

Proposed Redevelopment and Change of Use of Former College Site

KEY INFORMATION

Ward Coldside

Address

Former Dundee College
30 Constitution Road, Dundee

Applicant

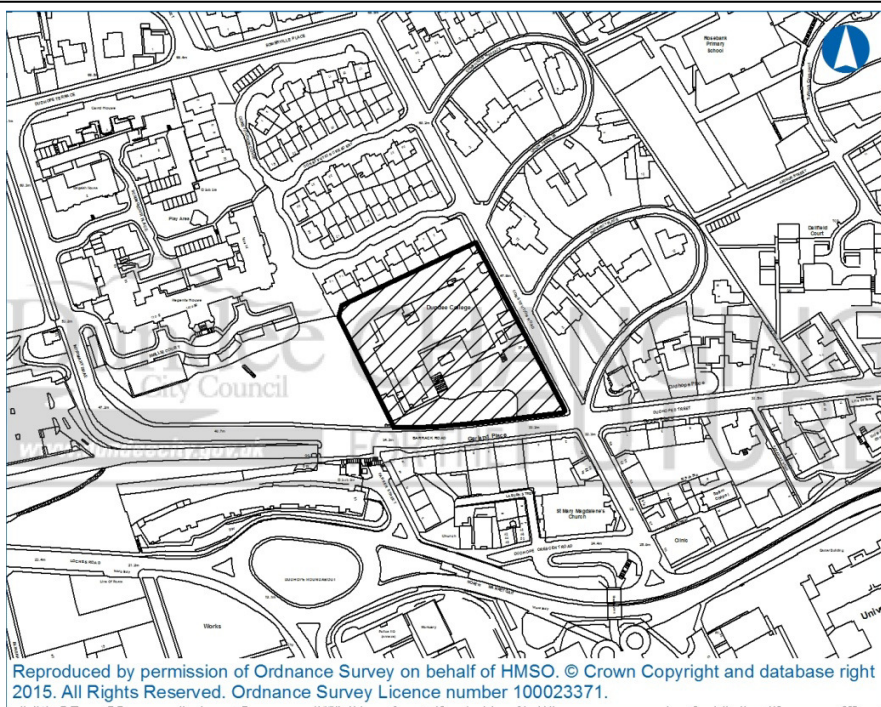
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Registered 28 May 2015

Case Officer A Ballantine



SUMMARY OF REPORT

- Planning permission is sought for proposed re-development and change of use of former College site to mixed use development comprising 110 flats, with office, cafe, cinema, gym and storage accommodation, including associated external alterations (including infilling of top 2 floors of east tower), parking, infrastructure and landscaping works.
- The application includes a number of supporting statements including Bat Survey, Design and Access Statement, Planning Statement, and Transport Statement.
- The development was the subject of a statutory pre-application consultation process. 6 letters of objection (from 5 registered addresses) were submitted raising a variety of concerns with the proposed development.
- The application fails to comply with Policy 9/Appendix 3 of the Dundee Local Development Plan. There are material considerations of sufficient weight that would justify the approval of planning permission contrary to the application failing to comply with the Development Plan.
- Scottish Water and SEPA have been consulted on the application, and no objections were received.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NOQXWZGC0AX00>.

RECOMMENDATION

Proposed re-development and change of use of former College site to mixed use development comprising 110 flats, with office, cafe, cinema, gym and storage accommodation, including associated external alterations (including infilling of top 2 floors of east tower), parking, infrastructure and landscaping works is recommended for APPROVAL subject to conditions. Report by Director of City Development.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the proposed re-development of the former Dundee College campus in to a mixed use development including 110 flatted properties, office accommodation, a café, a cinema and further amenities for the proposed residential accommodation including a gymnasium, storage and laundrette facilities. The existing buildings - which comprise principally of two blocks with a shared podium space - will be largely re-used with the east tower block being extended within the height of the existing water tank to include an additional 2 floors

