

KEY INFORMATION

Ward West End

Proposal

Change of use of existing hotel and nightclubs (vacant) to form a mixed use development consisting of flats/maisonettes Aparthotel and cafe/bar

Address

Tay Hotel
Whitehall Crescent
Dundee

Applicant

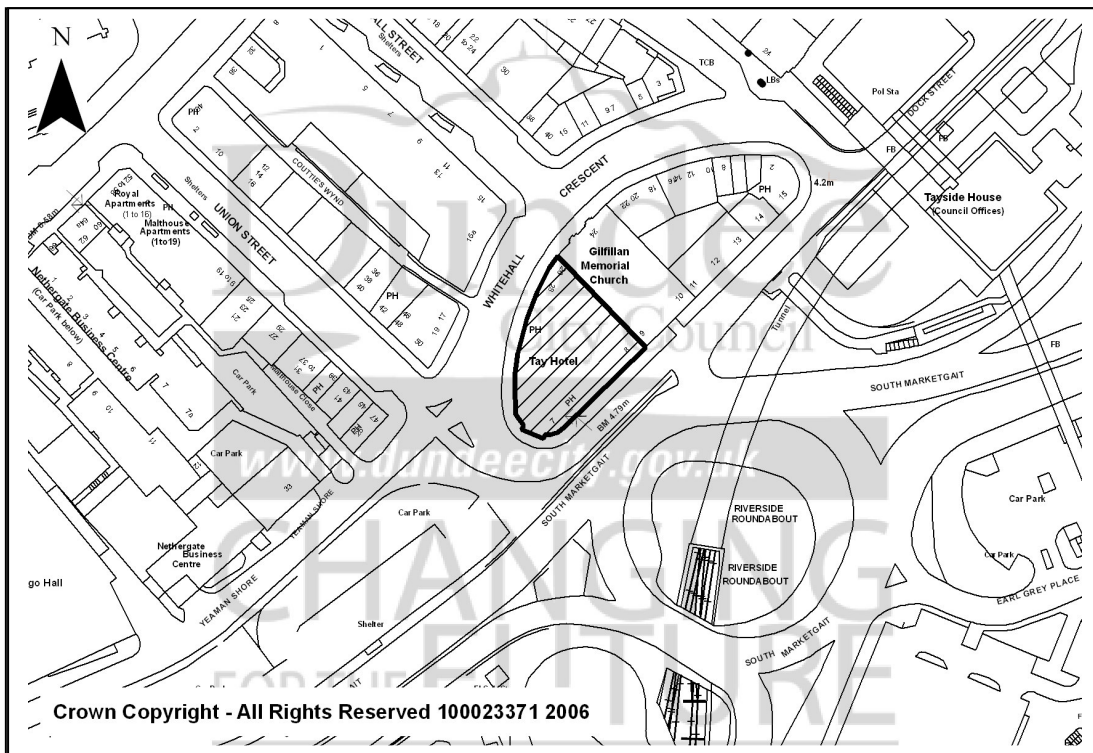
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Proposed Re-use and Conversion of Former Tay Hotel Building

A change of use of an existing hotel to form a mixed use development is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is viewed as an innovative design solution for the re-use of this visually important and prominent city centre building. The proposal will result in a positive contribution to the on-going development of the Central Waterfront. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Permission is sought to convert the vacant former Tay Hotel into a mix of uses including flats, apartment hotel and bar restaurant. The proposal also involves an extension on the roof of the building to accommodate two new penthouse flats.
- The statutory neighbour notification procedure has been undertaken by the applicants. In addition, the proposal was advertised as being potentially contrary to Policy 52 (Restraint on Licensed Premises in the City Centre) of the Dundee Local Plan Review 2005.
- A letter of objection has been received from the Dundee City Centre and Harbour Community Council. A letter in support of the development has been received from Dundee Civic Trust.
- It is considered that the proposals comply with the relevant policies of the development plan and the terms of the approved Site Development Brief for the building. There are no material considerations, including the views of the objectors that would justify the refusal of the application contrary to these development plan policies.
- It is recommended that the use of the new flats be subject of a legal agreement (Section 75) in order to prevent their future use as houses in multiple occupation.

