

Mixed Use Development of Commercial Units and Purpose Built Student Accommodation, 63 Brown Street

KEY INFORMATION

Ward West End

Address
63 Brown Street, Dundee

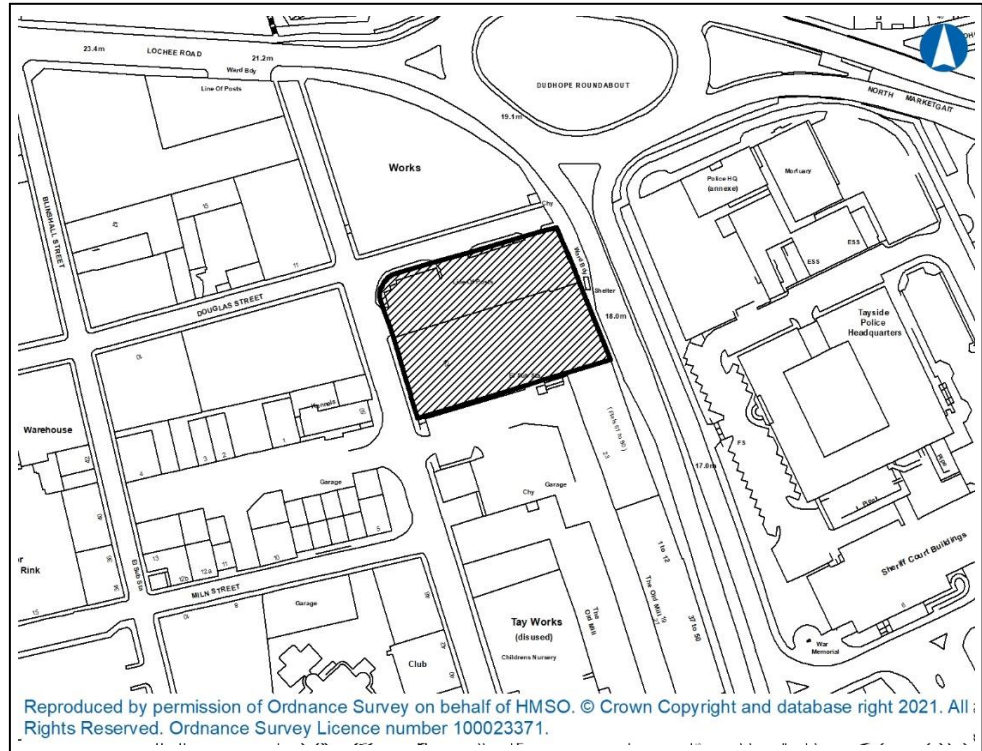
Applicant
Gylemuir (Brown)
Limited/Total Business
Furniture Limited

Agent
Chris Wright
Scott Hobbs Planning
24A Stafford Street
Edinburgh

Registered 12 Nov 2020

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the erection of a mixed-use development comprising commercial spaces within the ground floor and purpose-built student accommodation on upper floors comprising 361 bedrooms with associated amenity space, landscaping and access.
- The application does not fully accord with Policy 5 of the Development Plan. However, there are material considerations which support the approval of planning permission.
- In total, 2 letters were received objecting to the proposal, including letters from Dundee Cycling Forum and West End Community Council. The letters of objection raise concerns with cycle parking provision and sustainable transport infrastructure. A letter of support was received from Dundee Civic Trust.
- Supporting information including a Student Accommodation Demand and Supply Report, Design 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=summary&keyVal=QJLBFQGCL0U00>

RECOMMENDATION

The proposal does not fully comply with the Development Plan. However, 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 erection of a mixed-use development comprising 5 commercial spaces on the ground floor and a development of purpose-built student accommodation on upper floors. The purpose built student accommodation would provide 361 bed spaces within 121 single studios, 34 twin studios, 60 four bed flats, 50 five bed flats, and 96 six bed flats.
- 1.2 The proposal would include the demolition of the existing building, with the existing stone facades onto West Marketgait and Brown Street being retained. Within the site it is proposed to erect a seven-storey building with associated landscaping and amenity spaces. The building has been designed to provide an active frontage onto surrounding streets, with the main entrance and reception towards the north elevation onto Brown Street and commercial units with entrances towards the north elevation and centre of the site. The design of the building would be based on a “H” shaped plan form, with the main body of the building within the east and west of the site. The form of the building provides a set back from Brown Street reflecting the existing open nature of the existing building on site, and provides separation between the proposed building and Category A listed Tay Mills to the south. The space within the south of the site provides for an enclosed amenity space within the centre of the development. The proposed building is of a modern appearance in terms of design, with finish materials to include natural stone, light brick, standing seam cladding and sections of glazing. To the ground floor finishes primarily comprise of glazing to the north elevation with retained stone facades to the east and west elevation. Upper floors are to be finished in natural stone and light brickwork from first floor level to the sixth floor, with the seventh floor to be finished in dark grey standing seam cladding.
- 1.3 The proposals would include 5 commercial units for use within Class 1, 2, 3 or 4 on the ground floor, and reception and main access to the student accommodation. The first to fourth floors contain a mix of student accommodation within four, five and six bedroom flatted units and individual and double studio accommodation. Within the fifth floor are further student accommodation in the form of flats and studios is proposed, with communal lounge area. On the sixth floor are individual studios of varying sizes with views towards Brown Street and West Marketgait. The proposals would provide a total of 361 bedrooms, comprising 121 single studios, 34 twin studios, 60 four bed flats, 50 five bed flats, and 96 six bed flats. The flatted units include individual bedrooms and a shared living/kitchen area. The studio units contain a living / bedroom area with kitchen facilities and study area and an en-suite bathroom contain a bed, study and kitchen space within a single unit.
- 1.4 Externally, within the north of the site vehicle parking spaces and landscaping are proposed. The parking spaces would be accessed via an existing vehicle access onto Brown Street, where 18 parking spaces and a cycle storage area will be provided. Trees are proposed to the site’s north boundary with Douglas Street and the parking area would be formed with a range of paving surfaces. Within the south of the site an external amenity area is proposed at ground floor and first floor levels with planting and paving. Within the south west of the site a bin storage area is to be provided, with existing on street parking spaces to be utilised by service and delivery vehicles.
- 1.5 The applicant has submitted the following in support of the application:
- Planning Statement;
 - Pre-Application Consultation Report;
 - Design and Access Statement;
 - Geo-Environmental Risk Assessment Report,
 - Heat Network Statement;

- Transport Statement;
- Flood Risk Assessment;
- Student Accommodation Demand and Supply Report;
- Air Quality Assessment; and
- Heritage Statement.