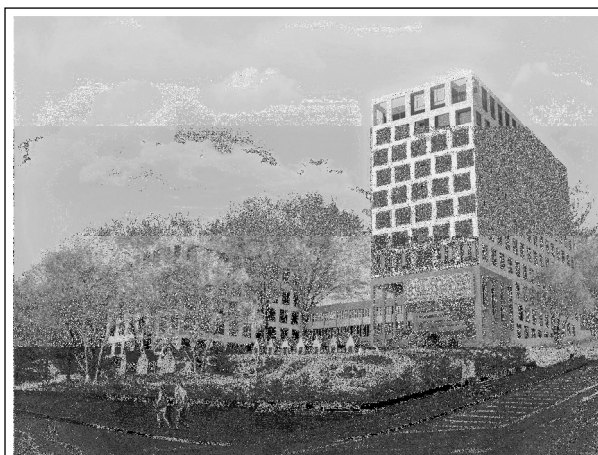


Figure 1 – Artists Impression of Development

of residential accommodation.

- 1.2 Internally, the proposed residential accommodation will comprise 110 flatted properties, including 35 1-bedroom flats and 75 2-bedroom flats, and will be located in both east and west tower blocks. The proposal includes 550m² of office accommodation which will be located within the podium block. The proposed café will also be located within the podium block. The proposed residents gymnasium and laundrette will be located on the second floor of the east tower block. The proposed cinema will re-use the existing lecture theatre at the base of the east tower block. The proposals require considerable internal works, including the reconfiguration of the existing layout, the installation of lifts, etc.

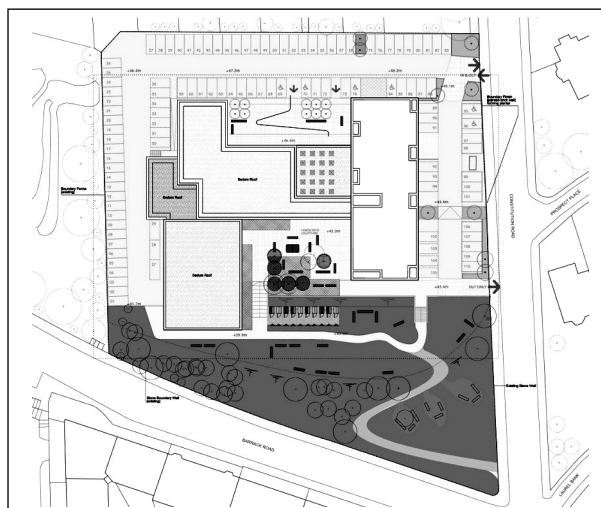


Figure 2 – Proposed Site Plan

- 1.3 Externally, the proposals involve extending the east tower block upwards to include 2 floors of additional accommodation, extensive elevational alterations including re-cladding the existing buildings and re-working existing external finishings, the reconfiguration of car parking areas, and landscaping/re-grading works. The existing car parking areas will be reconfigured to provide 110 spaces using a controlled entry-exit system, using the existing vehicle access from Constitution Road as well as a new access for exit-only movements. The landscaping works involve the creation of a landscaped amenity courtyard to the south of the podium, a new entrance courtyard to the north, the planting of numerous trees, the erection of storage sheds to the south of the landscaped courtyard as well as re-grading and other landscaping work including the formation of bicycle storage racks under the podium block.
- 1.4 As the application includes proposals for more than 50 residential units, the proposals fall within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community. A Pre-application Consultation Report is submitted as part of this

application. In addition, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 also stipulate that major planning applications should be accompanied by a Design and Access Statement. The applicant has complied with this requirement. In accordance with the Scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.

- 1.5 Further studies and information have been submitted with the application including a bat survey, transport statement, justification statement, design and access statement, preliminary risk assessment (contamination) and drainage proposals. An Environmental Impact Assessment Screening Opinion has been undertaken, under the terms of the EIA Scotland Regulations 2011, and it has been considered that an EIA is not required to be submitted.

2 SITE DESCRIPTION

- 2.1 The application is located on the site of the former Dundee College on Constitution Road. The site is bounded by residential properties to the north, east and south, and mature woodland bounds the site to the west, with the DRI development beyond that. The site is accessed from vehicle and pedestrian accesses off Constitution Road with car parking wrapping the north, east and west areas of the site. To the south, there is semi-mature woodland on north-south sloping ground.

