to be located on the south side of the main building. The structure will incorporate a boiler house, a 20m high (approx) chimney and a bin store. The base of the facility is to be screened by a 2 - 3 metre high 'scotlarch' timber cladding to be used as trellis for climbing plants. The facility is to have a 'sedum' roof. The proposed chimney will be approximately 12 inches in diameter. It is considered that while the height of the flue is considerable, this height is proposed in order to further assist in the dispersal of emissions. In light of the small diameter of the flue and its context within its surroundings, it is concluded that the structure will not significantly detract from the visual quality of the local area. Indeed, it is considered that the flue will be less obtrusive than telecommunications mast located in the south west. In this respect, it is concluded that the proposals are in accordance with Policy 55 of the Plan.

Policy 56 (Public Art) requires that in all major developments within the city, a percentage of the construction costs will be allocated for the inclusion of an art project in a visible place or places within the development. It is intended to attach a condition to any permission granted that requires details of the proposed art project to be submitted to and approved in writing by the Council prior to the commencement of any development works.

Policy 70 (Semi-Natural Greenspaces of Local Nature Conservation Importance) requires that developments must not adversely affect the nature conservation qualities of Sites of Importance for Nature Conservation or Local Nature Reserves. The Technology Park was designated as a SINC in the Dundee Habitats and Species Survey 2000. This designation was intended to achieve 2 things:

- a protect the existing tree belts; and
- b maintain the integrity of the area as a whole wildlife corridor.

The Local Plan Review envisages harmony between the above requirements and the designation of area as a High Amenity Economic Development Area. The current application covers only a very small part of the SINC. In addition, the application affects only grassland on one part of the Technology Park only and as such does not compromise the terms and aspirations of Policy 70. The applicants have submitted an Ecological Impact Assessment to accompany their development proposals the terms of which are considered to be acceptable.

Policy 77: (Renewable Energy and Energy Efficiency). The Council continue to support the provision of renewable energy within the city. The applicants have submitted a scheme that has been specifically designed to achieve a very low carbon footprint. It is concluded that the principle of the development is in line with the Council's aspirations to promote the generation of renewable energy within the city.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

- 1 Planning Advice Note 45 (Revised 2002): Renewable Energy Technology & Annex Planning for Micro Renewables 2006.

The above publications advise that the Scottish Executive is keen to encourage biomass as it offers both environmental and economic benefits. Biomass is a growing sector and offers significant potential for heat operation in Scotland. It is considered that biomass has an advantage over intermittent renewable energy sources, such as wind and solar, as biomass can be stored and power generated when required. This makes it one of the most viable and reliable micro renewable technologies. Micro-biomass systems can be used in a wide range of situations to help fulfil energy needs such as business and industrial areas and in new housing developments both flatted and non-flatted layouts.

PAN 45 advises that Planning authorities, when dealing with

planning applications for biomass facilities, will wish to consider the following issues:

- a visual intrusion, particularly the chimney;
- b noise from engines, boilers, handling equipment and traffic;
- c local ecology; and
- d traffic resulting from the transport of the wood fuel to the site and subsequent removal of by-products / wastes.

It is considered that these issues, with the exception of traffic resulting from the development, have been fully discussed and discharged in the Development Plan Section above.

2 Views of the Objectors:

- A Unacceptable levels of pollution generated by the development.

This was the most significant concern raised by the 183 objectors to the proposed new office development, generated to a considerable degree by the proximity of the residential properties in Gowrie Park to the proposed development site. No detailed evidence on the potential impact of emissions from the flue has, to date, been submitted by the objectors. The Scottish Executive document 'Air Quality and Land Use Planning' advises that air quality is capable of being a material consideration, in so far as it affects land use. Consequently regard must be had to the impact of the proposal on air quality although the regulation and control of these emissions will fall to other regulatory bodies.

In support of the proposed biomass facility (wood to fuel plant) the applicants have submitted a Technical Report on the Atmospheric Dispersion Modelling for Nitrogen Dioxide and Particulate Matter (amended October 2007) to accompany their planning application. The applicants have concluded that the PM 10 (particulate matter greater than 10 microns in diameter) and NOx (oxides of nitrogen) emissions from the proposed 19.9 metre high flue fall within the given guidelines dictated by government. The Council's Head of Environmental Health has agreed that these emissions should not breach the national air quality standards nevertheless, has raised additional concerns relating to the impact of the

emissions on the local air quality and environment.

Scottish Planning Policy 1 (The Planning System) advises, amongst other things, that it is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are of sufficient to outweigh the provisions of the development plan.

It is considered that, on balance, as the applicants have fully demonstrated and secured agreement that the stated emissions from the flue fall within government guidelines, the additional concerns expressed by the Council's Head of Environmental Health and Trading Standards are not sufficient, in their own right, to outweigh the provisions of the development plan.

