

KEY INFORMATION

Ward Law

Proposal

Erection of 113 flats for student accommodation

Address

Land North of Hawkhill,
Dundee

Applicant

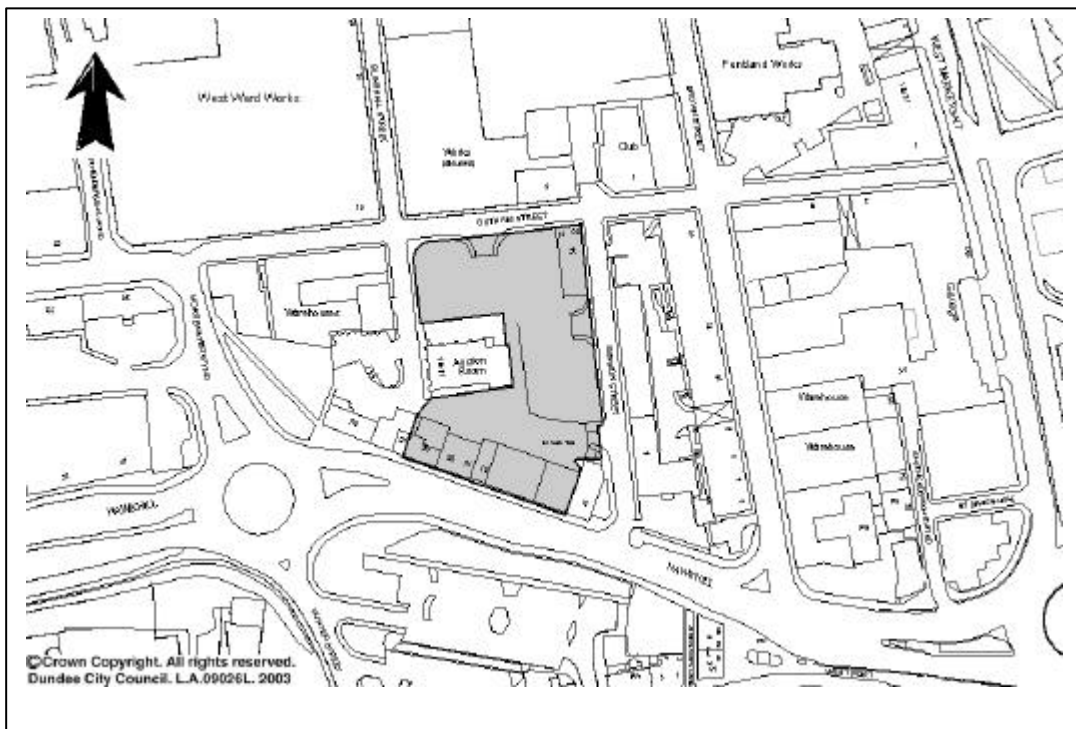
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Case Officer D Gordon



Proposed Student Housing Development in Hawkhill

The erection of flats for student occupation is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The development is considered as a positive contribution to the redevelopment of this industrial area and one that will complement and enhance the setting of the surrounding conservation area and other development proposals already approved for the University of Dundee in this local area. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 113 student flats (507 study bedrooms) on a site located on the north side of the Hawkhill by-pass. The building, that will range from 4-storeys to 6-storeys in height, will centre round a former church building. Twenty one off street car parking spaces are to be provided within the scheme.
- The proposal was advertised in the local press as a 'bad neighbour' development as the structure would, in parts, exceed 20 metres in height. A letter of objection to the proposal has been received that relates to the potential impact the new residences may have on the operational aspects of an adjacent business.
- It is considered that the proposed development is acceptable in terms of design, siting, massing and scale. In addition, the levels of proposed car parking are considered acceptable. The appearance of the new building will improve and enhance the visual quality of the local area, including the setting of the surrounding conservation area, and will make a positive contribution to the continuing development by the University of Dundee in the campus area located to the south.

DESCRIPTION OF PROPOSAL

The proposal under consideration involves the erection of 113 student flats on a 0.484 hectare site located on the north side of Hawkhill. A total of 507 study bedrooms are to be provided all of which will accommodate a communal lounge and kitchen area. It is intended that this is the first phase of a larger urban development that will take place on the land located to the west.

The new building ranges in height from 4 storeys to 6 storeys plus a lower ground floor at the corner of Hawkhill and Session Street. The rear of the development will be centred round the former St Mary Magdalene's Church with its principal frontages being elevated onto Hawkhill, Session Street and Guthrie Street.

The proposed finishing materials are white render, facing brick and timber lining.

