

KEY INFORMATION

Ward Law

Proposal

Erection of 122 flats for student occupation with common room, office, laundry facility and new restaurant

Address

Land North of Hawkhill
Dundee

Applicant

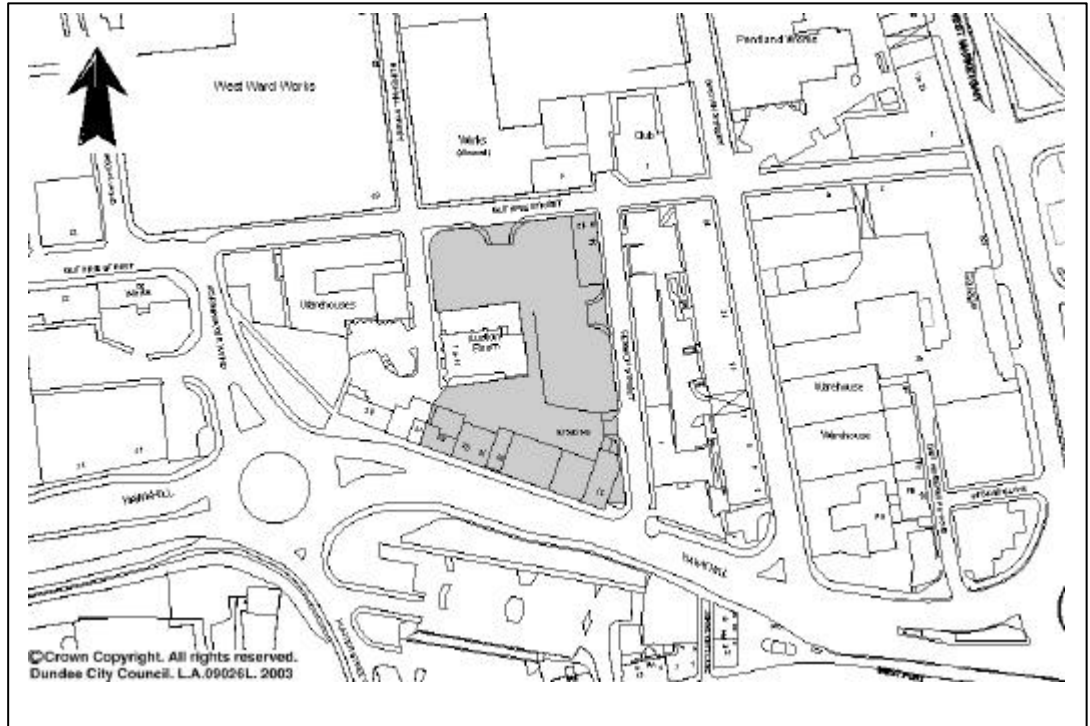
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Case Officer D Gordon



Proposed Student Housing Development in Hawkhill

The erection of 122 flats for student occupation and new restaurant 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 compliment 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 122 flats for student occupation on a site located on the north side of the Hawkhill by-pass. The scheme is an amendment to a previous planning application for 113 student flats on this site that the Council was minded to approve, subject to the signing of a Section 75 Legal Agreement on the occupancy of the building, on 27 June 2005.
- The building, which will range from 4 - 7 storeys in height, will centre round a former church. Twenty one off street car parking spaces are to be provided within the site in addition to 30 cycle racks.
- The proposal was advertised in the local press as a 'bad neighbour' development as the structure will be, in part, over 20 metres in height. A letter of objection to the proposals has been submitted and relates to car parking, zoning of the development plan, amenity space provision and the provision of licensed premises.
- It is considered that the proposed development, particularly with the introduction of the corner detail amendments, is acceptable in terms of design, siting massing and scale. In addition, the levels of proposed car parking are considered appropriate. The appearance of the new building will improve and enhance the visual quality of the local area and will make a positive contribution to the continuing development by the University of Dundee in the Campus area to the south.

