

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

KEY INFORMATION

Ward West End

Address

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

Applicant

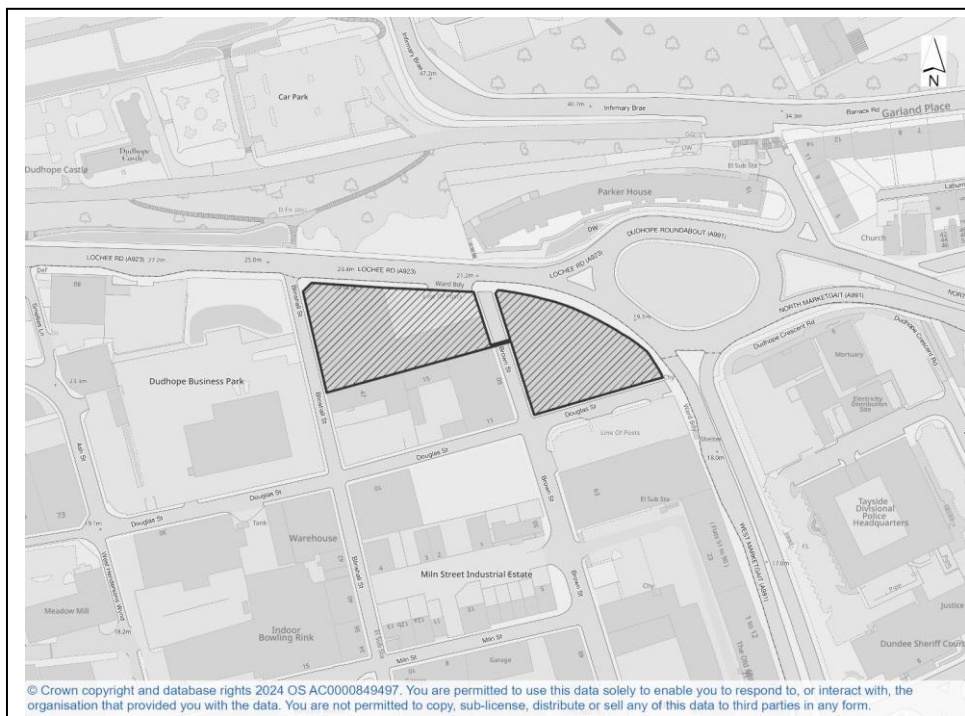
Mr Ross Morrison
Torridon Developments Ltd
56 Torridon Road
Broughty Ferry