Access, both pedestrian and vehicular, is to be taken from Blinshall Street, Session Street and Guthrie Street with 21 off street car parking spaces being provided within the curtilage of the site.

SITE DESCRIPTION

The site is bounded by Hawkhill to the south, Session Street to the east, Guthrie Street to the north and Blinshall Street to the west. The site currently accommodates a mixture of predominantly single storey commercial / industrial buildings and yards. A former church is located on the west side of the site. This building, currently an indoor climbing centre, is a Category B listed building. A small restaurant building (Byzantium) is located on the south east boundary of the site.

The surrounding area displays a wide range of uses with restaurant, residential and industrial uses to the east, industrial and religious to the north, business and industrial to the west and commercial and education to the south. South Mills, located to the east, is a Category A listed building and is currently in residential use.

The site is contained within the Blackness Conservation Area.

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:

Proposal HS17. A 0.55 hectare site that comprises of redundant warehouses and yard area. This site may be developed in two parts. An area of open space requires to be established along Session Street. Uses other than housing may also be appropriate for the site.



Policy H10 - This policy offers design guidelines for new build housing within the city.

Policy BE1 - The Council will expect the highest standards of composition and design in all new developments and its careful integration with its surroundings as regards scale, form, siting alignment, materials and landscaping.

Policy BE11 - Within Conservation Areas all developments will be expected to complement and enhance the character of the surrounding area.

Policy BE30 - when considering development proposals involving sites where the presence of contamination is suspected the developers will require to submit details of site investigations and notify of proposed remediation works.

Dundee Urban Nature Conservation Subject Local Plan 1998

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

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 4 - Design of New Housing. The design and layout of all new housing in the city should be of a high quality.

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 located within 15 minutes walking distance of the Universities will be supported where this is in accordance with other Local Plan policies. A Section 75 Agreement will be required to restrict occupancy to students unless a higher education institution was a partner in the proposed development, in which case planning conditions would be appropriate. Given the prominent location of many sites close to the City's Universities, it is important that development proposals are of a high quality design. Adequate car parking should be provided based on a parking and

accessibility assessment that takes account of factors identified in the Addendum to National Planning Policy Guideline 17 - Transport and Planning Maximum Parking Standards, including the need to avoid overspill parking on surrounding streets. Secure bike storage facilities should be included in all proposals.

Policy 55 - For all new developments the emphasis will be on design quality and the Council will seek the creation of public spaces and points of interest which incorporate architectural and landscape features and reflect and enhance the historic street layouts, significant views and vistas. The Council will require the use of Design Statements for planning applications for new buildings.

Policy 61 - Development within Conservation Areas. All developments will be expected to preserve or enhance the character of the surrounding area.

Policy 79 - Contaminated Land. When considering development proposals involving sites where the presence of contamination is suspected, the developers will be required to submit details of the results site investigations and notify the Council of proposed remediation works if contamination is found. Appropriate conditions and/or legal agreements may be applied to ensure that such measures are implemented to the satisfaction of the Council.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 17 - Transport and Planning

Scottish Planning Policy 17 - Transport and Planning Maximum Parking Standards (Addendum to NPPG 17).

National Planning Policy Guideline 18 - Planning and the Historic Environment.

Planning Advice Note 67 - Housing Quality

Designing Places - A Policy Statement for Scotland.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide

LOCAL AGENDA 21

The development will result in the redevelopment of an inner city brownfield site and is therefore considered to be sustainable and consequently consistent with the aims of Local Agenda 21.

SITE HISTORY

There are no recent planning applications for this site that are of direct relevance to the determination of these proposals.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants. In addition, the proposal has been advertised in the local press as development affecting the setting of a conservation area and listed buildings. The proposal was also advertised in the local press under Section 34 of the Act (bad neighbour development) as the structure would, in parts, exceed 20 metres in height.

An objection to the proposals has been submitted by the restaurant business located on the south east boundary of the site. The main issue raised relates to the potential of the new residences to adversely affect the viability of his business by virtue of the impact any smells from the restaurant may have on the environmental qualities of the new occupiers.

A letter of representation has also been submitted by the operators of the indoor climbing centre located on the west side of the site. The letter raises issues that are not currently controlled planning legislation and the operator has been advised on this matter. The matters raised are not considered to be valid planning objections.

Copies of these letters are available for inspection in the Members' Lounges. It is intended to comment on the above issues in 'Observations' Section below.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals.