DESCRIPTION OF PROPOSAL

The proposal under consideration involves the erection of 122 student flats, and ancillary facilities, on a 0.484 hectare site located on the north side of Hawkhill. A total 543 study bedrooms are to be provided. This is intended to be the first phase of a larger urban development that will take place on the land located to west. This current planning application is an amendment to a planning application for 113 student flats on this site that the Members were minded to approve, on conclusion of a Section 75 Legal Agreement relating to occupancy, on 27 June 2005. The amendments relate to the south east corner of the site that now includes the redevelopment of the Byzantium restaurant and the provision of addition student flats above.

The new development ranges from 4 - 7 storeys in height. The rear elevations of the flats will be centred round the former St Mary Magdalene's Church with the principle frontages of the development elevating onto Hawkhill, Session Street and Guthrie Street.

The proposed finishing materials are facing brick, render, and timber panels. The boundary walls are to be facing brick with metal railings.

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. Cycle rack provision is also proposed with 11 racks outside and 19 racks inside the building. Landscaping proposals have also been submitted as part of this application.

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 service 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 (the Byzantium) is located on the south east corner of the site. It is this building that is now incorporated into the development site (see Description of Proposal Section above).

The wider surrounding area displays a



considerable range of uses with restaurant, residential and industrial uses to the east, industrial and religious uses to the north, business and industrial to the west and commercial and education to the south. South Mills, recently converted to a residential use, is located to the east and is a Category A listed building.

The site is located 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 Review 2005.

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 Legal Agreement will be required to restrict the 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 such 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 - Urban Design. 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 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 in Conservation Areas. All developments will be expected to preserve and 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 of site investigations and notify the Council of the 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

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 17 - Planning for Transport

Planning Advice Note 75 - Planning for Transport

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 it is therefore considered to be sustainable and consequently consistent with the aims of Local Agenda 21.

SITE HISTORY

05/00305/FUL - Erection of 113 Student Flats - Council minded to approve following the signing by all relevant parties of a Section 75 Legal Agreement relating to the future occupancy of the units.

05/00291/CON - Demolition of unlisted building in conservation area - Approved 15.08.2005.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants. In addition, the proposal was advertised in the local press under Section 34 of the Act as a 'bad neighbour' development as the structure would, in part, exceed 20 metres in height.

An objection to the proposals has been submitted, the main issues of which relate to:

- 1 insufficient car parking associated with the proposal
- 2 the site is zoned for industrial purposes in the Local Plan
- 3 Insufficient amenity space within the curtilage of the development
- 4 the provision of licensed premises and hot food premises

A copy of this letter is available for inspection in the members Lounges. It is intended to comment on these issues in the 'Observations' Section below

CONSULTATIONS

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

The Councils Head of Environmental Health and Trading Standards has suggested certain conditions that should be attached to any consent granted that relate to the protection of residential amenity from any potential noise nuisance generated by the development. Advice has also been offered, due to the historic industrial nature of the site, on contamination issues. A condition attached to any permission granted that covers the discharge of these matters is also advised.

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

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 122 student flats (543 study bedrooms) on a site located on the north side of Hawkhill. The site currently accommodates a variety of industrial/business use buildings and yards. The site is contained within the Blackness Conservation Area.

Reference is made to a planning application for the development of 113 student flats (507 study bedrooms) on this site that the Members were minded to approve, subject to the signing of a Section 75 Legal Agreement relating to occupancy, on 27 June 2005 (application 05/00305/FUL refers). This signing of a legal agreement has now been finalised and the agreement registered.

The submission of this new application for 122 flats was generated by the inclusion within the development scheme of the existing restaurant building (Byzantium) that is located on the south east corner of the site. The exclusion of this restaurant building from the site in the previous application was viewed as a missed opportunity to provide a prominent and

appropriate visual feature on this important street corner. The Members are advised that the majority of the proposed new development is identical in detail to the previous scheme that was supported by the Committee with the main area of change being the corner element on the Hawkhill/Session Street junction that incorporates the redeveloped restaurant and new student flats accommodation above.

