

Erection of Temporary Marketing Suite, Associated Access and Parking (Retrospective)

KEY INFORMATION

Ward The Ferry

Address

Marketing Suite for Kirkwood Homes (Mona Crescent)
Broughty Ferry
DD5 5FB

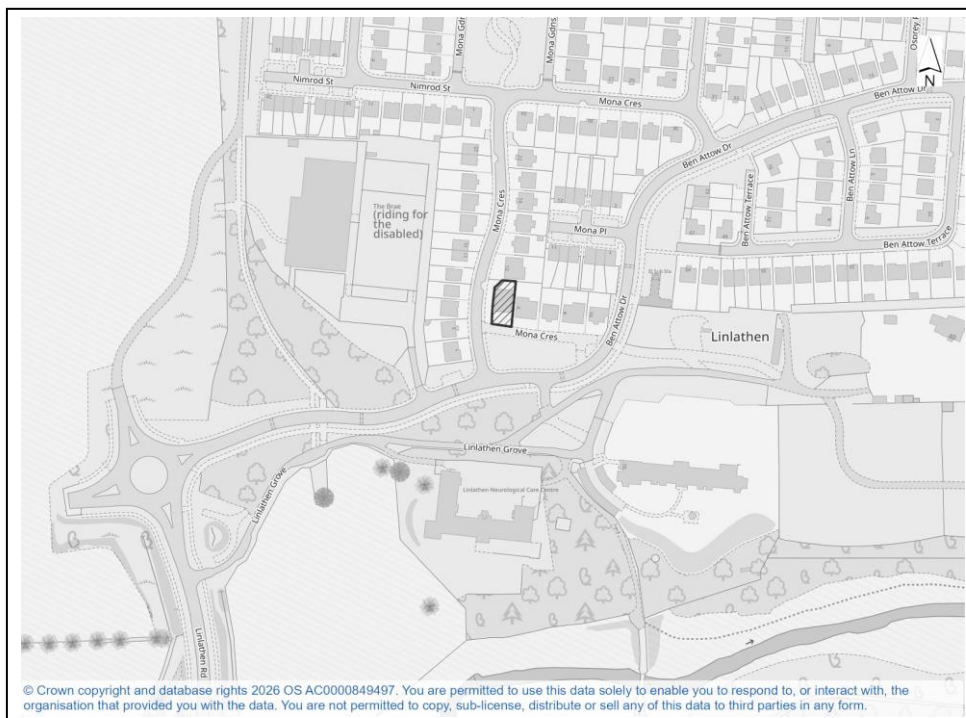
Applicant

Mr Jon Morrison
Kirkwood Homes Ltd

Validated: 9 March 2026

Report by Head of Planning & Economic Development

Contact: Sharon Dorward



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SUMMARY OF REPORT

- Planning permission is sought for the continued siting of a temporary marketing suite, for a period of 18 months from the date of the decision, should committee be minded to grant planning permission.
- The application is not fully in accordance with the Development Plan.
- The proposal represents the sustainable reuse of an existing building in a reasonable manner.
- The statutory neighbour notification process was undertaken, and the application was advertised in the local press. Twelve 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 more than six valid written objections have been received, and the recommendation is for approval.
- More details can be found at [26/00098/FULL | Erection of temporary marketing suite, associated access and parking \(retrospective\) | Marketing Suite For Kirkwood Homes Broughty Ferry Dundee DD5 3FB](#).

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 Planning permission is sought for the continued siting and operation of the marketing suite originally built in 2019 for the Balgillo Heights residential development. It is proposed to use the building as a sales office for the Fernbrae development which is located in the West End of Dundee. An additional 18 months is now sought to continue to operate the building. The current proposal has been amended from the original request for 3 years to 18 months.
- 1.2 The temporary sales building was extended in 2021 to the rear, north elevation to increase the office space and provide a meeting room. The current building including the extension has a footprint of 116 square metres and extends to 3.0 metres in height. There are mono-pitch roofs on the original building and the extension, which slope towards the centre of the roof space. The marketing suite is finished in timber cladding with metal profile sheet roofing and uPVC windows and doors.
- 1.3 There is a total of six parking spaces for the development, five of which are located on Linlathen Grove, 38 metres from the site, and one disabled access space is located to the immediate south of the building on Mona Crescent.
- 1.4 The applicant has submitted the following in support of the application:
 - Justification Statement.

