

# Erection of Mixed Use Development Comprising Retail Units, Office Space and Apartments

## KEY INFORMATION

**Ward** Maryfield

### Address

Land to the South of Yeamans  
Shore and North of South  
Marketgait, Dundee

### Applicant

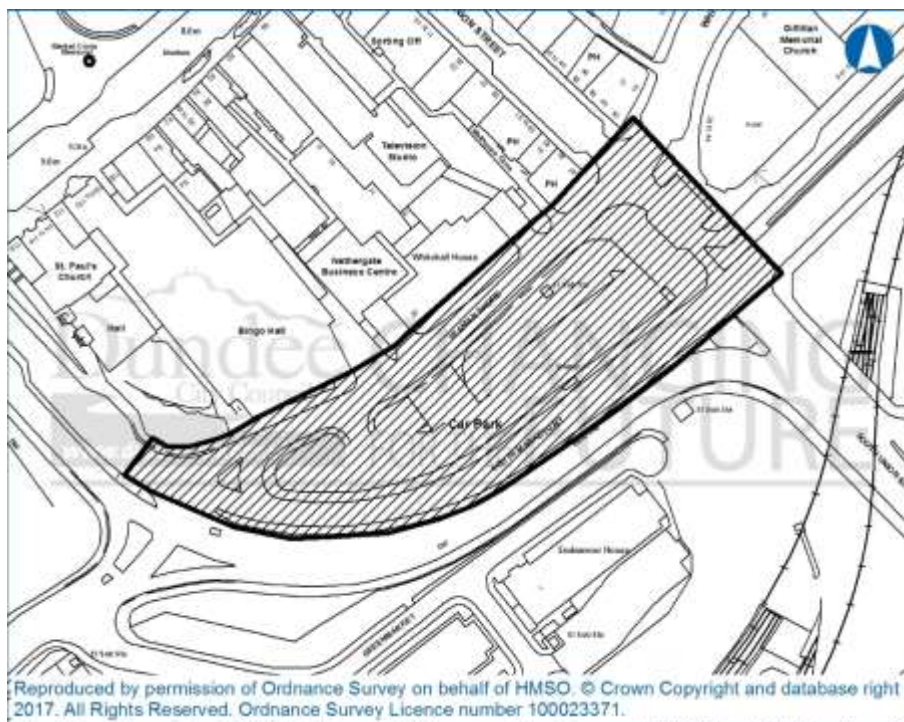
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**Registered** 10 May 2017