It is considered that the principle of the use of the site for student housing has been established by its allocation for such purposes in the Dundee Local Plan Review 2005 (Policy 9 - Student Housing refers). It is further considered that this form of use, including the design principles of the scheme, has also been established through the support by the Members of the previous application for student housing on this site.

It is considered that the architectural concept and details of the proposed development are acceptable. The issues of scale, massing, layout and impact on the surrounding streets and buildings, including the adjacent St Mary Magdalene's Church (Category B listed building) have been fully discussed and discharged in the consideration of the previous application for student housing on this site (05/00305/FUL refers). The proposals have been developed to respond to the context of the University Campus 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 more 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 and to act as a base for the accommodation along Hawkhill and the other streets adjacent to the new building. 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. It is intended to allocate 8 of these spaces for disabled, staff and visitor parking with the remainder to be used 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. It is considered that the proposed car parking provision falls within the maximum limit as outlined in Scottish Planning Policy 17 - Planning for Transport (supersedes Addendum to NPPG 17 August 2005) and consequently, in this respect, there is no requirement to refer the application to the Scottish Ministers.

The applicants have also submitted detailed landscape plans for the site. These details have been agreed with the Council's Forestry Officer.

It is considered that there is a requirement, under Policy 9 of the Dundee Local Plan Review 2005 (Student Housing), for a Section 75 agreement restricting the occupancy of the new residences to students of either of the city's Universities and of other higher educational establishments. The temporary occupancy of the residences for conferences, holiday lets etc., would be limited to periods outwith appropriate semester / term dates. This provision would be in line with terms of the previous application for student housing on this site.

It is considered that scale, massing, materials and appearance of the new building are in accordance with the design principles originally agreed for the development of the site. This particularly includes the new corner tower feature that has been introduced into the scheme. 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 the relevant policies of the Dundee Local Plan Policy Review 2005.

It is also concluded from the foregoing that the statutory duty set out in Sections 14 and 16 of the Planning (Listed Buildings and Conservation

Areas) (Scotland) Act 1997 is discharged in this instance.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

Objections

An objection to the proposals has been submitted on the grounds that the proposal has insufficient car parking, the area is zoned for industrial use in the Local plan, that there is insufficient amenity space provided for the new occupiers and the over provision of licensed premises in the area.

It is considered that the issues relating to car parking and Local Plan allocations and zoning have been discussed and discharged above.

With regard to the provision of amenity space, the application identifies areas on the west side of the building that are to be laid out with seating areas. This provision was previously accepted by the Members as being acceptable. With regard to the issue raised by the over-provision of licensed premises in the local area, the Members are advised that the proposals involve the redevelopment of an existing facility and not the provision of an additional licensed premises.

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

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 proposals are very similar in scale, massing, appearance and materials to the planning application for student housing that the Members were minded to approve on 27 June 2005. 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 Review 2005. 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 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (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

It is recommended that planning permission be GRANTED subject to the following condition(s):-

- 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 That any trees or shrubs planted on the site as part of the approved development proposals 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:

- i the nature, extent and type(s) of contamination on site
- ii measures to treat / remove any contamination to ensure that the site is fit for the use proposed
- iii measures to deal with any contamination during construction works
- iv 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 All amplified music and vocals from the restaurant facility hereby granted permission shall be so controlled as to be inaudible within the adjacent or nearest residential accommodation.
- 7 Total noise from all mechanical and electrical services serving the restaurant facility shall not exceed NR35 during the night, as measured 1 metre external to the facade of the nearest residential accommodation and for the avoidance of doubt, night time shall be 2300hrs - 0700hrs.
- 8 Total noise nuisance from the laundry facility shall not exceed NR35 during the night, as measured 1 metre external to the facade of the nearest residential accommodation and for the avoidance of doubt, night time shall be 2300hrs - 0700hrs.

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 in the interests of the visual amenities of the area
- 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 order to protect residents from any noise generated by the new restaurant facility
- 7 In order to protect residents from any noise generated by mechanical or electrical services.
- 8 In order to protect the residents from any noise generated by mechanical or electrical services