Figure 1 – Proposed Images

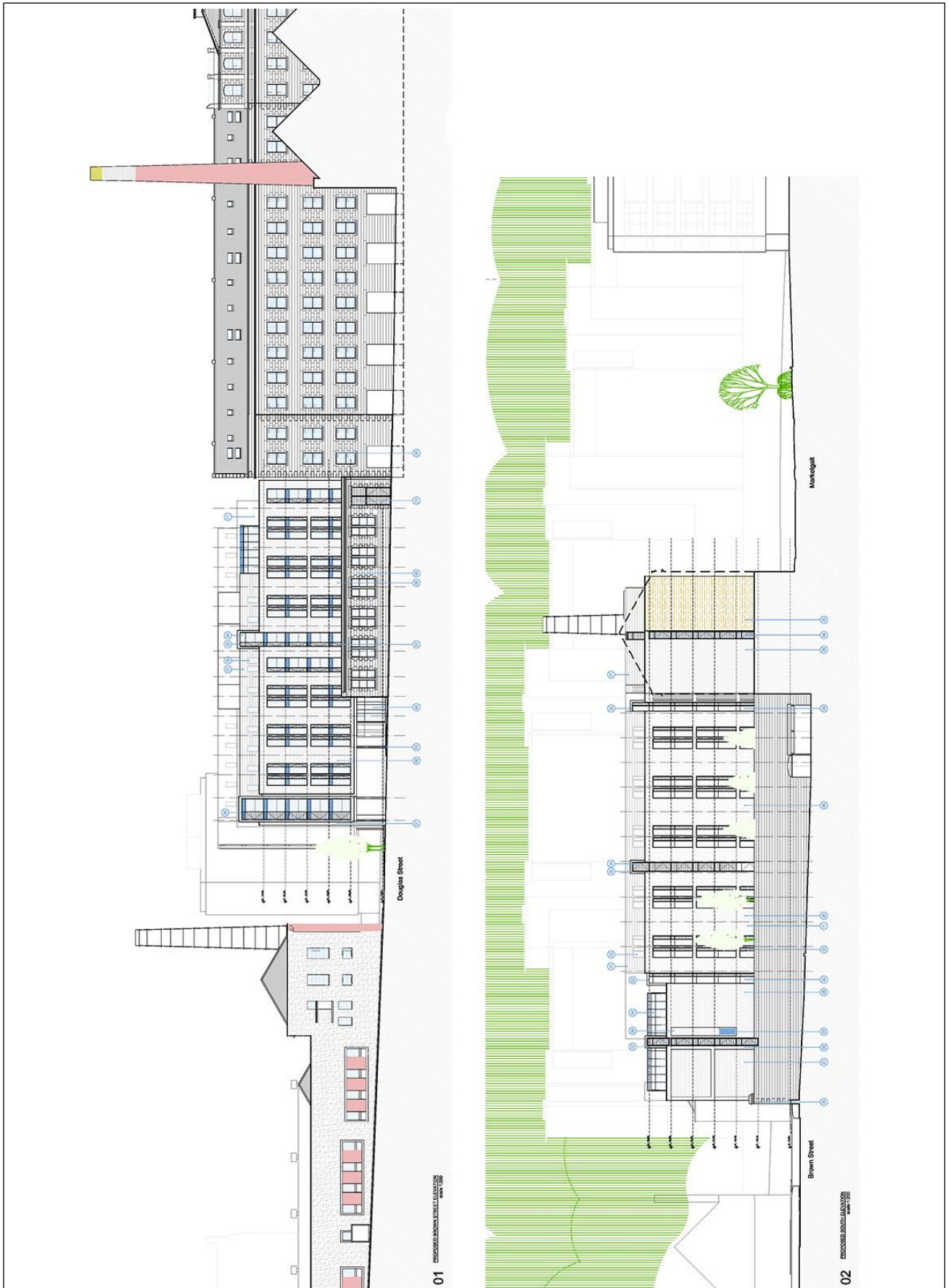


Figure 2 – Proposed Elevations

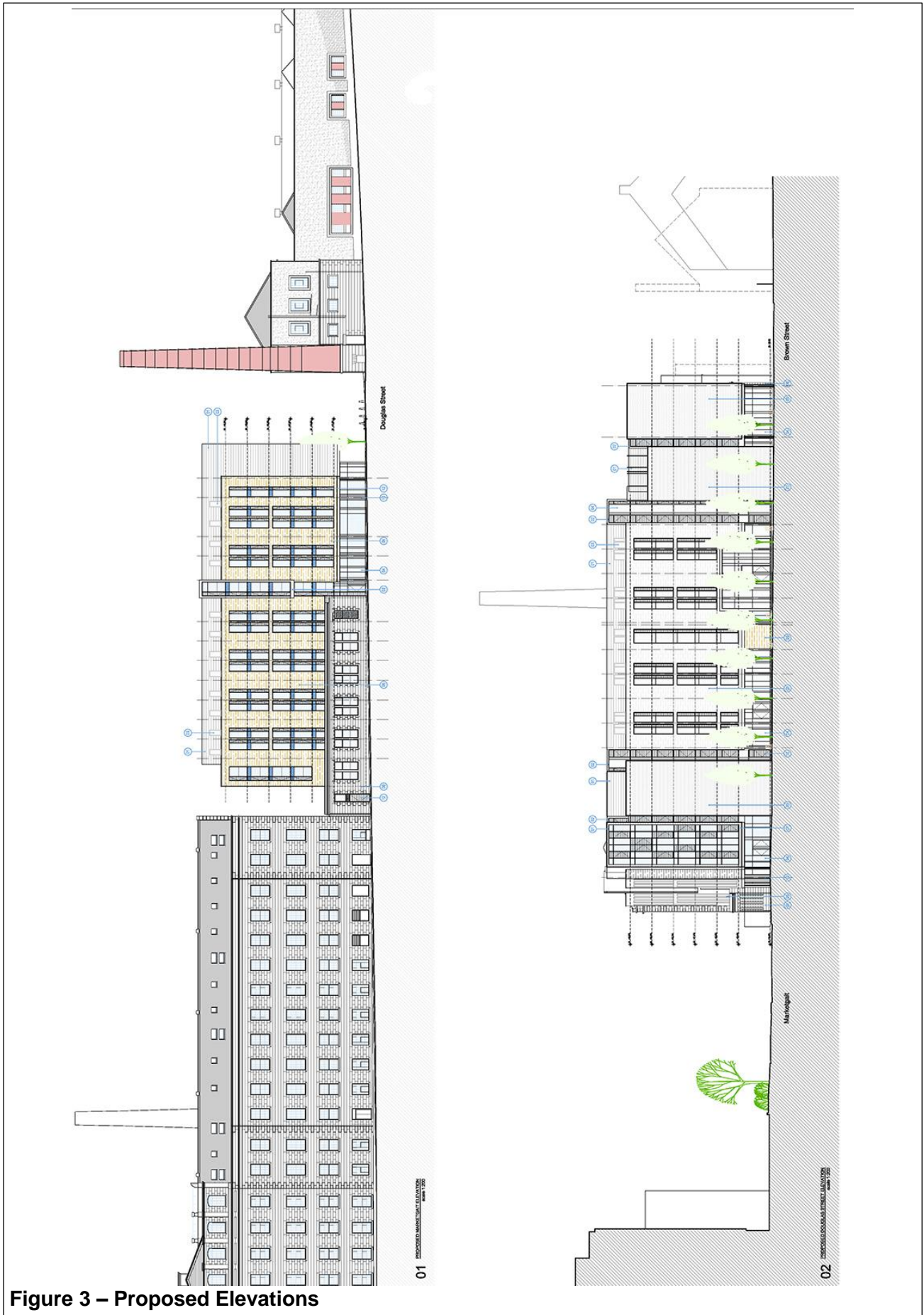


Figure 3 – Proposed Elevations



Figure 4 – Proposed Site Plan

2 SITE DESCRIPTION

- 2.1 The application site relates to 63 Brown Street, a single storey building which contains commercial units with uses including a veterinary surgery and offices.
- 2.2 The existing building, located within the south of the site is of a traditional industrial appearance with natural stone walls and slate roof with roof lights. The building is in a prominent location being clearly visible from West Marketgait and Dudhope Roundabout. The north, east and west elevations of the building contain windows and access doors. The south wall of the building defines the sites south boundary.
- 2.3 The site is accessed from Douglas Street via Brown Street. The property is served by a parking area to the north of the building. The site can also be accessed on foot and by public transport from West Marketgait. The site is bound by a range of uses including industrial and commercial properties to the west, and Locarno Works to the north. To the east of the site is Police Scotland Tayside Headquarters and to the south is Category A listed Tay Mill.
- 2.4 The site is contained within the Blackness Conservation Area and Blackness General Economic Development Area, with a range of industrial uses within the vicinity. The existing building is not listed, however immediately to the south of the site is Tay Mill, a Category A Listed building.



Figure 5 – View of Site from Brown Street



Figure 6 – View of Site from Brown Street towards West Marketgait

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 5: General Economic Development Area

Proposal 1: Blackness Regeneration

Policy 15: Student Accommodation

Policy 21: Town Centres First Principle

Policy 34: Protected Species

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 The following Statutory Statements of Council Policy are relevant to this application:

3.3 Blackness Business Place Plan

3.4 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 18/00298/FULL for a change of use of a furniture show room to a veterinary surgery was approved in June 2018.

4.2 Proposal of application notice 20/00256/PAN for the erection of purpose-built student accommodation with commercial uses at ground floor was submitted in June 2020.

4.3 An application for conservation area consent 20/00730/CON for substantial demolition in a conservation area was submitted in November 2020.

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 2 letters of objection were received, including representations from Dundee Cycling Forum and West End Community Council, raising the following material considerations:
- the proposed student accommodation does not provide sufficient amenity space for residents, further space should be provided.
 - the surrounding footpath and road network do not include suitable, safe crossing points for pedestrians and cyclists. It is recommended new crossings are provided on surrounding roads including Lochee Road and West Marketgait.
 - the proposed development does not provide sufficient cycle parking and is therefore contrary to Local Plan Policy. The initially proposed 24 spaces for visitor cycle parking, and 39 wall-mounted racks for residents, for a 361 bedrooms development would not support the use of sustainable transport options, and the type of cycle storage proposed is not indoor or secured.