**Case Officer** Beverley Knox



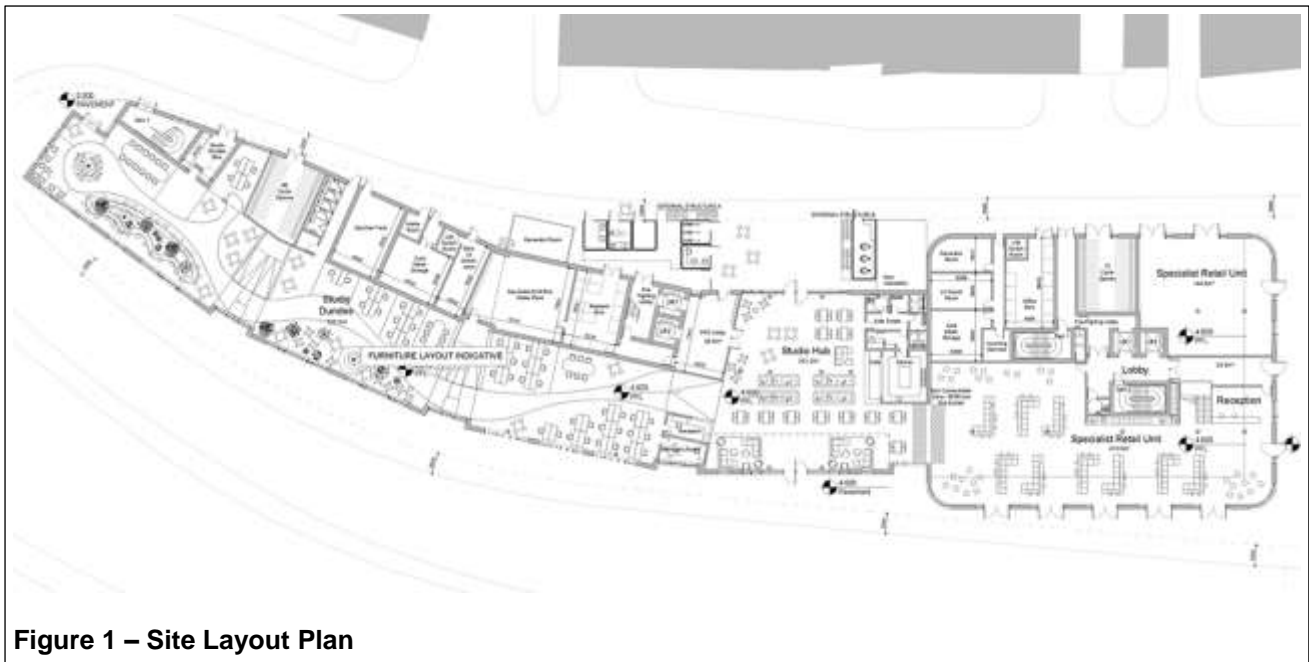
## SUMMARY OF REPORT

- The application proposes the erection of a mixed use development on a vacant site within the Central Waterfront. The proposals can be divided into three interconnected parts and include Studio Dundee working space and business accelerator unit; Urban Offices and Build to Rent apartments.
- The proposals are generally in accordance with the Development Plan and will provide a high quality mixed use development to support the role of the V&A and the Central Waterfront.
- The proposals fail to fully comply with Policy 9 (Design of New Housing) of the Dundee Local Development Plan 2014 as the residential units include one bedroomed flats and no residential parking has been provided. There are material considerations which weigh in favour of the approval of the development. The proposals are a unique concept to the city with a live, work and play ethos behind them which seek to create a new community.
- One neutral letter of representation has been received which raises issues in relation to the roof top screening and details for the finish of the rear of the buildings and substation on Yeaman Shore.
- SEPA have objected to the proposals stating that they will remove their objection if a Flood Risk Assessment (or other information) demonstrates that the development of the site would not be at significant risk of flooding. Members should be aware that should they be minded to grant planning permission, the application shall be required to be referred to the Scottish Government as a result of the SEPA objection.
- The proposals will play an important supporting role in the development of the Central Waterfront, stimulating the regeneration of the area and providing facilities which will support the economy of the city. Therefore it is recommended that planning permission is granted subject to conditions.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

## RECOMMENDATION

The application fails to fully comply with certain aspects of the Design of Housing Policy 9 in relation to flat size and parking. There are material considerations which weigh strongly in support of the application. It is therefore recommended that the application be APPROVED subject to conditions.

# 1 DESCRIPTION OF PROPOSAL



**Figure 1 – Site Layout Plan**

- 1.1 The application proposes the erection of a mixed use development on a vacant site within the Central Waterfront. The development takes the form of two buildings on site.
- 1.2 In terms of the uses, the proposals can be divided into three, interconnected parts.
  - 1 Studio Dundee - this occupies the ground floor (and two mezzanine levels) and will provide:
    - a A state of the art, co-working space with key card, 24/7 access to a variety of workstations, small studio pods, meeting rooms, breakout areas, a fully equipped tech lab, support services, reception and 1GB broadband.
    - b A social hub with communal space, events areas, exhibition space and bar and food offering.
    - c A business accelerator unit provided direct support to entrepreneurs to start up or scale up to transform their businesses.
    - d A specialist retail space with a programme to accelerate creative businesses with retail offerings. These young companies will have supported office space on the mezzanine above the retail floor.
  - 2 Urban Offices – these are located above the Studio Dundee and will provide:
    - a A range of small office suites for small and growing businesses.
  - 3 Build to Rent Apartments – these are located on the upper floors of the development in the west part of the site and will provide:
    - a 116 flatted apartments in a mix of sizes with on site management and use of the Studio Dundee communal space, offering lounges, café, bar and amenity areas (including outdoor terrace); and

- b a concierge as a point of contact for residents, dealing with management issues, taking deliveries etc.

- 1.3 As part of the above, there are 3 communal spaces which are described as below.
- 1.4 The Hub – is the social heart of the development. It has a food and café offering and residents concierge. It is envisaged to be a place alive with activity and is located on the ground floor level.
- 1.5 The Mezzanine – is a multi-purpose space. It is a communal space, a lounge space, events area and exhibition space. It is intended to be a focal point with a diary of events and activities for occupants of the building to participate and engage in. This will range from events such as yoga to business related events.
- 1.6 The Terrace – is a large lounge space with access to a terrace overlooking the River Tay. It is only for residential occupiers of the development and will provide space to prepare food, space to host a dinner, space to work and space to lounge.



Figure 2 – Site Photo



Figure 3 – Site Photo

- 1.7 The massing of the proposals is such that the buildings are 6 storeys at the eastern end (with double height at ground floor level) and 7 storeys (with double height ground floor level) for the other building forming the central and west area of the site.
- 1.8 A single architectural style ties together the three blocks that make up Site 2, which is orthogonal, rigorous and set into a grid arrangement. Each block is then individually defined through variations in the fenestration and materials.
- 1.9 The eastern block is to be finished in masonry and the larger block will include solar panels incorporated into the façade around the Studio Dundee hub which links Marketgait to Yeaman Shore. The eastern building shall include curved corners and glazing, which reflects a characteristic of the Malmaison Hotel which sits opposite.
- 1.10 It is proposed to create an external seating area to the rear of the site. This would also provide permeability into the Studio Dundee Hub. Refurbished shipping containers are also proposed to be located in this area, to house small start-up businesses as part of the Studio Dundee business incubator function of the site.
- 1.11 As the number of dwelling units proposed exceeds 50 the proposals fall within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2013. Accordingly, the applicant was

required to undertake statutory Pre-Application Consultation with the local community. As part of this, the applicants held a public event.