DESCRIPTION OF PROPOSAL

The proposal under consideration involves alterations to the Tay Hotel building to create a mixed use development consisting of residential flats, an apartment hotel and a bar/restaurant.

The bar/restaurant will occupy the ground floor and a mezzanine floor level on the Dock Street elevation. Above this, on the corner of Whitehall Crescent and Dock Street, it is proposed to locate a series of flats grouped around the existing central stair of the building and accessed via the existing main entrance on the corner.

The two 'wings' of the building on Whitehall Street and Dock Street will become apartment hotel rooms (44 in total) which will be served by a new circulation system overlooking the existing triangular lightwell. These rooms will be located on the 1st - 4th floors of the building. Above this a series of 2 storey flats will be created on the 5th and 6th floors, making use of the existing mansard roof space on the main elevations and extending the roof space to the rear overlooking the lightwell. A new 7th floor is proposed to provide two penthouse apartments. This new 'lightweight' structure will be approximately 2.8 metres in height and will accommodate full height frameless glazing panels with slim framed aluminium sliding doors. The extension will also accommodate aluminium solar shading. A new planted atrium space will be created at the centre of the building, lit by a large glazed opening on the east facade. A total of 22 flats are to be provided.

The existing small windows on the lower and upper ground floors of the Dock Street elevation will be enlarged to form shopfront type windows to allow light to enter the proposed bar restaurant. These openings will be related in their treatment to the existing shop-fronts to be found along the Whitehall Crescent elevation.

SITE DESCRIPTION

The building is bounded to the north and west by Whitehall Crescent. To the south and east the property is bounded by Dock Street. The

surrounding area is predominantly made up of ground floor commercial with residential uses on upper floors. The Tay Hotel forms an important element within a large formal 'city block'.

The building is Category 'B' listed, and lies within the Dundee Central Conservation Area. It was constructed in 1889, originally as a hotel - formerly Mathers Hotel and latterly the Tay Hotel. The building is five storeys in height with double attic and has a convex plan to Whitehall Crescent and basement to Dock Street. The building incorporates a former nightclub and bar on Dock Street. The Whitehall Street elevation has a number of retail/commercial units at ground floor level (nos 26-42) which are in separate ownership from the Hotel, and are therefore outwith the scope of this planning application. The building has significant value, both architecturally as a separate entity, and in terms of its townscape value within the context of the Central Conservation Area.



The Whitehall Crescent and Dock Street elevations are finished with ashlar sandstone with a grey slated mansard roof. The rear elevations, facing onto a central courtyard, are built in cream coloured brickwork. The prominent entrance incorporates decorative carved stonework in limestone (a rare example of this Dundee). At roof level, the building contains a number of chimney's which are an important element of the character of the building.

The south west roof corner elevation is finished with a rectangular-domed roof and finialled pagoda-like cap. The roof also accommodates a cupola which provides light to the internal staircase.

Internally, the most significant feature is the grand elliptical staircase, although the cast iron balusters of the staircase are presently encased by reinforced plaster.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Town Centres and Retailing Policy 3: Dundee Central Area. This policy reinforces Dundee Central Area's role by, amongst other things, directing to the central area complementary leisure and commercial uses capable of contributing to its vitality and viability.

Environmental Resources Policy 5A: Historic Environment. This policy supports the protection, enhancement and conservation of the city's historic environment.

Dundee Local Plan Review 2005

The following policies are of relevance:

Proposal H06 - The Tay Hotel is identified as a Brownfield Housing Development city centre site which may be suited to a wider range of uses, in accordance with other policies in the Local Plan.

Policy 1: Vibrant And Sustainable Communities - the City Council will promote vibrant communities,

encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development 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 or smell.

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 be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

a the City Council, through either site allocation in the Local Plan

or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or

- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 m.p.h. or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

Policy 16: Central Waterfront - the City Council will support, in principle, development proposals which comply with the Dundee Central Waterfront Development Masterplan 2001-2031. Proposals conflicting with the Masterplan will not be in conformity with the Local Plan.

Policy 36: City Centre Speciality Shopping And Non Core Area - within the City Centre Speciality Shopping and Non Core Area defined on the City Centre Retail Area map proposals for retail use will be encouraged. Non retail uses within Classes 1 (Shops), 2 (Financial, Professional and Other Services) and 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 will also be supported. Proposals for ground floor premises involving uses falling outwith these Classes will not normally be permitted.

