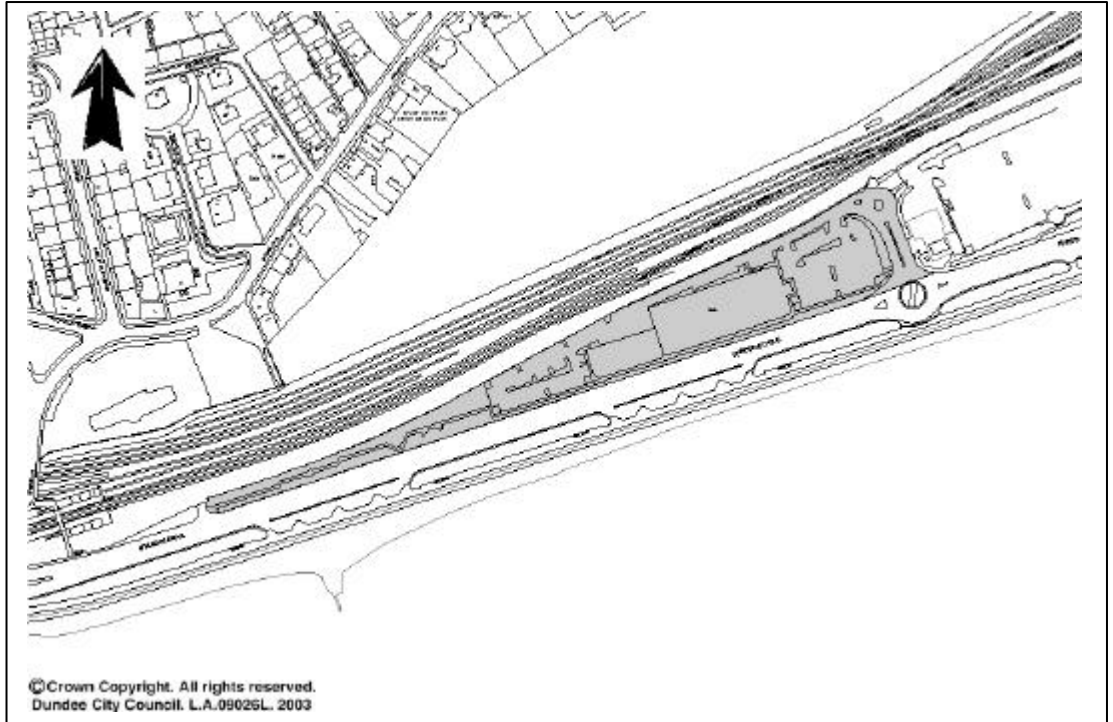


KEY INFORMATION**Ward** Tay Bridges**Proposal**

Erection of 202 apartments and provision of 239 car parking spaces

AddressFormer Homebase store
Riverside Drive
Dundee**Applicant**Mr David Hagan
c/o Peter Inglis Architects
30 South Tay Street
Dundee
DD1 1PD**Agent**Peter Inglis Architects
30 South Tay Street
Dundee
DD1 1PD**Registered** 31 Aug 2005**Case Officer** D Gordon

Proposed New Housing on Former Homebase Site on Riverside Drive

The erection of 202 apartments is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be contrary to the Housing policies of the development plan. A Planning Support Statement and a Design Statement have been submitted in support of the proposals.

The development will involve the re-use of a brownfield site and will provide a high quality flatted development on a gateway site leading into the city centre from the west. The development is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought for the demolition of a vacant DIY store and the erection of 202 flats and penthouses with associated car parking and landscaping works. The site is located on the north side of Riverside Drive to the west side of the city centre.
- The proposal raises issues under Policy 4 of the Dundee Local Plan Review 2005 that offers guidance on the Design of New Housing within the city and is considered to be contrary to the development plan. The applicants have submitted a Design Statement and a Planning Support Statement in support of the proposed development.
- The proposal has been the subject of 28 individual objections and a petition with 144 signatures. Dundee Civic Trust and the West End Community Council have also objected to the proposed development. The issues raised include inappropriate land use, design, traffic movements, flooding and location.
- Although the proposed development is contrary to the policies of the development plan, it is considered that the development will result in the re-use of a brownfield site with high quality residential accommodation that is appropriate in scale, mass, layout and appearance on this prominent and important river frontage gateway site. It is further considered that the submitted details represent a significant improvement in quality of design as compared to the previous application for a flatted development on this site that was refused permission in February 2005.