1.12 This is evidenced in the Pre-Application Consultation Report submitted as part of this application. The applicant has also submitted the following documents:

- Design and Access Statement;
- Transport Statement; and
- Noise Impact Assessment.

1.13 The proposal reinforces the core land use and environmental strategies of the Development Plan and the viability of Dundee as a regional centre. In this respect, the procedures for applications considered to be significantly contrary to the Development plan do not apply.

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## 2 SITE DESCRIPTION

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2.1 The application site is located within the Central Waterfront of Dundee's Waterfront development. The site is identified as "Site 2".

2.2 Site 2 is located in the western area of the Central Waterfront. It benefits from close proximity to the Railway Station, and key city amenities located within the existing City Centre. The site has been cleared and serviced, and is currently in temporary use as a public car park.

2.3 Existing businesses to the north and north east include the headquarter offices of Thorntons Solicitors and the Malmaison Hotel. To the south, beyond South Marketgait, are office buildings with a mix of private and public sector tenants. The Railway station lies to the south east and is currently under reconstruction, when complete it will contain the railway services as well as retail and hotel accommodation.

2.4 A small corner at the north east of the site is included within the Central Conservation Area.

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## 3 POLICY BACKGROUND

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

### **TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032**

Policy 4: Strategic Development Areas

Policy 5: Housing

Policy 7: Town Centres

### **DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 7: High Quality Design

Policy 8: Housing Land Release

Policy 9: Design of New Housing

Policy 20: City Centre Retail Frontages

Policy 28: Public Houses, Restaurants and Hot Food Takeaways Outwith the City Centre

Policy 27: Class 2 Office Developments

Policy 29: Low and Zero Carbon Tech in New Development

Policy 40: Waste Management Requirements for Developments

Policy 41: Flood Risk Management

Policy 42: Sustainable Urban Drainage Systems  
Policy 44: Air Quality  
Policy 45: Land Contamination  
Policy 47: Environmental Protection  
Policy 50: Development In Conservation Areas  
Policy 55: Accessibility of New Developments

## **NON STATUTORY STATEMENTS OF COUNCIL POLICY**

Dundee Waterfront Masterplan (2001)

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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## **4 SITE HISTORY**

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- 4.1 In 1998, the Dundee Partnership started preparation on a masterplan to re-integrate the Central Waterfront area with the City Centre. The Dundee Partnership approved the Masterplan in 2001.
- 4.2 The Masterplan outlines the main components of the Central Waterfront project:
- the extension of the City Centre down to the waterfront;
  - improved provision for walking, cycling and buses;
  - the reduction of the effect of cars and parking;
  - the creation of a pair of east/west tree lined boulevards; and
  - the provision of a new rail station and arrival square.
- 4.3 Work has been carried out on several of the main projects as part of the Waterfront Development, including the construction of the V & A Museum of Design and the new railway station and arrival square. The current proposals seek to develop "Site 2" as part of this wider masterplan.

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## **5 PUBLIC PARTICIPATION**

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- 5.1 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.
- 5.2 In response, one neutral letter of representation was received. The considerations raised relate to the following issues:
- welcomes the development of this site, the mix of uses and generally the design of the three distinct elements;
  - concerns regarding whether plant and equipment at rooftop level is exposed or adequately screened. They consider that they should be integrated into a well-designed roof structure hiding ugly plant, equipment, lift housing etc;

- appreciate the need for the substation and generator on Yeaman Shore, but regard it essential that these and the structures appended to the main building are clad in sympathetic materials to create an attractive streetscene in Yeaman Shore; and
- members will have had access to the letter and the issues raised are considered in the Observations section below.



Figure 4 – 3D Image: Rear Elevation

## 6 CONSULTATIONS

- 6.1 **Dundee City Centre and Harbour Community Council has raised the following concerns**  
The car parking strategy for the wider waterfront development is not based on up to date information regarding car parking requirements. There has been insufficient information to demonstrate that the car parking strategy across the Waterfront as a whole is adequate.
- 6.2 Most of the multi storey car parks are well used and if the remaining space is allocated on a fixed base to the new waterfront developments, there will be a conflict and more people will be pushed out of the City Centre.
- 6.3 **SEPA** – has objected to the application on grounds of flood risk, stating that they will remove their objection if a Flood Risk Assessment (or other information) demonstrates that the development of the site would not be at significant risk of flooding. Members should note that if Committee is minded to approve this application, the Council must notify Scottish Ministers of its intention to grant planning permission in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
- 6.4 **Scottish Water** – has no objection to the application
- 6.5 **The Head of Community Safety and Protection** – states that in relation to land contamination, the information submitted is satisfactory and recommends that conditions be attached to any grant of permission.