With regard to the above request to control, through the use of an appropriate condition, the composition of the fuel source, The Scottish Office Development Department Circular 4/1998 (The Use of Conditions in Planning Permissions) states, amongst other things, that conditions attached to planning permissions should not duplicate the effect of other legislative controls. The Circular advises that in particular planning authorities should not seek to substitute their own judgement on pollution control issues for that of the bodies with the relevant expertise and the statutory responsibility for that control. In this respect, it is concluded that the imposition of a condition controlling the fuel source would be inappropriate.

B The development will result in unacceptable levels of overlooking, overshadowing and noise.

The proposed development is located approximately 50 - 60 metres from the existing housing in Applecross Gardens and Peterburn Terrace. The site is also separated from the houses by a maturing landscape belt of trees. It is considered that, due to these circumstances, there will be no significant degree of overlooking or overshadowing of the private houses to the south. With regard to noise from the proposed development, it is intended to attach a condition to any permission granted that controls the night time noise levels from any associated electrical or mechanical services.

C The height of the proposed flue is unacceptable.

The proposed chimney of the biomass facility will be approximately 20 metres in height. This height is proposed in order to assist in emission dispersal from the flue. The structure will be 12" in diameter. It is considered that, in the context of the surrounding technology park development characteristics, the proposed flue will not have a significant detrimental effect on the visual quality of the area.

D The development will compound traffic and access problems in the local area.

Due to the nature of the building and its proximity to the adjacent Trunk Road, the applicants were requested to submit a Transport Assessment to accompany their application. Transport Scotland Trunk Road Network Management Directorate were consulted with regard to the proposals and have advised that the submitted details relating to transportation matters are considered to be acceptable subject to a Travel Plan being submitted to and agreed with the planning authority (in consultation with Transport Scotland) prior to the first occupation of the development. The applicants have now submitted a Travel Plan the terms of which are currently being considered by this Council.

E The proposed development should be relocated to an alternative site within the city.

It is considered that the development is appropriate for the site proposed and is in accordance with the relevant land-use policies of the development plan.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The proposal will establish a new Class 4 headquarters building of a landmark quality that is to be welcomed on this prominent greenfield site located within the Technology Park. The appropriate use of a limited and appropriate palette of materials

and the contemporary composition of the scheme combine to provide a dramatic building of a quality design that satisfies the requirements of Policy 55 of the Dundee Local Plan Review 2005.

CONCLUSION

The proposal to establish an office building of a quality design on this site satisfies the relevant land use policies of the development plan. There are no material considerations, including the concerns raised by the local residents that would justify the refusal of this application contrary to these policies.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples
- 3 Total noise from all mechanical and electrical services shall not exceed NR35, during night time, as measured 1 metre external to the facade of the nearest residential accommodation. For the avoidance of doubt, night time shall be 2301 - 0700 hrs.
- 4 Development shall not begin until details of a scheme of soft and hard landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - a location of new trees
 - b identification of the trees that are to be retained and the measures to be put in place prior to the commencement of works to protect these trees during construction works
 - c a schedule of plants to comprise species, plant sizes and proposed number / density

- d details and materials of all landscaping works
- e programme for completion and subsequent maintenance.

For the avoidance of doubt, any trees or shrubs which, in the opinion of the planning authority, are dying, severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar specification to those originally planted.

- 5 That full details of public art provision for the development shall be submitted to the planning authority for approval prior to the commencement of development and if approved the development shall be completed only in full accordance with such approved details.
- 6 That details of the proposed cycle rack provision shall be submitted for the written approval of the planning authority prior to the commencement of works and if approved, the development shall be completed only in full accordance with such approved details.
- 7 Details of refuse and recycling measures to be provided shall be submitted to the Council for approval prior to the commencement of development works and if approved the development shall be carried out only in full accordance with such approved details.
- 8 That a Travel Plan shall be submitted to and approved in writing by the planning authority in consultation with Transport Scotland prior to the first occupation of the building hereby granted permission and if approved the development shall be carried out only in complete accordance with such approved details. For the avoidance of doubt, the Travel Plan should contain details of:
 - a proposed pedestrian / cycle parking facilities to be located within the site
 - b Initiatives such as car sharing schemes and flexible working

- c employee locker and shower facilities
- d Mode share targets
- e proposed monitoring schedule and reporting procedures
- f details for the management of the travel plan.

For the avoidance of doubt, the Travel Plan should be implemented prior to the first occupation of the office building and shall be operated, in accordance with the approved details, for a minimum of 10 years thereafter.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To protect local residents from any noise nuisance generated by the mechanical and electrical services of the proposed building and biomass facility hereby granted permission.
- 4 To ensure a satisfactory standard of appearance of the development.
- 5 In order to provide for public art in the interests of visual amenity.
- 6 To ensure that cycle rack provision is of a design that is appropriate for the use proposed and for the future occupants of the building.
- 7 In the interests of sustainable development.
- 8 In the interests of sustainable development.