DESCRIPTION OF PROPOSAL

The planning application under consideration seeks permission to demolish an existing vacant DIY store and erect a flatted development that will include 202 apartments, 239 off street car parking spaces, 120 secure cycle parking spaces and landscaping. The development will comprise a mixture of 7 one bedroom flats, 158 two bedroom and 37 three bedroom.

The development will take the form of 4 liner blocks running along the frontage of Riverside Drive. These blocks will range in height from 5 - 7 storeys. An 'L' shaped fifth block is to be located on the east corner of the site that will partially front onto Riverside Drive and also face east towards the city centre. This will be the highest of the blocks within the site providing 8 storeys of residential accommodation on its eastern corner.

A combination of balconies and terraces are proposed for the north, south, east and west elevations of the new development. The balconies will be open jointed oak decking cantilevered over the main facades of the building. The finishing materials to be used are buff coloured sandstone blocks, terracotta tiles, rainscreen cladding panels (terracotta coloured and white) and an aluminium standing seam roof.

No residential accommodation will be provided on the ground levels of these new blocks. These are to be used solely for access, stairwells, lifts, parking, bin storage, recycling and landscaping. These ground floor areas are to be screened from Riverside Drive by a combination of landscaping, walling and railings.

Access into the site is to be taken from the existing service road and access point located to the east of the site. Associated off street car parking (239 spaces), as indicated above, is to be provided below the first floor levels of the new flats and on the south side of the new access road that runs along the north boundary of the site ie facing onto the railway. Access into the site is to be by controlled entry.

The applicants have also submitted landscaping proposals and a waste

management strategy for the proposed new development.

SITE DESCRIPTION

The site is located to the west of the city centre and forms a flat, elongated area of land that tapers towards its western boundary. It currently accommodates a vacant DIY store and associated parking at its eastern edge



that has remained vacant for a number of years. This building is single storey in height and is finished in blockwork walls and a green profiled sheet roof. Access into the site is taken from an adjacent service road that combines to serve a petrol filling station and retail superstore located to the east. Off street car parking for the vacant store is also located to the west side of the site. Open space/footpaths, which have been the subject of recent environmental improvements, are provided towards the western end of the site.



The site is bounded by Riverside Drive to the south and the main east coast railway line to the north. On the north side of the railway is the emerging Digital Media Park that currently has outline permission for Class 4 business, commercial and residential uses, landscaping and open space.

Dundee Airport lies to the west of the site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Housing Policy 2: Dundee and South Angus Housing Market area. In Dundee brownfield development is targeted to create popular, mixed tenure communities in certain areas including the city centre. The development of houses rather than flats is favoured.

Environmental Resources Policy 6: Design and Urban Renewal. This policy requires, amongst other things, that new developments make a positive contribution to the identity, character and quality of the built and historic environment.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities. The Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New developments should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell.

Policy 2: Housing Land Release. Proposals for housing land release additional to the Local Plan allocations will be acceptable where:

- housing development is in accordance with all other policies in the Plan; and
- will make a positive contribution to quality and choice of housing available in the local area; and
- it satisfies all of the housing standards contained within the Plan or those in any site planning

brief approved by the Council; and

- it will improve tenure mix in areas where there is a limited choice.

Policy 3: Housing Investment Focus Areas. The Council will encourage investment in housing and related social and physical infrastructure in the Housing Investment Focus Areas identified on the Proposals Map, working in partnership with Communities Scotland and the private sector.

Policy 4: Design of New Housing. The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will require to conform to the Design Standards contained within the Plan.

Policy 55: Urban Design. For all new developments, the emphasis will be on design quality and the Council will require the use of Design Statements for planning applications for new buildings on significant sites. All development will, in its design and layout, be expected to contribute to an environment that is safe and accessible to all.

Policy 56: Public Art. The Council will continue to support Public Art through the adopted Public Art Strategy and the Percentage for Public Art policy by implementing the "Percentage for Art" policy where all new development in Dundee with construction costs of £1,000,000 or over will be required to allocate at least 1% of the construction costs for the inclusion of an art project within the development. The implementation of the policy will be delivered through the development control process by the imposition of appropriate conditions on planning permission.

Policy 79: Contaminated Land. When considering development proposals involving sites where the presence of contamination is suspected, the Council will require developers to submit details of investigations to assess the nature and extent of any contamination and the appropriate remedial works to render the site fit for the use proposed.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3 - Planning for Housing 2003. This policy seeks to promote residential developments in suitable locations. It also seeks to ensure that housing land requirements are met in full and promotes good quality design in residential developments.