- 5.3 One letter of support was received from Dundee Civic Trust. The Trust considers this development would contribute to the regeneration of Blackness. It is recommended that consideration is given to removal of existing parking on Douglas street and that landscaping be provided across the street to create an attractive entrance into the Blackness area.
- 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 no objection to the application but 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, conditions are recommended requiring full details of a whole house ventilation system and the proposed heating system are provided.
- Contaminated Land** – a preliminary risk assessment has been submitted and reviewed. Conditions are recommended should planning permission be granted.
- Noise** – due to the site’s location within close proximity to a range of uses including a dual carriageway and businesses within Blackness 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 objection to 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 commercial units and purpose-built student accommodation would be located on the edge of 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 within 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 and provision of strong and distinct frontages onto surrounding streets including West Marketgait. The proposal would facilitate the continued use of a brownfield site within a Conservation Area 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 Brown Street and 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, maintaining the height and massing of buildings on West Marketgait and Brown Street. The proposed building would be 1.2 metres higher than the eave height, and 0.7 metres lower than the ridge height of the Category A listed Tay Mill to the south. 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 an external amenity area towards the south elevation of the building on the fifth floor would provide visual interest and useable amenity spaces for residents. The location and height of the amenity space 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 and Brown Street is essential to ensure the proposals contribute positively to the local streetscape and maintain the character of neighbouring listed building. The applicant has proposed materials including natural stone and brick 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 natural stone and cladding 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 commercial units, a reception area and access to the upper floors which are accessible from Douglas Street, ensuring an active street frontage. Towards the rear of the building areas including open space and servicing areas 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 900 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 single storey building which would be demolished, with only the east and west facades being retained. The existing building is not of significant merit; however, it is of a form and appearance which reflects the historic character of Blackness and surrounding buildings. The retention of the stone facades would ensure the traditional appearance of the ground floor frontages are retained and supports the integration of the proposed building into the wider streetscape. As discussed above, high quality materials are proposed and the building would be of a form and finish which contributes positively to the local streetscape. The proposed building is of a height and form, with separation provided between the rear elevation and Category A listed Tay Mills to ensure there would be 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 car park. 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 and Access Statement has been submitted which addresses the design, access and development concepts of the proposed commercial and student accommodation

