

Erection of Purpose Built Student Accommodation, West Marketgait

KEY INFORMATION

Ward Maryfield

Address
Garage, West Marketgait,
Dundee

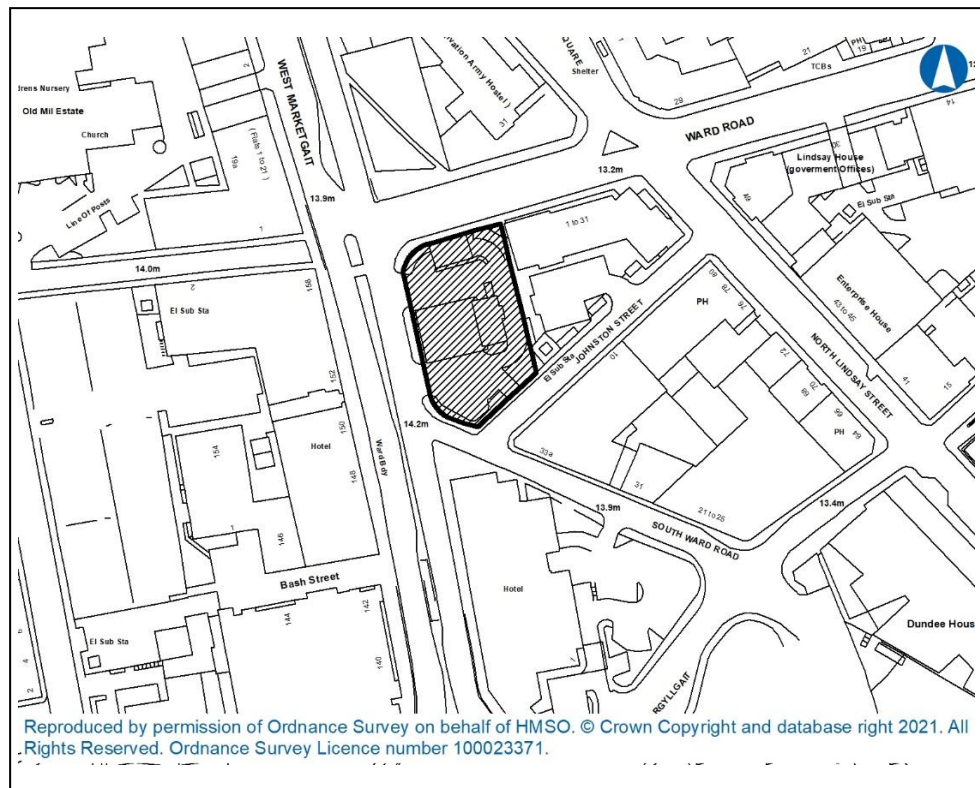
Applicant
Crosslane Student
Developments UK Limited

Agent
Lisa Proudfoot
Montagu Evans
Exchange Tower
4F 19 Canning Street
Edinburgh

Registered 28 October 2020

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the erection of a purpose built student accommodation development comprising 179 bedrooms and associated amenity space, landscaping, access and associated works.
- The application is in accordance with the Development Plan.
- In total, 4 letters were received objecting to the proposal, including a letter from Dundee Cycling Forum. The letters of objection raise concerns with cycle parking provision, the scale of the proposed development and impacts of additional student accommodation in the city centre. A neutral letter of representation was received from Dundee Civic Trust.
- Supporting information including a Student Accommodation Market Targeting Report, Planning Statement and Noise Impact Assessment have been provided with the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is a major development.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QISSZJGCKOY00>

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

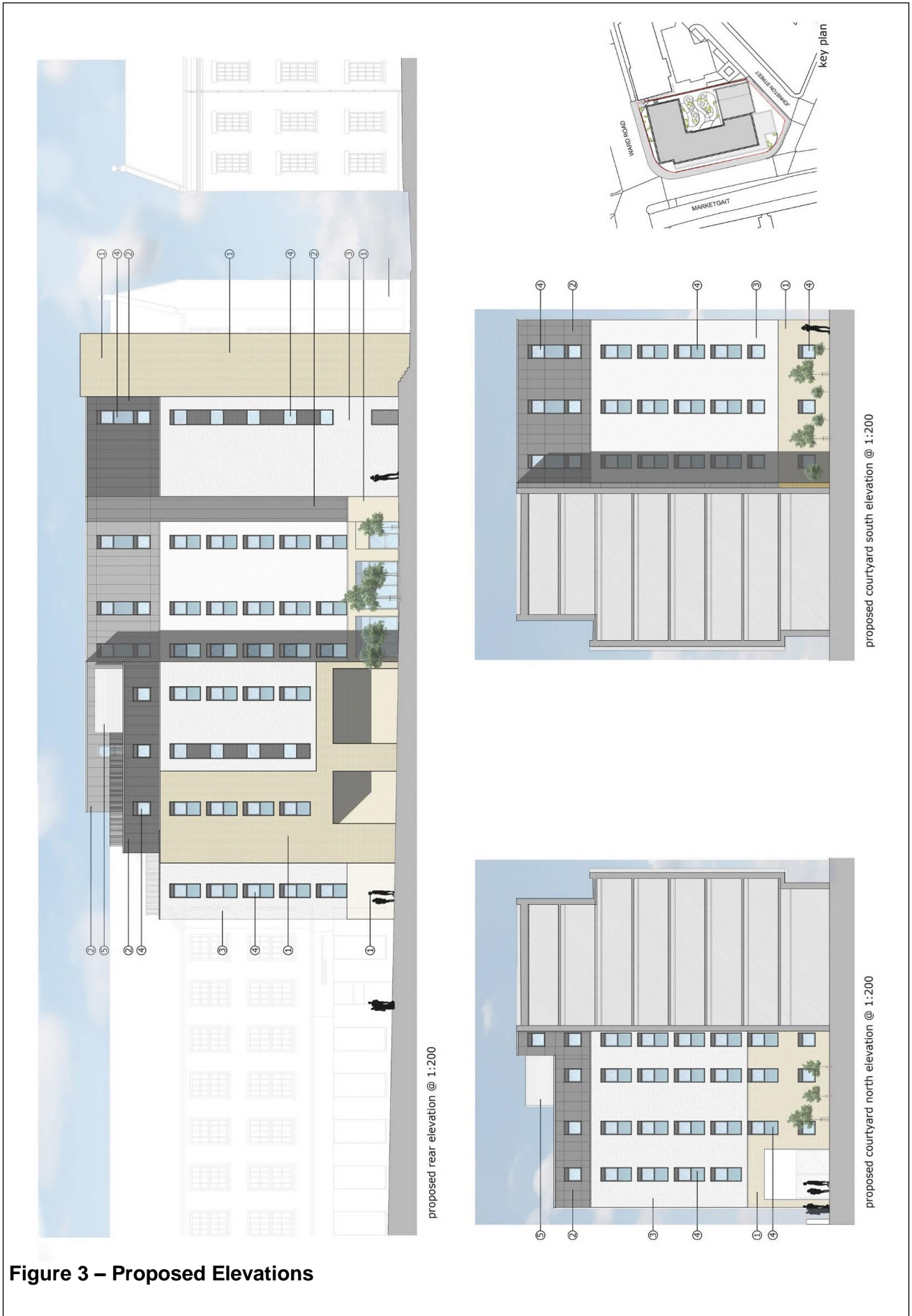
- 1.1 Planning permission is sought for the erection of a 179 bedroom development of purpose built student accommodation within the city centre.
- 1.2 Following demolition of the existing petrol station the proposed eight storey building would be constructed within the site. The building has been designed to provide an active ground floor frontage onto surrounding streets, with main entrance and resident areas towards the west, south and north elevations. The design of the building would be based on a “U” shaped plan form, with the main body of the building within the west of the site. The form of the building provides an enclosed east facing amenity space towards the centre of the development. The proposed building is of a modern appearance in terms of design, with finish materials to include light brick, grey metallic cladding and white render to external walls and dark grey framed windows and doors. To the ground floor finishes primarily comprise of glazing, with upper floors to be finished in light brickwork. To create a distinctive design which integrates with the established character of the surrounding area, a standing seam rainscreen system is proposed within the upper floors to contrast against and highlight the brickwork.
- 1.3 The proposals would include communal facilities on the ground floor including social spaces, a gym, cinema room and studying spaces along with an external amenity area to the rear of the building. The external amenity space would include seating and planting which will be accessible to residents. In addition to resident areas a reception desk and office spaces are proposed for staff, 6 residents’ room are located towards the north elevation and cycle parking, plant rooms and service areas are proposed towards the south elevation.
- 1.4 Within the upper floors of the building, 173 student studio apartments are proposed. Each apartment contains a living/bedroom area with kitchen facilities and study area and an en-suite bathroom. Within the sixth and seventh floors large balcony areas are proposed towards the south elevation which will be accessible to all residents.
- 1.5 The applicant proposes to remove the existing vehicle access onto West Marketgait, and form a new access onto Johnston Street, which would be used by service vehicles attending the site. No resident or visitor car parking is proposed.
- 1.6 The applicant has submitted the following in support of the application:
 - Planning Statement;
 - Pre-Application Consultation Report;
 - Design and Access Statement;
 - Environmental Risk Assessment Report,
 - District Heating Statement;
 - Transport Statement;
 - Flood Risk Assessment;
 - Student Market Targeting Report;
 - Air Quality Assessment; and
 - Assessment of Residential Amenity.