Agent Andrew Black Design

Validated: 10 January 2024

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

Contact: Laura Stewart



SUMMARY OF REPORT

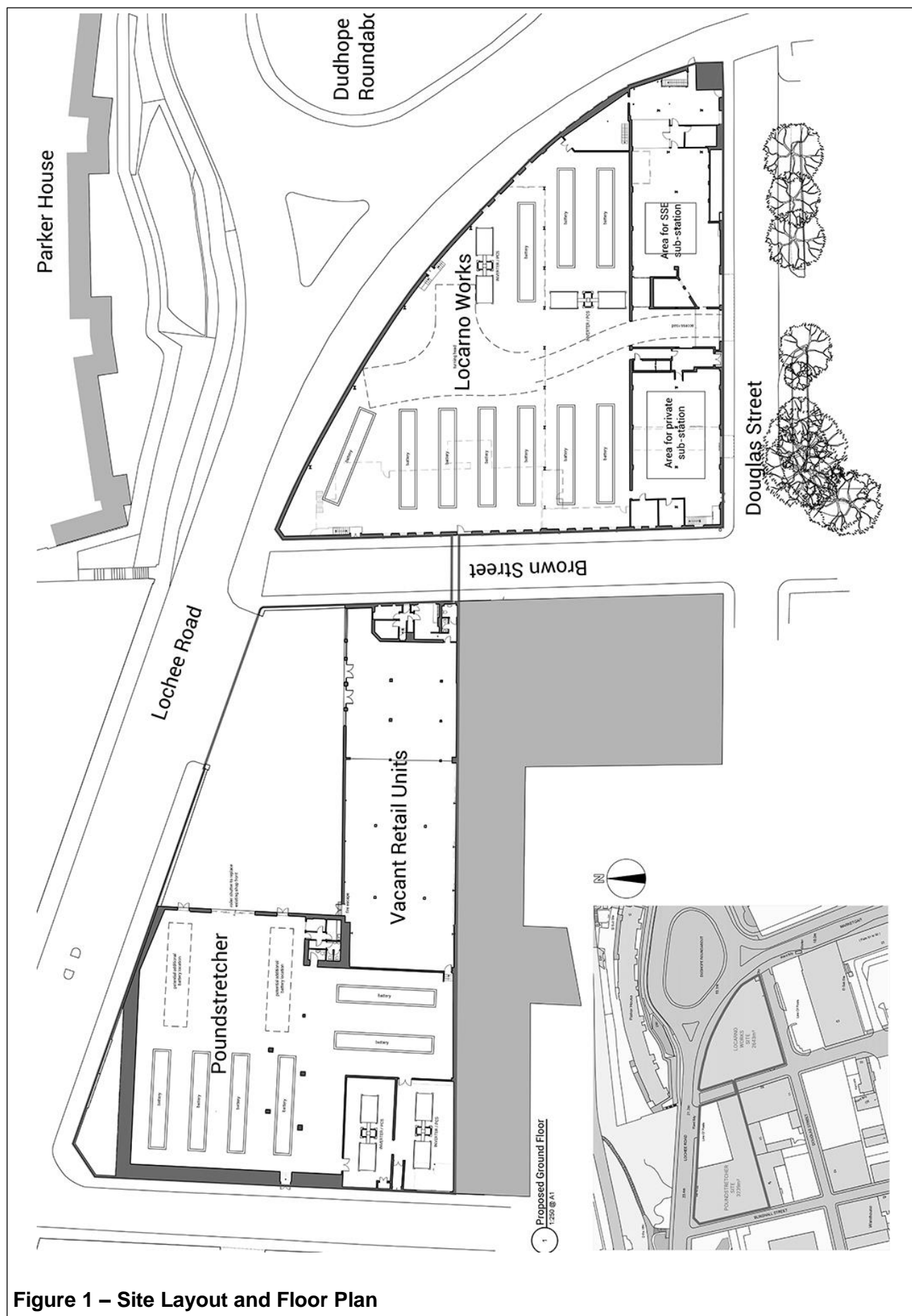
- Planning permission is sought for the installation of a battery energy storage system and the associated change of use of existing Class 5 and Class 1A uses at the Locarno Works and retail units located on Brown Street and Lochee Road.
- The battery containers and associated infrastructure will be contained within the existing buildings. The facility will have a maximum generating capacity of 39.9MW.
- The application is not fully in accordance with the Development Plan. However, there are material considerations which support approval of planning permission subject to conditions.
- The statutory neighbour notification process was undertaken, and the application advertised in the local press. One letter of support was received. There were no letters of objection.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is classed as a Major development as identified in the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. It is a Major development due to the capacity of the battery energy storage system exceeding 20 megawatts.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=S6FPA5GC06600&activeTab=summary>