Scottish Planning Policy 17 - Planning for Transport. This Policy promotes sustainable development in appropriate locations and seeks to ensure that development is well located in terms of public transport and pedestrian and cycle routes.

Planning Advice Note 38 - Housing land (revised 2003). This PAN advises of opportunities for the provision of new housing that can arise unexpectedly. Such opportunities are often referred as "windfall sites" and involve the redevelopment of previously developed sites.

Planning Advice Note 56 - Planning and Noise. This PAN offers advice on a number of noise related matters. This includes how noise issues should be handled in dealing with planning applications for development, specific guidance on noise sensitive development, ways of mitigating the adverse impact of noise and guidance on the use of planning conditions relating to noise.

Planning Advice 67 - Housing Quality 2003. This seeks to promote high quality design in new housing developments. This Note supports the preparation of design statements in conjunction with planning applications.

Planning Advice Note 75 - Planning for Transport. This offers guidance on policy contained in SPP 17 (Planning for Transport) above.

Designing Places - A Policy Statement for Scotland. This statement from the Scottish Executive sets out their aspirations on the design and the role of the planning system for delivering these aims. It promotes the need for high quality design of buildings and layout for proposed developments.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

The Planning and Transportation Committee approved a development brief for this site on 27 January 2003. This brief identifies the site as a development opportunity and provides guidance in respect of possible alternative uses that would be appropriate and provides advice on the size, layout, massing and height of any new buildings to be located on this prominent frontage site.

Dundee - The Urban Design Guide.

LOCAL AGENDA 21

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

SITE HISTORY

The site is a component part of the former Waterfront Development that was borne out of Enterprise Zone developments in the 1980's. The former Sainsbury Homebase DIY and previously Texas DIY developments that closed a number of years ago occupy the site. The building is the subject of a Section 75 Agreement that restricts the range of goods that can be sold from the site. This restriction was imposed, in conjunction with the original planning consent granted for the development, in order to prevent its conversion to other more sensitive retail uses that could adversely impact on the shopping role of the city centre and the district centres. The justification for the restriction continues to remain valid and relevant and this Council has consistently declined to agree to such a relaxation. The present building on the site was designed as a typical DIY outlet and it remains unaltered.

04/00946/FUL - Demolition of an existing retail unit and the erection of 201 flats with associated car parking and landscaping. Refused permission of 28 February 2005.

PUBLIC PARTICIPATION

The applicants have carried out the statutory neighbour notification procedure. In addition, the proposal was advertised in the local press under Section 34 of the Act (the proposal, in part, exceeds 20 metres in height) and as development contrary to Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

The proposals have attracted 28 individual objections and a petition with 144 signatures. An objection from the Dundee Civic Trust has also been received.

The main issues raised by the objectors relate to:

- 1 the height, scale and appearance of the proposed development.
- 2 the adverse impact of the proposal on local road traffic safety
- 3 the proposals are contrary to the relevant development policies of the Local Plan
- 4 the proposal will introduce additional HMO's into the city
- 5 the proposed development will be adversely affected by flooding
- 6 the location of the development is inappropriate by virtue of the close proximity of road, rail and air transport routes.

Copies of these objections can be viewed in the Members Lounges. It is intended to comment on the terms of the various issues raised in the "Observations" Section of this report.

CONSULTATIONS

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

The Director of Environmental Health and Trading Standards has, due to the previous use of the site (part of goods yard), requested that an appropriate condition relating to any contamination and remediation works be attached to any permission granted. The Director has also advised that the information supplied by the applicants on Transportation Noise is acceptable and satisfies the requirements of Planning Advice Note 56 (Planning and Noise). However, a condition relating internal

noise levels should be attached to any permission granted.

The Director of Economic Development has commented that the flight path of the airport may result in a noise nuisance to the future occupiers of the buildings. In addition, he has advised that, in the interests of air traffic safety, medium intensity red aircraft warning lamps should be installed on top of the taller blocks of development at the east end of the site.

The West End Community Council have advised that while they do not object to the use of the site for residential purposes, they do have concerns over the proposed height of the buildings, proposed parking provision and the proposed design and appearance of the development. The WECC have further offered suggestions on how the scheme could be improved including a reduction in the scale of the development, additional landscaping and the provision of boundary enclosures.