2 SITE DESCRIPTION

- 2.1 The application site is located on Mona Crescent which leads from Linlathen Grove, within the Balgillo Heights housing development which is located to the east of the city and north of Broughty Ferry. The application site measures 342 square metres and has planning permission for a house. The intention is to erect the approved house following the removal of the building.
- 2.2 The site slopes gently north to south and the marketing suite building is located centrally within the site. The building has been kept in good condition, and the surrounding landscaping is mature and well maintained. Surrounding land uses are residential and open space, the Balgillo Heights development is now an established residential area.



Figure 2 – View of Marketing Suite From the South



Figure 3 – View of Marketing Suite From the West

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 crisis

Policy 2: Climate mitigation and adaptation

Policy 3: Biodiversity

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

Policy 12: Zero waste

Policy 13: Sustainable transport

Policy 14: Design, quality and place

Policy 23: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 39: Environmental Protection

Policy 54: Safe and Sustainable Transport

- 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: 18/00115/FULM) for a residential development comprising 150 dwellings with associated infrastructure, access, landscaping, drainage, SUDS and open space was refused in June 2018 and then allowed at appeal by the DPEA in June 2019 (reference: 18/00012/REF).
- 4.2 Planning permission (reference: 19/00799/FULM) for a residential development of 100 dwellings with associated infrastructure, landscaping, drainage and open space was refused in January 2020 and then allowed at appeal by the DPEA in October 2020 (reference: 20/00004/REF).
- 4.3 Planning permission (reference: 19/00136/FULL) for the erection of a temporary marketing suite and associated access and parking was approved in May 2019.
- 4.4 Planning permission (reference: 19/00417/FULL) for the erection of a temporary marketing suite and associated access and parking was approved in July 2019. This permission has not been implemented.
- 4.5 Planning permission (reference: 21/00677/FULL) for an extension to the existing marketing suite was approved in November 2021.
- 4.6 Planning permission (reference: 23/00613/FULL) for the erection of a temporary marketing suite, including the erection of fencing was approved in November 2023. This permission has not been implemented.

5 PUBLIC PARTICIPATION

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

- 5.2 Twelve objections have been received, raising the following valid material grounds:
- the planning permission has already expired;
 - the marketing suite would be at a considerable distance from the housing development it would be promoting;
 - insufficient parking;
 - an additional three years is excessive;
 - damage to road infrastructure; and
 - plans illustrate “show homes” incorrectly.
- 5.3 Concerns were also raised in relation to existing signage within the development and on Arbroath Road; costs to homeowners for landscape maintenance; developer contributions history; speculation around further housing development in the area; and use of the office as a building. These are not valid material planning considerations relevant to the continued siting of the building.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **The Head of Sustainable Transport and Roads** - has no objection but has advised that any damage caused to the existing adopted footway or carriageway arising following the works to remove the temporary marketing suite must be made good by the applicant at their expense.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

Principle of Development

- 7.2 **NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings** - encourages, promotes and facilitates the re-use of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Development is directed to the right locations, maximising the use of existing assets and minimising additional land take. The policy supports the regeneration of derelict buildings and spaces to improve wellbeing and transform our places.
- 7.3 **NPF4 Policy 9a:** supports development proposals that will result in the sustainable re-use of brownfield land including vacant and derelict land and buildings, whether permanent or temporary.

- 7.4 **NPF4 Policy 9d:** supports proposals for the re-use of existing buildings, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.
- 7.5 **NPF4 Policy 12a: Zero waste** – states that development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- 7.6 **NPF4 Policy 12b:** states that development proposals will be supported where they:
- i reuse existing buildings and infrastructure;
 - ii minimise demolition and salvage materials for reuse;
 - iii minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials; and
 - v use materials that are suitable for reuse with minimal reprocessing.
- 7.7 The extension of the office use for a further 18 months would be an appropriate sustainable re-use of the building and the site. A planning condition is proposed to ensure that at the end of the 18 month period, the building is removed, materials from the demolition/removal are reused or recycled; and that the land restored should it be necessary prior to the erection of the approved house on the plot.
- 7.8 **The proposal is in accordance with NPF4 Policy 9a and d, and 12a and b, subject to conditions.**

Design

- 7.9 **NPF4 Policy 14: Design, quality and place** – seeks to encourage, promote and facilitate well designed development which will result in quality places, spaces and environments.
- 7.10 **NPF4 Policy 14a:** requires that development proposals will be designed to improve the quality of an area, regardless of scale.
- 7.11 **NPF4 Policy 14b:** supports development proposals where they are consistent with the six qualities of successful places, which are: healthy; pleasant; connected; distinctive; sustainable; and adaptable.
- 7.12 **NPF4 Policy 14c:** states that development proposals which are poorly designed, detrimental to amenity or inconsistent with the six qualities of successful places will not be supported.
- 7.13 **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 of the Dundee LDP

creating development which would be distinctive, safe and pleasant, easy to move around and beyond, welcoming, adaptable, and resource efficient.