- 6.6 In respect of noise, The Head of Community Safety and Protection has requested that a Noise Impact Assessment be submitted to consider the impact of road traffic noise and plant and machinery on the residential units proposed. Additionally, a condition to restrict the hours of servicing and deliveries to the site is recommended.
- 6.7 In respect of air quality, The Head of Community Safety and Protection has stated that an Air Quality Assessment is required. This is fully discussed in relation to Policy 44 of the Report below.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

### THE DEVELOPMENT PLAN

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

### TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

- 7.2 **Policy 4: Strategic Development Areas** - allocates Dundee Centre and Port as a Strategic Development Area with the intention that this will make a major contribution to the provision of a range of uses including business, commercial, leisure, retail, residential and port related uses.
- 7.3 **The proposed development and mix of uses is therefore in accordance with Policy 4: Strategic Development Areas.**
- 7.4 **Policy 5: Housing** - requires Dundee City Council to allocate a sufficient amount of effective housing land for an annual average build rate of 610 units. Dundee Centre and Port Strategic Development Area is allocated within the Dundee Local Development Plan 2014 for housing and will contribute to meeting the average build rates set out in Policy 5.
- 7.5 **The proposed development is in accordance with Policy 5.**
- 7.6 **Policy 7: Town Centres** - the mix and quality of town centres and their land uses have a critical role in delivering the vision and objectives of the Plan. This Policy also advises that Local Development Plans should also support a mix of uses in city and town centres that will encourage their vitality and the diversity of economic and social activity in both the day and the evening. It is considered that the mix of uses put forward for consideration fulfil this role.
- 7.7 **The proposed development is in accordance with Policy 7.**

### DUNDEE LOCAL DEVELOPMENT PLAN

- 7.8 As the proposals can be divided into three interconnected parts, it is intended to consider each of the above uses in the context of the Dundee Local Development Plan.

Build to Rent Apartments

- 7.9 **Policy 8: Housing Land Release** - seeks to ensure that there is a 5 year effective supply of housing land maintained over the Plan Period. The housing strategy as set out in Policy 8 has been to give priority to brownfield land release within the existing urban area and to focus the limited greenfield land release at the Western Gateway Strategic Development Area.
- 7.10 The principle of development on this site for housing is established through its status in the DLDP 2014 as part of H41. The H41 designation allows for housing to be constructed within the Waterfront Development Area with an indicative capacity of around 375 units across the entire area.
- 7.11 In this regard, the DLDP 2014 through Appendix 2 provides capacities for each of the housing sites to ensure that sufficient land is allocated. Whilst the capacities for each site are provided, it is still incumbent on any proposed development to demonstrate that the design and layout is in accordance with Policy 9 (Appendix 3). As part of this process it is accepted that the number of units that can actually be accommodated may increase or decrease from that identified for each of the allocated sites. Notwithstanding the above approach, it is noted that this particular application site relates to a relatively small portion of the wider allocated area.



Figure 5 – 3D Image: South Elevation

- 7.12 **The proposals are in accordance with Policy 8.**
- 7.13 **Policy 9 and Appendix 3: Design of New Housing** - advises that “The design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the city.”
- 7.14 “All new housing development will require to conform to the guidance on the Design of New Housing set out in Appendix 3.”
- 7.15 **House Type** - the Policy advises that all flats/houses have a minimum of 2 bedrooms or a minimum gross internal floor area of 60m<sup>2</sup>.



- 7.16 The proposed development does not comply with the requirements as 76 out of 116 flats (65%) are below 60m<sup>2</sup>. There are 44 flats at 50m<sup>2</sup> and 32 flats at 38.7m<sup>2</sup>.
- 7.17 **Car Parking** - the Policy seeks 100% car parking provision for new build properties but notes that flexibility on the level of provision may be applied where car free schemes or alternative arrangements such as car clubs are proposed or where provision is impractical. In terms of residential parking, the application does not propose any spaces and therefore fails to comply with this requirement of the Policy.
- 7.18 **Cycle Provision** – cycle storage is split between internal bike storage and external bike storage. There is a 58% provision secure internal storage for residents, and 72 secure internal storage for the office. Additionally there are 130 spaces provided for “day users” of the building, who arrive to work during the day and take their bike home in the evening. The external spaces are all heavily overlooked significantly decreasing the opportunity for vandalism or theft.
- 7.19 **Amenity/Garden Ground** - to be provided where site specific circumstances allow, including separate drying areas. Where garden cannot be provided, balconies that are usable and attractive in terms of size and outlook should be provided.
- 7.20 116 residential units are provided within the development. As described in the “description of proposals” section, the development is to be provided with 3 communal spaces which shall provide amenity opportunities for both business and residential occupiers of the buildings. This includes the following:
- **The Hub** – is the social heart of the development. It has a food and café offering and residents concierge. It is envisaged to be a place alive with activity and is located on the ground floor level.
  - **The Mezzanine** – is a multi-purpose space. It is a communal space, a lounge space, events area and exhibition space. It is intended to be a focal point with a diary of events and activities for occupants of the building to participate and engage in. This will range from events such as yoga to business related events.
  - **The Terrace** – is a large lounge space with access to a terrace overlooking the River Tay. It is only for residential occupiers of the development and will provide space to prepare food, space to host a dinner, space to work and space to lounge.
- 7.21 Furthermore, it is proposed that 22 units will be provided with Juliette balconies, which, when combined with the floor to ceiling windows, will create a high standard of living accommodation. In addition to the above, one unit shall have a private terrace area which will afford excellent views and outlook.
- 7.22 The above provisions are considered to offer a unique way of living for the residents of the development. There are a variety of space sizes and functions which will appeal to a wide variety of occupiers.
- 7.23 **Privacy** - the Policy advises that an 18m privacy distance between the facing windows of habitable rooms should be afforded to flats. The proposals raise no issues in this regard.
- 7.24 **It is concluded that the proposals are generally of a high standard but are unable to fully comply with the requirements of Policy 9 in terms of the flats less than 60m<sup>2</sup> and no car parking has been provided for any of the residential units.**