development. The building would be seven storeys in height towards the centre of the site and east elevation, and six storeys on the west elevation. The building would be finished in a range of modern materials, with materials and colours to reflect buildings within the surrounding area. The variety and form of finish materials will contribute positively to and add interest to the development. It is proposed to provide an enclosed landscaped courtyard within the south of the site which will incorporate hard and soft planting. The existing vehicle accesses from Brown Street will be retained and provide access to parking spaces within the site. The proposal responds positively and sensitively to the character of the area and maintains the established density of development in this central location.

Safe and Pleasant – the commercial units and student accommodation is to be sited in a prominent location on the west side of West Marketgait. The site is bound by public roads and footpaths to the north, east and west, with an existing student accommodation development to the north 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 north, east and west of the site, ensuring sensitive integration into surrounding area. This provides access to open space out with the site and public transport links within the surrounding area, including bus stops on West Marketgait, Court House Square and Lochee Road all within walking distance of the proposed development. Access for staff, visitor and service vehicles is to be taken from Brown Street. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – the proposal would provide a prominent frontage onto surrounding streets including Douglas Street, with main entrance and reception 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 commercial units and associated parking spaces. The proposed development would replace the existing single storey building, with the east and west facades only being retained. The proposed development of commercial units and student accommodation would be a positive addition to the mix of development within Blackness, which includes a range of multi storey buildings containing commercial and office 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 has 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 - the proposed development of commercial units and student accommodation provides a facility which would contribute to the range of types and size of development within Blackness. The design and layout of the building has been sensitively considered to ensure the building is of a height and massing which integrates with the scale of surrounding buildings. The proposed building has been designed to provide a visually attractive development with a high-quality finish which will contribute positively to the character and appearance of the surrounding area. The site layout has been sensitively considered to ensure a high-quality

frontage is provided onto surrounding streets, and that the character and setting of Tay Mills is protected. 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 5: General Economic Development Areas** states that in areas designated as General Economic Development Areas, proposals for Class 4, 5 and 6 developments will be supported. Other uses of a wider industrial nature such as car showrooms, wholesaling and scrap yards may be permitted provided;

- 1 there is no detrimental impact on neighbouring uses and local residential amenity;
- 2 there is no unacceptable traffic impact; and
- 3 the scale of development is appropriate to the size and location of the site.

Other uses within these areas will not be supported.

7.22 The proposal includes commercial units within Class 1, 2 3 and 4 on the ground floor, and student accommodation (Sui Generis) on upper floors. Whilst the proposals include an element of Class 4 use, the proposed development includes a range of uses which are not supported by Policy 5 and are not of a wider industrial nature. The proposal is for a use which does not comply with the terms of this policy.

7.23 **The proposal fails to accord with Policy 5.**

7.24 **Proposal 1: Blackness Regeneration's** purpose is to highlight the potential to reuse vacant land and buildings within the Blackness General Economic Development Area and set a framework for physical improvements the City Council will prepare a design framework. This will identify and support the development of appropriate complementary uses within the Blackness area such as creative industry workspaces; social and cultural uses; shared work hubs; live-work units; micro-businesses; wholesaling; and ancillary retail sales.

7.25 All proposals for development will be considered against the approved design framework, and must demonstrate how the development will support the regeneration of Blackness. In order to safeguard the objectives of the design framework the City Council may impose planning conditions removing the right to change between Use Classes. Whilst this proposal encourages new development within the Blackness General Economic Development Area this must not prevent the operation or expansion of the existing employment uses.

7.26 The vision for the future of the Blackness GEDA is to create a vibrant mixed-use area, consisting of compatible and complementary uses that create a successful place to invest, work, live and visit. The proposed development comprises the re-provision of commercial units within the ground floor and purpose-built student accommodation on the upper floors.

The commercial units within the ground floor would be in keeping with the existing use of the site.