- 7.14 The application seeks the retention of a temporary marketing suite, which was originally constructed as a sales office in connection with the Balgillo Heights residential development. Planning permission 21/00677/FULL required the removal of the temporary building and its extension by 18 November 2024. It is now proposed to retain the marketing suite for an additional 18 months, to help facilitate the sale of new housing at the Fernbrae development in the west end of Dundee. The applicant has stated that it would not be possible to erect a marketing suite at Fernbrae due to site constraints.
- 7.15 The existing marketing suite is in good condition, and the surrounding space and landscaping has been well maintained. The continued use and maintenance of the building would not be harmful to the quality of the area. The marketing suite building was designed so as not to dominate the street scene, it is subsidiary in scale to the adjacent housing and blends well into the streetscape. A planning condition is proposed to ensure that the building is removed following a period of 18 months. As a temporary facility, the proposal is in accordance with the six qualities of a successful place, as a safe, pleasant, sustainable and adaptable facility.
- 7.16 **The proposal is in accordance with NPF4 Policy 14a, b and c, and LDP Policy 1, subject to condition.**

Access and Parking

- 7.17 **NPF4 Policy 13: Sustainable transport** - seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport.
- 7.18 **NPF4 Policy 13b:** supports development proposals where it can be demonstrated that the transport requirements generated have been considered in line with sustainable travel and investment hierarchies and where appropriate they should:
- i provide direct, easy segregated and safe links to local facilities via walking and cycling networks – the application site is within 90 metres of the Green Circular core path network.
 - ii be accessible by public transport – the closest bus stop to the application site is 800 metres, and this is linked to the site by the core path network. No minimum distance is specified for links to public transport in NPF4 and the proposal complies with this criterion.
 - iii integrate transport modes – this is generally applicable to larger scale permanent development.
 - iv provide low or zero emission charging points in convenient locations – there is no publicly available EV charging within the vicinity of the site, and the proposal fails to comply with this criterion.
 - v supply safe, secure and convenient cycle parking – there are no cycle parking facilities within the site, and the proposal fails to comply with this criterion.
 - vi be designed to incorporate safety measures, including safe crossings, while reducing the number and speed of vehicles – the disabled access space is adjacent to the building and there are pavements from the remote parking spaces to the marketing suite. Although there is no road crossing, it would only be necessary to traverse a quiet residential street. It is submitted that visits to the site would be by appointment only, which ensures that there would be no congestion.

- vii take into account the transport needs of diverse groups to ensure safety, ease and the needs of all users – the development includes one accessible space. Visits are by appointment and would be pre-catered for, and;
- viii adequately mitigate any impact on local public access routes - there would be no impediment to any local access routes.

7.19 **LDP Policy 54: Safe and Sustainable Transport** - requirements align with those set out in NPF4 policy 13b and seek that all development proposals which generate travel should be designed and well served by all modes of transport, and will be required to:

- minimise the need to travel by private car –it is likely a significant proportion of visits to the site will be by car. The proposal fails to minimise the need to travel by private car and fails to comply with this criterion;
- provide on-site facilities and links for walking and cycling – the site is adjacent to the core path network for walking and cycling, and the application therefore complies with this criterion;
- have access to public transport networks within 400 metres – the nearest bus stop is 800 metres from the site, and the proposal fails to comply with this criterion;
- have no detrimental impact on the existing road or rail network – there would be no detrimental impact to the existing networks as a result of this proposal and the application therefore complies with this criterion;
- ensure safe provision for freight and waste access and loading – the same safe provision would remain for the existing development for an additional 18 months, and the application complies with this criterion;
- comply with national and Dundee City Council's road design standards – the proposal remains compliant as an existing development; and
- be supported by a travel plan where significant travel would be generated – significant travel would not be generated; visits are proposed to be by appointment only and the proposal complies with this criterion.