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.

The Dundee and Angus Structure Plan 2001- 2016

The Scottish Ministers approved the Structure Plan with modifications in October 2002. This Plan seeks, amongst other things, to promote sustainable development, in particular Dundee's role as a strong regional centre and major Scottish city. The Plan also seeks to halt and reverse the city's population decline by way of integrated economic and environmental strategies and a housing led approach. The strategy supports the regeneration of city centre, inner

city and outer area brownfield sites for quality housing choices.

Housing Policy 2 requires that brownfield sites within the city be targeted for the creation of mixed tenure development. This policy favours houses rather than flats and consequently, the flatted proposal currently under consideration is not considered to be in accordance with the requirements of this policy. The applicants, in response to this matter, have advised that in their opinion the proposals fulfil the aspirations of the Policy by:

- a providing a range of housing units, suitable for a wide range of tenure in the inner city;
- b redevelopment of a brownfield site which is unlikely to be utilised for any other purpose for the next 10 years as a consequence of the provisions of the restrictive legal agreement of the extant permission;
- c providing sustainable housing close to the main public transportation networks including bus, rail and taxi termini and the city airport, and major employers including the universities, Ninewells Hospital, the Technology Park and the Scottish Crop Research Institute at Invergowrie; and
- d providing the city with the opportunity of reinforcing the waterfront proposal currently being implemented.

The applicants further advise that the physical shape of the site, its location and the current income from the commercial lease, mitigate against its use for low density housing. In townscape terms, it should have buildings that define the urban edge in relation to Riverside Drive, screen the railway from this important route and be of sufficient scale and massing to form a gateway into the city centre. This approach would accord with the approach taken by other major European cities to similar developments. The proposal, increasing in height from west to east, would have the added advantage in townscape terms, of visually dominating the adjacent store to travellers entering the city from the west.

Environmental Resources Policy 6 (Design and Urban Renewal) advises

that new developments will be required to make a positive contribution to the identity, character and quality of the built and historic environment. The proposed development will create a strong gateway to the city and as the proposal contributes to urban renewal and involves the re-use of a brownfield site, the principle of this policy is not contravened by the proposal under consideration. In addition, it is concluded that the proposals also conform to the requirements of the Structure Plan relating to the development of brownfield sites for new residential developments within the city.

Dundee Local Plan Review 2005

The site is identified as being located in close proximity to the city centre boundary. The site is not allocated for any specific use on the Proposals Map. A Section 75 Agreement that restricts the range of goods that can be sold from the premises covers the site. This restriction, put in place to protect the shopping role of the city centre and District Centres, has been consistently upheld by the Council despite a number of approaches to relax this requirement. The building has remained vacant for a number of years and it is clear that it is undesirable to have such an important gateway site sitting un-used and declining in appearance. It is considered that the non-specific allocation of the Local Plan for this site does not presume against the use of the site for residential purposes.

Policy 2 relates to the release of land for housing that is not allocated for residential development. It advises that the release of such land will be acceptable where the proposals;

- are in accordance with other local plan policies;
- will make a positive contribution to the quality and choice of housing in local areas;
- satisfy housing standards of the local plan; and
- will improve tenure and mix where there is currently limited choice and contribute to wider regeneration objectives.

The proposed redevelopment of a brownfield site is consistent with other local plan policies. It will provide high

quality inner city housing that will contribute to the housing choice available within the city. It is considered that there is a marketplace for generously sized, high quality apartments in this unique riverside setting that is not in conflict with the existing flatted residential stock currently located within the city. The proposals will regenerate an important site within the city resulting in the transformation of a vacant site into a high quality development. The Design Statement submitted by the applicants on the concept and philosophy of the proposals confirms that the development of the site for 5 - 8 storey blocks of flats requires to be of the scale, mass and presence proposed in order to successfully address its prominent river frontage setting. The erection of lower density housing ie 3 - 4 storey townhouses, would not be appropriate in terms of scale or massing and would represent a lost opportunity to provide an appropriate re-use of the currently vacant site.

With regard to Policy 4 (Design of New Housing) and Policy 55 (Urban Design) the applicants have submitted a Planning Support Statement and a Design Statement in support of their proposals.

The applicants argue through the terms of their Planning Statement that, while there is a general presumption in favour of houses within the inner city, the Design and Layout of New Housing guidance is not proscriptive and should not apply to this site due to its location, restrictive characteristics and its ability to provide a good range of mixed tenure accommodation. It has already been stated above that a low density housing development on this site would be inappropriate in scale and massing.