The Council's Head of Environmental Health and Trading Standards has requested that the Noise Impact Assessment for the site that was carried out in 2004 be updated to include changes in circumstances that have occurred in the intervening period. At the time of writing, this amendment/addendum to the NIA was being prepared in conjunction with advice offered by the relevant Departments within the Council. It is anticipated that the terms of the Addendum will be acceptable to the Council. However, it is intended to attach an appropriate condition to any consent granted that will ensure that noise mitigation measures are in place prior to the first occupation of the new residences.

The Head of Environmental Health and Trading Standards has also advised that due to the historical industrial character of the site, conditions should be attached to any permission granted requiring site investigations be carried out and appropriate remediation proposals put forward for any contamination found to be present within the site.

OBSERVATIONS

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

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

Also, in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest that they may possess. The Council is also required to have regard to preserving and enhancing the character or appearance of the conservation area.

The Development Plan

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

The proposal under consideration involves the erection of 113 student flats (507 study bedrooms) on a site located on the north side of Hawkhill. It is intended that this is first phase of a potentially larger urban development that will take place on the land located to the west. The site currently accommodates a variety of industrial / business use buildings and yards.

Proposal HS17 of the Dundee Local Plan 1998 allocates the use of the site for residential purposes. In this respect, it is considered that the principle of the use of the site for student housing purposes is acceptable.

Policy 10 of the Plan offers design guidelines for new build housing within the city. The applicants have submitted a Design Statement in

support of the planning application. This Statement details the philosophy and concepts behind the new development proposals.

With regard to design, the applicants advise that the submission forms the first phase of potentially larger urban development that will eventually see the redevelopment of the land and buildings bounded by Hawkhill to the south, Session Street to the east, Guthrie Street to the north and Guthrie Street to the west. This Phase 1 comprises a student residential complex of 507 study bedrooms, all of which are en-suite, and enjoy a communal lounge area and kitchen in each flat. This development is ideally located to enable the students of both University of Dundee and Abertay University to utilize the residences.

The building ranges from 4storeys to 6-storeys plus lower ground floor at the corner of Hawkhill and Session Street. A digital survey was carried out, encompassing the heights of the surrounding buildings. An appropriate scale was then adopted for the proposals to complement the adjoining buildings. This phase of the proposals will, through its layout, reinstate the original urban framework, which at present is lost by the single storey buildings traversing Blinshall Street. The corner at Hawkhill and Session Street will be articulated by 2 traditional gables which, in turn, are linked by a vertically emphasised cylindrical stair tower partially clad in glass blocks.

The Hawkhill and Session Street facades of the new complex are modelled in plan and section to provide the regenerative unification of this important streetscape.

Situated on Blinshall Street is St Mary Magdalene's Church, a Category 'B' Listed Building. The new student complex will embrace and complement the scale of this listed building as the new scheme wraps around the site, starting and finishing in Blinshall Street. Due to its close proximity to the student complex, the church will act as the 'fulcrum' to the development.

It is considered that the architectural concept and details of the proposed development are acceptable. The proposals have been developed to respond to the context of the University campus area located to the south and other local influences. This includes the desire to see the Hawkhill

by-pass achieve a more urban character, to produce clearly defined pedestrian routes to the area to the south and to relate to the scale, massing and prominence of several of the existing and proposed new buildings in the local area. With regard to the palette of finishing materials, it is the applicants intention to minimise the numbers of materials used on the facades and to create interest in the elevations through modelling the facade. A white render finish would be the predominant material with a facing brick utilised as a contrast to the white render and to act as a base for the accommodation along Hawkhill and the other streets adjacent to the new building. It is also the intention to pick out the circular stair in a facing brick to strengthen and highlight in the streetscape. The proposed timber facade screens will be completed in a horizontal timber finished in yacht varnish.

With regard to traffic, parking and service deliveries, the scheme provides for 21 on-site car parking spaces. Of these 8 spaces will be allocated for disabled, staff and visitor car parking. The remainder will be allocated for student car parking. Access to the car parking areas will be via electronically-controlled gates. During the start and end-of-term peak traffic generation and car parking demand, the management of the complex will co-ordinate a rota system for drop-offs and a maximum waiting period for each car.

In light of the above, it is considered that the proposal is in accordance with the relevant requirements of Policy H10.

In addition to H10 above, the proposals have been developed over a period of time through the progression of designs in conjunction with representatives of this Council. It is considered that the scale, massing, materials and appearance of the new building are in general accordance the design principles originally agreed for the development of the site. The development will provide a high quality building that will make a positive contribution to the environmental improvement of the surrounding conservation area. In this respect, the proposal is considered to be in accordance with Policies BE1 and BE11 of the Dundee Local Plan.

It is also concluded from the foregoing that the statutory duty set out in Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is discharged in this instance.