Studio Dundee

**Figure 6 – 3D Image: Interior Ground Floor Studio Dundee**

- 7.25 The Central Waterfront Development aims to create a distinct and vibrant place, while acting as a complementary extension to the heart of the existing city centre. Importantly, new commercial uses within the Central Waterfront should enhance and diversify the overall commercial offer, while avoiding displacement of existing uses within the city centre. New uses should also respond to the changing nature of the city, namely the rise in tourism through the pending V&A Museum of Design.
- 7.26 **Policy 20: City Centre Retail Frontages** – this Policy advises that The Waterfront Masterplan includes a limited element of small scale shopping floorspace at ground floor level and that it should be complementary in nature to the shopping provision in the City Centre. As part of the above approach, the proposals seek to encourage footfall generating uses at key ground floor locations to ensure active frontages which will enliven the street scene.
- 7.27 The east most ground floor shall contain specialist retail spaces with a programme to accelerate creative businesses with retail offerings. These young companies will have supported office space on the mezzanine above the retail floor.
- 7.28 It is therefore the case that the ground floor retail units will be for a specialist, limited retail offer and in accordance with this Policy. In addition, they have been proposed in strategic locations on important routes to/from railway and bus stations which shall ensure they contribute towards attracting footfall and vitality to these areas.
- 7.29 **The proposed retail uses are in accordance with Policy 20.**
- 7.30 **Policy 28: Public Houses, Restaurants and Hot Food Takeaways Outwith the City Centre** - this Policy provides guidance for the establishment of such uses. Since the application site is located within the city centre, the proposed café at ground floor level as part of the Studio Dundee function raises no Policy issues.

7.31 **The proposal therefore raises no issues in the context of Policy 28.**

Urban Offices

7.32 **Policy 27: Class 2 Office Developments** - advises that proposals for new out of centre developments within Class 2 of the Use Classes Order where the services are provided principally to visiting members of the public will only be acceptable if it can be demonstrated that:

- 1 no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres; and
- 2 the site is readily accessible by modes of transport other than the car.

7.33 The proposed offices shall take the form of Class 2 or 4 and are located within the city centre.

7.34 **The proposals therefore raise no Policy issues in this regard.**

7.35 The site wide general issues relate to design, flood risk/drainage, environment, and transportation. These are considered as follows:

**Design**

7.36 **Policy 7: High Quality Design** – this policy states that “all development must contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change, mitigation and adaptation. The design and siting of development should respect the character and amenity of the place and should create and improve links within the site and into the surrounding area beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.”



Figure 7 – 3D Image South East Corner

- 7.37 The proposed development will be assessed with reference to the following design criteria:
- 1 Consider and respect site topography and any surrounding important landmarks, views or skylines.
- 7.38 With regard to views and skyline, overall heights were established throughout the Central Waterfront to create an appropriate development scale and height that respects the surrounding context. The Site 2 Development Brief promotes a building height of 6 to 7 storeys and the development proposal storey heights respect this.
- 7.39 Regarding landmarks, the Malmaison Hotel and the new train station sit adjacent to site 2. As the proposed development respects the height, massing and footprint requirements of the Site 2 Development Brief, the integrity of these landmark buildings is maintained.
- 2 Contribute to a sense of identity by developing a coherent structure of streets, spaces, and buildings that are safely accessible, respecting existing building lines where appropriate.
- 7.40 The proposal respects the existing building lines and street pattern and reflects the Waterfront Masterplan in that regard. The buildings would be fully accessible to users of the site from both the north, south and east, with the Studio Hub in the centre of the site allowing permeability through the site from north to south.



Figure 8 – Corner View Gable

- 3 The design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- 7.41 **Height** - with reference to the skyline comments above for criterion 1, the proposed heights are deemed to be appropriate.