7.20 The proposal would have no impact on existing road or rail networks and would comply with national and Dundee City Council's road design standards. However, the site lacks EV charging, cycle provision, and is more than 400 metres from the nearest bus stop, and does not fully comply with the development plan.

7.21 **The proposal is not fully in accordance with NPF4 Policy 13b or LDP Policy 54.**

Residential Amenity

7.22 **NPF4 Policy 23: Health and safety** - seeks to protect people and places from environmental harm.

7.23 **NPF4 Policy 23e:** states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principal applies to noise sensitive development. A Noise Impact Assessment (NIA) may be required where the nature of the proposal or its location suggests that significant effects are likely.

- 7.24 **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.
- 7.25 The proposal relates to the extended use of an existing development. As such, no new noise sources or noise sensitive land uses have been introduced. The use of the premises would be less intensive than that previously undertaken, as visits would be by appointment only, meaning that additional visitors to the site would be minimal and would not disrupt the amenity of the neighbourhood. The directional signs adjacent to the A92 Arbroath Road are to be removed which will help to prevent speculative visitors. Planning permission is sought for a temporary period of 18 months. The continued less intensive use of the property for an additional 18 months would not create any significant adverse impact on residential amenity.
- 7.26 **The proposal is in accordance with NPF4 Policy 23e and LDP Policy 39.**

Biodiversity

- 7.27 **NPF4 Policy 3: Biodiversity** - seeks to protect biodiversity, reverse any biodiversity loss, encourage biodiversity through development and strengthen nature networks.
- 7.28 **NPF4 Policy 3c:** requires that proposals will include appropriate measures to conserve, restore, and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.
- 7.29 **NPF4 Policy 3d:** requires that any potential adverse effects on biodiversity through development proposals are minimised through careful planning and design.
- 7.30 The application relates to an existing development which would be removed following 18 months of continued operation. The edges of the existing site are landscaped with grass, young trees and shrubs, providing a limited amount of natural habitat. NPF4 seeks to preserve and enhance the biodiversity value in developments. The proposal would not have any impact on biodiversity and there is no reasonable requirement to enhance biodiversity as a result of this temporary proposal
- 7.31 **The proposal is in accordance with NPF4 Policy 3c and d, subject to condition.**

Climate Change

- 7.32 **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.
- 7.33 **NPF4 Policy 2: Climate mitigation and adaptation** - seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 7.34 The scale of the proposal is such that it does not have a significant impact on the climate or be at risk of the effects of climate change. It is proposed to condition the re-use or recycling the building fabric by condition. The proposal would therefore comply with the requirements of Policies 1 and 2 of NPF4.

7.35 **The proposal is in accordance with NPF4 Policies 1 and 2.**

7.36 **It is concluded that the proposal is not in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A - SUPPORTING INFORMATION

7.38 Supporting information has been submitted by the applicant which provides a justification for the continued use of the marketing suite.

7.39 A sales office is required for the development at Fernbrae because although many of the homes are reserved, meetings are required to conclude sales and for after-sales requirements.

7.40 The application for the extended use of the marketing suite at Balgillo Heights has been submitted to facilitate the marketing of 26 new homes at Fernbrae, located in the West End of Dundee, on Perth Road. The Fernbrae development seeks to retain listed structures within that site which include the façade of the villa, boundary walls, gate piers and gate house. These are set within extensive high value landscaped grounds, and the site is also within the West End Suburbs Conservation Area. The development at Fernbrae will involve limited available areas for use as a construction compound. There is also only one vehicular access to the site which will be in use for construction traffic.

7.41 The applicant contends that a logical solution would be to retain the use of the building at Balgillo Heights, which was developed as a sales and marketing suite, rather than simply demolish it.

7.42 It is acknowledged that the remote location of the existing sales office from the Fernbrae site is not preferable. However, taking into account NPF4 Policy 9a, which supports the reuse of vacant buildings, whether permanent or temporary, and NPF4 Policy 12b, which seeks to reuse existing buildings and infrastructure and minimise demolition, the justification is accepted and gives weight to a further temporary extension of time for the use of the marketing suite.

B - JUSTIFICATION FOR DEVELOPMENT PLAN DEPARTURE

7.43 Planning permission (reference: 19/00136/FULL) for the erection of a temporary marketing suite and associated access and parking was approved in May 2019. Planning permission (reference: 21/00677/FULL) for an extension to the existing marketing suite was approved in November 2021; this allowed the marketing suite to remain in situ until November 2024.