- 2.2 The site itself consists of an existing 1970s former college building, formed of two towers, the east being 9 storeys tall and the west being 5 storeys tall. The towers are linked by a podium at level 01, which accommodates a gym, main hall and canteen. The east tower incorporates a lecture theatre at lower ground and ground floor levels. The buildings are formed in rendered concrete framing with sections of ceramic tiles and brick. The site generally slopes from north to south, with a large retaining wall formed at the north of the site.

- 2.3 The surrounding area is predominantly residential with a range of modern and traditional properties in the vicinity including detached, semi-detached and tenement properties. The Crescents Conservation Area is situated to the east of the site and the land to the west of the site is designated as the Barrack Road Site of Importance for Nature Conservation. The site is located within the Inner City boundary and has no allocations with the Local Development Plan. As the site is currently vacant, there are ongoing issues with vandalism and anti-social behaviour.

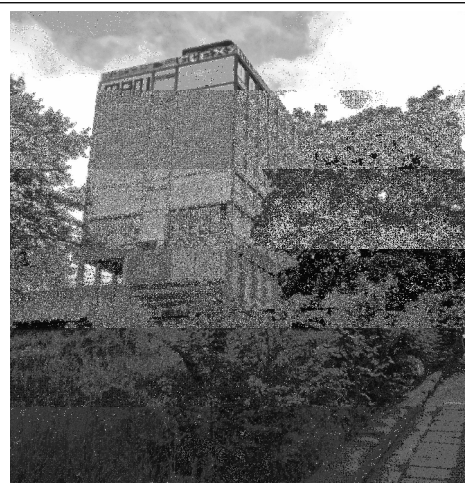


Figure 3 – Photograph of East Tower Block



Figure 4 – Photograph of Podium and West Tower Block

3 POLICY BACKGROUND

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

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design
Policy 8: Housing Land Release
Policy 9: Design of New Housing and Appendix 3 standards
Policy 11: Formation of New Residential Accommodation
Policy 16: Small Scale Commercial Uses within Residential Areas
Policy 35: Protected Species
Policy 38: Trees & Urban Woodland
Policy 42: Sustainable Drainage Systems
Policy 45: Contaminated Land
Policy 55: Accessibility of New Developments
Policy 57: Car 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 14/00752/PAN - The PAN (Proposal of Application Notice) was validated on 31 October 2014. The PAN must be submitted at least 12 weeks before the planning application is lodged and specified public consultation must be carried out. A report on the Pre-Application Consultation must be submitted as part of the subsequent planning application. The applicant has complied with these requirements as noted below.

5 PUBLIC PARTICIPATION

- 5.1 As noted above, public consultation forms part of the statutory requirements for the submission of a Major application. The applicants submitted a Pre-application Consultation (PAC) Report as part of the planning application in order to comply with the statutory requirements. Details of the pre-application consultation is available in the submitted PAC report.
- 5.2 Objections/Representations - the statutory neighbour notification process has been undertaken and 6 letters of objection (from 5 separate property addresses) have been received on the application raising the following concerns:
- a principle of development;
 - b potential noise impact;
 - c potential impact on traffic volume, traffic movement and parking;
 - d potential impact on air quality;
 - e potential detrimental impact on neighbouring community;
 - f potential impact on neighbouring SINC site;

- g justification for raising height of east tower block and resultant visual impact;
- h potential impact on setting of DRI building and neighbouring Conservation Area;
- i potential impact on pedestrian safety;
- j increase in HMO properties;
- k overshadowing from extended east tower block; and
- l office and commercial uses will compete with city centre facilities.

6 CONSULTATIONS

- 6.1 **Scottish Water** – have been consulted on the proposals and have not provided any comments within the consultation period.
- 6.2 **SEPA** – have been consulted on the proposals and have raised no objection to the application. SEPA have provided advice to the applicant on their drainage proposals.
- 6.3 **The Council's Environmental Protection Division** – have commented on the proposals and requested the imposition of a number of conditions relating to the proposed café use and noise levels associated with plant, equipment etc.
- 6.4 **The Council's Contaminated Land Officer** – has commented on the submitted Preliminary Risk Assessment and requested the imposition of 2 conditions to ensure any potential contaminated land is suitably addressed.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act 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.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** – requires all development proposals to be of a high quality design.
- 7.3 The proposal comprises the re-use of the existing former college buildings, including the extension of the east tower block. In relation to Policy 7, the principle of the re-development scheme is considered to be sustainable through the re-use and adaption of the existing buildings. The proposals include re-using the existing building frame/structure and re-cladding with a variety of finishing materials to improve thermal efficiency and to improve the appearance of the overall development. The proposal therefore does not require the buildings to be demolished.