Figure 1 – Proposed Building View From West Marketgait



Figure 2 – Proposed Elevations



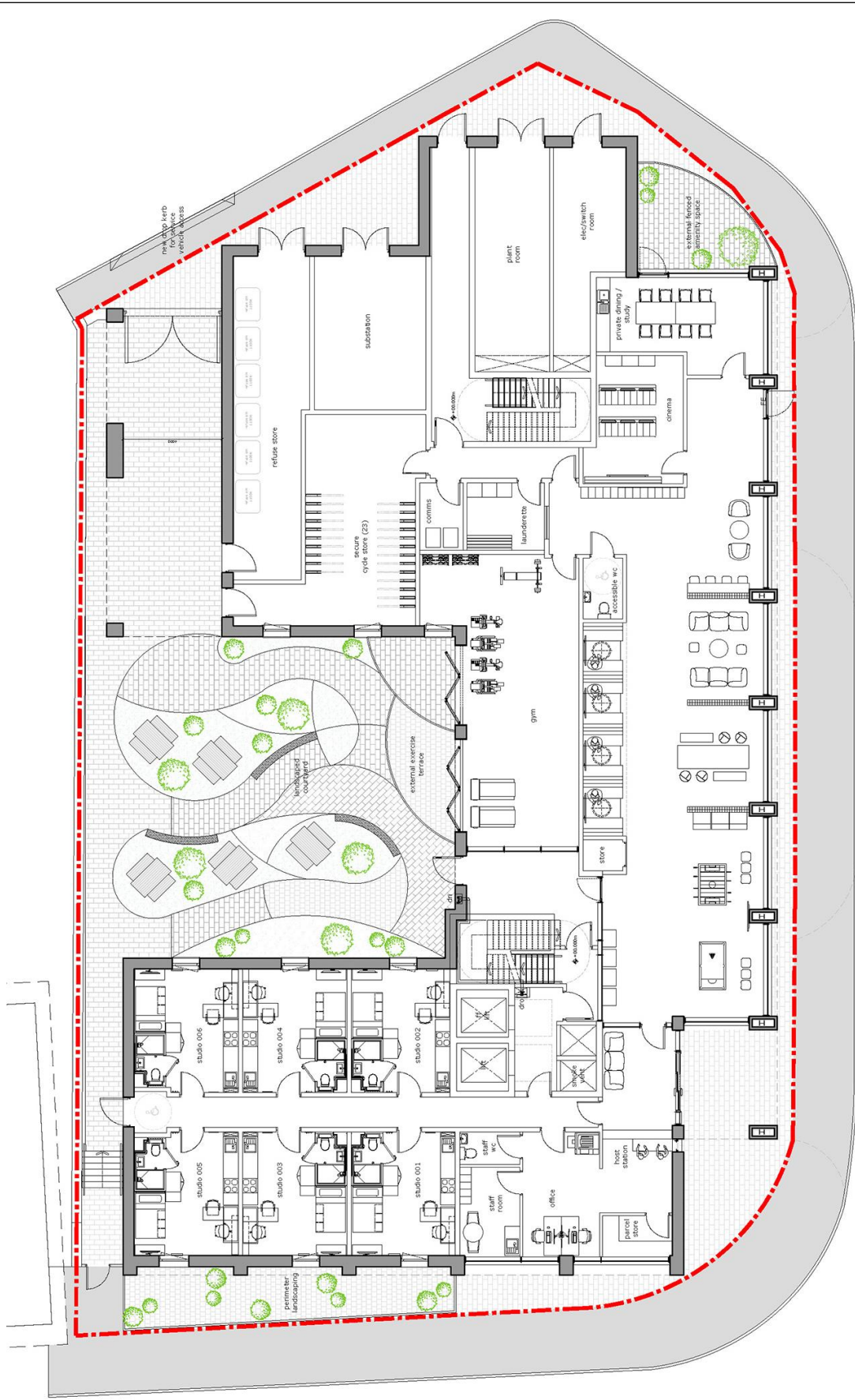


Figure 4 – Proposed Site Plan

2 SITE DESCRIPTION

- 2.1 The application site contains a petrol filling station and associated retail and car wash facility. The site is in a prominent location on the east side of West Marketgait at the junctions with Ward Road and Johnston Street/South Ward Road.
- 2.2 The site is bound to the north, west and south by public roads. To the east of the site are student apartments within a modern seven storey development. The surrounding area is a mix of commercial and residential premises and properties, including Category A and B listed buildings on West Marketgait and Ward Road including Strathmore Lodge, Tay Works and Lindsay Street Mill.