Other Material Considerations

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

Finalised Dundee Local Plan Review

The Local Plan Review allocates the application site for student housing purposes (Policy 9 refers). In this respect, the proposed use is considered to be appropriate.

In addition, it is considered that the terms of Policy 4 (Design of New Housing), Policy 55 (Urban Design) and Policy 61 (Development in Conservation Areas) have been discussed and discharged above.

With regard to Policy 9 (Student Housing) the applicants have been in discussion with this Council on the future occupancy of the proposed new residences. The principle has been agreed that the residences shall be occupied only by students of either of the city's Universities and of other higher educational establishments. It has also been agreed in principle that the temporary occupancy of the residences for conferences, holiday lets etc., shall be limited to periods outwith appropriate semester / term dates. In this respect, as application is not on behalf of specific University or other higher educational establishment, it is considered that there is a requirement for a Section 75 Agreement restricting the occupancy of the new residences to those uses outlined above. The applicants have agreed to enter into such an agreement.

With regard to car parking under the terms of this policy ie adequate parking should be provided that takes into account the requirements of Addendum to NPPG 17, it is the case that the proposed car parking provision as discussed above will fall within the maximum limit as outlined by the Addendum.

In light of the above, it is considered that the proposal is in accordance with the terms of Policy 9.

With regard to Policy 79 (Contaminated Land), due to the

current and historical characteristics of the application site, it is intended to attach a condition to any permission granted relating to site investigations being carried out and the appropriate remediation measures carried out to ensure that the site is fit for the use proposed.

Objections

An objection to the proposed development has been received from the occupier of the restaurant premises that are located on the south east corner of the site. The objection relates to the potential that the new development has to adversely affect the business by virtue of the impact any smells from the restaurant may have on the environmental qualities of the new occupiers of the flats. It is understood that the applicants have been in contact with the owner of the restaurant with a view to incorporating the facility into a comprehensive redevelopment of the site. However, the restaurant building remains separate from the scheme under consideration although it is further understood that the design of the new flats is such that the corner can be developed at a later date, as an integral part of the residences, should the restaurant site become available for redevelopment.

The Head of Environmental Health and Trading Standards has advised that he considers the proposed development to be acceptable and has no objections to make to the details that have been submitted.

Design

The proposed development is similar in design and concept terms to recently approved student housing proposals for the University of Dundee campus area located to the south of the site. The development of the site in the manner proposed will allow the repair of the urban edge along this section of the Hawkhill by-pass with qualitative architecture of an appropriate scale, mass and design. The scheme will also provide the opportunity to complete the urban block on adjacent street frontages.

CONCLUSION

The principle of a development of this nature is supported through the land use policies of the Dundee Local Plan

and the Finalised Dundee Local Plan Review.

The proposal is considered to make a positive contribution to the environmental quality of the surrounding conservation area and one that will complement the series of development proposals already being progressed by the University in this area.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country (Scotland) Act 1997 between the Council and the parties with appropriate interests in the land has been recorded. The agreement will relate to:

- 1 the future occupancy of the residences
- 2 periods of occupation of the residences by various user groups.

Recommendation 2

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples
- 3 Development shall not begin until details of a scheme for landscaping works have been submitted to and approved in writing by the planning authority. For the avoidance of doubt, details shall include:
 - a location and design, including materials, of walls, fences and gates
 - b soft and hard landscaping works
 - c location of new trees, shrubs, hedges and grassed areas

- d schedule of plants to comprise species, plant sizes and proposed numbers / density
- e programme for completion and subsequent maintenance.

Any trees or shrubs on the site which, in the opinion of the planning authority, are dying, severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar specification to those originally planted.

- 4 Development shall not begin until a scheme to deal with any contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall include details of proposals to deal with any contamination to include:
 - a the nature, extent and type(s) of contamination on the site
 - b measures to treat/remove any contamination to ensure that the site is fit for the use proposed
 - c measures to deal with any contamination during construction works
 - d condition of the site on completion of decontamination measures

Before the site is occupied, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 5 Before the use commences, the building shall be insulated to achieve sound attenuation in accordance with a scheme approved by the City Council and thereafter implemented.
- 6 Development shall not begin until a scheme to deal with waste recycling has been submitted to and approved in writing by the planning authority. The development shall not be brought into use until the measures that have been agreed have been put in place in full accordance with the approved scheme.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 to ensure a satisfactory standard of appearance of the development
- 4 In order to ensure that the site is fit for the use proposed
- 5 In order to protect the amenity of the residents from traffic noise and any noise from adjacent occupiers
- 6 In the interests of sustainable development.