- 7.4 As the building is prominent in the locality and is visible from many locations across the City, the use of high quality finishing materials is essential. The proposal includes the use of a variety of finishing materials including acrylic render, ceramic mosaic tiles, and PPC aluminium clad windows, with painted brick at the base of the towers and the retention of exposed concrete at the lecture theatre. Details of the finishing materials have been submitted as part of the design statement and the applicant has demonstrated the logic behind the design concept for the whole development. The details of the finishing materials submitted are therefore considered to be acceptable in principle and will be of a high quality. The proposed external finishes will greatly enhance the appearance of the buildings, using a distinct but complementary palette of materials, textures and colours across the site. In order to ensure that the range of finishing materials used throughout the development are of a high quality, in the event members are minded to grant planning permission a condition will be imposed to require the submission of samples of all finishing materials for the approval of the planning authority.
- 7.5 In addition, a landscaping plan has been submitted detailing the landscaping works proposed across the whole site. The proposed landscaping comprises mainly re-using the existing facilities and assets available. The semi-mature landscape to the front of the existing buildings is to be retained and will be enhanced through the use of landscaping to allow the area to be better used. The landscaping proposals include the installation of seating areas, storage sheds, and the incorporation of a new pedestrian link from the south-east corner of the site to better enable users of the site to enjoy the amenity space. Further to the north, the landscaping plan includes a formal landscaped courtyard which can be accessed via both the podium block and the area to the south. The courtyard will provide further amenity space for users of the site, including seating and soft/hard landscaping. To the north of the podium block, an entrance courtyard will be formed, greatly enhancing the existing opportunities to enter the building from this part of the site. This area will also include soft and hard landscaping and will form the main entrance to the development. Other landscaping works across the site, including planting and re-grading works and will further enhance the site and its setting within the wider area. Overall, the landscaping proposals are well considered and re-use the existing facilities as well as enhancing the site as a whole through a mixture of soft and hard landscaping. In the event members are minded to grant planning permission a condition will be imposed to require the submission of details of all materials associated with the soft/hard landscaping in order to ensure that development is finished to a high standard.
- 7.6 **Overall, the proposals are of a high quality design, subject to the imposition of various conditions, and therefore the proposals satisfy the requirements of Policy 7.**
- 7.7 **Policy 8: Housing Land Release** – states that where proposals involve unallocated brownfield sites this may be acceptable where it can be demonstrated that it will improve the tenure mix in an area where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.
- 7.8 The site has not been allocated for housing in the Dundee Local Development Plan 2014. The proposal is situated on a brownfield site and is proposing residential use of the existing former Dundee College building. The proposal will provide a mix of 1 and 2 bedroom flatted properties and the applicant has stated that the properties will comprise a mixture of private rental sector and private sale properties. The proposal therefore will improve the tenure mix in the area, and will contribute to the regeneration of this prominent vacant site.
- 7.9 **The principle of re-developing this unallocated site for residential purposes is considered to be in accordance with Policy 8, and the proposals satisfy the requirements of Policy 8.**