Figure 4 – View of Site from West Marketgait



Figure 5 – View of Site from Ward Road

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

Policy 1: Location Priorities

Policy 2: Shaping Better Quality Places

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 15: Student Accommodation

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 40: Air Quality

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 49: Listed Buildings

Policy 51: Development In Conservation Areas

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

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

4 SITE HISTORY

4.1 Planning application 18/00798/FULL for an 8 storey mixed use development comprising of retail units at ground floor level and 43 flats within upper floors was approved in July 2019.

4.2 Proposal of application notice 20/00030/PAN for the erection of purpose built student accommodation with ancillary development, associated landscaping, access and infrastructure was submitted in January 2020.

4.3 The applicant submitted a request for a Screening Opinion 20/00002/EIASCR in March 2020. The Screening Opinion concluded an Environmental Impact Assessment is not required for the proposed development.

5 PUBLIC PARTICIPATION

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

5.2 In total 4 letters of objection were received, including representations from Dundee Cycling Forum, raising the following material considerations:

- detrimental visual impact by virtue of scale and design, with the proposed development being of a greater scale than the previously approved residential development at this site

reference 18/00798/FULL. This results in visual and overshadowing impacts on the neighbouring development of student residences to the east;

- detrimental impacts associated with increased traffic and noise;
- proposals within an area where student accommodation already exists, alternative sites would provide more appropriate locations; and
- the proposed development does not provide sufficient cycle parking and is therefore contrary to Policy 56. The initially proposed 22 cycle parking spaces for 179 student bedrooms would not support the use of sustainable transport options, it is proposed that 100% cycle parking be provided.

5.3 One neutral representation was received from Dundee Civic Trust. The Trust considers the proposal is of an appropriate scale and design for this site, and request that roof top plant and equipment is designed to be integrated with the general design of the building. It is noted that a number of applications have been submitted in recent months for student accommodation in the West Marketgait area, it is requested that the Council should be proactive in considering other uses in this important street.

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 Community Safety and Protection** has commented on the following matters:

Air Quality - as the site is within close proximity to a busy dual carriageway an Air Quality Report was required. Following a review of the submitted Air Quality Report, further assessment of the proposed developments impact on air quality within the surrounding area is required. Planning conditions are recommended requiring further assessment be submitted, full details of a whole house ventilation strategy are provided if required, and a construction dust mitigation plan is implemented.

Contaminated Land – has no objection to the proposal. A preliminary risk assessment has been submitted and reviewed. Conditions are recommended should planning permission be granted.

Noise – has no objection to the proposal. Due to the site's city centre location within close proximity to a range of uses including a hotel, dual carriageway and public houses conditions are recommended should planning permission be granted. These conditions relate to the control of noise levels and the restriction of hours during which delivery vehicles can visit the site.

6.2 **Historic Environment Scotland** – has no comments on the proposal.

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

6.4 **SEPA** – has no objection to the proposal.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

TAYPLAN 2016 – 2036

- 7.2 **Policy 1: Location Priorities** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region, and that the re-use of previously developed land and buildings should be priorities; Dundee's core area is identified as a Tier 1 principal settlement.
- 7.3 The proposed student accommodation would be located within the city centre, in an area which contains a range of commercial and residential uses. The proposal would ensure the re-use of a brownfield site which is within a prominent location on West Marketgait. The siting of the proposed development would contribute to the range of accommodation with the city centre, in an accessible location in close proximity to University of Dundee and Abertay University.
- 7.4 **The proposal would therefore satisfy Policy 1.**
- 7.5 **Policy 2: Shaping Better Quality Places** - Policy 2 seeks to deliver better quality and distinctive places through the arrangement, layout, design, density and mix of developments in the local design contexts with consideration for development to achieve lifetime communities, are accessible, resilient and resource efficient
- 7.6 The proposed layout and access routes reflect the layout and form of the site and support the continued use of a prominent brownfield site. The proposal includes areas of open space and landscaping within the east of the site and provision of a strong and distinct frontage on West Marketgait. The proposal would facilitate the continued use of a brownfield site within the City Centre in a manner which would retain and enhance the character and layout of the surrounding area.
- 7.7 **The proposal would therefore satisfy Policy 2.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.8 **Policy 1: High Quality Design and Placemaking** – all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.

- 7.9 With regard to the character and amenity of West Marketgait, the scale, massing and design of the proposed development is such that the proposal will integrate into the existing streetscape. The height and form of the proposed building is in keeping with that of buildings to the south and east of the site, and maintaining the height and massing of buildings on West Marketgait and Ward Road. The proposed building would be 2.5 metres higher than the ridge height and 7.8 metres higher than the eave height of the Category B listed Tay Works to the west. This is considered to be an acceptable scale which reflects the general height of buildings along West Marketgait. The proposal would result in a distinctive development which respects the existing building lines and street pattern. The provision of balconies towards the south elevation of the building on the sixth and seventh floors would provide visual interest and useable amenity spaces for residents. The location and height of the balconies would not result in any overlooking of private amenity spaces within the surrounding area, and there would be no detrimental impact on privacy at neighbouring buildings.
- 7.10 The provision of high quality materials within the development which is in a prominent location on West Marketgait is essential to ensure the proposals contribute positively to the local streetscape and maintain the character of neighbouring listed buildings. The applicant has proposed materials including brick and metal cladding which are acceptable and would create a development which maintains the character and quality of development in the local area. Given the prominence of the building and the importance of materials on this particular development full details and samples of the proposed finish materials, including the brick and the aluminium windows will be controlled by condition to ensure finishes are of a high quality and create a development which maintains the character and quality of development in the local area.
- 7.11 The proposed ground floor would contain social spaces for use by residents and is accessible from West Marketgait ensuring an active street frontage. Towards the rear of the building areas including open space, servicing areas and cycle storage would be fully accessible. Safe pedestrian access is provided from the surrounding streets and there is provision of public transport in the surrounding area with bus stops on West Marketgait. Dundee railway station is 650 metres to the south of the site. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.12 The site contains a petrol garage which would be demolished. The existing buildings are not of merit and the redevelopment of the site would enhance the local streetscape. As discussed above, the proposed building would contribute positively to the local streetscape and would have no detrimental impact on the character or setting of neighbouring listed buildings.
- 7.13 Within the site, sustainable drainage provision would be provided by surface water storage cells below the landscaped courtyard before being discharged at a controlled rate into the combined sewer network. The applicant has provided detailed plans and calculations for the proposed drainage systems which demonstrate an acceptable solution would be provided.
- 7.14 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the six qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive - a Design Statement has been submitted which addresses the design, access and development concepts of the proposed student accommodation development. The building would be eight storeys in height on the north and west elevations and seven storeys on the south elevation. The building would be finished in a range of modern materials, with colours to reflect buildings within the surrounding area. The variety and form of finish materials will contribute positively to and add interest to the development. It is proposed to provide an enclosed landscaped courtyard within the east of the site which will incorporate hard and soft planting and outdoor seating spaces. The existing vehicle accesses from West Marketgait will

be removed and an access for service vehicles provided onto Johnston Road. The proposal responds positively and sensitively to the character of the area and maintains the established density of development in this city centre location.