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

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



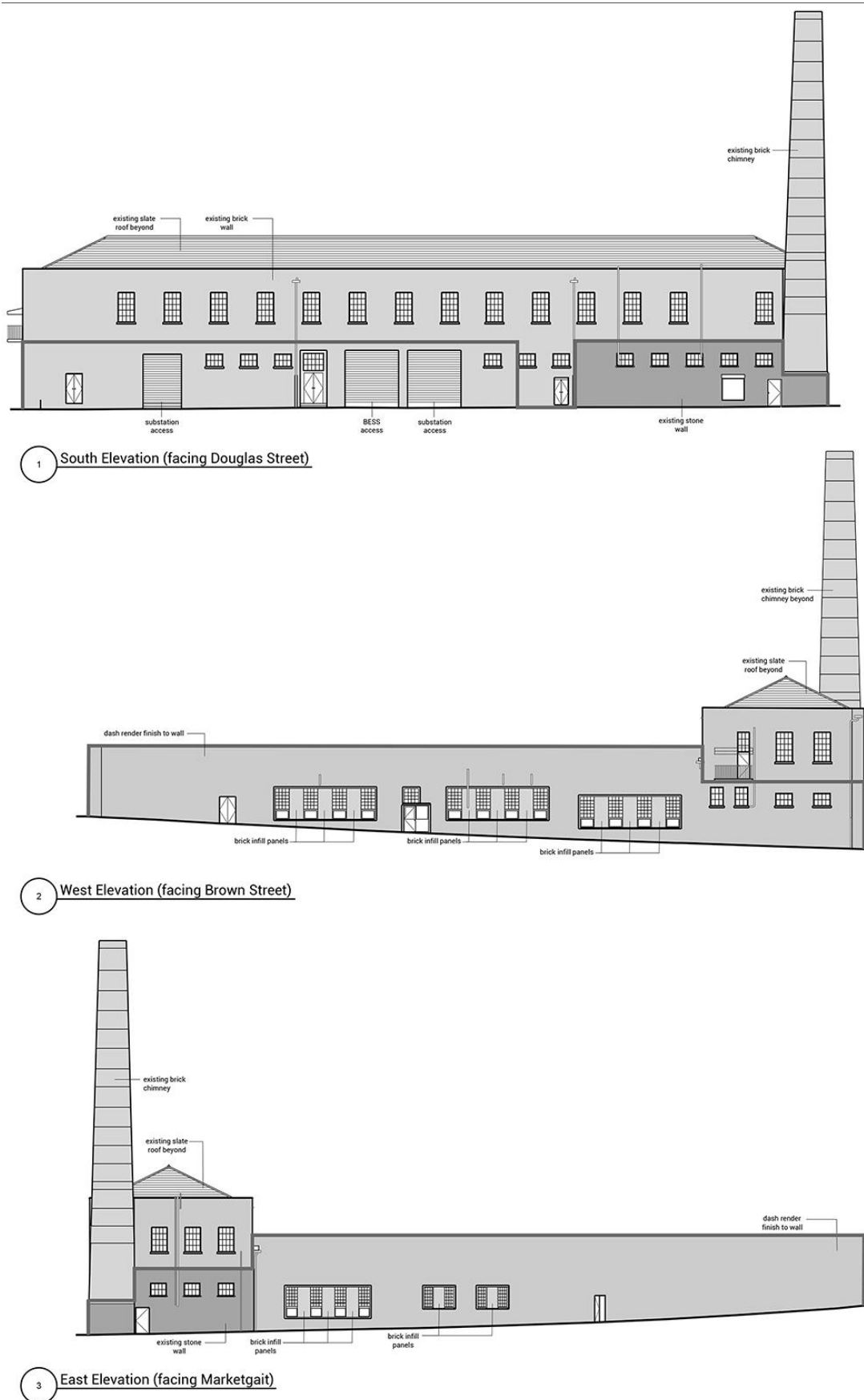
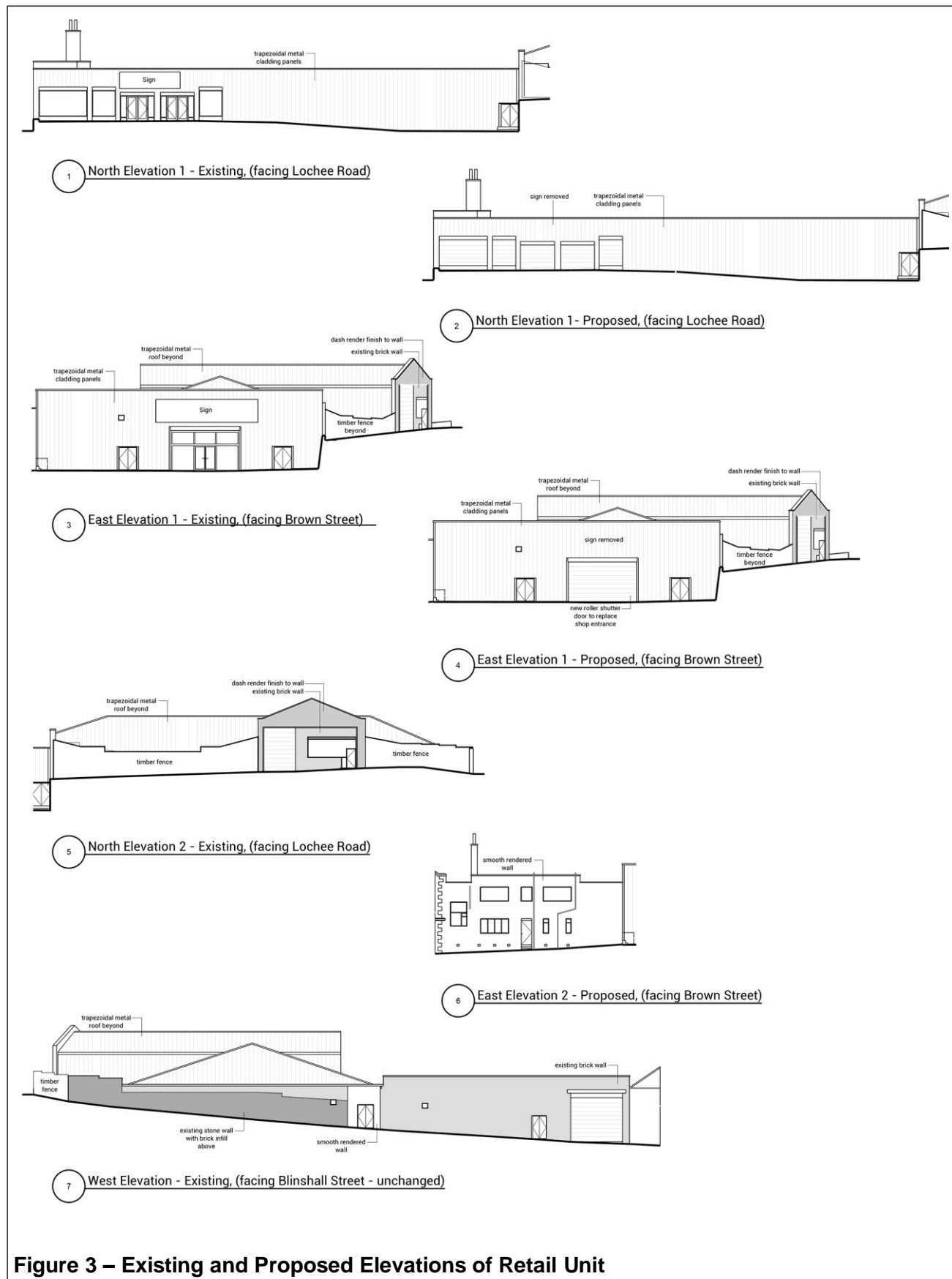