- 7.42 **Scale and Massing** - with reference to the 'Planning and Urban Design Framework' and the "Site 2 Development Brief" the proposed development complies with the scale and massing guidance, specifically regarding the subdivision of the site into three blocks
- 7.43 **Appearance** - a single architectural style ties together the three blocks that make up Site 2, which is rigorous and set into a grid arrangement. Each block is then individually defined through variations in the fenestration and materials. This variety is welcomed in line with the design and planning guidance.
- 7.44 The design of the western elevation has been amended to provide an appropriate response to its prominent corner location at the gateway between the City Centre and the Waterfront. This includes increased glazing which shall make the best of the impressive views to the west and the introduction of signage on this elevation shall help to signpost the new development. Signage would require to be the subject of a separate application.
- 7.45 **Materials, Finishes and Colours** - in general the proposed material palette is in line with the planning guidance, including a mix of brick, concrete, glass and dark grey coloured steel and aluminium cladding and fins. Variations in the masonry colours have been used to positive effect, delineating between the three main blocks and then helping to break down the massing of each block. The inclusion of photovoltaic cladding panels to the mid-block is an interesting and welcome addition to the material palette.
- 4 All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport and designed with future adaptability in mind.
- 7.46 Access to the building by foot, bicycle and public transport is predetermined by the existing urban layout and the requirements of the Site 2 Development Brief. Various pedestrian access points are then located around the perimeter of the building via the public footpath.
- 7.47 The configuration of the proposed commercial containers and the plant units to Yeaman Shore is important to creating a safe and secure environment.
- 5 Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- 7.48 Above ground Site 2 is a blank canvas with no existing features to be considered.
- 7.49 This Policy also advises that "All developments in Dundee with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development."
- 7.50 As noted above, the applicant has indicated a willingness to provide a public art project within the overall development and this can be the subject of a planning condition in the event the application is approved.
- 7.51 **Taking the above factors into consideration, it is concluded that the proposals are in accordance with Policy 7 and will provide buildings of high quality that will be a complementary extension to the heart of the city centre.**
- 7.52 **Policy 50: Development In Conservation Areas** - this Policy advises that 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 that contribute to the character and appearance of the conservation area.

7.53 There are no existing features on site and it is currently in use as a temporary car park. As discussed above in relation to Policy 7, the proposed building heights and massing respect the existing streetscape with a similar scale and grain to the Dock Street neighbours, including Malmaison. The position of the proposed buildings takes account of the historic street pattern and will bridge the gap in Union Street between the new developments of the landmark V&A and the new access to Dundee Railway Station, and the historic centre of the city.

7.54 **The application is therefore considered to be in accordance with Policy 50.**

#### Flood Risk and Drainage

7.55 **Policy 41: Flood Risk Management** - seeks to control development in low to medium and medium to high risk areas and requires a flood risk assessment to be carried out where necessary.

7.56 Part of the site lies within the 1 in 200 year flood extent of SEPA's Flood Risk Map, which SEPA has identified as being at risk from coastal and surface water flooding. SEPA has objected to the application, stating that the objection will be reviewed following the submission of a Flood Risk Assessment or other information.

7.57 Parts of the development site and adjacent roads are known to have flooded in the past. Outputs from the Tayside Integrated Catchment Study, being led by Scottish Water with partners including Dundee City Council, have identified the existing sewer system in the city centre area as the main source of this flooding.

7.58 The applicant is currently giving consideration to raising the floor levels of the building to ensure that they are above the predicted flood risk level water level from the existing sewer system during a 1:200 year plus climate change event. In addition, work on the Dundee Waterfront Flood Protection Scheme is which provides protection against coastal flood risk up to the 1:200 year plus climate change event has commenced, and it is likely to be completed before the completion of the proposed development on Site 2. The applicant is currently in discussion with SEPA with a view to getting their objection withdrawn.

7.59 The proposal would bring forward part of Dundee's Central Waterfront which is a National Development. It is contained in the National Planning Framework and supported by The Scottish Government. The site is allocated for development, and the proposal is in accordance with the Planning Brief for Site 2. The principle of such a development on the site has therefore been well established by planning policy. To refuse the application in such circumstances would not be reasonable.

7.60 SEPA has not objected to other planning applications within Dundee's Central Waterfront. As stated above, it is not considered reasonable to refuse the application on grounds of flood risk. To address SEPA's concerns, it is recommended that Committee approve the application subject to a condition requiring the submission of technical information to demonstrate that the proposed development would not be at unacceptable risk from flooding.

7.61 **Subject to a condition, the application complies with Policy 41.**

7.62 **Policy 42: Sustainable Urban Drainage Systems** - states that surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS), which should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300mm below floor level. Proposals are encouraged to adopt an ecological approach.

7.63 The applicant has indicated that the proposal would make provision for SUDS and has submitted information stating that they are looking to discharge surface water from the site

into Dundee City Council's surface water system within the waterfront. This would be acceptable in principle, provided that the technical details of the drainage proposal were agreed by condition prior to the commencement of development.

7.64 However, no specific details of how this will be achieved on the site has been submitted but work has been undertaken by the applicant to progress these matters.

7.65 **Subject to conditions, the proposal satisfies the requirements of Policy 42.**

#### Environment

7.66 **Policy 29: Low and Zero Carbon Technology in New Development** - the policy requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies. The applicant has proposed the use of solar panels to the front (south facing) elevation. In addition, there shall be photovoltaic array on the roof also. As such, the proposal would embrace low and zero carbon technologies and would comply with the requirements of the policy.

7.67 **The proposals are in accordance with Policy 29.**

7.68 **Policy 40: Waste Management** – this policy requires proposals to demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste. The proposals have been assessed in relation to the provision for waste disposal and recycling provision. Individual refuse stores will be provided within Block A for Studio Dundee, Block B for the residential units and Block C for the offices.