Safe and Pleasant – the student accommodation is to be sited in a prominent location on the east side of West Marketgait. The site is bound by public roads and footpaths to the north, south and west, with an existing student accommodation development to the east. The proposals would connect to the existing road and path network linking the development to the surrounding area. There are to be areas of open space within the site and there are pedestrian links to the surrounding open spaces including Dudhope Park and Slessor Gardens. The proposed amenity spaces within the site would benefit from natural surveillance due to the location of windows on the proposed development. The proposal will create a vibrant and attractive place.

Easy to Move Around and Beyond – the proposed development would connect to existing footpaths to the west and south of the site, ensuring sensitive integration into surrounding area. This provides access to open space outwith the site and public transport links within the surrounding area, including bus stops on West Marketgait, Court House Square and Hawkhill all within 270 metres of the proposed development. Access for service vehicles is to be taken from Johnston Road. The proposal considers place and responds positively and sensitively to the needs of people.

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

Adaptable – this site is brownfield land which presently contains a petrol filling station. The proposed development would replace the filling station and existing accesses would be removed. The proposed student accommodation would be a positive addition to the mix of development within the City Centre, which includes a range of multi storey buildings containing commercial and residential developments. Open space is to be incorporated within the development with links to the wider areas of open space.

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

7.15 The proposal meets the requirements of Appendix 1.

7.16 Policy 1: High Quality Design and Placemaking - the proposed student accommodation provides a facility within the city centre which would contribute to the range of types and size of development within the area. The design and layout of the building has considered to ensure the building is of a height and massing which integrates with the scale of surrounding buildings. The proposed building has been designed to provide a visually attractive development with a good quality finish which will contribute positively to the character and appearance of the surrounding area. The site layout has been sensitively considered to ensure a high quality frontage is provided onto West Marketgait, and servicing is provided in a safe and accessible location. The proposal will be well connected and have green infrastructure.

7.17 The proposal is in accordance with Policy 1.

- 7.18 **Policy 2: Public Art Contribution** – all developments in Dundee with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.
- 7.19 The applicant states a scheme of public art is to be provided, however full details have not been submitted as part of the application. Therefore, it is recommended that the details and public art project is secured by condition.
- 7.20 **The proposal is in accordance with Policy 2, subject to a condition.**
- 7.21 **Policy 15: Student Accommodation** - states student accommodation will only be supported where:
- 1 it can be suitably demonstrated that a demand exists within the particular area for the level and type of student accommodation proposed;
 - 2 it is within convenient walking distance of the higher education institution to which a need exists and is well connected to local services and facilities; and
 - 3 the design and layout of the proposed development is of a high quality and provides an appropriate level of amenity space, car parking provision, refuse/recycling storage space and secure bike storage facilities.
- 7.22 Following development of new and replacement purpose built student accommodation over the past 10 years, it is considered unlikely that there will be the need over the short to medium term for any significant additions to the existing supply. To ensure that there is not an oversupply of this type of accommodation, proposals will need to demonstrate that there is a need in the area for the accommodation proposed.
- 1 The applicant has submitted a Planning Statement and Student Market Targeting Report in support of the application. The reports provide analysis of the existing student population and student accommodation within the city.
- 7.23 At present, student accommodation within the city comprises University halls of residence, other private halls of residence, rented accommodation/HMO and at home/living with parent accommodation. The percentage of students at city universities which live in private and university accommodation is below the Scottish average. The submitted study considers that the full-time student population within the city has grown, resulting in increased demand for purpose-built student accommodation (PBSA). The report identifies that the 3,819 existing PBSA bed spaces in Dundee provide a current ratio of 4.19 full time students per bed space based on 2018/2019 academic year data where the student population was 16,020 full time students. This means that 23.84% of full time students in Dundee currently have access to PBSA spaces.
- 7.24 The applicant considers this to represent a large demand pool and that with no new build development having planning approval or under construction, that this situation will increase in years to come. The submitted report concludes there is a requirement for a variety of accommodation types in Dundee, and that the purpose built student accommodation available within the city has not increased to reflect the increase in demand. Dundee has a relatively low number of PBSA units when compared with other university towns/cities and the proposed development would contribute positively to the city's student accommodation provision. The applicant's report considers there to be sufficient current and future demand for the proposed 179 bedroom development. The applicant considers that there is a demonstrable need and demand for the proposed PBSA product, and the proposals will complement and improve the existing offer, and not directly compete with the University provided bedspaces.

- 7.25 The submitted assessment provides a detailed analysis of the existing accommodation and growth in the city's student population in recent years. The applicant has demonstrated that there is a demand pool for purpose built student accommodation within the city. The applicant has provided an analysis of the demand for student accommodation within the growing student population. It is recognised that there is likely to be demand for the development of a limited number of student bedrooms and that new development will increase the choice of student accommodation within the city. In this case, it is considered that allowing this scale of development will not result in oversupply of the type of accommodation proposed.
- 7.26 To ensure the development does not change into mainstream residential accommodation without full assessment, and to retain control over the use of the proposed purpose-built student accommodation it is recommended a condition is attached to control the duration of occupancy of the accommodation.
- 2 The site is within walking distance of higher education institutes, with University of Abertay Campus 300 metres to the north east of the site and University of Dundee Campus 300 metres to the south west of the site. The site is connected to each Campus by existing public footpaths.
- 7.27 As the proposed student accommodation is located within the city centre, residents would have access to a range of shops and services within walking distance of the development. The site is also within walking distance of bus stops on Hawkhill and West Marketgait which provide access to services across the city.
- 3 The design of the proposed development is assessed under Policy 1. It is considered the development is of a high-quality design and layout which provide residents with a high standard of residential amenity and access to communal facilities, open spaces, study areas and surrounding services as part of the proposed development. The provision of no on site car parking is acceptable within the city centre where accessible car parks exist, and the proposed refuse/recycling storage space and secure bike storage facilities are appropriate for the number of bedrooms proposed.
- 7.28 At this time two planning applications have been submitted for purpose built student accommodation references 20/00679/FULM and 20/00729/FULM. The applications are not related. The Council has also received Proposal of Application Notices for further purpose built student accommodation developments within the city. Should a number of sites be developed for purpose built student accommodation, there would be concerns that this will result in oversupply and sites sitting vacant for several years until developers can attract funding. To avoid this situation, and to encourage the early implementation of planning permission it is proposed to reduce the normal time limit for implementation of a planning permission from 3 years to 18 months. This allows a reasonable period of time for pre-commencement planning conditions to be agreed and should encourage timely development. With regard to supply, as considered above the present application has demonstrated there is demand for the type and scale of purpose built student accommodation proposed. Any further applications will in accordance with Policy 15 require to demonstrate that there is demand for the level and type of accommodation proposed, and will be considered on their own merits.
- 7.29 **The proposal is in accordance with Policy 15.**
- 7.30 **Policy 36: Flood Risk Management** – states within Low to Medium Risk Areas with a 1 in 1000 to 1 in 200 year annual probability of flooding will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range or where the nature of the development or local circumstances indicates heightened risk. These areas are generally not suitable for essential civil infrastructure. Where such infrastructure must be