Figure 2 – Locarno Works Elevation Plans



2 SITE DESCRIPTION

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



Figure 3 – View Looking Across West Marketgait to Locarno Works



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

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the climate and nature crises
 Policy 2: Climate mitigation and adaptation
 Policy 3: Biodiversity
 Policy 4: Natural Places
 Policy 7: Historic assets and places
 Policy 9: Brownfield, vacant and derelict land and empty buildings
 Policy 11: Energy
 Policy 12: Zero waste
 Policy 13: Sustainable transport
 Policy 14: Design, quality and place
 Policy 22: Flood risk and water management
 Policy 23: Health and safety
 Policy 26: Business and industry

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking
 Policy 2: Public Art
 Policy 5: General Economic Development Areas
 Policy 34: Protected Species
 Policy 37: Sustainable Drainage Systems
 Policy 39: Environmental Protection
 Policy 41: Land Contamination
 Policy 44: Waste Management Requirements for Development
 Policy 45: Energy Generating Facilities
 Policy 51: Development in Conservation Areas
 Policy 54: Safe and Sustainable Transport

Proposal 1: Blackness Regeneration
 Blackness Business Place Plan
 Blackness Conservation Area Appraisal

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

4 SITE HISTORY

- 4.1 Planning permission (reference: 19/00216/FULL) for Internal and external alterations to an existing industrial building and change of use to business (offices) and non-residential use (mental health support/counselling/community organisation) was approved in 2019.
- 4.2 Planning permission (reference: 17/00844/FULL) for the Partial Demolition of Existing Retail Unit & Subdivision of Remaining Unit to Form 2 No. Additional Retail Units & Extended Car Park) was approved in 2017.
- 4.3 23/00395/PAN – Proposal of Application Notice for Electrical energy storage system and associated development and infrastructure – valid 21 June 2023.
- 4.4 22/00013/EIASCRC – EIA Screening request – EIA not Required – 9 January 2023

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

5 PUBLIC PARTICIPATION

- 5.1 A Pre-Application Consultation Report has been submitted with this major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. The Report states that the applicant hosted two public consultation events which one member of the public attended.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 One letter of support was received. This considers that the proposal represents an important means of conserving energy at peak times; that it is important to ensure all equipment is contained within the buildings due to the prominent location of the site. Public art to the facade facing West Marketgait is welcomed.