7.69 **The proposal satisfies Policy 40.**

7.70 **Policy 44: Air Quality** – states that there is a general presumption against proposals that could significantly increase air pollution or introduce people into elevated pollution concentration unless mitigation measures are adopted.

7.71 The Head of Community Safety and Protection has requested the submission of an Air Quality Assessment. In order to undertake this, traffic modelling is required. This cannot be done until at least September in order to collect accurate traffic data that takes account of school holiday periods. As such, no Air Quality Assessment has been submitted. However, the principle of the scale and nature of development on the site is in accordance with the Site 2 Planning Brief. It is recommended that an Air Quality Assessment be requested by condition should Members approve the application. This would consider the impact of the detail of the development air quality in the area, and the quality of the environment for residents on the site. It would also specify any mitigation measures that would require to be incorporated into the construction of the development.

7.72 **The proposals would satisfy Policy 44 subject to compliance with the conditions discussed in 7.71.**

7.73 **Policy 45: Land Contamination** – the policy requires that:

- 1 a site investigation is submitted establishing the nature and extent of contamination; and
- 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.

- 7.74 No site investigation report has been submitted. However, the site forms part of the Central Waterfront redevelopment masterplan and its redevelopment is acceptable in principle. The detailed means of assessing the nature and extent of any contamination, and any necessary remediation measures, is currently being considered. Conditions are proposed to ensure that the necessary investigation and remediation reports are submitted, agreed and implemented.
- 7.75 **Subject to those conditions, it is concluded that the proposal satisfies the requirements of Policy 45.**
- 7.76 **Policy 47: Environmental Protection** – this Policy advises that all new development or an extension to an existing development that would generate noise, vibration or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.
- 7.77 New development or an extension to an existing development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.”
- 7.78 The food and bar offer within the Studio Dundee social hub will be unlikely to cause issues of significant noise, vibration or light pollution due to their locations within the development, directly underneath the office areas.
- 7.79 The applicant submitted a Noise Impact Assessment (NIA) with the application to assess the impact of noise from road traffic, mechanical and electrical plant, substation, deliveries and commercial music on residential properties within and adjacent to the development. The Head of Community Safety and Protection has reviewed the NIA and advised that with the provision of suitable windows and ventilation systems as identified in the NIA for the proposed residential properties, and restrictions on the mechanical and electrical plant/substation/deliveries/commercial music noise, that there would be no unacceptable impact on residential amenity for noise. The Head of Community Safety and Protection has recommended that conditions be attached in relation to these.
- 7.80 **Subject to conditions, the proposals are in accordance with Policy 47.**

#### Transportation

- 7.81 **Policy 54: Active Travel** - seeks to minimise the need to travel by private car and ensure that developments make suitable provision for walking and cycling.
- 7.82 **Policy 55: Accessibility of New Developments** - expects that all development that generates travel should be designed to be well served by all modes of transport. In particular, walking, cycling and public transport should be afforded priority.
- 7.83 The applicant has submitted a Transport Statement which concludes that the site benefits from excellent walking and cycling infrastructure directly adjacent to the site. The site is also a short walk from both Dundee Railway Station and the City Centre bus terminus. This location with such excellent pedestrian, cycle and public transport access nearby, promotes a range of modes of sustainable travel.
- 7.84 The Transport Statement demonstrates that the potential traffic generation from the proposed development will be negligible and can easily be accommodated on both the local and trunk road network which has been designed to accommodate all the planned development within the Waterfront.



- 7.85 The findings of the Transport Statement are accepted. Appropriate conditions in relation to the provision of a Travel Plan, street lighting alterations, restricting any opening of doors over the public footway and the provision of details of making good the accesses to be closed off will be require to be attached to any approval to ensure that the site is accessed safely and to promote sustainable transport.
- 7.86 The proposals also comply with the roads design standards as set out in the Streets Ahead document.
- 7.87 **Through the addition of conditions, the proposal satisfies the requirements of Policies 54 and Policy 55.**
- 7.88 **In concluding the Development Plan policy assessment, the application fails to comply with Policy 9 and Appendix 3 of the Dundee Local Development Plan due to the size of a number of flats and because no parking is to be provided on site.**

## **OTHER MATERIAL CONSIDERATIONS**

### **A - DUNDEE WATERFRONT MASTERPLAN**

- 7.89 The Central Waterfront is the focal point of the Dundee Waterfront project. The ambitious £1 billion development involves the demolition of bridge ramps, roads and buildings, which previously separated the City Centre from the Waterfront. In their place, a new grid iron street pattern, green civic space and attractive boulevards are reconnecting the city with the waterfront. New hotels, office and residential accommodation, cafes, restaurants and retail/commercial outlets are proposed as part of the masterplan to support the expanding city. In addition improvements and enhancements are proposed to Dundee railway station to accommodate the increasing travel to the city by commuters and visitors.
- 7.90 The delivery of the Dundee Central Waterfront Development is supported by a set of related documentation, setting out the vision, objectives, planning requirements and technical infrastructure information. Aside from the technical specifications and infrastructure information, the following documents are of particular relevance to the current proposals:
- The Central Waterfront's Planning and Urban Framework and "Site 2 Development Brief"
- 7.91 These documents set out in greater detail the principles of design and planning requirements for the Central Waterfront and provides a basis from which development proposals can be assessed.
- 7.92 The following relates to aspects of the design and planning guidance which are not covered by Policy 7.
- 7.93 **Green Infrastructure** - integrated green infrastructure is promoted through the planning guidance, such as green walls and roofs. A large portion of the roof is proposed for photovoltaic arrays (714m<sup>2</sup>) and the south elevation includes wall mounted photovoltaic panels. These features are considered to be a positive alternative to the green infrastructure.
- 7.94 In conclusion, the proposals are considered to offer a high standard of development and will contribute to the delivery of the Dundee Waterfront Masterplan to the enhancement of the city.

