

Mixed Use Development of Purpose Built Student Accommodation and Commercial Units

KEY INFORMATION

Ward West End

Address

Dundee West Mineral Yard
Greenmarket
Dundee

Applicant

Crucible (Dundee) Limited
c/o Crucible Alba Group

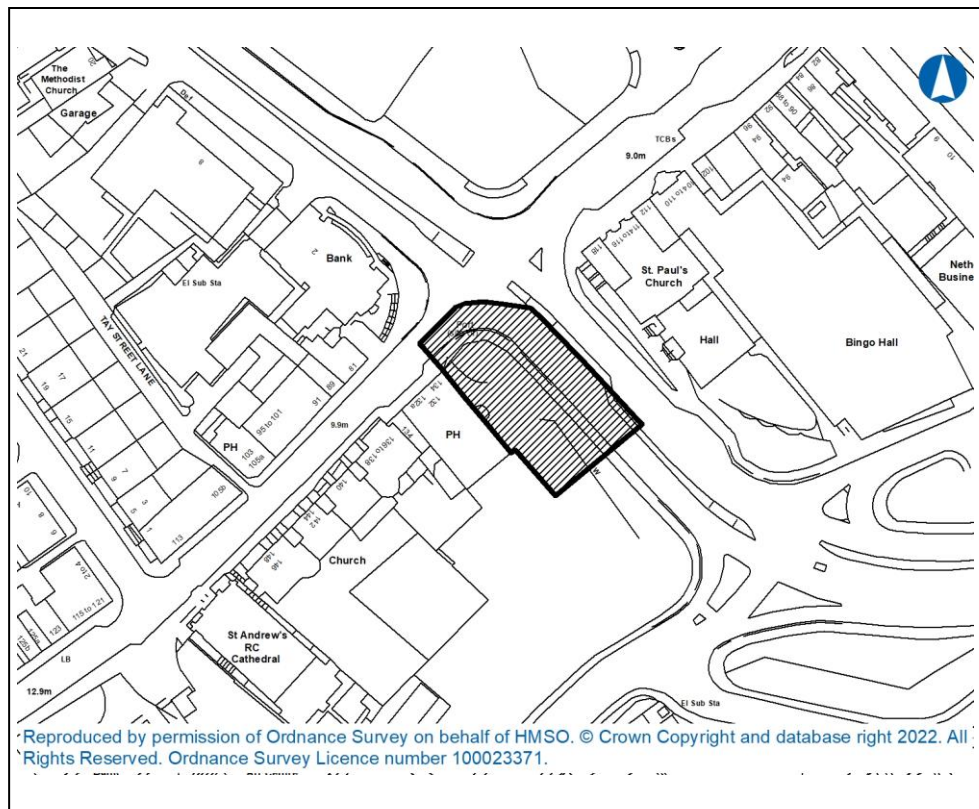
Agent

Craig Gunderson
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Wemyss House
8 Wemyss Place
Edinburgh

Registered 22 March 2022

**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 2 commercial units within the ground floor and purpose-built student accommodation on upper floors containing 55 studio bedrooms. The building's scale and design is near identical to the previously approved scheme for 16 mainstream flats on the same site as part of planning application 21/00274/FULM.
- The application is in accordance with the Development Plan.
- In total, 3 letters were received objecting to the proposal, including a letter from West End Community Council. The objections raised concerns with cycle parking provision and the provision of student accommodation. A neutral letter of representation was also received.
- Supporting information including a Student Demand Assessment, 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 a valid objection has been received from a statutory consultee and the application is recommended for approval.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=QRND6JGCHM300>

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 mixed-use development comprising 2 commercial units on the ground floor and a development of purpose-built student accommodation on the upper floors. The purpose-built student accommodation would provide 55 bedrooms within single studios.
- 1.2 This would all be contained within a 5-storey building on a vacant site at the corner of West Marketgait, and Nethergate. The proposals would include two commercial units towards the centre and north of the building. The entrance to the student accommodation and associated amenity spaces is to be located within the south side of the building. Each unit and the student accommodation would have direct access onto West Marketgait. Access for servicing and a bin storage area is to be located to the rear elevation with access onto Nethergate. The building is to be finished in masonry, with commercial frontages at ground floor level, and at upper floor level windows associated with the residential flats are to feature metal balustrades. The student accommodation comprises self-contained studio apartments containing kitchen/living area, bed and bathroom facilities. Cycle storage is to be provided within the rear of the building, towards West Marketgait.
- 1.3 The proposed development is associated with planning application 21/00274/FULM for a mixed-use development including office, residential and commercial units which was approved by the Planning Committee on 14 June 2021. The building's scale and design is near identical to the block containing 16 mainstream flats that was approved under that application.
- 1.4 Following approval of 21/00274/FULM the applicant has progressed work on addressing planning conditions and has prepared the site for development. Following further consideration and commercial discussions, the previously approved residential element, comprising 16 mainstream flats, is not considered financially feasible. Consequently, the applicant now proposes a purpose-built student development containing 55 bedrooms in place of the consented residential scheme. The proposals replicate the previously approved residential building in terms of scale and height, with minor rear elevational changes proposed. Internally, changes to the layout of the building are proposed to form 55 student bedrooms on upper floors. The proposed development remains associated with the approved office and commercial units within the south of the site, and maintains the general form and design of the previously approved building.
- 1.5 The applicant has submitted the following in support of the application:
- Planning Statement;
 - Design and Access Statement;
 - Transport Assessment;
 - Student Demand Assessment;
 - Flood Risk Assessment;
 - Drainage Strategy;
 - Environmental Risk Assessment Report,
 - Heritage Statement;
 - Noise Impact Assessment;
 - Air Quality Assessment; and
 - Sustainability Statement.