Policy 52: Restraint On Licensed Premises In The City Centre - within the City Centre as defined on the

Proposals Map, care will be taken to avoid an excessive concentration of public houses and nightclubs, particularly those in close proximity to residential areas. As such, there will be a presumption against the establishment of licensed premises (excluding restaurants) in the City Centre:

- a with a total floor area in excess of 300m²; or
- b any more than one in five units in a single frontage where the combined floor area is in excess of 300m².

This restraint will not apply in the Cultural Quarter although the development of night clubs will be carefully controlled so that they do not dominate its character and disrupt the Quarter as a daytime visitor environment.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

Policy 56: Public Art - the City Council will continue to support Public Art through the adopted Public Art Strategy and the Percent for Public Art Policy by:

- a implementing the "Percent for Public 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/s in a publicly accessible/visible place or places within their development. The implementation of the policy will be delivered through the

development control process by the imposition of appropriate conditions on planning permission and the conclusion of legal agreements; and

- b involving the Dundee Public Art Programme at every opportunity in future environmental improvements and building developments; and
- c encouraging and developing the role of the artist within private sector developments; and
- d promoting the development of the community arts in residential areas; and
- e identifying sites through Development Briefs where public art would make a contribution to the streetscape, City image or local environment.

Policy 59: Alternative Uses For Listed Buildings - suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. Reference should be made to other policies in the Plan.

Policy 60: Alterations To Listed Buildings - the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

Policy 61: Development In Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area

management plans to be advanced in the near future.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 18: Planning and the Historic Environment - Scottish Planning Policy 8 sets out the Scottish Executives policy for town centres and key issues which contribute to their economic growth and enhancement. This SSP replaces NPPG 8 1998.

Planning Advice Note 68: Design Statements - Designing Places - A Policy Statement for Scotland.

Memorandum of Guidance on Listed Buildings and Conservation Areas - Historic Scotland 1998

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Former Tay Hotel - Site Development Brief (Approved November 2006).

Dundee - The Urban Design Guide.

Supplementary Planning Policy Guidance to Dundee Local Plan Review 2005 - Houses in Multiple Occupation (2006).

SUSTAINABILITY ISSUES

The proposal involves the re-use of a prominent city centre building to provide a new mixed use development that will result in the significant improvement and enhancement of this visually important listed building. The application raises no concerns in relation to the Council's sustainability policies.

SITE HISTORY

07/00073/LBC - Alterations to listed building. A report on this application can be found elsewhere in this agenda.

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. In addition, the proposal was advertised in the local press as 'Development Potentially Contrary to Policy 52 (Restraint on Licensed

Premises in the City Centre) of the Dundee Local Plan Review 2005.

An objection to the proposals has been submitted by the Dundee City Centre and Harbour Community Council. The main relevant points of the objection are as follows:

- 1 That the proposed provision of two new penthouses on the roof of the property will detract from the appearance and integrity of the building by virtue of their design and proposed materials.
- 2 That the building should provide solar panels on its south elevation in order to meet energy efficient and self sufficient building requirements.
- 3 That the flat roof of the building will encourage the roosting of urban gulls and in this respect, a pitched roof should be proposed.
- 4 That the proposed lighting on the frontage of the building on Whitehall Crescent should be removed in the interests of light pollution.

It is intended to comment on the above issues in the 'Observations' Section of this report below.

A letter of support of the application has been received from Dundee Civic Trust. The Trust welcomes the conversion of this important listed building and commends the efforts that have been made, to date, by all the relevant parties to achieve this.

Copies of these letters can be viewed in the Members Lounges.

CONSULTATIONS

The Council's Head of Environmental Health and Trading Standards has advised that there are some concerns regarding air quality in this location but hopefully the pollution levels here can be alleviated in the long term through traffic changes associated with the on-going Central Waterfront developments.

In addition to the above, comments have also been offered with regard to traffic noise that may affect the future occupiers of the proposed new flats. In this respect, the applicants have submitted a Noise Impact Assessment to accompany this application. The terms of this Assessment are considered to be acceptable and

consequently, it is intended to attach a condition to any permission granted that requires certain noise mitigation measures to be put in place prior to the first occupation of the flats.