located in these areas, it should be capable of remaining operational and accessible during extreme flooding events.

- 7.31 A Flood Risk Assessment has been submitted which considers the proposed development is at little to no risk of flooding from fluvial, coastal or artificial sources and low risk from sewer flooding pluvial and ground water sources.
- 7.32 The flood risk assessment recommends that mitigation measures are implemented during the construction phase to prevent damage to equipment from ground water and ensure a suitable finished floor level is provided. Subject to these recommendations being implemented, the proposed development would not be at risk from flooding, and would not increase the risk of flooding in the surrounding area.
- 7.33 SEPA has been consulted and has no objection to the proposals.
- 7.34 Dundee City Council Engineers support the mitigation measures identified within the Flood Risk Assessment, however the assessment proposes a freeboard of 200mm within the development. A 600mm freeboard is required to comply with Dundee City Council policy. The provision of an updated Flood Risk Assessment which confirms a 600mm freeboard is to be provided, along with Dundee City Council Compliance and Independent Check Certification can be controlled by condition.
- 7.35 Subject to conditions, the proposal would not be at risk from sewer or surface water flooding, and would not increase the risk of flooding at the site or within the surrounding area.
- 7.36 **The proposal is in accordance with Policy 36, subject to conditions.**
- 7.37 **Policy 37: Sustainable Drainage Systems** - surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200 year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.
- 7.38 A Drainage Strategy, including proposed drainage plans and calculations has been submitted following discussions with DCC Engineers and Scottish Water. The drainage strategy includes proposals for on-site storage of surface water with controlled discharge into surrounding watercourses to the east of the site. The proposal is considered acceptable in principle and it has been demonstrated that an acceptable drainage solution can be achieved. Conditions are recommended to ensure that the drainage details as agreed are implemented in the interest of flood protection.
- 7.39 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.40 **Policy 39: Environmental Protection** – all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour,

emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

- 7.41 The site is within the city centre and within close proximity to sources of noise including road traffic on West Marketgait and surrounding commercial premises such as bars and night clubs which may impact upon residential amenity.
- 7.42 The applicant has submitted a Noise Impact Assessment (NIA). With regard to the proposed student accommodation, the NIA identifies a requirement to provide suitable glazing to ensure desired internal noise levels are met and an acceptable level of residential amenity is achieved. The Head of Community Safety and Protection has no objection to the proposal subject to conditions, but does note that enhanced glazing will be required to provide sufficient noise mitigation in relation to noise from traffic and music. As the applicant has not identified a proposed glazing unit for the development, planning conditions are recommended requiring full details of noise mitigations measures be provided to demonstrate compliance with the internal noise levels identified within the NIA.
- 7.43 Further to the provision of an NIA, conditions are recommended to restrict noise levels from electric and mechanical plant, a proposed electrical substation within the site and the hours in which delivery vehicles can service the site to ensure an acceptable level of residential amenity is achieved.
- 7.44 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.45 **Policy 40: Air Quality** states there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.46 The entire City is an Air Quality Management Area (AQMA) for nitrogen dioxide and pollutant particulate matter. An Air Quality Assessment (AQA) has been prepared due to the nature of the development proposed and its location within close proximity to West Marketgait. The AQA indicated that the proposal would introduce people into an area of elevated pollution.
- 7.47 The west façade of the proposed development is within close proximity to West Marketgait. Due to high traffic volumes on West Marketgait, air quality in this location is poor and could have a detrimental impact on health. To ensure residents of the proposed development are provided with a supply of clean air a mechanical ventilation strategy is required. The air inlet will require to be positioned at roof level to the rear of the building to ensure a supply of clean air is provided.
- 7.48 The Head of Community Safety and Protection has been consulted and has requested that the provision of a suitable Mechanical Ventilation Strategy is controlled by condition within any consent granted.
- 7.49 Due to the site's proximity to existing residential and commercial premises, The Head of Community Safety and Protection also recommends a Construction Dust Management Plan as recommended within the applicants Air Quality Report is implemented during construction to ensure dust from the site has no adverse impact on neighbouring dwellings. This will be controlled by condition.
- 7.50 Lastly, the submitted air quality assessment does not fully consider the impact of the proposed development on air quality within the surrounding area. The proposed development would contribute to pollution in the local area as the scale of the proposed building would result in reduced dispersion of air along West Marketgait. The Head of Community Safety and

Protection has requested an amended Air Quality Assessment is provided to demonstrate the impact of the proposed development on local air quality. An appropriate condition is recommended to ensure an updated Air Quality Assessment is submitted to the Council, and any required mitigation measures implemented.

7.51 **Subject to conditions, the proposal satisfies Policy 40.**

7.52 **Policy 41: Land Contamination** – development of potentially contaminated or statutorily identified contaminated land will be considered where:

- 1 a site investigation is submitted establishing the nature and extent of contamination; and
- 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.

7.53 A Preliminary Environmental Risk Assessment has been submitted as part of the application. The Head of Community Safety and Protection has reviewed the report and recommended planning conditions should planning permission be granted. These relate to the completion of the investigation and risk assessment as detailed in the submitted study, and the provision of verification reports to ensure any contamination associated with the site's existing use as a petrol station is addressed prior to any construction works on site.

7.54 **The proposal is in accordance with Policy 41, subject to conditions.**

7.55 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012. The policy also requires site waste management plans be prepared and used during the construction of major developments.