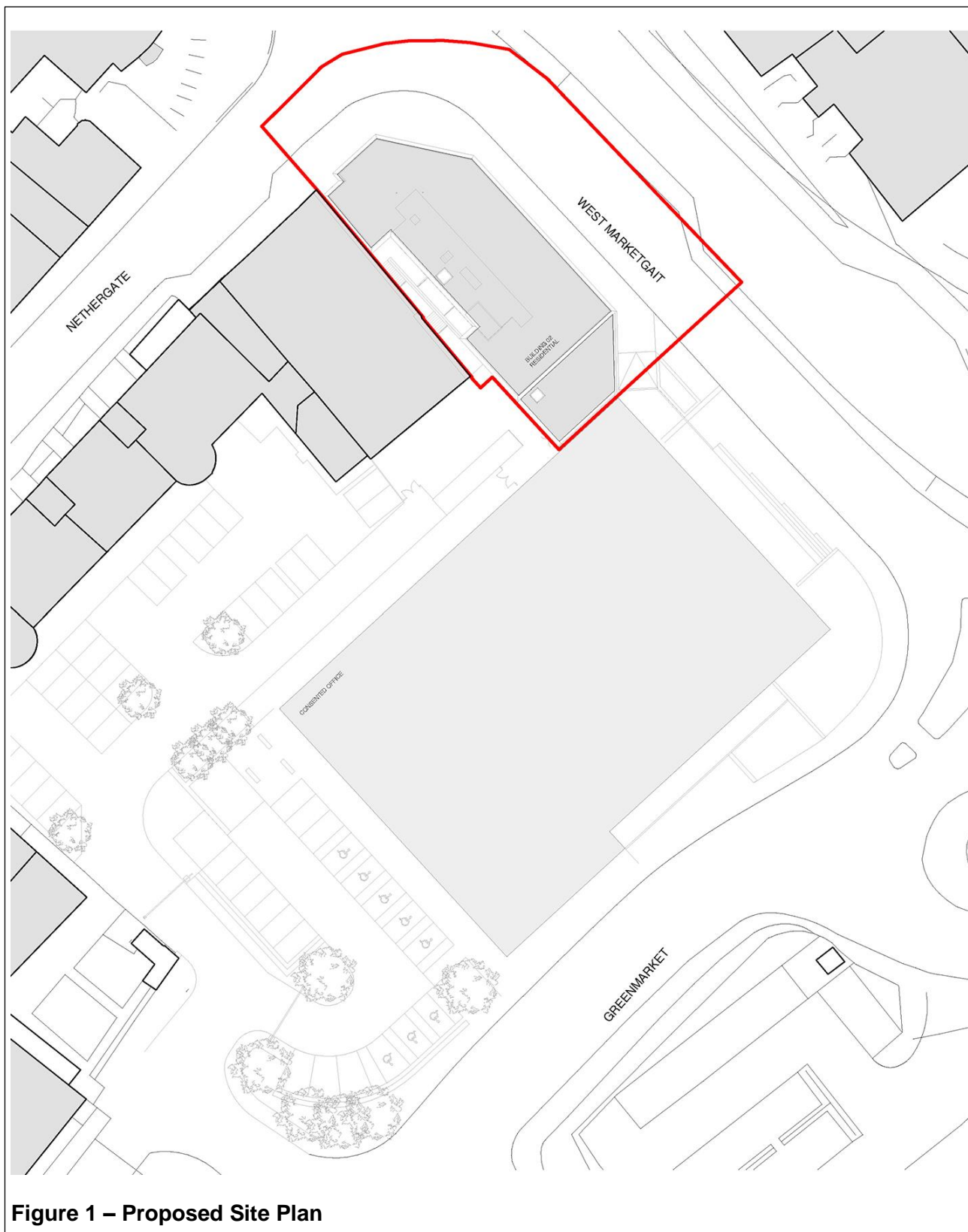


Figure 1 – Proposed Site Plan

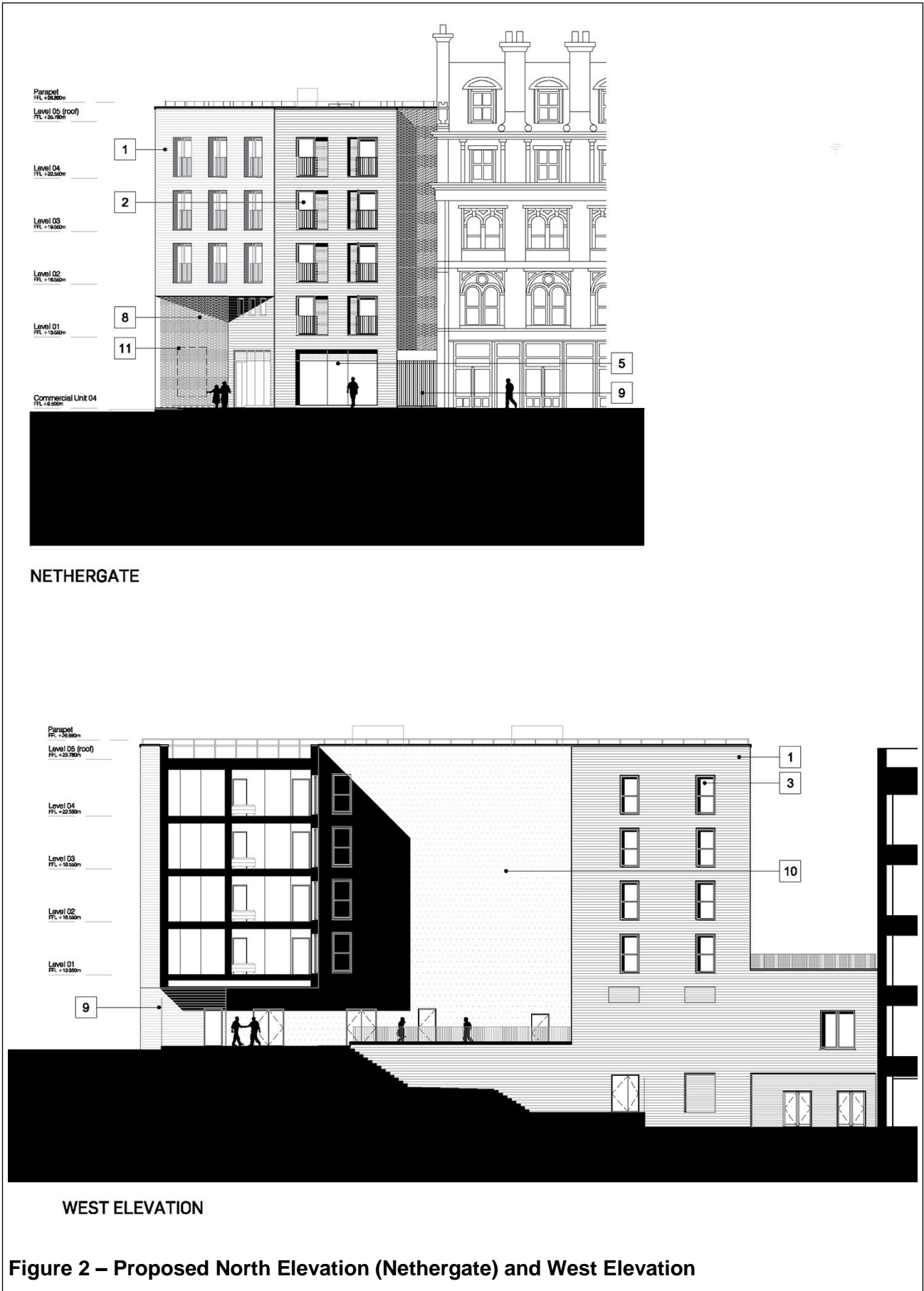


Figure 2 – Proposed North Elevation (Nethergate) and West Elevation



WEST MARKETGAIT



SOUTH ELEVATION

Figure 3 – Proposed East Elevation (West Marketgait) and South Elevation

2 SITE DESCRIPTION

- 2.1 The 0.2 hectare application site is on the west side of West Marketgait, within the city centre. The longstanding vacant brownfield site is in a prominent location, being visible from Greenmarket, West Marketgait and Nethergate.
- 2.2 The site is bound to the north east and south east by public roads, with city centre shops and services beyond. The north west and south west of the site is bound by the listed buildings facing onto Nethergate. The surrounding area is a mix of commercial and residential premises and properties, including Category A and B listed buildings. Greenmarket Car Park and Dundee Railway Station are within walking distance of the site. The site is presently enclosed as site preparation works progress for the development of office accommodation approved under planning application 21/00274/FULM in June 2021.



Figure 4 – Application Site Viewed From West Marketgait



Figure 5 – Application Site Viewed from Nethergate

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

Policy 5: Town Centre First

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 15: Student Accommodation

Policy 21: Town Centres First Principle

Policy 27: Public Houses, Restaurants and Hot Food Takeaways

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

4 SITE HISTORY

4.1 Proposal of application notice 18/00186/PAN for a development consisting of a cinema, cafes/restaurants, residential units, hotel and associated access and car parking spaces was submitted in March 2018.

4.2 Proposal of application notice 20/00728/PAN for a development comprising offices, cafes/restaurants, retail, residential units, car parking and associated access and infrastructure was submitted in November 2020.

4.3 The applicant submitted a request for a Screening Opinion 21/00001/EIASCRC in January 2021. The Screening Opinion concluded an Environmental Impact Assessment is not required for the proposed development.

4.4 An application for Listed Building Consent 21/00275/LBC for the alteration and partial removal of remnant parts of wall was approved in June 2021.

4.5 Planning application 21/00274/FULM for the erection of a mixed use development including office, residential, cafe/restaurants and retail with associated access, landscaping, parking and infrastructure was approved in June 2021.