Historic Scotland has been involved in pre-application discussions with regard to the proposed alterations and has offered several comments on the proposals. Formal consultation will be undertaken with HS should the Members be minded to approve the corresponding listed building application, a report on which can be found elsewhere on this agenda.

The Dundee City Centre and Harbour Community Council have submitted a letter of objection to the proposed development. The issues that have been raised by the Community Council are discussed in the 'Other Material Considerations' section of this report below.

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 proposal under consideration involves the conversion of the former Tay Hotel into a mix of uses including residential, apartment hotel and bar/restaurant. The details of the development are described more fully in the 'Description of Proposal' Section of this report above.

Policy 1 (Vibrant and Sustainable Communities) - this policy promotes vibrant communities and encourages the development of an appropriate range of services and facilities close to and within housing areas. New developments should, amongst other things, 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. The

surrounding area accommodates a number of residential properties and consequently the existing amenities of the occupiers of these flats should be taken into account in the consideration of the proposals. In the first instance, it is considered that there are no issues arising from the proposals that relate to noise or smell. Similarly, there are not considered to be any parking or traffic movement issues as city centre car parks are located near to the application site. There is no new associated off street parking provision proposed for the development.

With regard to the layout and design of the building, these matters will be discussed in greater detail below. However, it is considered that the proposed development will not impact on the amenities currently enjoyed by the occupiers of surrounding city centre flats. Indeed it is anticipated that the scheme will improve the amenity of the area by bring life back to this part of the city centre thorough the successful conversion of the currently vacant building.

Policy 4 (Design of New Housing) - this policy requires that within the city centre, all new flats must have a minimum provision of 2 bedrooms. The submitted proposals indicate that all of the new flats accommodate this requirement.

With regard to car parking, 100% provision is required except in circumstances where such provision is impractical. No car parking is proposed in this instance due to the compact urban form of the site.

Amenity ground should be provided where specific circumstances allow. Where garden ground cannot be provided, balconies that are useable and attractive in terms of size and outlook should be considered. The conversion proposes the formation of balconies for the eight flats proposed on the fifth/sixth floors of the building.

It is considered that the proposals comply with the requirements of Policy 1.

Policy 16 (Central Waterfront) - the application site is located adjacent to the boundary of the Central Waterfront site. It is considered that the proposed development is wholly in accordance with the aspirations of this policy.

Policy 36 (City Centre Speciality Shopping and Non Core Area)

The application site is identified as being in an area where, in addition to retail uses, non-retail uses within Classes 1 (Shops), 2 (Financial, Professional and Other Services) and 3 (Food and Drink) of the Use Classes Order 1997 will be supported. It is considered that the provision of a ground floor bar/restaurant is consistent with the terms of this Policy.

Policy 52 (Restraint on Licensed Premises in the City Centre) - within the city centre care will be taken to avoid an excessive concentration of public houses and night clubs, particularly those in close proximity to residential areas. As such there will be a presumption against the establishment of licensed premises (excluding restaurants) in the city that have a floor area in excess of 300m² or any more than one in five units in a single frontage where the combined floor area is in excess of 300m². It is the case that the proposed bar restaurant is less than 300m² in floor area and that the nearest public house on this Dock Street frontage is located approximately 75 metres to the west. Notwithstanding this, it is the case that this section of the building previously operated as a public house prior to its closing several years ago.

It is considered that the proposed development does not contravene the terms of Policy 52.

Policy 55 (Urban Design) - it is considered that the agents have successfully combined the re-use of a prominent listed building with a new build element on the roof of the building that is appropriate in terms of scale, appearance and materials in this important location. It is also considered that the architectural and historical integrity of the existing building is maintained through the careful detailing of the main elements of the scheme and that the character and quality of the surrounding area is preserved and enhanced by the contemporary composition of the development on the roof of the building.

In light of the above, the proposals are considered to aspire to the requirements of Policy 55 (Urban Design) of the Local Plan.

Policy 56 (Public Art) - it is intended to attach a condition to any permission granted that requires details of a public art scheme be submitted for the

approval of the planning authority prior to the commencement of any conversion works.