- 7.10 **Policy 9: Design of New Housing** – requires all new development proposals to be of a high quality design and conform to the guidance contained in Appendix 3 of the Plan.
- 7.11 In terms of the overall quality of the proposed development, it has already been considered above that the proposals are considered to be of a high quality and therefore comply with this element of the Policy.
- 7.12 It is considered that the residential element of the proposed development fails to comply with the quantitative standards of Appendix 3 of the Local Development Plan. In terms of house type, whilst there are no site specific circumstances that demand a flatted solution the justification provided by the applicant is that the reuse of the existing college building would be the most sustainable approach to redeveloping the site and this is agreed in principle. However, the application proposes 35% of flatted properties to be 1 bedroom and under the minimum 60m² therefore it fails to meet the house type criterion. In terms of parking, the proposals include provision of 99 spaces for 110 flats therefore the 130% requirement is not met. In terms of amenity space, the proposals meet the required level to be provided with a range of amenity spaces available for the residents. In terms of privacy, the development is sufficiently set back from existing dwellinghouses so as to not give rise to any overlooking impact.
- 7.13 **Overall, the proposal fails to comply with Appendix 3 standards and therefore fails to comply with Policy 9.**
- 7.14 **Policy 11: Formation of New Residential Accommodation** – requires all conversions of existing buildings to residential accommodation to be of a high quality design and conform with 4 criteria:
- a the proposal fails to comply with Appendix 3 in respect of house type and car parking;
 - b it is considered that whilst a number of the flatted properties do not meet the required space standards, in context of re-using the existing buildings, the proposals for additional facilities including gymnasium, laundrette, storage, etc, as well as the site's edge of city centre location, the quality of the accommodation proposed is considered to be acceptable. The site includes a high standard and level of amenity space and the proposed accommodation is set within a high quality urban environment, close to city centre facilities;
 - c the proposal will not give rise to a loss of amenity/garden ground to existing residents, as the site is self-contained and will not give rise to any loss to adjoining residential properties. In terms of off/on street parking and traffic movements, as will be discussed in greater detail below under Policies 55 and 57, the applicant has sufficiently demonstrated that the proposed level of parking will be adequate to serve the proposed development in light of the nature of the uses involved and proximity to the city centre. In addition, the site was previously used as a college facility, which included over 200 staff and 2,000 students, therefore the traffic impact - particularly during the day - would have been more significant; and
 - d the proposal is in accordance with Policies 7, 8, 16, 35, 38, 42, 45, 55 and 57.
- 7.15 **The proposal fails to comply with criterion 1 of Policy 11 as the Appendix 3 standards are not adhered to.**
- 7.16 **Policy 16: Small Scale Commercial Use** – states that the Council will support the development of a range of small scale commercial services close to and within existing housing areas. Any services will need to ensure that they do not have a detrimental effect

on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement, noise or smell.

- 7.17 The application proposes the creation of a small-to-medium sized café within the ground floor accommodation as well as a cinema within the existing lecture theatre. The applicant has noted that these facilities will not be restricted to residents and therefore fall under the remit of this policy.
- 7.18 In terms of design and layout, the proposals will re-use the existing college building accommodation and therefore raise no issue in respect of these. In terms of parking and traffic movement, it has already been considered above that there will be sufficient parking available on site, with the majority of trips anticipated to be undertaken on foot, and traffic movements associated with these uses will not be significant in comparison to previous use of the site as a college facility. In terms of noise and smell, the Council's Environmental Protection Division has considered the submitted information and requested the imposition of various conditions to control noise and smell to an acceptable level.
- 7.19 **Overall, the proposals satisfy the requirements of Policy 16.**
- 7.20 **Policy 35: Protected Species** – does not support development proposals which are likely to have a significant effect on a European protected species unless 2 criteria are met. Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported. Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.
- 7.21 As requested as part of pre-application discussions, the applicant has submitted a Bat Survey. The results of the survey demonstrate that no evidence was found that bats use the buildings for roosting, that the potential for bat roosting in the structure is considered very low to zero and that none of the trees to be affected by the development have any potential for use by bats. As such, it is considered that the applicant has suitably demonstrated that there will be no impact on bats arising from the proposed development.
- 7.22 **Therefore, the proposals satisfy the requirements of Policy 35.**
- 7.23 **Policy 38: Trees and Urban Woodland** – requires new development to contribute to the expansion of tree planting and woodland development where appropriate and must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planning within the application site as well as new planting and maintenance.
- 7.24 A tree survey and landscaping proposals have been submitted in support of the application, and as requested as part of the application. The tree survey details that no trees are required to be felled to accommodate the proposed development. The survey provides recommendations for some tree works in the interests of good arboricultural practices, as well as number of other recommendations including protective measures and supervision by a qualified arborist. In the event members are minded to grant planning permission, a condition is recommended to be imposed to ensure that the recommendations of the tree survey are implemented in full.

