

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**

Flatted Residential  
Development for Student  
Accommodation, 122 Beds

**Address**

Land to North of Johnston  
Street  
Ward Road  
Dundee DD1 1PU

**Applicant**

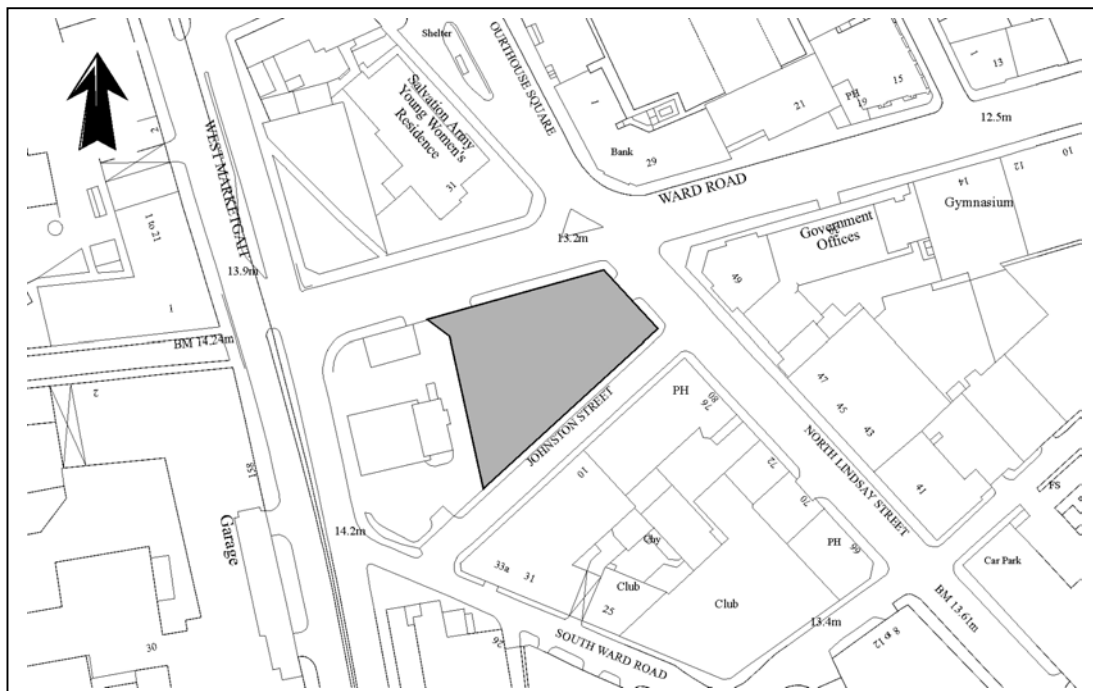
Ardmuir Ltd  
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**Agent**

Mackie Ramsay Taylor  
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Aberdeen  
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**Registered** 13 March  
2003

**Case Officer** E Jones



A Development for Student Accommodation providing 122 Beds is **RECOMMENDED FOR APPROVAL**.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is for a high quality building to provide en-suite accommodation for students at a prominent city centre location. It does not comply with the development plan but is in accordance with the Finalised Local Plan Review. This and other material considerations support the development which is recommended for **APPROVAL** subject to the conclusion of a legal agreement and planning conditions.

**SUMMARY OF REPORT**

- The application is for the redevelopment of an existing temporary car park for a development of 31 flats providing 122 en-suite bedrooms for student accommodation.
- The site, at the corner of Ward Road, North Lindsay Street and Johnston Street lies within the City Centre and is surrounded by mixed uses including offices, public house and nightclub and residential flats. It adjoins a busy junction on the Inner Ring Road.
- The proposed use does not comply with the development plan but is identified as a potential student housing site in the Finalised Local Plan Review 2003.
- Three objections have been received from adjacent residential properties on grounds of overshadowing, overlooking, noise, traffic, parking and access problems.
- The proposal is a bold, modern L shaped building which respects the City Centre streetscape and is of high quality design.
- The applicant has agreed to enter a legal agreement with the Council to restrict the occupation of the building to students.