Policy 59 (Alternative Uses for Listed Buildings) - the use of the former hotel for new residential, hotel and bar restaurant purposes is considered to be consistent with the terms and aspirations of this policy.

Policy 60 (Alterations to Listed Buildings) - this policy requires that alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. The former hotel accommodates several features of architectural or historic interest within the building and a number of these have been retained and incorporated into the design of the new accommodation. In this respect, the proposed internal alterations will not adversely impact on the character of the building. The main external alterations to the building are the changes to the window openings at ground floor level on Dock Street, works to the roof including alterations to several chimneys and the provision of small balconies and the provision of a 'lightweight' structure on the roof of the building to provide two new apartments. Historic Scotland has been involved in pre-application discussions with regard to the alterations and has offered several comments on the proposals. Formal consultation will be undertaken with HS should the Members be minded to offer support for the corresponding listed building application, a report on which can be found elsewhere on this agenda. It is considered that significant efforts have been undertaken by the agents to preserve the appearance and integrity of the existing listed building. This has resulted in a scheme that not only allows the appearance and character of the building to remain but also enhances its setting in the local area.

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:

- a Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning

authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they possess. Section 64 of the Act requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

This matter has already been considered in the assessment of the proposed development under Policies 59, 60 & 61 of the Dundee Local Plan Review 2005 above and it was concluded that the proposal would not detract from the appearance of the listed building or adversely impact on the setting of the conservation area. Consequently, it is considered that statutory duty set out in this Section of the Act is discharged.

- b The Memorandum of Guidance on Listed Buildings and Conservation Areas is of relevance and supports alternative uses for listed buildings to ensure their protection. As noted above, Historic Scotland have been involved in pre-application discussions and the partner Listed Building application will be referred to Historic Scotland for ratification should the application be approved.
- c Supplementary Planning Policy Guidance - Houses in Multiple Occupation.

In September 2005, the Council's Planning and Transportation Committee approved draft supplementary guidance for controlling Houses in Multiple Occupation for consultation. This supplementary planning policy was approved by the Planning and Transportation Committee in November 2006. This policy states, amongst other things, that within specific areas of the city, the occupation of new dwellings by 3 or more unrelated persons will be prevented through the use of Section 75 Agreements. It is therefore

considered that, due to the location of the development, it would be appropriate in this instance to restrict the use of the new units.

- d In November 2006 the Council's Planning and Transportation Committee agreed that the Tay Hotel Development Brief be approved as supplementary planning guidance to the Dundee Local Plan Review 2005. The Council's Development Quality Committee agreed that the Brief be a material consideration in the determination of planning applications for the site.

The Brief identifies, amongst other things, a number of key issues relating to suitable uses for the building:

- 1 The building is identified in the Dundee Local Plan Review 2005 as a potential housing development opportunity. However, this designation does not preclude the consideration of other uses, and in principle the reuse of the property as a hotel would be acceptable. Uses which enable the most sympathetic reuse of the building, avoiding extensive internal subdivision, are sought. The conversion to residential use would require units to have a minimum internal floor space of greater than 60m².
- 2 Appendix 1 of the Dundee Local Plan Review 2005, states that all flats within the City Centre Residential Area must have a minimum of two bedrooms. The internal layout of the building with its deep floor plan and limited number of openings, suggests that in order to secure its future and minimise the impact on the existing layout, a number of single bedroom units may be acceptable. However detailed justification to the Council would be required to assess whether this would be acceptable or not. Any proposal for such properties would require to be no more

than 49% of the total number of proposed units.

- 3 The site falls within the 'City Centre Speciality Shopping and Non Core Area'. In addition to Retail use, other non retail uses within Classes 1 (Shops), 2 (Financial, Professional and other Services) and 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 will also be supported in principle.
- 4 Policy 59 of the Dundee Local Plan Review - 'Alternative Uses for Listed Buildings' states that "Suitable (alternative) uses will be considered to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building".

The matters above that relate to the use of the building for new flatted accommodation, the size of these new flats, the provision of a bar/restaurant use on the ground floor / mezzanine level of the property and the impact of the alterations and extensions on the appearance and the setting of the building have been discussed and discharged in the consideration of the relevant development plan policies above. In this respect, the proposals are considered to be consistent with the land use requirements of the approved Development Brief.