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 3 letters of objection were received, including an objection from West End Community Council. The letters of objection raised the following material considerations:
- the submitted information fails to demonstrate there is a demand for the type of student accommodation proposed;
 - the proposed “studio style” student accommodation is not appropriate, flatted style student accommodation or traditional residential flats as previously approved would be more appropriate;
 - the proposed student accommodation fails to provide an appropriate level of amenity space; and
 - the proposed number of cycle storage spaces and use of racks which require cycles to be hung are not supported. Also, there is a lack of visitor cycle parking and no space for “non-standard” cycle vehicles.

One neutral letter of representation was received. The contributor considers the revised application for 55 room purpose-built student accommodation is appropriate in this location. The scale and elevational treatment is broadly similar to that of the previous approval for flats and ties in well with the existing streetscape. The difficulties of construction method on this busy corner are noted. The contributor notes that there is space for storage of 7 cycles, but believes consideration should be given to providing more given the student occupancy.

- 5.3 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 - following a review of the submitted Air Quality Report and supporting information, further assessment of the proposed developments impact on air quality is required as the site is within close proximity to a busy dual carriageway and a back-up generator is proposed within the associated office development. Planning conditions are recommended requiring further information and assessments to be submitted, including a stack height assessment and details of ventilation systems.

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 city centre location within close proximity to a range of uses including a dual carriageway and commercial properties, conditions are recommended should planning permission be granted. These conditions relate to measures to mitigate against these noise sources. Conditions will also be used to protect the amenity of new and existing residents in the area by mitigating against the noise sources introduced by the new development and by restricting the hours during which delivery vehicles can visit the commercial units.

6.2 **The Head of Sustainable Transport and Roads** - has no objection to the proposal.