7.56 A bin storage area is provided within the south east of the site, with direct access to a loading area where refuse vehicles will be able to safely remove waste. The proposed bin storage area and associated vehicle access demonstrates that this site can accommodate sufficient space for waste separation and the collection of recyclables. It is recommended the provision of a site waste management plan and its implementation during construction works be controlled by condition.

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

7.58 **Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted with applications that are Major planning applications or are within locations identified within the Scotland's Heat Map or the City's Heat Strategy as close to significant heat supply or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.

7.59 The application site lies out with any existing local district heating network and given the time frame for the development and occupation of the proposed development it is not possible/viable for the development to be linked to the emerging heat network. Notwithstanding this, the type of development proposed with centralised heating facilities in a

city centre location would be suitable for connection to a heat network in future should such infrastructure be progressed.

- 7.60 Consideration has been given to the viability of creating a heat network within the local area. Whilst a connection is not available at present and is currently not viable for the scale of development proposed, plant rooms and a substation are located within the south of the proposed development with direct access onto Johnston Street. Should any future infrastructure be provided within the surrounding area there would be potential for the development to connect into a heat network without any significant on site works being required.
- 7.61 **The proposal is in accordance with Policy 46.**
- 7.62 **Policy 48: Low and Zero Carbon Technology in New Development** - proposals for all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.
- 7.63 A Planning Statement and Heating Statement have been submitted with the application. The statements outline that the proposal has been designed to include energy efficiency measures to reduce heat loss and energy consumption within the building. However, as full details of plant and renewables which are to be included within the development are not yet confirmed, it is not possible for the applicant to provide a detailed Energy Statement.
- 7.64 There is scope for heating and energy production to be provided by sustainable and renewable sources such as solar panels and ground source heat pumps. The provision of a detailed energy statement which demonstrates compliance with the required standards can be controlled by condition.
- 7.65 **Subject to a condition, the proposal would be in accordance with Policy 48.**
- 7.66 **Policy 49: Listed Buildings** states development proposals in close proximity to or within the curtilage of a listed building should have regard to the preservation or enhancement of the setting of the listed building.
- 7.67 The proposed development is of a suitable design, scale and form for this location and respects the scale and form of the adjacent listed buildings on West Marketgait and Johnston Street. West Marketgait provides 30 metres separation between the proposed development and Category A listed Tay Works and Category B Listed Tay Works Calender which is sufficient to ensure there is no detrimental impact on the setting of the listed buildings. Following consultation Historic Environment Scotland has no comments on the proposals. The proposed development is considered to be of an acceptable scale and would reflect the general height of buildings along West Marketgait. The proposed development would have no detrimental impact on the setting of listed buildings which surround the site.
- 7.68 **The proposal is in accordance with Policy 49.**
- 7.69 **Policy 51: Development in Conservation Areas** - states within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the Conservation Area.
- 7.70 The proposal site is not located within a Conservation Area, however the site is bound to the east by the Central Conservation Area and to the west by Blackness Conservation Area.

Conservation areas provide opportunities to introduce good quality modern design and bring together old and new to create an attractive evolving urban landscape. The proposed development is of a high-quality design and would be appropriate to this prominent site which is presently a petrol filling station. The proposal reflects the scale and massing of modern and historic buildings in the surrounding area and is to the enhancement of the character of West Marketgait and surrounding Conservation Areas.

7.71 In this instance, the proposed student accommodation development would have no detrimental impact upon the historic character of Blackness or Central Conservation Areas.

7.72 **The proposal is in accordance with Policy 51.**

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

7.74 Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the Council considers that the development will generate significant travel.

7.75 Walking and cycling routes should be fully useable prior to the first occupation of a new development.

7.76 A Transport Statement and supporting statement have been submitted. The findings of the Transport Statement have been reviewed by Dundee City Council Roads Officers and are accepted.

7.77 In respect of the above Criteria 1-7:

- 1 The proposal would incorporate and be connected to the existing footpath network on West Marketgait and surrounding streets. Bus stops are located within 270m of the site on Hawkhill and West Marketgait and secure cycle storage is proposed within the site in accessible locations. The proposal would be located within the city centre in an

accessible location. The site is within close proximity to sustainable transport infrastructure and connections to surrounding footpaths which help to reduce the reliance on the private car.

- 2 The proposed development will include connections to existing footpaths which provide safe and convenient connections to the wider footpath network within the city centre. Direct pedestrian access is provided onto West Marketgait and cycle storage areas are to be provided within the ground floor of the building. Residents of the proposed development would have access to a bicycle storage area at ground floor level and further cycle storage spaces within open spaces to the north and south elevations of the building. Streets in the vicinity of the development are suitable for use by pedestrians: being lit and being pedestrianised or having footways contiguous to the carriageway. There is a signed cycle route to the south of the site on West Port/South Tay Street, and there are links, including pedestrian crossing which connect the site to Dundee Green Circular at Riverside Drive.
- 3 The site is well served by public transport, with bus stops on West Marketgait, Hawkhill and Ward Road within 270 metres of the application site. These stops are served by frequent services to Blairgowrie, Ninewells and Douglas. Dundee railway station is 650 metres to the south of site.
- 4 A Transport Statement has been submitted as part of the application and following review by DCC Roads Engineers the findings of the Assessment have been accepted. Up to 103 trips would be made to the proposed development per day. Due to the site's city centre location all of these trips can be made by sustainable transport options including public transport, cycling and on foot. The provision of no on-site parking is consistent with city centre developments in the surrounding area and would not impact upon the parking needs of the local area or existing public parking provision. There are a number of multi storey public car parks in the surrounding area including at Bell Street and Overgate which are within walking distance of the site. The proposed service access for delivery and refuse vehicles provides safe off street access for service vehicles. The form and layout of the development ensures the proposal would have no detrimental effect on the capacity or safe functioning of the existing road or rail networks.
- 5 Within the south east of the site, space is provided for the loading and unloading of service vehicles, road freight and waste management vehicles. The proposed provision is safe and accessible.
- 6 The proposal meets DCC standards and conditions are recommended to ensure that details are submitted to and agreed by the Council as Planning and as Roads Authority.
- 7 The Transport Statement contains a summary of local public transport provision in support of the proposals, which demonstrate the proposal would be accessible and would not generate a significant travel requirement. In support of the use of sustainable transport options, it is recommended the provision of a detailed Travel Plan to residents of the proposed development is controlled by condition.

7.78 It is considered that appropriate sustainable travel methods are included within the development. Bus stops are located within 270 metres of the site and existing footpaths provide access to surrounding city centre shops and services.

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

7.80 **Policy 56: Parking** – states for developments within the city centre residential parking is permissible where this is in compliance with the standards indicated in Appendix 4. All new

residential developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards. Publicly accessible cycle parking should be provided at new commercial buildings or alternatively may be the subject of developer contributions for the provision of shared facilities in a nearby public location.