## DESCRIPTION OF PROPOSAL

The application is for the erection of an L shaped block of 31 flats to provide 122 bed spaces for student accommodation. The block will vary in height with 5 and 6 storeys to either side of a corner block of 7 storeys. There is provision for 13 car parking spaces, secure storage for bicycles and bin/recycling stores. The finishing materials will be red reconstituted stone, smooth white and coloured render, grey feature panels with a grey profile roof.

## SITE DESCRIPTION

This is a wedge shaped site within the City Centre. It is bounded by Ward Road to the north, North Lindsay Street to the east, Johnston Street to the south and a petrol filling station to the west. West Marketgait lies to the west of the filling station. The surrounding uses are mixed with residential institutions to the north, offices to the north east and east, a public house with flats above to the south and a nightclub to the south and south west. Planning permission has recently been granted for the redevelopment of buildings on the west side of West Marketgait for a hotel complex. The majority of the surrounding buildings reflect the central location of the site and are four and five storeys high. There are Listed Buildings to the north and south and on the western side of West Marketgait.

The surrounding roads are busy, with Ward Road forming part of the one way system serving the western part of the City Centre. The site is flat and is currently in use as a car park but was previously a garage and filling station and prior to that was part of a spinning mill.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

### Dundee Local Plan 1998

The following policies are of relevance:

Policy EU20 – Central Area Office Sector. The policy has a general presumption in favour of office uses and the development of this cleared site for residential uses would be likely to materially prejudice the office sector.

Policy H10 – Design of New Housing. The design of new housing should be in accordance with the Guidelines which identify criteria for size, scale, accommodation, parking, amenity space, privacy and design. The Guidelines have specific standards for student housing.



### Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.

Dundee Urban Design Guide 2001 sets out the principle objectives to be pursued in order to achieve improvements to the urban environment of the City.

### Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 9 – Student Housing. “Sites identified on the Proposals Map are considered appropriate for the development of student housing. In addition, student housing proposals on sites within fifteen minutes walking distance of the Universities will be supported where this is in accordance with other Local Plan policies. Proposals must be supported by higher education institutions through a contract with the provider. Restrictions on occupancy may be appropriate. Given the prominent

location of many sites close to the City’s Universities, it is important that development proposals are of a very high quality design. As a general rule car parking should be provided at a ratio of 25% of bedspaces although this may be reduced in highly accessible central locations. Secure bike storage facilities should be included in all proposals.”

This site is identified in the Finalised Review as a potential student housing opportunity site in accordance with Policy 9.

Policy 28: Higher Education Development. The policy supports higher education development generally particularly in the Blackness area subject to other policies in the Plan.

Policy 55: Urban Design. The policy states that for all new developments the emphasis will be on design quality particularly with regard to the creation of architectural features which reflect and enhance street layouts, significant views and vistas. A Design Statement is required for new buildings on significant sites, which the applicant has submitted.

### Scottish Planning Policies, Planning Advice Notes and Circulars

PAN 56 – Planning and Noise is relevant due to the location of the site within the City Centre, close to the Inner Ring road.

PAN 67 – Housing Quality seeks to raise the quality of good design in new housing developments.

PAN 33 – Development of Contaminated Land is relevant due to the previous uses on the site which include a textile mill and petrol filling station.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application

### LOCAL AGENDA 21

The development complies with a number of Key Themes. The

redevelopment of a brownfield site in a highly accessible location represents sustainable development and the proposal is of a high quality of design in a prominent location.

## SITE HISTORY

D15424 Planning permission for erection of 7 storey office building granted subject to conditions 5/12/1990. This consent has expired.

D19657 Planning permission for change of use from vacant site to car park, granted subject to conditions, 8/8/1994.

01/30019/OUT Outline planning application for flatted development. Refused 29/10/2003.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. Three valid objections were received, two from adjoining residents and one from the owners of the adjacent flats. All were on the basis of loss of amenity by reason of overshadowing, overlooking, noise, traffic, parking and access problems.