6.3 **Historic Environment Scotland** – 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 development 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 within the city centre, in an accessible location in close proximity to the city centre and public transport networks.

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 use of a prominent vacant brownfield site. The proposed building is of a scale and form which respects neighbouring listed buildings and provides a strong and distinctive frontage onto surrounding streets. The proposal would facilitate the return to use of a prominent brownfield site within the city centre in a manner which would enhance the character and layout of the site and surrounding area.

7.7 **The proposal would therefore satisfy Policy 2.**

7.8 **Policy 5: Town Centres First** – Policy 5 states planning decisions for land use that generate significant footfall should be based on the sequential priority and other local considerations as appropriate.

7.9 The proposed commercial units will be located within Dundee City Centre. Policy 5 identifies Dundee City Centre as a regional centre, and the sequentially preferable location for developments which generate significant footfall. The location of the proposed development would support the provision of a range of shops, services and facilities within the city centre, and contribute to the vibrancy and vitality of the surrounding area.

7.10 **The proposal would therefore satisfy Policy 5.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.11 **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 6 qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.12 With regard to the character and amenity of West Marketgait and Nethergate, 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 north and west of the site, and maintains the height and massing of buildings on Nethergate. The proposed building would be in keeping with the height of listed buildings to the west of the site on Nethergate. The proposals are considered to be an acceptable scale of development in this location, which reflects the general height of buildings along Nethergate and within the wider city centre area.
- 7.13 The proposal would result in a distinctive development which respects the existing building lines and street pattern, and returns a long standing, prominent vacant site to use within the city centre. The provision of recessed elements and Juliet balconies would provide visual interest and ensures the building provides high quality and active frontages onto surrounding streets. The location of windows and access location ensures there would be no detrimental impact on privacy within neighbouring buildings.
- 7.14 Due to the prominent location of the development on West Marketgait the provision of high-quality materials within the development 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 light brown masonry brick which are acceptable and would create a development which maintains the character and quality of development in the local area. The proposed finishes would create a development which contributes to the character and quality of the local area which includes listed buildings and the University Conservation Area.
- 7.15 The proposed ground floor would contain reception and amenity spaces associated with the proposed student accommodation, and 2 commercial units which are accessible from surrounding streets ensuring an active street frontage. The proposal would see servicing areas located to the rear of the building, along with cycle storage areas which would be accessible to staff and residents. Safe pedestrian access is provided from the surrounding streets and there is excellent public transport provision in the surrounding area with bus stops on West Marketgait and Nethergate and Dundee railway station some 300 metres to the east of the site. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.16 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the 6 qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive - the development comprises a residential and commercial building which forms part of a 2 building development on West Marketgait, with the associated office development to the south. A Design Statement has been submitted which addresses the design, access and development concepts of the proposed development.

The proposed student accommodation and commercial units would be contained within a 5 storey building. The building would be finished in a range of modern materials, including masonry and metal cladding in colours which reflect buildings within the surrounding area. The variety and form of finish materials will contribute positively to and add interest to the development. 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 proposed development 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 and east, with existing commercial and residential properties to the north and west. The proposals would connect to the existing road and path network linking the development to the surrounding area. 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 and east, ensuring sensitive integration into the surrounding area. This provides access to city centre shops and services and open space within the waterfront area. The site also benefits from access to public transport links including bus stops on Nethergate/West Marketgait within 250 metres of the proposed development. Access for service vehicles is to be taken from Greenmarket. 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 entrances and frontages towards the principle elevations ensuring an active frontage. The proposals would utilise existing footpaths around the site providing connections to the surrounding city centre area and waterfront. The proposal positively promotes wayfinding and a sense of orientation.

Adaptable – this site is a prominent area of brownfield land. The proposed development would be a positive addition to the city centre and mix of development within the surrounding area, which includes a range of multi storey buildings containing office, commercial and residential developments.

Resource Efficient – a Sustainability Statement and Planning Statement have been submitted. The proposal has been designed to include energy efficient materials and low carbon technologies which reduce heat loss and emissions.

7.17 The proposal meets the requirements of Appendix 1.

7.18 The proposed development of purpose built student accommodation and commercial units would contribute positively to the range, size and types of development within the city centre area. The design and layout of the development has been considered to ensure the buildings are 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 to the character and appearance of the surrounding area.

7.19 The proposal is in accordance with Policy 1.

7.20 **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.

- 7.21 The applicant states that a scheme of public art is to be provided as part of the proposed development, and associated development 21/00274/FULM, for an office to the south of the proposed purpose-built student accommodation. Discussions between the applicant and Dundee City Council in relation to the details of the public art provision, which may include reference to the historic sea wall within the site, are ongoing. It is recommended that the final details and implementation of a public art project are secured by condition.
- 7.22 **The proposal is in accordance with Policy 2, subject to a condition.**
- 7.23 **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.
- 7.24 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.
- 7.25 In response to Criteria 1 the applicant has submitted a Student Demand Assessment Report in support of the application. The report provides analysis of the existing student population and student accommodation within the city.
- 7.26 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 continued to grow in recent years to 16,500, the largest it has ever been. As a result there is increased demand for purpose-built student accommodation (PBSA).
- 7.27 The Report identifies a potential demand pool of 7,930 students during the 2019/2020 academic year. Following review of the existing and proposed bed spaces, the report identifies that there are 3,934 existing PBSA bed spaces in the city, and there has been planning permission granted for a further 686 spaces. This creates a total potential supply of 4,620 bed spaces within the city. (It should be noted that the actual number of PBSA bed spaces is now 997, not the 686 reported by the applicant. Using the figures in the applicant's report and this gives a total potential supply of 4,931 bed spaces within the city.)
- 7.28 The report concludes that there is demand for additional PBSA bed spaces within the city. The report considers that demand has grown over the past 5 years for PBSA and that new development has not kept pace with demand. As a result, there is a healthy level of demand for PBSA within the city for future academic years.
- 7.29 The report notes that 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 55-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 bed spaces.