6 CONSULTATIONS

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

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

Principle of Development

- 7.2 **NPF4 Policy 9a: Brownfield, Vacant and Derelict Land and Empty Buildings** - states that development proposals that will result in the sustainable reuse of brownfield land including

vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

- 7.3 The use of the buildings to store and distribute energy generated from renewable sources in future is a sustainable re-use of the building. The site has not naturalised as it comprises an existing building.
- 7.4 **The proposal complies with NPF4 Policy 9a.**
- 7.5 **NPF4 Policy 11a: Energy** - states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
- i wind farms including repowering, extending, expanding and extending the life of existing wind farms;
 - ii enabling works, such as grid transmission and distribution infrastructure;
 - iii energy storage, such as battery storage and pumped storage hydro;
 - iv small scale renewable energy generation technology;
 - v solar arrays;
 - vi proposals associated with negative emissions technologies and carbon capture; and
 - vii proposals including co-location of these technologies
- 7.6 The planning application seeks planning permission for the development of a battery energy storage system and ancillary infrastructure, a form of zero emissions technology which is explicitly supported by criteria iii) of Policy 11 Part a.
- 7.7 **NPF4 Policy 11e** - states that project design and mitigation will demonstrate how the following impacts are addressed:
- i impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
 - ii significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
 - iii public access, including impact on long distance walking and cycling routes and scenic routes;
 - iv impacts on aviation and defence interests including seismological recording;
 - v impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
 - vi impacts on road traffic and on adjacent trunk roads, including during construction;
 - vii impacts on historic environment;
 - viii effects on hydrology, the water environment and flood risk;

- ix biodiversity including impacts on birds;
- x impacts on trees, woods and forests;
- xi proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
- xii the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
- xiii cumulative impacts.

In considering these impacts, significant weight will be given to the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator in the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

- 7.8 Criteria i and ii – there will be no visual impact as the proposal is located within an existing building. Noise impact is assessed in detail under NPF4 policies 14 and 23 respectively, where it is found that the proposals would have an acceptable impact, subject to conditions.
- 7.9 Criteria iii - the proposals do not impact any public access routes.
- 7.10 Criteria iv - the proposals do not impact on any aviation or defence interests.
- 7.11 Criteria v - the proposals do not impact on any telecommunications or broadcasting installations.
- 7.12 Criteria vi – There will be no impact on roads as vehicular movements associated with the development will be low. The site benefits from existing access and parking arrangements.
- 7.13 Criteria vii - impacts on historic environment are assessed in detail under NPF4 Policy 7. The site is located within an unlisted building in Blackness Conservation Area. As all infrastructure will be within the building, there will be no impact on the conservation area.
- 7.14 Criteria viii – the site is not at risk of flooding, nor would it cause any risk as the proposal is to be housed within existing buildings.
- 7.15 Criteria ix and x - biodiversity including impacts on birds and trees is assessed in detail under NPF4 Policy 3. As previously noted the site is within a built-up mixed use urban area. There are no trees on site and there will be no negative biodiversity impacts.
- 7.16 Criteria xi and xii – these are more relevant to developments within the countryside. As the proposal is contained within a building, criteria xi and xii are not relevant.
- 7.17 Criteria xiii – as the proposal reuses existing buildings, there will be no cumulative impacts.
- 7.18 The proposed development would contribute to achieving net zero by 2050 by potentially increasing the amount of zero carbon renewable electricity generated and supplied to the National Grid. This would help to further decarbonise the production sector and achieve National Grid's target of a Net Zero electricity system by 2030. The above assessment demonstrates how potential impacts from the development can be adequately mitigated. The site is to connect to the substation to the east of the site, adjacent to the Police Headquarters. This is to be via underground cables.

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

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

Design

- 7.31 **NPF4 Policy 14: Design, Quality and Place** - seeks to encourage, promote and facilitate well designed development to deliver quality places and environments.

Part a) requires that development proposals are designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

Part b) requires development proposals to be consistent with the six qualities of successful places, and are healthy, pleasant, connected, distinctive, sustainable and adaptable; supporting commitment to investing in the long-term value of buildings by allowing for flexibility so that they can be changed as well as maintained over time.

Part c) states that poorly designed development proposals which are detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.