- 7.27 Whilst Class 1, 2 and 3 uses are not supported by Policy 5 as above, the proposals would maintain the established character of commercial development in this location, in an accessible location on the edge of the city centre. The Blackness Business Place Plan identifies the site as being within an area where there is presently a mixed-use character, and that there is scope for Use Classes 1, 3 and 4 to be supported. The proposed development would reflect this and contribute positively to the character and appearance of Brown Street and Douglas Street.
- 7.28 With regard to student accommodation, whilst purpose-built student accommodation is not a use directly supported within the Framework, other types of residential development such as flats at upper floor levels is supported. The type and nature of student accommodation proposed is of a similar character to flatted accommodation, and the applicant has provided information to demonstrate that should a change of use to residential be proposed in future the building can be adapted to satisfy the relevant standards for mainstream residential accommodation.
- 7.29 The type of accommodation proposed would be appropriate in this location, being within close proximity to existing student accommodation of a similar nature and within proximity to the university campuses. The proposal would also re-provide commercial space in Blackness, and the provision of a new build development of student accommodation would contribute positively to the character and appearance of Brown Street. The increased footfall within the area would support the use of surrounding services leading to further footfall and development within the wider area.
- 7.30 In this instance, the provision of purpose-built student accommodation together with the ground floor commercial space within Blackness is appropriate and would contribute towards the aims of the Blackness Business Place Plan in creating a welcoming, safe, vibrant and active place, while supporting investment, business development, and employment, potentially stimulating further economic development within the Plan area.
- 7.31 **The proposal is in accordance with Proposal 1 and supports the vision and aims of the Blackness Business Place Plan.**
- 7.32 **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.
- 7.33 Following development of new and replacement purpose built student accommodation over the past ten years, it is considered unlikely that there will be the need over the short to medium term for any significant additions to the existing supply. To ensure that there is not an oversupply of this type of accommodation, proposals will need to demonstrate that there is a need in the area for the accommodation proposed.

- 1 The applicant has submitted a Student Demand and Supply Report in support of the application. The report provides analysis of the existing student population and student accommodation within the city.
- 7.34 The study considers that the full-time student population within the city has grown to over 16,000 in the past five years. Whilst there has been growth in the city's student population, resulting in increased demand for purpose-built student accommodation, this demand is not being met with no new build development having planning approval or under construction. At present, student accommodation within the city comprises University halls of residence, other private halls of residence, rented accommodation/HMO and at home/living with parent accommodation. The percentage of students at city universities which live in private and university accommodation is below the Scottish average.
 - 7.35 The applicant considers this to reflect a current reliance on types of accommodation other than private sector and university owned accommodation. The report considers there are at least 3,500 full time students who may require purpose-built accommodation but are unable to access it in the city. As 97% of the existing purpose-built student accommodation is also 5 or more years old, there is considered to be demand for new, modern accommodation to attract students to the city.
 - 7.36 The applicant's report considers there to be sufficient demand for the proposed 361 bedroom development to provide new build, accessible purpose-built student accommodation within the city. The report highlights that the city's student population is growing, and that this has resulted in a demand being created for student accommodation as proposed.
 - 7.37 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 for purpose-built student accommodation within the city.
 - 7.38 The submitted report demonstrates there is an increasing number of students within the city who may require purpose-built student accommodation. The report demonstrates that whilst there is some demand within the growing student population, the demand is limited. The applicant has not provided a detailed analysis of the actual demand for purpose built student accommodation within the growing student population. However, 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.
 - 7.39 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 east of the site and University of Dundee Campus 400 metres to the south of the site. The site is connected to each Campus by existing public footpaths.
- 7.40 As the proposed student accommodation is located on the edge of 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 Lochee Road 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 open spaces, study areas and surrounding services as part of the proposed development. The level of, car parking provision, refuse/recycling storage space and secure bike storage facilities are appropriate for the number of bedrooms proposed.

7.41 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.

7.42 **The proposal is in accordance with Policy 15.**

7.43 **Policy 21 (Town Centres First Principle)** - states all new or expanded uses that will generate significant footfall should be located in the City Centre or a District Centre.

7.44 The proposals comprise a development of 5 small scale commercial units for use within Use Class 1, 2, 3 or 4 and purpose-built student accommodation, associated amenity spaces and accesses onto surrounding streets. Whilst these facilities could generate footfall, and the site is outwith (but adjacent to) the City Centre boundary, they would help support the role and function of the Blackness Business Place as explained above. Additionally, it is relevant to note that there are existing commercial premises on the site at present and the proposed commercial units would replace those. The site is located in an accessible location, and whilst not within the city centre area it is sited on the immediate edge of the city centre and is subject to passing pedestrian and vehicular traffic. The proposed development would provide an accessible and well-connected development within an established commercial site which has no detrimental impact on the vibrance and vitality of the city centre.

7.45 **The proposal is generally in accordance with Policy 21.**

7.46 **Policy 34: Protected Species** - states development proposals which are likely to have a significant effect on a European protected species will not be supported unless:

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

7.47 Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported. Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported

unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.

- 7.48 Due to the age and traditional construction of the existing building, there is potential for bats to be roosting within the site. The applicant has submitted a Bat Roosting Potential Survey and Subsequent Bat Presence/Absence Survey.
- 7.49 The Bat Roosting Potential Survey did confirm that the application site contains areas where bats could roost, and that bats could be present within the building. The applicant therefore undertook a detailed survey of the site which concluded that whilst there is potential for bats to roost within the site, there was no evidence of any past or present roosting on site. As no bats are present there would be no ecological constraints to the proposed demolition of the existing building and no protected species would be impacted by the proposal.
- 7.50 The proposal development would have no detrimental impact on any protected species, and no mitigation measures are required during construction.
- 7.51 **The proposal complies with Policy 34.**
- 7.52 **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.
- 7.53 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, surface water and ground water sources.
- 7.54 The flood risk assessment recommends that a suitable finished floor level is provided. Subject to this recommendation being implemented, the proposed development would not be at risk from flooding, and would not increase the risk of flooding in the surrounding area.
- 7.55 SEPA has been consulted and has no objection to the proposals.
- 7.56 Dundee City Council Engineers have reviewed the Flood Risk Assessment and Drainage Strategy. The proposed development does not raise any flood risk concerns, subject to recommended conditions requiring details of the drainage proposals be agreed with the Council and Scottish Water. Subject to the recommended 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.
- 7.57 **The proposal is in accordance with Policy 36, subject to conditions.**
- 7.58 **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.