- 7.81 The proposal does not include provision for resident or visitor parking. As considered under Policy 54, due to the sites city centre location the provision of no on site parking is acceptable and there is existing parking provision within the surrounding area to facilitate the proposed development.
- 7.82 The proposal would include 82 cycle spaces, comprising 38 secure internal cycle parking spaces and a further 44 covered cycle parking spaces within publicly accessible locations. The provision of 82 parking spaces would meet Dundee City Councils road standards, however full details of the type and form of cycle storage have not been confirmed by the applicant. It is recommended a condition be attached to any permission granted that full details of the secure and covered cycle storage to be provided.
- 7.83 **The proposal is in accordance with Policy 56, subject to conditions.**
- 7.84 **It is concluded that the proposal is in accordance with the Development Plan.**

STATUTORY DUTY

- 7.85 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**
- 7.86 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they possess.
- 7.87 Section 64 of the Act requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.
- 7.88 These matters have been considered in the assessment of the proposed development under policies 49 and 51 of the Dundee Local Development Plan 2019. It was concluded that the proposed development would have no detrimental impact on the character or setting of listed buildings within the surrounding area, including Category A listed Tay Mill immediately to the west of the site.
- 7.89 The proposed building is of a design and form which would contribute positively to the character of the local streetscape and would have no detrimental impact on the Central Conservation Area or Blackness Conservation Area through a sensitive site layout and incorporation of materials which reflect the sites setting. The proposals would therefore result in a development which is to the enhancement of the character and setting of the neighbouring Conservation Areas.
- 7.90 It is considered that the application discharges the statutory duties as set out above.

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

7.92 In total 4 letters were received objecting to the proposal. The objections raised the following valid material grounds:

- detrimental visual impact by virtue of scale and design, with the proposed development being of a greater scale than the previously approved residential development at this site (reference 18/00798/FULL). This results in visual and overshadowing impacts on the neighbouring development of student residences to the east;
- detrimental impacts associated with increased traffic and noise;
- proposals within an area where student accommodation already exists, alternative sites would provide more appropriate locations; and
- the proposed development does not provide sufficient cycle parking and is therefore contrary to Policy 56. The initially proposed 22 cycle parking spaces for 179 student bedrooms would not support the use of sustainable transport options, it is proposed that 100% cycle parking be provided.

The grounds of objection are considered and assessed as follows:

7.93 **Objection** – the proposed development would have a detrimental visual impact on neighbouring buildings by virtue of scale and design, with the proposed development being of a greater scale than the previously approved residential development at this site reference (reference 18/00798/FULL). This results in visual and overshadowing impacts on the neighbouring development of student residences to the east of the site.

7.94 **Response** – the proposed eight storey building is up to 25 metres in height, and would be in a prominent position on West Marketgait. The building is within an area of the city centre which is characterised by multi storey buildings surrounded by public footpaths and roads. The proposed development would contribute to, and retain this character through the addition of a multi storey building finished in high quality materials which are in keeping with surrounding developments. There are a variety of building types within the surrounding area which contribute positively to the character and setting of the surrounding area.

7.95 The size, scale and form of the proposed development is considered within the assessment of Policy 1. The proposed building is 1.5 metres higher than the previously approved building to the north elevation and 2 metres higher to the west elevation. The massing of the proposed building is also slightly greater than the previously approved building as there is more accommodation proposed on the eighth floor on the west elevation. However, the proposals would not be significantly higher than the previously approved building and would not overdevelop the site. The applicant has provided a range of application drawings, including elevations and site graphics which illustrate that the building will sensitively integrate into the site. The proposed building would result in a low level of overshadowing in the evening periods to the east of the site, where a bin storage area, parking area and amenity space associated with a neighbouring development of student accommodation are located. Due to the position of the amenity space and proximity to existing buildings the area is overshadowed at present for much of the day. The proposed development would result in a low level of overshadowing in the evening periods within the west of the amenity space. However, the level of additional

overshadowing related to the proposed development would not be significant and would not have any significant detrimental impact on the usability of the existing amenity space.

- 7.96 **Objection** – the proposed development would have a detrimental impact on the surrounding area by virtue of increased traffic and noise.
- 7.97 **Response** – the proposed student accommodation would be located within the city centre area, on the site of a 24 hour petrol station. The proposed use would generate a level of noise which is in keeping with residential development of this type, and which are present in the surrounding area. To ensure noise from plant and mechanical equipment and delivery vehicles at the site does not impact upon amenity, it is recommended conditions are attached to any consent granted to control noise and delivery hours. Subject to conditions, the proposed student accommodation would not result in a level of noise which would be detrimental to the amenity of residents or visitors within accommodation in the surrounding area.
- 7.98 With regard to traffic, as considered under Policy 54 the site is within a highly accessible location within the city centre. The applicant has provided a transport statement which demonstrates the proposed development would not have any detrimental impact on the surrounding road network. To promote and encourage the use of sustainable transport such as cycling and car sharing, it is recommended the implementation of a Travel Plan as part of the development is controlled by condition.
- 7.99 **Objection** – the proposed student accommodation is within an area where student accommodation already exists, alternative sites would provide more appropriate locations.
- 7.100 **Response** – the applicant has provided a planning statement and an assessment of student accommodation in support of the application. These reports, and the demand for further student accommodation are considered under Policy 15 of the Local Development Plan. Each application is considered on its own merits, and supporting information is required to demonstrate there is a demand for further student accommodation within the city.
- 7.101 The applicant has provided supporting information which demonstrates there is suitable demand for further purpose-built student accommodation in this location, of the type and form proposed. The site, within the city centre is within an accessible location and within a convenient distance of higher education institutions. The proposed development would provide for an area of the market where there is capacity for additional accommodation.
- 7.102 **Objection** – the proposed development does not provide sufficient cycle parking and is therefore contrary to Policy 56. The initially proposed 22 cycle parking spaces for 179 student bedrooms would not support the use of sustainable transport options, it is proposed that 100% cycle parking be provided.
- 7.103 **Response** – the applicant has reviewed the proposed cycle provision during consideration of the application and submitted amended plans illustrating 82 cycle spaces are to be provided. This comprises 38 secure internal cycle parking spaces and a further 44 covered cycle parking spaces within publicly accessible locations. The provision of 82 parking spaces would meet Dundee City Councils road standards, however as considered under Policy 56 full details of the type and form of cycle storage have not been confirmed by the applicant. It is recommended a condition be attached to any permission granted that full details of the secure and covered cycle storage are provided.
- 7.104 One Neutral representation was received from Dundee Civic Trust.