Through the process of pre-application discussions with this Council, the applicants have taken account of the concerns that were previously expressed by the Members on the development of the site and have submitted an amended scheme that, in their opinion, discharges a number of these previous matters and significantly improves the quality and appearance of the development. In this respect, the applicants have submitted a Design Statement in support of the current scheme. The purpose of this Statement is to clearly explain and illustrate the design principles and design concept behind the planning

application. It explains why the selected solution is the most appropriate for the specific site context, in terms of built form and the quality of spaces created in recognition of the importance of design in the determination of this planning application. The applicants have advised of the following with regard to their Design Statement.

The site occupies a unique location within the city. As such the development has 4 principle elevations ie south to the river, north to the city, west to the rail bridge and east to the city centre. Each elevation is important in visual terms and each has to be dealt with in a specific manner.

The River Tay - The unusual shape of this site that tapers from east to west, provides a very long frontage facing the River Tay to the south. This led to a linear solution which provided as many properties as possible with the opportunity to enjoy the southerly aspect. Balconies are a feature of the apartments and the top storey has a roof terrace on all elevations. It was considered important that this linear form with its attention to the river, did not turn its back on the city. Each elevation of the new building has been treated with equal importance and consequently, the quality of finish has not been diluted on the north elevations.

Additional modelling has been given to the north elevation by expressing the stair / lift towers in a separate material to those used on the residential accommodation. In addition, two smaller apartment blocks have been added which project over the car park, one facing west and the other north. The addition of these particular wings does not reduce the amenity of the accommodation on the north and east perimeters, but lying at right angles to the longer facades they do serve to break up these elevations and add interest. Each of these blocks has stepped profile to create interest and provide a dramatic roof profile. Further, because these apartments do not enjoy the benefit of a river view, they have been provided with substantial terraces that look back towards the city and Magdalen Green.

Being beside the estuary determines criteria for the selection of materials for the external cladding of the building. Resistance to sea-salt spray in particular has to be dealt with and it

is for this reason the roof is finished in aluminium.

The Ambassador Route - The Riverside Drive frontage for the development will be treated in a similar manner to the remainder of the Ambassador routes into the city, using a palette of materials such as natural stone, metal railings and beech hedging. A detailed landscape plan has been submitted for consideration.

The development will be contained within a secure perimeter and the enclosure of this perimeter will be the materials described above. Part of the enclosure along the main road frontage will feature specially designed metal fencing that will fill the breaks in the stone walling. These gaps in the walling will provide views from the car park level and allow for natural ventilation under the apartment blocks. The proposed new metalwork fencing will form part of the 'Percentage for Art' requirement for the scheme.

The western extremity of the site will be outwith the secure enclosure of the development and this area will be grassed over.

Dundee Airport - The site lies directly under the flight path into Dundee Airport. The heights of the buildings have been restricted to meet the criteria applied by this Council and the Civil Aviation Authority. The overall design of the proposal mimics the flight path into the airport with the tallest structures furthest from the airport and the lowest at the nearest point. Details of the warning aviation lights to be provided on the buildings have been submitted for consideration.

The applicants have also advised on other design criteria. The proposed high density development still provides the opportunity for views between the apartment blocks from the north to the river beyond. The profile of the monopitch roof has been kept simple and uncluttered by pieces of plant and machinery, in order that when viewed from the city it becomes the fifth elevation of the development.

Two major features have been provided at each end of the site due to the gateway nature of the development. At the west end, the first building steps up to provide 5 large apartments each with a significant terrace shaped like the prow of a ship. The shape and the brilliant white panels used on this elevation serve to reinforce this

nautical impression. On the east end of the site, adjacent to the roundabout that affords access to the site and to the retail superstore further to the east, the tallest structure is clad in glass as it turns the corner. On the south elevation the composition of the apartment blocks highlights two large panels within the overall facade and these will have a terracotta cladding to frame large glazed areas. The base of the building is the boundary enclosure treatment and the apartments appear to float over the top. A rainscreen cladding, coloured pale terracotta, will be used in this central zone of the composition that will terminate at a wrap around terrace. Above this terrace the panels will change to brilliant white in colour. Set back from the principle facades will be the penthouse apartments which will have predominately glazed elevations.