- e The views of the Objectors
- 1 Proposed New Penthouses on the Roof of the Building. This matter has been fully discussed and discharged in the consideration of the proposals under the relevant development plan policies for the area. It is considered that the design of the proposed penthouses will not detract from the appearance of the integrity of the building.
 - 2 Provision of Solar Panels. The provision of solar

panels on the building does not form part of the planning application under consideration and consequently this matter cannot be fully assessed at this time.

- 3 Roosting Gulls. It is intended to attach a condition to any permission granted that would minimise the potential for roosting of gulls to locate on the roof of the building.
- 4 Additional Lighting. It is considered that the illumination of the frontage of the building with a low light wash would be acceptable in this city centre location and would be unlikely to result in significant light pollution.

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 treatment of the listed building is handled sensitively and any internal interventions are restricted to that necessary to provide an attractive level of living accommodation. The proposed external alterations to the ground floor of the property and the extension on the roof will not detract from the appearance or the setting of this visually important city centre building. It is considered that the scheme satisfies the requirements of Policy 55 (Urban Design) of the Dundee Local Plan Review 2005.

CONCLUSION

The proposal represents a significant opportunity to assist in the re-use of this important and prominent city centre building through the provision of an appropriate mix of land uses. It has been demonstrated by the applicants that the former hotel, by virtue of its form, construction details and layout, is a difficult and challenging building to convert and in this respect, it is considered that the proposals put forward for consideration display an innovative

approach to its regeneration. This includes the new built element on the roof of the property that will not dominate or detract from the integrity or appearance of the listed building or detrimentally impact on the setting of the surrounding conservation area.

RECOMMENDATION

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 flats becoming a house in multiple occupation.

Recommendation 2

It is recommended that consent 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 Details of refuse storage measures to be provided shall be submitted to the planning authority for approval prior to the commencement of development works and if approved the development shall be carried out only in full accordance with such approved details.
- 3 That full details of public art provision for the development shall be submitted to the planning authority for approval prior to the commencement of development and if approved, the development shall be completed only in full accordance with such approved details.
- 4 Total noise from all mechanical and electrical services shall not exceed NR35 as measured 1 metre external to the facade of any residential accommodation.
- 5 Before the use commences, the proposed bar/restaurant facility shall be insulated to achieve sound attenuation in accordance with a scheme approved by the City Council.

- 6 All amplified music and vocals from the site shall be so controlled as to be inaudible within adjacent residential accommodation. For the avoidance of doubt, this includes new residential properties to be provided within the application site.
- 7 That traffic noise levels within each individual living apartment within the proposed development shall not exceed 45dB(A) during the day 0700 - 2259 hrs) and 35dB(A) during the night (2300 - 0659 hrs).
- 8 That prior to the commencement of development, construction details of the proposed lay by on Dock Street shall be submitted to and approved in writing by the planning authority and thereafter constructed only in full accordance with such approved details. For the avoidance of doubt, the proposed lay by shall be constructed in full accordance with such approved details prior to the first use of the building for the bar/restaurant or hotel proposes.
- 9 That prior to the commencement of development details of measures to prevent gulls from roosting on the roof of the building shall be submitted to and approved in writing by the planning authority. These approved measures shall be put in place prior to the first occupation of the two penthouse flats to be located on the roof of the building. For the avoidance of doubt, these approved measures shall be remain in situ at all times unless otherwise agreed in writing with the planning authority.
- 10 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of sustainable development.

- 3 In order to provide public art in the interests of visual amenity.
- 4 To protect local residents, including the future occupiers of the new flats the subject of this application, from any noise generated as a result of the uses hereby granted permission.
- 5 In order to protect residents from any noise generated by the proposed ground floor uses.
- 6 In order to protect residents from any noise generated from the commercial/leisure uses granted permission within the building.
- 7 To protect local residents from traffic noise.
- 8 To allow the facility to be constructed in a manner that will not prejudice the road traffic and pedestrian safety of the area.
- 9 To protect local residents from any noise generated by roosting gulls on the roof of the building.
- 10 In order to ensure that the character and appearance of the building as a building of architectural and/or historic interest is retained.