## CONSULTATIONS

The City Archivist advises that there may be archaeological remains within the site which should be investigated

The Director of Leisure and Arts recommends a detailed landscape scheme to include semi-mature trees to give scale to the building.

The Director of Environmental and Consumer Protection advises that the submitted noise attenuation details for the windows are acceptable subject to their inclusion within appropriate planning conditions. As the site was formerly a petrol filling station, site investigations and possible mitigation measures will be required in respect of potential contamination of the site. These will be the subject of planning conditions.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations

## The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

Policy EU20, the Central Area Office Sector has a general presumption in favour of office uses and the development of this cleared site for residential uses could materially prejudice the office sector.

Policy H10 – Design of New Housing.. The relevant Guidelines have specific standards for student housing. The privacy standard seeks to achieve 18 metres between room windows and neighbouring property. The proposed building is 10.5 metres from the existing flats on the south side of Johnston Street. One bedroom on each floor has a corner window part of which faces these flats. The identified parking standard is 25% of bedspaces, which is 30 spaces. The development proposes 13 spaces..

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

## Other Material Considerations

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

## Finalised Dundee Local Plan Review

The policies in the review reflect the changing circumstances within the City since the Dundee Local Plan was approved in 1997. The plan seeks to support and encourage the universities and colleges, which make such a significant contribution to the economy. The provision of high quality accommodation is an essential element in maintaining the strong reputation of the City's educational institutions. The policies also seek to ensure that new developments are of a high quality of design and make a positive contribution to the urban landscape.

Policy 9 – Student Housing. Sites are identified which are considered to be suitable for student housing and the policy states that development proposals must be supported by higher education institutions through a contract with the provider. The policy further states that developments should be of a high quality design, should provide car parking at a ratio of 25% of bedspaces although this may be reduced in highly accessible central locations and secure bike storage should be provided.

This site is identified in the Finalised Review as a potential student housing opportunity site in accordance with Policy 9.

The applicant has submitted a supporting statement and a letter from the University of Abertay, Dundee both of which state that discussions are currently underway between the parties regarding a contract for provision of student accommodation. To date, no contract has been concluded. However the applicant has agreed to conclude a Section 75 agreement with the City Council to restrict occupation of the accommodation to students during term time and to visitors or business users in the vacation. An appropriate condition to prevent the commencement of construction work on site prior to the conclusion of such a contract is also agreed by the applicant.

The proposed car parking totals 13 spaces, one being allocated for disabled use. This represents 10.6% provision but the site is very close to the City centre and the University and such a reduction is in accordance with the policy. Secure bike storage is also provided. The design is of a high standard but this will be considered in more detail in relation to Policy 55.

It is considered that the proposal complies with Policy 9 subject to compliance with restrictive conditions and a legal agreement as detailed above.

Policy 28: Higher Education Development. The policy supports higher education development generally particularly in the Blackness area subject to other policies in the Plan. The proposal is in accordance with this policy.

Dundee Urban Design Guide 2001 and Policy 55: Urban Design. The policy states that for all new developments the emphasis will be on design quality particularly with regard to the creation of architectural features which reflect and enhance street layouts, significant views and vistas. A Design Statement is required for new buildings on significant sites and has been submitted in this case.

The applicant states that the existing gap site forms a badly defined area of streetscape within a mixed area of substantial buildings. The proposal redefines the street frontage to North Lindsay Street and Ward Road and the massing of the building respects the hierarchies of these two streets. The corner is a key focal point which is emphasised by the use of corner windows, large areas of glazing and a tower with feature roof which steps up to 7 and a half storeys. The design is contemporary and does not attempt to mimic historic details. The proposed finishing materials include high quality masonry block and coloured smooth render in similar colours to the University library in Bell Street.