- 7.59 A Flood Risk Assessment and Drainage Strategy have been provided, 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 the existing public network to the north 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.
- 7.60 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.61 **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.
- 7.62 The site is within a general economic development area, on the edge of the city centre and within close proximity to sources of noise including road traffic on West Marketgait and surrounding commercial premises which may impact upon residential amenity.
- 7.63 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 and closed windows 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. It is noted that the NIA and recommendations are based on library data, limited contemporary measurements and modelling. This has been agreed with officers and is currently acceptable due to COVID 19 restrictions making on site assessments unreliable at this time. However, prior to any commencement of development a review of the NIA will require to be submitted to the Council for approval to ensure the identified mitigation measures reflect site conditions at the time.
- 7.64 As the NIA requires to be reviewed, and the applicant has not identified a proposed glazing unit or ventilation system 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.
- 7.65 Further to the provision of a review of the NIA, conditions are recommended to restrict noise levels from electric and mechanical plant, the hours in which delivery vehicles can service the site and that full details of any ventilation systems are submitted to the Council for approval to ensure an acceptable level of residential amenity is achieved.
- 7.66 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.67 **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.

- 7.68 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.
- 7.69 The east 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 system is required. The air inlet will require to be positioned above first floor level to ensure a supply of clean air is provided.
- 7.70 The Head of Community Safety and Protection has been consulted and has requested that the provision of closed windows and a suitable Mechanical Ventilation System is controlled by condition within any consent granted.
- 7.71 Due to the site's proximity to neighbouring buildings and commercial premises, The Head of Community Safety and Protection also recommends a Construction Dust Management Plan as recommended within the applicant's 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.
- 7.72 **Subject to conditions, the proposal satisfies Policy 40.**
- 7.73 **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.
- 7.74 A Geo-Environmental and Geo-Technical Preliminary Environmental Investigation 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 sites existing use as a textile works is addressed prior to any construction works on site.
- 7.75 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.76 **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.
- 7.77 A bin storage area is provided within the south west of the site, with direct access to a loading area where refuse vehicles will be able to safely remove waste on Brown Street. 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.

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

7.79 **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.

7.80 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.

7.81 Consideration has been given to potential for the development to connect in to any future offsite heat network should infrastructure be progressed.

7.82 **The proposal is in accordance with Policy 46.**

7.83 **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.

7.84 A Planning Statement, Energy Strategy Report and Heat Network Statement has 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. Full details of plant and renewables are provided within the report which considers various technologies, and it is recommended solar panels and electrical heating systems are provided within the development. At this stage the low carbon technologies which will be included within the development are not confirmed, it is not therefore possible for the applicant to provide a detailed Energy Statement.

7.85 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 as considered within the Energy Strategy Report. The provision of a detailed energy statement which demonstrates compliance with the required standards can be controlled by condition.

7.86 **Subject to a condition, the proposal would be in accordance with Policy 48.**

7.87 **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.

7.88 The proposed development is located immediately to the north elevation of Tay Mill, a Category A listed building which fronts on West Marketgait.

- 7.89 The proposed building has been designed to provide separation between the upper floors of the proposed building and Tay Mills. The height, scale and form of the proposed building has also been considered to ensure the proposals are of a finish and massing which reflects the character of adjacent buildings on West Marketgait and Douglas Street.
- 7.90 The upper floors of the proposed building would sit 3.9 metres from the north elevation of Tay Mill, which is sufficient to ensure there is no detrimental impact on the setting of the listed building and views of the north elevation of Tay Mills from West Marketgait are retained. Following consultation Historic Environment Scotland has no objection to 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 to the south of the site.
- 7.91 **The proposal is in accordance with Policy 49.**
- 7.92 **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.
- 7.93 The proposal site is located within 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.
- 7.94 The proposed development is of a high-quality design and would be of a height and massing that is appropriate to this prominent site. The retention of the existing stone facades onto West Marketgait and Brown Street support the integration of the building into the surrounding streetscape and reflect the sites historic use.
- 7.95 The proposed building is to be finished in materials including natural stone and brick, reflecting the texture and colour of buildings within Blackness. The proposal reflects the scale and massing of modern and historic buildings in the surrounding area and would contribute positively to the character of West Marketgait and Blackness Conservation Areas.
- 7.96 **The proposal is in accordance with Policy 51.**
- 7.97 **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.
- 7.98 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.
- 7.99 Walking and cycling routes should be fully useable prior to the first occupation of a new development.
- 7.100 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.
- 7.101 In respect of the above Criteria 1-7:
- 1 The proposal would incorporate and be connected to the existing footpath network on Douglas Street, Brown Street, West Marketgait and surrounding streets. Bus stops are located within 320m of the site on West Marketgait, Lochee Road and Court House Square. Secure cycle storage is proposed within safe, covered spaces within the site. The proposal would be located on the edge of 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 and Blackness. Direct pedestrian access is provided onto Douglas Street and cycle storage areas are to be provided within the ground floor of the building. Residents of the proposed development would have access to bicycle storage areas within the site at ground floor level. 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, Lochee Road and Court House Square within 320 metres of the application site. These stops are served by buses to Blairgowrie, Lochee, Myrekirk and Douglas. Dundee railway station is 900 metres to the south of site. The station provides access to local and long-distance rail services and is equipped with bicycle lockers, short stay car park and taxi drop-off spaces.
 - 4 A Transport Statement has been submitted as part of the application and following review by DCC Roads Engineers the findings of the Assessment have been accepted. At peak times up to 92 trips per hour would be made to the proposed student accommodation. Due to the site's location all of these trips can be made by sustainable transport options including public transport, cycling and on foot. As the proposed development is within walking distance of University Campuses it is anticipated 73 of the 92 peak trips will be made on foot, with 6 being made by car. The provision of 18 dedicated on-site parking is consistent with developments in the surrounding area and would not impact upon the parking needs of the local area or existing public parking provision. There are 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 on street parking available on Brown Street for service vehicles. Due to the central location of the proposed development, and proximity of shops, services and higher education facilities the proposed development would not generate a significant travel demand. The form and layout of the development ensures the proposal would have no detrimental effect on the capacity or safe functioning of the existing road or rail networks.