- 7.30 The submitted assessment provides a detailed analysis of the existing accommodation and growth in the city's student population in recent years. It contains similar figures and conclusions to the studies and reports submitted with recently approved PBSA schemes.
- 7.31 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 even with recently approved PBSA schemes 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.
- 7.32 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.
- 7.33 In response to Criteria 2, it is noted that the site is within walking distance of the University of Dundee Campus which is within 300 metres of the site. The University of Abertay Campus is 630 metres to the north east of the site. The site is connected to each Campus by existing public footpaths.
- 7.34 As the proposed student accommodation is located within the city centre, residents would have access to a range of shops and services. The site is also within walking distance of bus stops on Nethergate, West Marketgait and High Street which provide access to services across the city.
- 7.35 In response to Criteria 3, it is noted that 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 provides residents with a high standard of residential amenity and access to communal facilities. The location of the proposed development also ensures there is access to a range of surrounding shops and services within the city centre and open spaces at the waterfront. The proposals include on site refuse/recycling storage spaces and secure bike storage facilities for staff, residents and visitors.
- 7.36 Four planning applications for purpose-built student accommodation have been approved in since April 2021. (Reference 20/00679/FULM West Marketgait, Reference 20/00729/FULM 63 Brown Street, Reference 21/00478/FULL 56 Brown Street and Reference 21/00338/FULL Former Dundee College, 30 Constitution Road). The applications are not related. The Council has also received Proposal of Application Notices for further purpose-built student accommodation developments within the city. These are 20/00786/PAN for a development of student accommodation at West Ward Works, 20/00236/PAN for a mixed-use development including student accommodation at Locarno Works, 22/00030/PAN for the erection of student accommodation at Site of Jumpin Jaks, South Ward Road and 22/00110/PAN for the erection of student accommodation at Willison House, 56 Barrack Street. Should planning permission be granted for purpose-built student accommodation on this and those other sites, there is potential for these competing developments to stall for several years until developers can attract funding. This could lead to long term vacant sites such as the college site continuing to remain vacant and undeveloped. 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. This approach was taken when planning permission was granted for purpose built student accommodation on West Marketgait, Brown Street and Constitution Road.

- 7.37 With regard to supply, as considered above the present application has demonstrated that 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.
- 7.38 **The proposal is in accordance with Policy 15, subject to conditions.**
- 7.39 **Policy 21: Town Centre First Principle** - requires that all new or expanded uses that would generate significant footfall should be located in the City Centre or a District Centre. Proposals for such uses in other locations would only be acceptable where it can be established that:
- 1 no suitable site is available, in the first instance, in the City Centre or District Centres, then edge of town centre, then identified Commercial Centres, and then out-of-centre locations that are easily accessible by a choice of transport modes;
 - 2 the proposal would not have a significant adverse effect on the vitality or viability of the City Centre, District Centres, or Commercial Centres, either individually or cumulatively; and
 - 3 the proposal would address a deficiency in provision which cannot be met within or on the edge of these centres.
- 7.40 The Policy emulates the Scottish Government's Town Centre First Principle by locating footfall that generates uses sequentially within the city's network of centres.
- 7.41 The proposals comprise purpose-built student accommodation and 2 commercial units for use within Use Class 1, 2 or 3.
- 7.42 The proposed development would generate significant footfall. It is contained in a highly accessible location within the city centre and would help support the role and function of the city centre. The proposed development would provide a well-connected development within a prominent location which supports the vibrance and vitality of the city centre.
- 7.43 **The proposal is in accordance with Policy 21.**
- 7.44 **Policy 27: Public Houses, Restaurants and Hot Food Takeaways** - states proposals for new public houses will not be supported in locations outwith the city centre. Within District Centres proposals for hot food takeaways and restaurants, including external seating areas, may be supported subject to the hours of operation being limited to between 7.00am and 11.00pm and there being no significant detrimental impact on amenity through issues of noise and odour. Outwith the city centre and District Centres, proposals for hot food takeaways and restaurants, including external seating areas, will be supported where:
- 1 the proposal has a gross floor area up to 150m² and is more than 30 metres from existing or proposed housing, or

- 2 where the proposal has a gross floor area of more than 150m² and is more than 45 metres from existing or proposed housing.

Proposals for hot food takeaways, sandwich shops and coffee shops which do not meet these requirements may be permitted subject to the hours of operation being limited to between 7.00am and 7.00pm, and the hot food being prepared only by microwave oven or other method which would not cause a nuisance to surrounding residential property by virtue of noise or odour.

- 7.45 In this case, the application site is located within the city centre. The potential provision of restaurants or cafes within the ground floor commercial units would therefore fully comply with the requirements of this policy.
- 7.46 **The proposal is in accordance with Policy 27.**
- 7.47 **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.
- 7.48 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.
- 7.49 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.
- 7.50 A Preliminary Ecological Appraisal was submitted with the application. The proposed development is related to planning application 21/00274/FULM for the development of an office and residential accommodation. The presently proposed development of PBSA and 2 commercial units is contained within the site of the previously approved development, which was approved subject to conditions. The conditions required landscaping and bird/bat boxes be provided within the site. The provision of landscaping and bird and bat boxes within the site has been agreed with the applicant and is to be provided as part of the office development. The agreed provisions ensure the development of office accommodation and PBSA within the site on Greenmarket/West Marketgait will have no detrimental impact on protected species.
- 7.51 **The proposal is in accordance 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, tidal, ground water or pluvial sources, including sewer flooding.
- 7.54 The flood risk assessment considers that any future flood event would not pose a risk to the proposed development, and the site is outwith any areas which are at risk of extreme flood events. The provision of a surface water drainage scheme will ensure on site water is discharged into the surface water network at a controlled rate, and therefore not creating any flood risk. As the site is not at risk of flooding, no mitigation measures are identified as being required.
- 7.55 In summary, the proposed development would not be at risk from flooding, and would not increase the risk of flooding in the surrounding area.
- 7.56 **The proposal is in accordance with Policy 36.**
- 7.57 **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.
- 7.58 A Drainage Strategy, including proposed drainage plans and calculations has been submitted. The proposed building, and associated office development to the south of the site are to be served by a single surface water system. The system includes storage of surface water beneath the car park of the proposed office development, with controlled discharge into the existing surface water network beneath Greenmarket to the south of the site.
- 7.59 The proposed drainage system has been reviewed by Scottish Water and Dundee City Council. The proposed system is considered acceptable, planning conditions are recommended to ensure the drainage system is implemented as per the agreed details 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 the city centre and within close proximity to sources of noise including road traffic on West Marketgait/Nethergate and surrounding commercial premises such as bars and hot food takeaways 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