The proposed development does forms a bold, modern, L shaped building along the principal road elevations, rising from 5 and 6 storeys to a prominent corner block with a feature roof. The tower to Ward Road will act as a counterpoint to the red sandstone tower of the D C Thomson building further to the east. It is considered that the tower should be lit at night and this will be the subject of further discussions with the architect. The mass of the building to the main street elevations provides a rear courtyard area accommodating parking and storage provision, high quality landscaping and walls forming an edge to Johnston Street. Following discussions with the architect, the windows have been increased in size with feature glazing to the living areas, glazed canopies to the entrances, feature walls and railings to form the boundary and landscaping. It is considered that the scale, massing, design and materials combine to provide a modern building which contributes to the City Centre and complies with the guidance in PAN 67, the Dundee Urban Design Guide 2001 and Policy 55.

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## OBJECTIONS

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Three valid objections were received, two from adjoining residents and one from the owners of the adjacent flats. All were on the basis of loss of amenity by reason of overshadowing, overlooking, noise, traffic, parking and access problems.

Overshadowing – the development will be to the north of the existing flats and will not block direct sunlight. It will affect daylight but this is a site in the City Centre where tall buildings are required to enhance the urban character of the area.

Overlooking - the proposed building is 10.5 metres from the existing flats on the south side of Johnston Street. One bedroom on each floor has a corner window part of which faces these flats. However due to the different floor levels in the buildings, the windows do not face directly into each other and as the proposed development has a corner window, it is considered that the degree of overlooking will be minimised. The other window in the gable comprises glass blocks to restrict overlooking.

Noise – this is a busy City Centre location with high levels of traffic and pedestrian flows. It is not considered that there will be an unacceptable increase in noise sufficient to justify refusal.

Traffic – the site is currently in use as a car park with access from Johnston Street. The proposed development has fewer car parking spaces and there will be a resulting reduction in traffic in the immediate vicinity.

Parking – given the central location of the site, the proposed parking standards are considered to be acceptable. The development will result in loss of a car park which has been operating on the site on a temporary basis pending redevelopment of this site. Parking in the surrounding streets is controlled by on street restrictions.

Access problems – the site access is to Johnston Street which currently has the access to the car park. The development has fewer spaces than the current public car park and access problems should be reduced in consequence.

It is considered that the terms of the objections are not sufficiently strong in themselves to support the refusal of planning permission if other material considerations support the development.

It is concluded from the foregoing that sufficient/insufficient weight can be accorded to any of the material considerations such as to justify the grant/refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused/granted with conditions.

## Design

The design of the building has been assessed in terms of PAN 67 and Policy 55 Urban Design as detailed above.

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## CONCLUSION

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The proposed development does not comply with the relevant policies in the Dundee Local Plan 1997 as the use of the site for student housing would not comply with the office uses supported by the Plan. The proposal also would not comply with the Guidelines for provision of student housing with regard to privacy and car parking. However, the emerging Local Plan as detailed in the Finalised Local Plan Review considers the provision of high quality student housing to be a major element in the support of the City's further education institutions. To that end, a specific policy has been formulated, in consultation with the Universities, in order to progress that provision. The proposed development complies with all of the requirements of that policy with the exception of evidence of the support of the higher education institutions in the form of a contract with the accommodation providers. Whilst discussions are underway and a legal agreement restricting occupation has been agreed by the applicant, it is considered appropriate to restrict the commencement of construction work on the site until a Section 75 and a contract has been concluded. The design and materials proposed are of a high standard appropriate to this important site, as recommended in PAN 67. In accordance with PAN 33 and PAN 67 site investigations with regard to potential contaminated land

issues will be addressed and noise attenuation measures will be incorporated into the specification of the windows. On balance the development complies with the policies in the Finalised Local Plan Review subject to appropriate conditions.

The objections have been considered but are not sufficiently strong to refuse redevelopment of this vacant site, which occupies a significant location within the City centre, and has been available and identified for use for a number of years.

### Legal Agreement.

Members are advised that it is considered appropriate to conclude a Section 75 agreement with the applicant in order to restrict the occupation of the building to full time students during the academic year and business, tourist or conference visitors outwith this period.