- 5 To the south west of the site, existing on street parking is provided for the loading and unloading of service vehicles, road freight and waste management vehicles. 18 spaces are also provided within the site. 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.

7.102 It is considered that appropriate sustainable travel methods are included within the development. Bus stops are located within 320 metres of the site and existing footpaths provide access to surrounding city centre shops and services.

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

7.104 **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.

7.105 The proposal include provision for 18 parking spaces, including 2 disabled bays and 2 bays for electric vehicles with charging point. As considered under Policy 54, due to the site's location the proposed development would be easily accessible by public transport. The provision of 18 on site parking spaces, with electric charging point would be acceptable, and there is existing parking provision within the surrounding area to facilitate the proposed development.

7.106 The proposal initially included two cycle storage areas providing 63 cycle spaces, comprising a storage area towards the front of the building, and cycle racks towards the rear of the site. Following reviewing the applicant has provided amended plans showing space for up to 292 cycles. The additional storage provision would support the provision of sustainable transport options, however some of the proposed cycle storage comprises cycle racks within location which are uncovered. The proposed number of cycle storage spaces would meet Dundee City Councils road standards, however full details of the type and form of cycle storage will require to be controlled by condition to ensure appropriate secure, covered storage is provided.

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

7.108 **It is concluded that the proposal does not fully accord with the Development Plan.**

STATUTORY DUTY

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

7.110 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.

7.111 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.

7.112 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 south of the site.

7.113 The proposed building is of a design and form which would contribute positively to the character of the local streetscape and wider Blackness Conservation Area through a sensitive site layout and incorporation of materials which reflect the sites historic setting. The proposals would therefore result in a development which is to the enhancement of the character and setting of the conservation area.

7.114 It is considered that the application discharges the statutory duties as set out above.

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

7.116 In total 2 letters were received objecting to the proposal. The objections raised the following valid material grounds:

7.117 The grounds of objection are considered and assessed as follows:

- the proposed student accommodation does not provide sufficient amenity space for residents, further space should be provided;
- the surrounding footpath and road network do not include suitable, safe crossing points for pedestrians and cyclists. It is recommended new crossings are provided on surrounding roads including Lochee Road and West Marketgait; and
- the proposed development does not provide sufficient cycle parking and is therefore contrary to Local Plan Policy. The initially proposed 24 spaces for visitor cycle parking, and 39 wall-mounted racks for residents, for a 361 bedrooms development would not support the use of sustainable transport options, and the type of cycle storage proposed is not indoor or secured.

- 7.118 The grounds of objection are considered and assessed as follows:
- 7.119 **Objection** – the proposed student accommodation does not provide sufficient amenity space for residents; further space should be provided.
- 7.120 **Response** – the proposed development includes external amenity areas at ground and first floor levels, and an internal and external amenity area on the fifth floor.
- 7.121 Within the ground floor a 170m² landscaped courtyard is proposed with lawn and trees, and at first floor level a 190m² landscaped courtyard is proposed with lawn and benches. Within the fifth floor of the student accommodation, a 100m² lounge finished in glazing is proposed, with associated 60m² external balcony area. The lounge and balcony would be afforded views to the south west of the site across Blackness.
- 7.122 In addition to the identified amenity spaces, the proposal includes 41 flatted apartments with communal lounge area. This would serve 206 of the 361 bedroom spaces. As the site is on the edge of the city centre, residents would also be within close proximity to a range of amenities and open spaces within the surrounding area including the City Centre, Dudhope Park and the Waterfront. Overall, the level of high-quality useable amenity spaces provided are considered to be acceptable.
- 7.123 **Objection** –the surrounding footpath and road network do not include suitable, safe crossing points for pedestrians and cyclists. It is recommended new crossings are provided on surrounding roads including Lochee Road and West Marketgait.
- 7.124 **Response** – streets surrounding the site, including Douglas Street, Brown Street and Lochee Road are safe, lit routes which can be used by cyclists and pedestrians. There are existing crossing points on Lochee Road (island crossing) and West Marketgait (traffic lights) within 230 metres of the site which provide safe crossing points for pedestrians and cyclists.
- 7.125 Improvements to the cycling provision throughout Dundee are under constant review. Following assessment by Dundee City Council Roads Engineers, the existing crossing points and layout of surrounding streets is considered to be adequate and the proposed development would not raise any road safety concerns. The Council will continue to review cycling infrastructure in the area and will be pro-active in improving infrastructure where required.
- 7.126 **Objection** – the proposed development does not provide sufficient cycle parking and is therefore contrary to Local Plan Policy. The initially proposed 24 spaces for visitor cycle parking, and 39 wall-mounted racks for residents, for a 361 bedrooms development would not support the use of sustainable transport options, and the type of cycle storage proposed is not indoor or secured.
- 7.127 **Response** – the applicant has reviewed the proposed cycle provision during consideration of the application and submitted amended plans illustrating up to 292 cycles can be provided. This comprises a mix of covered cycle storage spaces within the north of the site, through alteration of a proposed commercial unit to provide space for 132 cycles, and with further cycle racks proposed in open areas within the south of the site. The level of cycle storage proposed would exceed Dundee City Councils road standards which requires one space per 8 residents, however, the use of cycle racks and provision of cycle storage within open positions would not provide secure, covered cycle storage. To ensure all cycle storage is secure and covered, it is recommended a condition be attached to any permission granted requiring full details be provided for prior approval.
- 7.128 One Neutral representation was received from Dundee Civic Trust.

- 7.129 **Comments** - the Trust considers this development would contribute to the regeneration of Blackness. It is recommended that consideration is given to removal of existing parking on Douglas Street and that landscaping be provided across the street to create an attractive entrance into the Blackness area.
- 7.130 Response – the Trust’s comments in relation to the proposal’s contribution to the enhancement of Blackness are acknowledged. With regard to the alteration and enhancement of Douglas Street, as this is a public road there is not scope for the applicant to progress works within this area as part of the present planning application. However, should opportunities to enhance the streetscape within Douglas Street or the wider Blackness Area arise officers will look to engage with developers to maximises the benefits of new developments and associated landscaping.