With regard to the provision of off street car parking, the Local Plan requires that all flatted tenures should have 130% provision. The applicants propose to provide 239 spaces for the 202 flats. This does not meet the required provision. However, the proposed level of provision is considered to be adequate given the location of the site near to the central area of the city.

It is considered that the applicants have made significant improvements to the scheme for a flatted development for this site that was previously rejected by this Council. The applicants are aware of the importance of the site and the requirement to successfully integrate the development into the area by appropriate design, scale, massing and materials. In addition to this, in order to further integrate the site with the city to the north, the applicants have advised that they are also willing to contribute to the cost (approximately 50%) of any new pedestrian bridge that would cross the adjacent railway line and link the site with the Digital Media Park and Seabreast area to the north. It is intended to bind the applicants to this offer by including this commitment in a Section 75 Agreement should the Members be minded to support this application.

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.

National Planning Policy Guidelines and Planning Advice Notes

With regard to the guidance and advice offered in the various NPPG's, SPG's and PAN's, it is considered that the proposed development complies with the general requirements outlined in these documents.

Dundee City Council Development Brief

The Planning and Transportation Committee approved a Development Brief for part of the site currently under consideration on 27 January 2003. This brief confirms that the site has been vacant for a number of years and that the site has been marketed for retail use. In order for the property to operate, as a use other than a DIY retail unit, it would require the Council to relax a Section 75 Agreement restricting the range of goods to be sold. The brief confirms that the Council has consistently declined such a relaxation in order to protect the importance of shopping to the city centre and district centres. It is for this reason that the redevelopment of the site is being promoted.

The brief advises that the site is considered to be a very important gateway into the city. As a result it advises that any proposed development will have to be of a high architectural standard that is well viewed from all directions. Possible development options for the site are considered as part of the brief with the possibility of retail development on the site dismissed due to the provisions of the National Planning Policy Guideline of Town Centres and Retailing. The potential for employment generating uses is considered to be acceptable however, the brief concludes that such a proposal would not make the best use of the sites strengths. Leisure uses are given as an example of a type of development that may be acceptable on the site. A hotel use is also considered to be potentially suitable. However, the brief notes that a budget hotel design would not be acceptable. Tourist related development and car

showrooms are also cited as developments that may be suitable.

The brief clearly states that the uses considered are possible alternatives and that any proposal would be required to be fully justified. The brief does not identify a preferred use or presume against a residential development on the site. Consequently, such a residential use is not considered to be in contravention of the approved brief.

The brief also provides guidance in respect of the size, of the development, the site layout, height and massing of any proposals, materials and landscaping. It also provides an urban design guide. It is considered that the Design Statement submitted by the applicants (as discussed above) is in accordance with the requirements and aspirations of the brief

Objections

In addition to the statutory neighbour notification procedure carried out by the applicants, the proposals were advertised in the local press as a bad neighbour development (the development is in part over 20 metres in height), and being contrary to Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

Twenty eight individual objections and a petition of 144 signatures have been submitted. In addition, objections have also been received from Dundee Civic Trust and West End Community Council. The main issues raised relate to:

- 1 the height, scale and appearance of the development
- 2 the adverse impact of the proposal on local road traffic safety
- 3 the proposals are contrary to Local Plan policies
- 4 the proposal will result in HMO's
- 5 the development will impact on local flooding
- 6 the location of the development is inappropriate next to rail, road and air routes.

It is considered that the matters relating to the design of the development have been fully discussed and discharged above. It is considered that the provision of a flatted development of the scale, massing,

design, appearance and materials proposed are appropriate for this important river fronted gateway site.

With regard to road traffic movement and safety, as part of the consideration of the application, a Transport Statement was requested in order that the impact of the flatted development on the surrounding network could be fully assessed. This Statement covers issues of vehicular access to the proposed development along with sustainable transport issues ie walking, cycling and public transport. The level of proposed car parking associated with the development is also addressed. The Statement has concluded that due to the location of the proposed development ie adjacent to the central area, the area is well located for access by all sustainable transport modes. The level of increased vehicular traffic generated by the proposed development is low and in fact less than the potential traffic generated by a commercial development. The level of car parking provided is considered to be adequate given the location of the site near to the central area of the city. The findings and the conclusions of the Transport Statement are considered to be acceptable and that the proposed development will not have a detrimental impact on the surrounding road network.

With regard to the matter relating to local plan policies and the issue relating to the appropriateness of the location of the site for new housing, these matters have been fully discussed above.