- 7.25 **With the imposition of a relevant condition, the proposals satisfy the requirements of Policy 38.**
- 7.26 **Policy 42: Sustainable Drainage Systems** – requires all surface water from new development to be treated by a Sustainable Urban Drainage System (SUDS).
- 7.27 The applicant has submitted a drainage strategy for the site which includes a separate surface water and foul drainage system to be implemented, foul water to be discharged to the public sewer and surface water to discharge to the adjacent combined public sewer. The applicant has also submitted correspondence with Scottish Water which demonstrates that there is sufficient capacity - at this time - in Scottish Water assets to adequately sustain the requirements of the proposed development. In the event members are minded to grant planning permission, conditions are proposed to be imposed to ensure that the site can be suitably drained that is in accordance with this Policy.
- 7.28 **With the imposition of relevant conditions, the proposals satisfy the requirements of Policy 42.**
- 7.29 **Policy 45: Land Contamination** – requires where there is potential contaminated land that this is adequately addressed to the satisfaction of the Planning Authority.
- 7.30 A Preliminary Risk Assessment has been submitted in support of the application. The Council's Contaminated Land Officer has assessed the submitted information and agreed in principle with the findings of the Report. The Officer has requested in the event of granting planning permission, the imposition of two conditions.
- 7.31 **With the imposition of relevant conditions, the proposals satisfy the requirements of Policy 45.**
- 7.32 **Policy 55: Accessibility of New Developments** - requires all development proposals that generate travel to 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 allow walkable access to local amenities.
- 7.33 The development site is located on the edge of the City Centre boundary and has been designed to accommodate a variety of sustainable transport options. In terms of walking, the site is well served by existing street infrastructure (including to the City Centre) and will create further access points to encourage pedestrian use in and out of the site. In terms of cycling, the proposal includes extensive storage facilities for bicycles and the existing infrastructure allows the site to be accessed on bike from all directions. In terms of public transport and walkable access to local amenities, the site is located on the edge of the City Centre and was previously used as a college facility therefore it already has excellent access to public transport and local amenity facilities.
- 7.34 **The proposal satisfies the requirements of Policy 55.**
- 7.35 **Policy 57: Car Parking** - requires all new developments to comply with Dundee City Council's adopted guidance on road standards, (Streets Ahead) with the national maximum parking standards and the national minimum disabled parking standards.

- 7.36 The applicant has submitted a Transport Statement with accompanying justification for the level(s) of car parking proposed as well as anticipated traffic movements. In terms of car parking, the applicant considers that the level of parking proposed is sufficient to serve all aspects of the development. The Transport Statement and accompanying justification argue two key points:
- the nature of the proposal as a “live-work” development and its close proximity to existing amenities and facilities will reduce the reliance on private car use;
 - the site is situated close to a good network of public transport options including bus and rail therefore a reduced reliance on private car use.;
- 7.37 In addition, the Transport Statement contends that the previous use of the site as a college facility would have had a more significant impact on the local transport network and on on-street parking facilities in the surrounding area. The Transport Statement also states that the applicant intends to incorporate a controlled parking management system in order to adequately control the use of the parking areas associated with the proposed development. It is also contended that the level of cycle storage offered will offset the reliance on private car use thus further reducing parking requirements.
- 7.38 Following discussions with the Council's Roads Division, it is considered that the submitted information justifies the level and nature of car parking provided in light of the nature of the development, its location close to the City Centre and an expectation that there will be an element of shared use and that car ownership is likely to be lower due to the site location. In terms of the control of parking, the Council's Road Division has requested the imposition of a condition in order to ensure that this system is workable and will not give rise to any detrimental pedestrian/traffic impacts.
- 7.39 **Overall, following the submission of further information and with the imposition of a relevant condition, the proposals are considered to satisfy the requirements with Policy 57.**