B – POLICY 5 General Economic Development Areas

- 7.131 The proposal for small scale commercial units which includes uses within Classes 1, 2 and 3 and provision of student accommodation within Blackness is contrary to the requirements of Policy 5. The development does however accord with the general requirements and aspirations of the Blackness Business Place Plan. The development would provide ground floor commercial spaces within the economic development area, and the introduction of student accommodation on the scale proposed within upper floors would be of benefit to the Blackness Economic Development Area and regeneration of the surrounding area.
- 7.132 The proposed location on the edge of the Economic Development Area ensures shops and services within the city centre and University Campuses are within walking distance, and that the streetscape of Marketgait and Brown Street are enhanced. The provision of commercial units in this location, where there are existing uses including offices and a veterinary surgery would have no detrimental impact on the viability or vitality of the city centre or surrounding land uses. Overall, the proposed development would contribute positively towards the aims of the Blackness Business Place Plan in creating a welcoming, safe, vibrant and active place, which supports investment, business development, and employment within the Blackness General Economic Development Area.
- 7.133 **It is concluded that there are material considerations of sufficient weight in this case to justify approval of planning permission.**

8 CONCLUSION

- 8.1 The application for a development of commercial units and purpose-built student accommodation does not fully accord with the Development Plan. However, there are material considerations of sufficient weight that would justify approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** - 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:

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

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

- 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** –the landscaping as illustrated on landscaping plans 1922-P-040, 1922-P-041 and 1922-P-045 dated 1 October 2020 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 streetscape 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, 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.

- 7 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.

- 8 **Condition** - prior to commencement of any works on site, a review of the Noise Impact Assessment undertaken by New Acoustics, Project Ref:3176, Rev02 dated 23rd November, 2020, shall be undertaken:

- a to validate the predicted road traffic noise levels; and
- b to validate any mitigating measures required for compliance with both internal and external noise level criteria set within Section 7 of BS8233:2014 (See Condition 11);

Thereafter, and prior to occupation of any of the residential dwelling units hereby approved, any noise mitigation measures recommended in the Noise Impact Assessment shall be implemented in full.

Reason - in the interests of protecting residential amenity.

- 9 **Condition** - prior to commencement of any works on site, a review of the Noise Impact Assessment undertaken by New Acoustics, Project Ref:3176, Rev02 dated 23rd November, 2020, shall be undertaken to:

- a to validate external noise sources associated with adjacent commercial premises:
- b to assess the noise sources associated with the proposed commercial units of this development, including plant and equipment for those units; and
- c to assess any mechanical means of ventilation to be installed as part of this development.

Thereafter, and prior to occupation of any of the residential dwelling units hereby approved, any noise mitigation measures recommended in the Noise Impact Assessment shall be implemented in full.

Reason - in the interests of protecting residential amenity.

- 10 **Condition** - Prior to undertaking the review of the Noise Impact assessment, agreement must be obtained from the Planning Authority:

- a regarding appropriate timing of any noise monitoring to ensure that "normal" and representative road traffic conditions and commercial activities exist; or
- b regarding the noise levels that must be mitigated against.

Reason - in the interests of protecting residential amenity.

- 11 **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 L_{Aeq} (16 hour) for bedrooms and other habitable rooms for daytime periods (07:00 to 23:00 hours), 30dB L_{Aeq} (8 hour) for bedrooms during night-time periods (23:00 to 07:00 hours) and 55dB L_{Aeq} (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 residential dwelling units.

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.

- 12 **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.

- 13 **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.

- 14 **Condition** – all deliveries to and servicing of, including loading, unloading or lay-up, the commercial units shall only be permitted between 07.00 to 20.00 hours Monday to Saturday, and 09.00 to 19.00 hours on a Sunday.

Reason - in the interests of protecting residential amenity.

- 15 **Condition** - should the commercial units include Class 3 use or takeaway, prior to the commencement of construction work, details of the proposed extraction and ventilation system(s) with a high-level discharge shall be submitted to the Council for written approval. Thereafter, the approved extraction and ventilation system(s) shall be installed prior to the kitchen(s) becoming operational and maintained in accordance with the details approved by this condition. Thereafter, the kitchen(s) extraction and ventilation system(s) shall operate whenever the equipment being serviced by the system is in operation.

Reason – in the interests of protecting residential amenity.

- 16 **Condition** - Prior to the commencement of any construction works, full details of the proposed whole house ventilation system, including the location of air intakes and outlets, shall be submitted to the Council for written approval. Thereafter, the whole house ventilation system shall be installed in accordance with the details approved by this condition.

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

- 17 **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.

- 18 **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.

- 19 **Condition** – prior to first occupation of the student accommodation, the recommended mitigation measures contained within the Air Quality Assessment by Redmore Environmental titled 'Brown Street, Dundee' dated 21 January 2021 must be implemented within the development hereby approved.

Reason - in the interest of air quality.

- 20 **Condition** – full details of the proposed cycle parking shall be submitted to the Planning Authority for approval. For the avoidance of doubt the cycle parking requires to be covered and secure. 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.

- 21 **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.

- 22 **Condition** - prior to the commencement of any construction works, details of the proposed vehicle access including proposed car parking control mechanism must be agreed and the access must be formed and constructed to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 23 **Condition** - electric car charging points shall be provided at a location and number to be approved prior to opening of the development.

- 24 **Reason** - in the interests of sustainable travel measures.

- 25 **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 works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 26 **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.
- 27 **Reason** - in the interests of vehicle and pedestrian safety and promoting sustainable transport.
- 28 **Condition** – the upper floors of the development hereby approved shall be used solely for the purposes of providing student accommodation and ancillary facilities associated with their needs, other than from 1 June to 31 August annually when it may be used as short term holiday accommodation, unless otherwise agreed in writing by the planning authority.

Reason – to retain control of use of the building.

- 29 **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.

- 30 **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