With regard to flooding, the site is not recognised as being a flood sensitive area. In addition, the ground floor of the new development is to be used for car and cycle parking for the flats to be located at first floor level above. Consequently, flooding is not considered to be an issue in this instance.

With regard to the matter of the potential of the new flatted properties to be used for Houses in Multiple Occupation purposes, the applicants are fully aware of the concerns that have previously been expressed by the Committee about the conversion of residential units in the city centre and the west end of the city to HMO's with resulting adverse impacts on residential amenity. In September 2005, the Planning and Transportation

Committee approved draft supplementary guidance for controlling HMO's for consultation. This states that the occupation of dwellings in new residential developments by 3 or more unrelated persons will be prevented through the use of Section 75 Agreements.

It is therefore considered that it would be appropriate in this instance to restrict any changes of use of the apartments to HMO's. Such a restriction by means of a legal agreement has been discussed with the applicants and their acceptance of this has been obtained.

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

Design

The importance of the design of any new building for this prominent gateway site is highlighted in the Councils approved Development Brief. This requirement has been recognised by the applicants through the submission of a Design Statement that details the philosophy and the concept behind the proposed scheme. This Statement meets the key criteria set down in the brief in that the development maximises the potential of the site and creates a high quality entrance development. It also demonstrates that the scale, massing, appearance, materials and details are appropriate for the site and its setting.

CONCLUSION

The development plan promotes sustainable development not only in terms of the environment but also the social and economic stability of the city. It recognises that successful cities must be dynamic and must respond positively and flexibly to emerging opportunities. The Plan further recognises the important role that new housing has to play in the city. It seeks to provide for the development of appropriate housing in the right locations.

The proposed redevelopment of the site for residential purposes is considered to be appropriate. The proposal for a high quality and high

density development will maximise the potential of the site. It will result in a gateway building on a prominent site situated on the main route into the city from the west. The submitted Design Statement offers detailed support of the application in terms of proposed scale, massing, appearance and layout of the development.

The proposed development is considered to be in accordance with national planning policy guidance and advice. Relevant material considerations also offer support of the application.

The redevelopment of the site will provide an appropriate use for this important urban site within the city. It will re-use a disused brownfield site located in close proximity to the city centre and will provide a high quality standard of residential accommodation on this river frontage site. The proposals are considered to be a significant improvement, in terms of design, appearance and parking, on the flatted development that was previously refused permission for this site in February 2005. The applicants have also indicated their willingness to enter into a Section 75 Legal Agreement prohibiting the use of the new accommodation for houses in multiple occupation purposes.

RECOMMENDATIONS

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 parties with appropriate interests in the land has been recorded. This agreement will relate to the prohibition of any of the proposed dwellings becoming a house in multiple occupation and the extent and phasing of financial contributions to the provision of a pedestrian bridge to be located on the north side of the site.

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 That hard and soft landscaping of the site shall be carried out in accordance with the Landscape Layout set out in drawing 1397-01 by Ian White Associates. 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 in terms of this condition.

- 4 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of 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 that the site is fit for the use proposed;
- c measures to deal with contamination during construction works; and
- d condition of the site on completion of decontamination measures.

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

- 5 That details of the proposed decorative metal fencing and boundary walls to be located within the site shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 6 That medium intensity red aircraft warning lights shall be installed on the top of the taller

blocks on the east side of the site in a position and to a design that is to the satisfaction of the planning authority. For the avoidance of doubt, the lamps shall be installed prior to the first occupation of the units hereby granted permission.

- 7 The internal noise levels within the individual living apartments shall not exceed 45dB(A) during the day and 35dB(A) during the night. For the avoidance of doubt, daytime shall be 0700 - 2300hrs and night time shall be 2300 - 0700hrs.
- 8 That the submitted scheme to deal with waste recycling shall be operational prior to the first occupation of any of the residential units hereby granted permission.
- 9 That any Environmental Impact Assessment required to take account of environmental air quality issues shall be submitted for the consideration of this Council prior to the commencement of works. For the avoidance of doubt, any mitigation measures required to be undertaken shall be carried out in full accordance with such agreed details and shall be implemented prior to the first occupation of any of the residential units hereby granted permission.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure a satisfactory standard of appearance of the development 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 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 6 In the interests of air traffic safety.

- 7 In order to protect local residents from road, rail and air traffic noise
- 8 In the interests of sustainable development.
- 9 In order to protect the future occupiers of the residential units against any adverse impact on local air quality.