OTHER MATERIAL CONSIDERATIONS

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

A - SUITABILITY OF RESIDENTIAL ACCOMMODATION

- 7.41 It has already been considered above that the proposed 35 1-bedroom flatted properties fail to comply with Appendix 3 standards in respect of room size. It is considered however that there are further material considerations that would support the proposed development including the 1-bedroom flats.
- 7.42 The proposed development is considered to be a unique proposal re-using the existing college buildings to create a “live-work” development with a wide range of amenities available. The layout and design of the current buildings are not conventional for pure residential use and therefore the current 'live-work' concept has been devised which re-uses the different building space(s) to create residential properties alongside a variety of complementary uses. The amenities available to the proposed residents, include a laundrette, a café, a gymnasium, storage facilities, a games room, and a cinema, as well as car parking and cycle storage facilities. The wide range of amenities is proposed to offset those smaller flat sizes as well as to foster a mixed use development which is more socially cohesive through the use of shared facilities. This is not a conventional residential concept in the city but in this instance, with the wide range of complementary facilities, is considered

to be a flexible approach to re-using the existing buildings and that still maintains a high standard of accommodation with a mix of tenure type including PRS and private sale.

- 7.43 It is anticipated that this development would cater for the graduate and young professional market. The proposed mix of 1- and 2-bedroom flatted properties would complement this market, given the site's close proximity to the services and facilities associated with the City Centre as well as the on-site facilities being proposed. In addition, there is further justification in that 10 of the 1-bedroom flats are positioned within a section of the existing building where floor area is constrained and there is no opportunity to increase the floorspace. These flats are positioned at the north-side of the existing stairwell in the east tower block and therefore create residential floorspace in a space which would otherwise be un-used and allows for the corridor end windows to be retained.
- 7.44 Overall, it is considered that the level and type of residential accommodation proposed is acceptable in this location and has been suitably justified, contrary to the requirements of Appendix 3 of the Local Development Plan.

B - SUPPORTING STATEMENTS

- 7.45 The applicant has submitted a variety of supporting statements, including a Design & Access Statement and Supporting Planning Statement. The general principles behind these supporting statements are considered to be acceptable as material considerations in support of the application.

C - VIEWS OF OBJECTORS

- 7.46 The statutory neighbour notification process has been undertaken and 6 letters of objection (from 5 separate property addresses) have been received on the application raising the following concerns:
- a principle of development;
 - b potential noise impact;
 - c potential impact on traffic volume, traffic movement and parking;
 - d potential impact on air quality;
 - e potential detrimental impact on neighbouring community;
 - f potential impact on neighbouring SINC site;
 - g justification for raising height of east tower block and resultant visual impact;
 - h potential impact on setting of DRI building and neighbouring Conservation Area;
 - i potential impact on pedestrian safety;
 - j increase in HMO properties;
 - k overshadowing from extended east tower block; and
 - l office and commercial uses will compete with city centre facilities.
- 7.47 In terms of point 1, the re-use of the existing buildings is considered to be preferable and the preceding report has identified that the proposed re-development scheme is acceptable. In

terms of point 2, it has already been considered from the preceding report that those uses which may cause noise disturbance on the surrounding area will not have any detrimental impact. In terms of point 3, issues of parking, traffic volume and movement have already been considered in the preceding report and the proposed development is considered to be acceptable in this regard. In terms of point 4, it is considered that the proposed development and its associated level of car use would have a lesser impact in respect of air quality compared to the previous use as a college facility. In terms of point 5, the above report has addressed any potential concerns on impacts to the neighbouring community. In terms of point 6, it is considered that the proposed development will have a negligible impact on the SINC site, and as assessed under Policy 35, there will be no impact on bats within the site. In terms of point 7, the applicant has justified the raising of the roof of the east tower to include 2 additional levels of accommodation in the submitted Design Statement. This is considered to be acceptable in the context of the overall development and will not give rise to any significant visual impact on the surrounding area. In terms of point 8, the design and appearance of the proposed development has already been assessed and it is considered that the proposal will enhance the current buildings on site. In terms of point 9, the submitted Transport Statement supplementary information has demonstrated that there are no significant issues with pedestrian safety at the junction of Barrack Road and Constitution Road therefore no mitigation measures are required. In terms of point 10, the proposal involves 1 and 2 bedroom properties therefore there will be no HMO properties associated with the development, which ordinarily involve 3 or more unrelated people residing together. In terms of point 11, the applicant has demonstrated through an overshadowing study that there will be no additional significant overshadowing impact on those properties to the rear of the site at Constitution Crescent. These properties are already overshadowed by the development at certain times/days of the year and there are also mature trees which have a more significant impact in terms of overshadowing. In terms of point 12, the only uses associated with the proposed development open to public use would be the office accommodation, the café and the cinema. By virtue of the location and relative size of the development, the uses identified above would only have a negligible impact on the city centre and therefore are considered to be acceptable.