ventilation systems 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 traffic noise.

- 7.64 Further to the provision of an NIA, conditions are recommended to restrict noise levels from electrical and mechanical plant within the site and the hours during which delivery vehicles can service the site to ensure an acceptable level of residential amenity is achieved for both new and existing residents in the local area.
- 7.65 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.66 **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.
- 7.67 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 Nethergate/West Marketgait. The AQA indicated that the proposal would introduce people into an area of elevated pollution.
- 7.68 The proposed development would be adjacent to the junction between Nethergate and West Marketgait where traffic queues can form. It is also adjacent to the under construction office development which is to be served by a diesel-powered back-up generator for use in the event of power cuts.
- 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(s) may be required.
- 7.70 The submitted Air Quality Assessment requires to be revised to provide additional assessment of the proposed backup generator and associated stack height. Conditions are recommended to ensure an updated Air Quality Assessment, including full assessment of the back-up generator and a stack height assessment are submitted to the Council, and any required mitigation measures implemented.
- 7.71 The Head of Community Safety and Protection has been consulted and, should the revised Air Quality Assessment determine the need for a mechanical ventilation system, it is recommended the provision of full details of a suitable system, including the location of the air intake(s), are controlled by condition within any consent granted.
- 7.72 **The proposal satisfies Policy 40, subject to conditions.**
- 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 Preliminary Environmental Risk Assessment has been submitted as part of the application. The Head of Community Safety and Protection has reviewed the report and discussions with the applicant are ongoing as part of associated application 21/00274/FULM. It is recommended planning conditions be attached to any planning permission granted in relation to the completion of further investigation and the provision of verification reports to ensure any contamination identified within the site is addressed.
- 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 to be prepared and used during the construction of major developments.
- 7.77 The proposed PBSA and commercial units will be provided with bin storage areas within the west of the site, to the rear of the proposed building. The proposed bin storage areas are of a size and form which can accommodate sufficient space for waste separation and the collection of recyclables. The storage area will be accessible from an access onto Nethergate, as the existing situation. The application site contains direct access to a loading area where refuse vehicles will be able to safely remove waste.
- 7.78 **The proposal is in accordance with Policy 44.**
- 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 within the city centre, to the east of an existing heat network at University of Dundee. As the proposed development is to include energy efficient materials and renewable technologies including air source heat pumps for heating and cooling within the proposed buildings, there is considered to be a limited need for a connection to a heat network as part of the proposed development. In addition, given the time frame for the development it is not viable for the development to be linked to this heat network and associated infrastructure provided. 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 Whilst a viable connection to an existing heat network is not available at present, plant rooms are located within the site which could accommodate future infrastructure. The proposal therefore has potential to connect into a heat network in future without any significant on-site works being required.
- 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 Sustainability Statement has been submitted. This outlines that carbon and emission reductions are achieved through the use of fabrics within the development that have a high thermal performance and use of low carbon technologies such as air source heat pumps within the site.
- 7.85 The statement demonstrates the proposed building, containing commercial and residential units, can comply with the requirements of Building Standards and that renewable technologies are to be provided.
- 7.86 **The proposal is 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 principle of a development of the scale proposed is established through the approval of application 21/00274/FULM. The proposed development is in keeping with the scale and form of the previous approved residential development and remains of an appropriate design and scale for this location.
- 7.89 The proposed development is considered to be of an acceptable form and finish, and would reflect the general scale of buildings within the surrounding city centre area including Category B Listed 132-134 Nethergate immediately to the west of the site.
- 7.90 The proposed building would contribute positively to the character of West Marketgait through the development of a long-standing vacant site. Following consultation, Historic Environment Scotland has confirmed they have no comments on the proposed development. Overall, the proposed building would have no detrimental impact of the character or setting of listed buildings to the north and west of the site.
- 7.91 **The proposal is in accordance with Policy 49.**
- 7.92 **Policy 51: Development in Conservation Areas** - states that within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the Conservation Area.
- 7.93 The site is contained within the University Conservation Area. The Conservation Area provides opportunities to introduce good quality modern design, which brings together old and new to create an attractive urban landscape. The proposed development is of a high-quality design and would be appropriate to this prominent site which has been vacant for many years. 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 the University Conservation Area.
- 7.94 The proposed development would have no detrimental impact upon the historic character of the University Conservation Area.
- 7.95 **The proposal is in accordance with Policy 51.**
- 7.96 **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.

7.97 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, 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.

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

7.98 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.