- 7.32 **LDP Policy 1: High Quality Design and Placemaking** - requires all development proposals to follow a design-led approach to sustainable and high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, creating a sense of community and identity, and enhancing connectivity, with creative approaches to urban design, landscaping and green infrastructure. New development is required to meet the six qualities of successful place, in accordance with Appendix 1, creating development which would be distinctive, safe and pleasant, easy to move around and beyond, welcoming, adaptable, and resource efficient.
- 7.33 The proposal would have no impact on the visual amenity of the area as it will be contained within existing buildings. The submission indicates that public art could potentially be installed along the main façade of the building which is the elevation which wraps around Marketgait overlooking Dudhope Roundabout.
- 7.34 **LDP Policy 2: Public Art Contribution** - requires all development in Dundee with construction costs of £1 million or more to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development. No Public Art Strategy has been submitted; it is recommended that this is secured by condition.
- 7.35 **The proposal complies with NPF4 Policy 14 a, b and c and LDP Policies 1 and 2 subject to condition.**

Transport

- 7.36 **NPF4 Policy 13: Sustainable Transport** - seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport.
- 7.37 **LDP Policy 54: Safe and Sustainable Transport** - seeks to ensure that all development proposals which generate travel should be designed and well served by all modes of transport, and that they meet relevant standards and requirements in terms of road safety.
- 7.38 Once operational the development will generate a lower level of vehicle movements than the current retail and business uses. There are areas for parking within the Locarno Works building and on the forecourt of the Lochee Road premises.
- 7.39 There would be no impact on the local road network and the existing access to the site would comply with Dundee City Council's Road design standards.
- 7.40 **The proposal complies with NPF4 Policy 13 and LDP Policy 54.**

Flooding and Drainage

- 7.41 **NPF4 Policy 22: Flood Risk and Water Management** - is intended to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Of relevance to this application is Part c) which seeks to ensure that development proposals:

- i do not increase the risk of surface water flooding;
 - ii manage all rain and surface water flooding through SUDS design, without presuming a surface water connection to the combined sewer; and
 - iii seek to minimise the area of impermeable surface.
- 7.42 **LDP Policy 37: Sustainable Drainage Systems** - requires that surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SUDS), designed so that water levels remain 600mm below finished floor levels during a 1:200-year rainstorm event with allowance for climate change and future urban expansion. Proposals are encouraged to adopt an ecological approach.
- 7.43 The site is not identified on the SEPA flood map as at risk from any flooding source. Due to the existing built-up nature of the area, the site will not introduce any additional built structures which would generate additional surface water or flood risk.
- 7.44 **The proposal complies with NPF4 Policy 22c and LDP Policy 37.**

Climate and Nature Crises

- 7.45 **NPF4 Policy 1: Tackling the Climate and Nature Crises** - encourages and promotes development that will address the climate emergency and nature crisis, to achieve zero carbon and nature positive places. When considering development proposals, sufficient weight will be given to the global climate and nature crisis.
- 7.46 **NPF4 Policy 2: Climate Mitigation and Adaption** - seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Of relevance are parts a and b of this policy.

- 7.47 The nature of the proposal is to reduce carbon emissions by storing excess electricity from the grid and releasing it back when required.
- 7.48 The Scottish Government's Energy Storage: Planning Advice document (2013) provides advice for Planning Authorities on energy storage and states that energy can be stored at variable scales, for both electricity and heat, in a number of ways, through technologies such as hydro pumped storage, hydrogen and fuel cells, compressed air and cryogen. This document further advises that a clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production and can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland.
- 7.49 The proposed development itself would help to facilitate renewable energy production.
- 7.50 **The proposal complies with NPF4 Policies 1 and 2.**
- 7.51 **NPF4 Policy 3: Biodiversity** - seeks to protect biodiversity, reverse any biodiversity loss, encourage biodiversity through development and strengthen nature networks.
- 7.52 Part b states development proposals for national or major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v local community benefits of the biodiversity and/or nature networks have been considered.
- 7.53 Part d) requires that any potential adverse effects on biodiversity through development proposals are minimised through careful planning and design.
- 7.54 The site comprises existing buildings within a mixed-use, built-up area. The site has no existing biodiversity value. The policy intent of NPF4 is for major developments to make significant biodiversity enhancements. The scale of such enhancements must be appropriate

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

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

7.56 Policy 4 (Natural Places) Part f) - states development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

7.57 **LDP Policy 34: Protected Species** – states that development proposals which are likely to have a significant effect on a European Protected Species will not be supported unless:

- 1 there is no satisfactory alternative; and
- 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.

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

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

Zero Waste

7.60 **NPF4 Policy 12: Zero Waste** - seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. Part a) requires development proposals to reduce, reuse, or recycle materials in line with the waste hierarchy. Part b) supports development proposals where they:

- i reuse existing buildings and infrastructure;
- ii minimise demolition and salvage materials for reuse;
- iii minimise waste, reduce pressure on virgin resources and enable the reuse of materials at the end of their life;
- iv use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials; and
- v use materials that are suitable for reuse with minimal processing.