7.48 The views of the objectors are generally not supported.

7.49 **It is concluded from the foregoing that overall, there are material considerations of sufficient weight that would support the approval of planning permission.**

8 CONCLUSION

8.1 The proposal fails to satisfy the requirements Policy 9/Appendix 3 of the Development Plan. There are material considerations of sufficient weight that would justify approval of planning permission contrary to the provisions of the Development Plan. Therefore, it is recommended that this application be approved.

9 RECOMMENDATION

9.1 It is recommended that consent be GRANTED subject to the following conditions:

- 1 Prior to the commencement of works on site, full details including samples of all finishing materials associated with the development hereby approved shall be submitted to the Planning Authority for written approval and shall only be completed in accordance with the approved details.

- 2 Prior to the commencement of works on site, full details of all soft/hard landscaping works shall be submitted to the Planning Authority for written approval and shall only be completed in accordance within the approved details. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- 3 The recommendations contained in section 15 of the Arboricultural Impact Assessment prepared by Arboretum Internationale and dated 24 June 2015 shall be implemented in full.
- 4 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and, if necessary, a remediation strategy to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
 - a the nature, extent and type(s) of contamination on the site;
 - b measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - c measures to deal with contamination during construction works; and
 - d verification of the condition of the site on completion of decontamination measures;
- 5 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.
- 6 Prior to the commencement of development on site, details of the proposed parking control measures shall be submitted to the Planning Authority for written approval and shall only be completed and operate in accordance with the approved details.
- 7 Prior to the operation of the cafe hereby approved, details of the range of foods to be cooked and the methods of cooking shall be submitted to the Planning Authority for written approval. The cafe shall only operate in conjunction with the approved details, unless otherwise agreed in writing with the Planning Authority.
- 8 Prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling and simulation results shall be submitted to Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the occupation of the development.
- 9 Prior to the occupation of the development hereby approved, evidence of Scottish Water's Technical Approval/Approval to Connect shall be submitted to the Planning Authority for written approval.
- 10 Prior to the commencement of any works on site, details of the maintenance responsibilities along with a Maintenance Schedule for the surface water drainage system/SUDS features shall be submitted to Dundee City Council for written approval. Thereafter, all maintenance works approved by virtue of this condition shall be carried out in accordance with the approved details.

- 11 Prior to commencement of any works on site, signed Dundee City Council Sustainable Drainage Design Compliance and Independent Check Certification shall be submitted by the Applicant for the written approval of the Planning Authority confirming the design of the Drainage System will be completed in accordance with regulated standards.
- 12 Prior to the commencement of any works on site, a construction/traffic management plan for all construction works on site, shall be submitted to the planning authority for approval and construction works shall operate be undertaken in accordance with the approved management plan.
- 13 The total noise from the mechanical and electrical plant/services shall not exceed NR45, during daytime, and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property.

NR45 is applicable for the period 07.00 to 23.00 hours and NR35 and NR25 are applicable for 23.00 to 07.00 hours.

REASONS

- 1 In order to ensure that the development is finished to a high standard.
- 2 In order to ensure that the development is landscaped to a high standard.
- 3 In the interests of the arboricultural amenity of the site and surrounding area.
- 4 In order to ensure that any potentially contaminated land is adequately addressed.
- 5 In order to ensure that any potentially contaminated land is adequately addressed.
- 6 In order to control parking to ensure that the development has sufficient parking provision and to ensure that there is no detrimental impact on pedestrian/vehicle safety.
- 7 In order to minimise any impact on neighbouring residential amenity.
- 8 To ensure that the site will be drained in a sustainable manner.
- 9 In order to ensure that Scottish Water are satisfied that there is sufficient capacity to accommodate additional surface drainage water.
- 10 In to ensure that the site is suitably drained with an appropriate maintenance regime.
- 11 In order to ensure that the drainage system is completed to a regulated standard.
- 12 In order to ensure that any impact on neighbouring residential properties is minimised during construction works.
- 13 In order to ensure that any noise impact associated with the development is controlled to an acceptable level.