7.99 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 250m of the site on Nethergate and West Marketgait and secure cycle storage is proposed within the site to serve the PBSA and commercial units. 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. 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 are signed cycle routes to the south east and south west of the site, including routes between Greenmarket and Magdalen Green, National Cycle Route 77 which runs along Riverside Drive/Central Waterfront and National Cycle Route 1 which runs from the Tay Road Bridge towards Broughty Ferry. The surrounding footpath and cycle path network includes crossing points 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 and Nethergate within 250 metres of the application site. These stops are served by frequent local services towards Ninewells Hospital, Myrekirk, Whitfield, Craigowl and Barnhill and longer distance services to Perth, Arbroath, St Andrews and Dundee. Dundee railway station is 300 metres to the south east of the site.
 - 4 A Transport Assessment has been submitted as part of the application and following review by DCC Roads Engineers the findings of the Assessment have been accepted. The provision of no on-site parking for the PBSA and 2 commercial units 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 Greenmarket 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 The proposed development would utilise existing on street loading bays on Nethergate for the loading and unloading of service vehicles, road freight and waste management vehicles. The proposed provision is safe and accessible.
 - 6 The proposal requires minor alterations to existing footpaths on West Marketgait and Nethergate to provide access to entrances of the proposed building. Details of these alterations have been agreed with the Council as Planning and 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, support the use of sustainable transport options and have no adverse impact on the surrounding road network. In support of the use of sustainable transport options, it is recommended the provision of a detailed Travel Plan to staff and residents of the proposed development is controlled by condition.
- 7.100 It is considered that appropriate sustainable travel methods are included within the development. Bus stops and Dundee Railway Station are within walking distance of the site and existing footpaths provide access to surrounding city centre shops and services.
- 7.101 **The proposal is in accordance with Policy 54, subject to conditions.**
- 7.102 **Policy 56: Parking** – states private non-residential parking will not be permitted within the City Centre Area. Parking provision must be limited to that which can be demonstrated as necessary for the servicing/operation of buildings and for customer drop off/pick up arrangements. 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.
- 7.103 The proposed development would not provide any resident or visitor vehicle parking. As considered under Policy 54, due to the site's city centre location the provision of no on-site parking for residents is acceptable and there is existing parking provision within the surrounding area to facilitate the proposed development.

- 7.104 The Dundee Streets Ahead document sets the standards for cycle parking provision. This sets out an appropriate provision of one cycle space per 8 staff and residents of the student accommodation and one space per commercial unit. Therefore the appropriate provision for this development is 7 spaces for the PBSA and 2 for the commercial units – a total of 9 secure and covered spaces.
- 7.105 The plans show 6 cycle spaces including an adult trike cycle space within a ground floor cycle storage room, and a further 3 spaces in the secure space to the west under the first floor overhang. The provision of these 9 secure and covered cycle spaces meets the minimum requirements for this mixed use development.
- 7.106 The development will also provide 6 cycle parking spaces to the front of the building for visitor use.
- 7.107 It is recommended full details of the form of cycle storage and its implementation prior to occupation of the development is controlled by condition.
- 7.108 **The proposal is in accordance with Policy 56, subject to a condition.**
- 7.109 **It is concluded that the proposal is in accordance with the Development Plan.**

STATUTORY DUTY

- 7.110 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**
- 7.111 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.
- 7.112 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.
- 7.113 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.
- 7.114 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 University 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 local area and wider city centre.
- 7.115 **It is considered that the application discharges the statutory duties as set out above.**

MATERIAL CONSIDERATIONS

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

A – PLANNING PERMISSION 21/00274/FULM

- 7.117 Planning application 21/00274/FULM for a mixed-use development including office, residential, cafe/restaurants and retail with associated access, landscaping, parking and

infrastructure was approved by Planning Committee in June 2021. The planning application included the erection of a five storey building on the corner of Nethergate/Marketgait with two ground floor commercial units and 16 mainstream residential flats within upper floors. The present application proposes a building which is near identical to that approved under 21/00274/FULM in terms of scale, design and finish. The previous granting of planning permission for a five storey building of the scale and form presently proposed is a material consideration of significant weight in support of this application.

B – REPRESENTATIONS

7.118 Three letters were received objecting to the proposal. The objections raised the following valid material grounds:

- the submitted information fails to demonstrate there is a demand for the type of student accommodation proposed;
- the proposed “studio style” student accommodation is not appropriate. Flatted style student accommodation or traditional residential flats as previously approved would be more appropriate;
- the proposed student accommodation fails to provide an appropriate level of amenity space; and
- the proposed number of cycle storage spaces and use of racks which require cycles to be hung are not supported. Also, there is a lack of visitor cycle parking and no space for “non-standard” cycle vehicles.

7.119 These grounds of objection are considered and assessed as follows:

7.120 **Objection** – the submitted information fails to demonstrate there is a demand for the type of student accommodation proposed.

7.121 **Response** – the applicant has submitted supporting information with the application, including a Student Demand Assessment which demonstrates there is existing demand for PBSA within the city. This matter is considered under Policy 15. The type and form of student accommodation is not a matter that is controlled by Policy 15, it is for the applicant to propose a type and form of accommodation which meets demand whilst providing a high quality residential amenity. The proposed studio accommodation ensures students are provided with suitable facilities in a city centre location.

7.122 **Objection** – the proposed “studio style” student accommodation is not appropriate, flatted style student accommodation or traditional residential flats as previously approved would be more appropriate.

7.123 **Response** – the Council must determine the application on the acceptability of the development as proposed. It is not for the Council to suggest any other preferred form of development. As considered above, it is for the applicant to propose a type and form of accommodation which meets demand whilst providing a high quality residential amenity. The applicant has submitted supporting information which demonstrates the proposed studio accommodation would provide students with high quality facilities including personal studio rooms with study/living area, bedroom, bathroom and storage space along with shared amenity areas within the new build development.