### RECOMMENDATION

It is recommended that planning permission is approved subject to the following conditions:

#### Recommendation 1

1 That this consent shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the City Council and the applicant has been concluded and recorded. The agreement shall detail that the development hereby approved shall only be occupied by bona fide students during the academic year and by business or tourist visitors at other times.

#### Recommendation 2

1 Prior to the commencement of construction of the building hereby approved, the applicant shall demonstrate that the development is supported by one or more of the further education institutions in the City by means of a contract for the provision of accommodation for students.

2 The means of access to the development shall be laid out and formed in accordance with details to be submitted to and approved by the City Council prior to the

first use of the building hereby approved.

- 3 The parking and vehicle manoeuvring areas hereby approved shall be laid out prior to the first occupation of the building hereby approved.
- 4 Full details of the recycling facilities and bin stores shall be provided to the City Council for approval prior to the completion of the development and, if approved, they shall be completed and kept available for use by residents prior to the first occupation of the building hereby approved.
- 5 Full details of the cycle parking facility hereby approved shall be provided to the City Council for approval prior to the completion of the development and, if approved, they shall be completed and kept available for use by residents prior to the first occupation of the building hereby approved.
- 6 Within six months of the first use of the building hereby approved, trees and shrubs shall be planted on the site in accordance with a scheme which has previously been submitted to and approved by the City Council. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five 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.
- 7 The applicant shall submit an archaeological investigation report of the site prior to the commencement of construction works on the site. If the site investigations indicate archaeological remains, the applicant/developer shall provide access to the site for the purposes of archaeological excavation in accordance with a programme of works which has been submitted to and approved by the City Council, prior to the commencement of construction works.
- 8 Prior to the occupation of the building, the developer shall demonstrate that the internal noise

levels within individual living apartments shall not exceed 30dB(a) at any time of the day.

- 9 No construction shall commence on site until an investigation of potential contamination has been carried out and the results submitted to and approved by the City Council. Any measures necessary to remediate the site shall be fully implemented as detailed in the investigation prior to the occupation of the building.
- 10 Full details of the finishing materials for the building shall be submitted to the City Council for approval and if approved, the development shall be carried out only in accordance with such approved details.
- 11 The parking and vehicle manoeuvring area shall be surfaced with porous materials in accordance with a comprehensive sustainable drainage system.
- 12 Full details of the windows shall be submitted for approval prior to the commencement of construction and if approved, the works shall be carried out only in accordance with such approved details.
- 13 Full details of the tower roof, including lighting proposals, shall be submitted for approval prior to the commencement of construction and if approved, the works shall be carried out only in accordance with such approved details.

### Reasons

- 1 In order to comply with Policy 9 of the Finalised Dundee Local Plan Review which seeks to ensure that new accommodation will satisfy the need to provide high quality student accommodation for the City's further education institutions. The development proposed does not provide flats of sufficient size with sufficient car parking or amenity space to satisfy the Council's policies for the design of new housing other than for student accommodation.
- 2 In the interests of highway safety.
- 3 To ensure that adequate manoeuvring and parking space is

- available to serve the development in the interests of highway safety.
- 4 In the interest of the amenities of the future occupiers and the occupiers of nearby properties.
  - 5 In order to ensure that secure parking is available for cycles in the interests of the environment and the visual appearance of the development.
  - 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
  - 7 The site is considered to be of archaeological interest and it is important that the opportunity created by the development to expose the history of the site, thereby contributing to the better understanding of the development of the City, is not lost.
  - 8 In the interests of the amenities of the occupiers of the property.
  - 9 In accordance with PAN 33 and in order to protect the amenities of the occupiers of the building.
  - 10 In the interests of the appearance of the building which occupies a prominent position in the City Centre close to a number of listed buildings.
  - 11 In order to ensure that the drainage of the exterior hard surfaces of the site forms part of a Sustainable Drainage System in accordance with PAN 61
  - 12 In the interests of the appearance of the building which occupies a prominent position in the City Centre close to a number of listed buildings.
  - 13 In the interests of the appearance of the building which occupies a prominent position in the City Centre close to a number of listed buildings