7.44 The proposal is not fully in accordance with NPF4 Policy 13b or LDP Policy 54. The current application site is not easily accessible by public transport; makes no provision for EV charging and there is no cycle stand provision. Visits to the site would be by appointment only which ensures that there would be sufficient parking. The reason for visiting the application site is unlikely to generate a significant number of trips by public transport, walking or cycling. The Head of Sustainable Transport and Roads has advised that any damage caused to the existing adopted footway or carriageway arising from the works to remove the temporary marketing suite must be made good by the applicant at their expense. Where such damage is extensive, full resurfacing/reconstruction may be required. All related works must be carried out in accordance with Dundee City Council standards and specifications. Appropriate conditions are recommended.

- 7.45 Many of the Fernbrae homes are reserved. However, meetings are required to conclude their sale. It is acknowledged that the application site is 9.5km from the Fernbrae development. However, given the relatively short period of 18 months, it would be reasonable to re-use the existing marketing suite rather than build a second, new one.
- 7.46 The above matters, together with the temporary nature of the proposal and reduced footfall to the site with visits by appointment only, are of a sufficient weight to justify a departure from NPF4 Policy 13b and LDP Policy 54. A condition is proposed to ensure that the marketing suite is removed no later than 18 months of the date of the decision, and the site appropriately restored, if necessary, prior to the approved house being built..

C – REPRESENTATIONS

- 7.47 Twelve objections have been received raising the following valid material grounds.
- The planning permission has already expired.
 - The marketing suite would be at a considerable distance from the housing development it would be promoting.
 - Insufficient parking.
 - An additional 3 years is excessive.
 - Damage to road infrastructure.
 - Plans are annotated as “show homes” incorrectly.
- 7.48 The grounds of objection are considered and assessed as follows:

Objection - the planning permission has already expired.

Response - this is the reason for the new application seeking retrospective permission for continued operation. The justification for the additional 18-month operation has been outlined and considered above in this report.

Objection - the marketing suite would be at a considerable distance from the housing development it would be promoting.

Response - this is acknowledged. The continued use of the marketing suite is regarded to be preferable to building a second marketing suite, given the relatively short period and that there is insufficient space for a marketing suite anywhere in proximity to the Fernbrae development.

Objection - insufficient parking.

Response - a total of six parking spaces are available. Given that the use of the marketing suite would be by appointment only, this is sufficient. The removal of the directional signage adjacent to the Arbroath Road will prevent additional speculative visits.

Objection - an additional three years is excessive.

Response - the extension sought has been reduced to 18 months, and this is considered to be reasonable.

Objection - damage to road infrastructure.

Response - planning conditions are recommended to ensure that any damage to the existing footway or carriageway would be repaired at the applicant's expense. There would be no damage to the road infrastructure by the continued and less intensive use of the premises.

Objection - plans are annotated as "show homes" for marketing purposes incorrectly as these houses have now been bought.

Response - the houses are delineated correctly on the plans; a new plan was submitted to clarify the existing situation on site.

7.49 **The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.**

8 CONCLUSION

8.1 The application for the erection of a temporary marketing suite, associated access and parking (retrospectively) is not fully in accordance with the Development Plan. However, there are material considerations of sufficient weight to justify approval of planning permission. The scale and design of the marketing suite is acceptable. The reduction in the duration of planning permission sought, reasonably limited footfall to the site and presumption in favour of the retention of existing buildings in accordance with NPF4 Policies 9 and 12 all support the proposal. 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 marketing suite and associated infrastructure shall be removed from site no later than 18 months from the date of this decision notice.

Reason – the marketing suite is of a temporary nature and construction..

2 **Condition** – That, following demolition and/or removal of the building from the site, the materials shall be reused or recycled as appropriate.

Reason – in the interests of energy conservation and reducing carbon emissions.

3 **Condition** – within 12 months of the date of this decision notice, a plan for any interim restoration of the land should it be required prior to the erection of the approved dwelling, shall be submitted to, and approved in writing by the Planning Authority Thereafter the approved details shall be implemented within one month of the buildings being removed from the site, unless otherwise agreed in writing by the Planning Authority.

Reason – in the interests of visual amenity.

4 **Condition** – any damage caused to the existing adopted footway or carriageway arising from the works, including the removal of the temporary marketing suite, shall be made good by the applicant at their expense. Where such damage is extensive, full resurfacing

may be required. All works shall be carried out in accordance with Dundee City Council standards and specifications.

Reason – in the interests of road safety.