- 7.124 **Objection** - the proposed student accommodation fails to provide an appropriate level of amenity space.
- 7.125 **Response** – within the ground floor of the proposed PBSA, a shared amenity space is provided for students. The proposed amenity space is considered to be of an appropriate size for the 55 studio development. The site's city centre location also ensures residents are within walking distance of a range of shops, services, amenities and open space.
- 7.126 **Objection** - the proposed number of cycle storage spaces and use of racks which require cycles to be hung are not supported. Also, there is a lack of visitor cycle parking and no space for “non-standard” cycle vehicles.
- 7.127 **Response** – during consideration of the application, the applicant has submitted amended plans which show cycle storage within the proposed development. As discussed under the Policy 56 assessment earlier in this report the plans show 6 cycle spaces including an adult trike cycle space within a ground floor cycle storage room, and a further 3 spaces in the secure space to the west under the first floor overhang. The provision of these 9 secure and covered cycle spaces meets the requirements for this mixed use development.
- 7.128 One neutral letter of representation was received. The representation considers the revised application for a 55 room purpose-built student accommodation to be appropriate in this location. The scale and elevational treatment is broadly similar to that of the previous approval for flats and ties in well with the existing streetscape. The difficulties of construction method on this busy corner are noted. The representation refers to previous comments made in relation to 21/00274/FULM with regard to the need for a green roof treatment and outdoor amenity space. It is noted that there is space for storage of 7 cycles, but believes consideration should be given to providing more given the student occupancy.
- 7.129 **Response** - the matters raised are considered within this report. The applicant has submitted information to demonstrate there is a demand for student accommodation, and the site's city centre location is appropriate for the proposed uses. In relation to green roof space and the provision of outdoor amenity, landscaping is to be provided within the wider site area. The site is also within walking distance of public open spaces, including Slessor Gardens. The associated office building is to include areas of green roof that will support wild flowers. Due to the area and position of the roof of the proposed PBSA building, and provision of roof top air source heat pumps, a green roof is less viable in this instance. The proposed cycle storage provision meets the requirements for student and commercial development.
- 7.130 **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 mixed-use development comprising purpose built student accommodation and two commercial units 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** - the development hereby permitted shall be commenced within 18 months of the date of this permission.

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

- 2 **Condition** - development shall not begin until further risk assessment is 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.

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 Council.

Reason – in the interests of enhancing the amenity and environmental quality of the development.

- 3 **Condition** - prior to commencement of any construction works, details of a scheme of public art 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 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.

- 5 **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.

- 6 **Condition** – prior to commencement of any works on site, a review of the report entitled Development at Greenmarket, Dundee Noise Impact Assessment for Planning - Rev01, undertaken by New Acoustics, Project Ref:7197-02-01 dated 19th July, 2022, shall be undertaken:
- a to assess all noise sources associated with the proposed commercial units of this development and those of building 1 of Planapp21/00274/FULM, including plant and equipment for those units to BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and to comply with the noise criteria detailed in Condition 8; 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 7).

Thereafter, and prior to occupation of any of the student accommodation 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.

- 7 **Condition** - 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 $L_{Aeq(16\text{ hour})}$ for bedrooms and other habitable rooms for daytime periods (07:00 to 23:00 hours), 30dB $L_{Aeq(8\text{ hour})}$ for bedrooms during night-time periods (23:00 to 07:00 hours) and 55dB $L_{Aeq(16\text{ hour})}$ for external amenity areas for daytime periods (07:00 to 23:00 hours). Any works will be detailed in writing for approval by the Council and will be in place and operational prior to the first occupation of the residential dwelling units hereby approved.

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.

- 8 **Condition** – the total noise from the mechanical and electrical plant/services, from this development and building 1 of Planning Application 21/00274/FULM, 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 the student residential accommodation of this development.

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.

- 9 **Condition** – within the proposed student residential accommodation, the received noise from the electrical substation associated with Planning application 21/00274/FULM shall not exceed NR20 internally.

Reason - in the interests of protecting residential amenity.

- 10 **Condition** - all servicing and deliveries, including loading, unloading or lay-up shall be between 07:00 to 21:00 hours Monday to Saturday and 09:00 to 19:00 hours Sunday.

Reason - in the interests of protecting residential amenity.

- 11 **Condition** – prior to commencement of any works on the student residential accommodation, details of the proposed alternative means of ventilation/any proposed mechanical ventilation system(s) for the student residential accommodation, including the location of the air intake(s), requires to be submitted to the Planning Authority for approval. Thereafter, the development shall be completed in accordance with the agreed details.

Reason - in the interests of protecting residential amenity.

- 12 **Condition** – prior to first occupation of each of the ground floor commercial/retail units within the development, full details of the occupying use shall be submitted to the Council for approval in writing and thereafter occupied in accordance with agreed use.

Reason - in the interests of protecting residential amenity.

- 13 **Condition** - should the commercial units include a Class 3 use or ancillary takeaway, prior to the commencement of work on site, 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)/cooking area(s) becoming operational and maintained in accordance with the details approved by this condition. Thereafter, the kitchen(s)/cooking area(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.

- 14 **Condition** - prior to any works on site details of the secure and covered cycle parking shall be submitted to the Council for written approval. Thereafter, the cycle storage shall be installed in accordance with the agreed details prior to first occupation of the development hereby approved.

Reason - in the interests of sustainable travel measures.

- 15 **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.

- 16 **Condition** – prior to the commencement of development, an amended Air Quality Assessment shall be submitted to the Council for approval. The report shall identify any mitigation measures required to protect the amenity of existing residents, any future residents of this development, and consider the impact of the proposed development on the existing Air Quality Management Area. A phasing strategy for the implementation of any mitigation measures recommended by the Air Quality Assessment shall be submitted to the Council for written approval. The phasing strategy shall include details of the timing and implementation of the required mitigation measures and thereafter the development shall be completed in accordance with this phasing strategy.

Reason - in the interest 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** - the 55 studio bedrooms within 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.