Part c) expects development proposals which would be likely to generate waste when operational to state how this will be managed, including waste reduction and separation, and facilities for recycling.

- 7.61 **LDP Policy 44: Waste Management Requirements for Development** - requires development proposals to demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source with separate collection of recyclable material, as outlined in the Waste (Scotland) Regulations 2012.
- 7.62 The nature of the development is not one which would generate operational waste. A Construction Waste Management Plan will be required to ensure waste is dealt with in a sustainable manner. A condition is recommended.
- 7.63 **The proposal complies with NPF4 Policy 12 and LDP Policy 44 subject to condition.**

Historic Environment

- 7.64 **NPF4 Policy 7: Historic Assets and Places** - the site is located within Blackness Conservation Area. Part d of policy 7 – Historic assets and places of NPF4 states that proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Considerations include the:
- i architectural and historic character of the area;
 - ii existing density, built form and layout; and
 - iii context and siting, quality of design and suitable materials.
- 7.65 **LDP Policy 51: Development in Conservation Areas** - states that within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the conservation area.
- 7.66 With regard to criterion i and iii of NPF4 policy 7d, the external works propose to change the shopfront to a roller door on a contemporary profile sheet, warehouse style building. There will be no impact on the existing density, layout and built form as the proposal involves the redevelopment of an existing building in compliance with criteria ii. As the character of the area will remain unaffected the proposal would also comply with LDP Policy 51.
- 7.67 **The proposal complies with NPF4 Policy 7d and LDP Policy 51.**

Health, Safety and Amenity

- 7.68 **NPF4 Policy 9c** - requires that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land can be made safe and suitable for the proposed new use.
- 7.69 **LDP Policy 41: Land Contamination** - states that the development of potentially contaminated or statutorily identified contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where the Council is satisfied that proposed remediation would adequately address contamination risks to all receptors and be suitable for the planned use. Proposals for an alternative use to that identified in the Local Development Plan will be considered where the above criteria are satisfied, and it is established that the site cannot be economically developed for the allocated use, and the proposed use would meet the requirements of other relevant Local Development Plan policies.

- 7.70 A Desk Based Preliminary Risk Assessment for contamination within the buildings has been carried out and reviewed. The Head of Communities, Safety and Protection has no objections subject to conditions.
- 7.71 **The proposal complies with NPF4 Policy 9c and LDP Policy 41 subject to condition.**
- 7.72 NPF4 Policy 23: Health and Safety seeks to protect people and places from environmental harm and facilitate development that improves health and wellbeing.
- Part e) states that development proposals which are likely to raise unacceptable noise levels will not be supported.
- 7.73 **LDP Policy 39: Environmental Protection** requires that all new development that would generate noise, vibration or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.74 While the area is predominantly commercial in nature, new residential uses are being introduced. New student accommodation is currently under construction to the south-west and there was a planning application for housing to the east which, although this was withdrawn prior to determination.
- 7.75 As the application proposes a new noise generating use, a Noise Impact Assessment was carried out. The Head of Communities, Safety and Protection reviewed this and does not object. Conditions are recommended to secure sound insulation mitigation as provided within the Noise Impact Assessment and to restrict noise levels from mechanical and electrical plant and machinery.
- 7.76 It is not expected that there would be any air quality implications given the enclosed nature of the site.
- 7.77 **The proposal would comply with NPF4 Policy 23 and LDP Policy 39 subject to conditions.**
- 7.78 **It is concluded that the proposal is not fully in accordance with the Development Plan.**

STATUTORY DUTIES

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

- 7.79 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 as amended states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.80 As the proposed site comprises an existing building, and there are only minor external alterations to an existing modern shop front, there will be no negative impact on the character of the conservation area. The Council would therefore discharge their duty in this regard.

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

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

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

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

8 CONCLUSION

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

9 RECOMMENDATION

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

- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.

Reason - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

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

Reason - in the interest of sustainable waste management.

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

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

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

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

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

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

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

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

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

Reason – in the interest of neighbouring residential amenity.

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

Reason – in the interest of neighbouring residential amenity.

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

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

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

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

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

Informative Notes

Scottish and Southern Electricity Networks

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

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

Nesting Birds

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