- 7.105 **Comments** - the proposal is of an appropriate scale and design for this site, but the roof top plant and equipment should be designed to be integrated with the general design of the building. It is noted that a number of applications have been submitted in recent months for student accommodation in the West Marketgait area, it is requested that the Council should be proactive in considering other uses in this important street.
- 7.106 **Response** – comments in relation to scale and design are acknowledged and full consideration of these elements can be found under Policy 1 within the main body of this report. With regard to plant and equipment the applicant has provided details of screening which will be provided around a plant area on the roof of the proposed development. This would ensure views of rooftop plant such as air intakes and extraction units are restricted. Each application for student accommodation requires to be considered on its own merits, against the relevant requirements of the local development plan. Planning applications for student accommodation will be assessed against the relevant requirements of the Local Development Plan, including Policy 15. Applicants will require to demonstrate there is both demand for the proposed accommodation and that the development is within a suitable location. In this instance, the proposed development has demonstrated compliance with requirements of the local development plan.
- 7.107 **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 a development of purpose built student accommodation is in accordance with the Development Plan. There are no material considerations of sufficient weight that would 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 conditions:
- 1 **Condition** - prior to the commencement of any construction works, the further investigation and risk assessment proposed in the submitted Generic Quantitative Risk Assessment report shall be completed and, if necessary; a remediation scheme to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with contamination to include:
 - 1 the nature, extent and type(s) of contamination on the site;
 - 2 measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - 3 measures to deal with contamination during construction works; and
 - 4 verification of the condition of the site on completion of decontamination measures.
- Reason** – in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 2 **Condition** - before any unit is occupied the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

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

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

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

- 4 **Condition** – prior to the commencement of any construction works, a scheme of landscaping and associated maintenance schedule shall be submitted to and approved by the Council. Thereafter, the agreed landscaping shall be implemented prior to first occupation of the student accommodation. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

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

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

Reason - in the interests of sustainable drainage provision and flood protection.

- 6 **Condition** – prior to the commencement of any construction works, an amended Flood Risk Assessment and shall be prepared and submitted to the Council for written approval along with signed Dundee City Council Compliance and Independent Check Certification. The amended flood risk assessment shall demonstrate 600mm freeboard is to be provided. Thereafter, any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to occupation of the development

Reason - in the interests of flood protection.

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

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

- 8 **Condition** – prior to the commencement of any construction works, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

Reason - in the interests of flood protection.

- 9 **Condition** – the total noise from the electrical substation shall not exceed Noise Rating (NR) 20 during night time hours, when measured internally (with windows closed for the purpose of the assessment) within the proposed new development. For the avoidance of doubt, night time hours are from 23:00 to 07:00 hours.

Reason - in the interests of protecting residential amenity.

- 10 **Condition** – all deliveries to and servicing of, including loading, unloading or lay-up, the commercial units shall only be permitted between 07.00 to 21.00 hours Monday to Saturday, and 09.00 to 18.00 hours on a Sunday.

Reason - in the interests of protecting residential amenity.

- 11 **Condition** - the total noise from the mechanical and electrical plant/services shall not exceed NR45, during daytime, and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property. NR45 is applicable for the period 07:00 to 23:00 hours and NR35 and NR25 are applicable for 23:00 to 07:00 hours.

Reason - in the interests of protecting residential amenity.

- 12 **Condition** - prior to first occupation of the student accommodation, details demonstrating means for compliance with the internal noise criteria set within Section 7 of BS8233:2014, within all habitable rooms and with windows closed, shall be submitted to the Council for written approval. For avoidance of doubt, the noise level criteria are 35dB LAeq (16 hour) for bedrooms and other habitable rooms for daytime periods (07:00 to 23:00 hours), 30dB LAeq (8hour) for bedrooms during night-time periods (23:00 to 07:00 hours) and 55dB LAeq (16 hour) for external amenity areas for daytime periods (07:00 to 23:00 hours). Any works will be detailed in writing prior to the commencement of development on site for approval in writing by the Council and will be in place and operational prior to the first occupation of the hereby approved student accommodation. If relying on closed windows to meet the guide values, there needs to be an appropriate alternative means of ventilation that does not compromise the façade insulation or the resulting noise level.

Reason - in the interests of protecting residential amenity.

- 13 **Condition** - prior to first occupation of the student accommodation, details demonstrating that music from the adjacent licensed premises is so controlled as to be inaudible within all habitable rooms of the proposed student accommodation shall be submitted to the Council for written approval.

Reason - in the interests of protecting residential amenity.

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

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

- 15 **Condition** – prior to the commencement of any works on site, a construction dust management plan shall be submitted to the Council for written approval. Thereafter, the agreed dust management plan shall be implemented during construction of the development hereby approved.

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

- 16 **Condition** – prior to the commencement of any construction works, an amended Air Quality Assessment shall be submitted to the Council for approval. The report shall identify any mitigating measures required to protect the amenity of any future residents of this development, and the impact of the proposed development on the existing Air Quality hotspot area. Thereafter, and prior to first occupation of the student accommodation hereby approved, any mitigation measures recommended by the Air Quality Assessment shall be implemented in full.

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

- 17 **Condition** - prior to commencement of any construction works, details of the proposed alternative means of ventilation/any proposed mechanical ventilation system(s) for the residential dwelling units and ground floor residential amenity area, including the location of the air intake(s), requires to be submitted to the Planning Authority for approval

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

- 18 **Condition** – prior to the commencement of any construction works, full details of the proposed covered and secure cycle parking shall be submitted to the Planning Authority for approval. Thereafter, the cycle parking shall be installed as the agreed details prior to opening of the development.

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

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

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

- 20 **Condition** - details of the proposed vehicle access on Johnston Street including proposed road markings must be agreed prior to any construction works on site and the accesses must be formed and constructed to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 21 **Condition** - the proposed boundary wall at the Johnston Street egress must be lowered to 1 metre above the footway level for a distance of 2.4 metres into the access road.

Reason - in the interests of vehicle and pedestrian safety.

- 22 **Condition** - details of alterations to footways, existing road signs/equipment and street lighting ex adverso the site on Ward Road, West Marketgait, South Ward Road and Johnston Street must be agreed prior to any construction works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 23 **Condition** - any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any construction works on site.

Reason - in the interests of vehicle and pedestrian safety

- 24 **Condition** - the hard surface within the site should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason - to ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.

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

Reason – to retain control over use of the property.

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

Reason – in the interest of sustainable waste management.

- 27 **Condition** - the development hereby permitted shall be commenced within 18 months of the date of this permission.

Reason - To ensure the timeous commencement of development and in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative - a Minor Footway Works (MW) application (found via the following link on DCC website: <http://www.dundee.gov.uk/citydevelopment/vehicularaccess>) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway. For further details please contact 01382 433341 or developmentroads@dundee.gov.uk