### **B - SUPPORTING STATEMENTS**

- 7.95 The applicant has submitted a Design and Access Statement, as required by statutory legislation. Whilst some minor details within those reports have been superseded by more

recent changes to the layout, the general principles behind these documents are acceptable as material considerations in support of the application.

### **C - AREAS WHERE THE DEVELOPMENT DOES NOT COMPLY WITH THE DEVELOPMENT PLAN**

- 7.96 Car parking - In this instance no residential car parking is proposed. However, with reference to the above Site 2 Development Brief, one of the aims of the Central Waterfront development is to reduce reliance on the private car. The site location benefits from excellent public transportation accessibility; good local cycling infrastructure; and multi-storey car parks within walking distance. In addition, it is considered that 100% provision would be impractical on this site. Thus, concessions over residents parking are acceptable and in accordance with the flexibility afforded in the Policy.



**Figure 9 – Sketch Drawing Residents Terrace and Lounge**

- 7.97 Flat sizes - The proposals show the creation of 76 flats below 60m<sup>2</sup>. Of this, there are 44 flats at 50m<sup>2</sup> and 32 flats at 38.7m<sup>2</sup>. The applicant has provided detailed supporting information in relation to this departure to the Development Plan and this is largely related to the creation of a new community which focuses on the retention of graduates to the city. Therefore, with the Dundee Waterfront project and combined with Studio Dundee, Build-to-rent offers an ideal solution for the ambitious plans to encourage young professionals, businesses and creatives to stay in Dundee. The Studio Dundee concept has been conceived to “encourage creative collisions, to connect members, sparking new collaborations and innovations.”
- 7.98 The applicant considers that the members want much more than a place of work and that the opportunity to live, work, play and learn in this new, dynamic community will allow individuals and businesses to flourish.
- 7.99 The properties are build-to-rent properties that are specifically designed for the rentable market. Build-to-rent properties differ from conventional homes (built for sale) by having particular characteristics. For the current proposals, this includes:

- on-site maintenance team;
- a concierge who can receive occupants mail;
- large communal areas with facilities to entertain;
- longer tenancies with no extra charges.

7.100 The applicants acknowledge the deficiency in floor space in terms of Local Plan standards and advise that the units provide open plan layouts which increases the proportion of usable space in each unit and that they have been designed to maximise natural light levels.

7.101 As discussed in relation to the spaces for amenity, there are three areas providing communal spaces which shall provide amenity opportunities for both business and residential occupiers of the buildings. This includes the following;

7.102 **The Hub** – is the social heart of the development. It has a food and café offering and residents concierge. It is envisaged to be a place alive with activity and is located on the ground floor level.

7.103 **The Mezzanine** – is a multi-purpose space. It is a communal space, a lounge space, events area and exhibition space. It is intended to be a focal point with a diary of events and activities for occupants of the building to participate and engage in. This will range from events such as yoga to business related events.

7.104 **The Terrace** – is a large lounge space with access to a terrace overlooking the River Tay. It is only for residential occupiers of the development and will provide space to prepare food, space to host a dinner, space to work and space to lounge.

7.105 The concept for the development is that “It’s about living in the building, and sleeping in your flat”. The range of communal spaces, with a variety of functions and uses, allows for this and is a unique feature of the development, unlike any other existing development within the city.

7.106 Overall, it is considered that the level and type of residential accommodation proposed is acceptable in this location, it will perform a range of functions and offers an alternative way of living not already found within the city. In these specific circumstances, it is considered to have been suitably justified, contrary to the requirements of Policy 9 and Appendix 3 of the Local Development Plan.

#### **D - VIEWS WITHIN LETTER OF REPRESENTATION**

7.107 One neutral letter of representation neither objects to nor offers support for the application has been received. The matters raised are as follows:

- welcomes the development of this site, the mix of uses and generally the design of the three distinct elements;
- concerns regarding whether plant and equipment at rooftop level is exposed or adequately screened. They consider that they should be integrated into a well-designed roof structure hiding ugly plant, equipment, lift housing etc; and
- appreciate the need for the substation and generator on Yeaman Shore, but regard it essential that these and the structures appended to the main building are clad in sympathetic materials to create an attractive streetscene in Yeaman Shore.

- 7.108 In response, support for the development of the site, mix of uses and design is noted.
- 7.109 In terms of the rooftop plant and machinery, it is inevitable that a development of this nature will require related plant and machinery. The applicant's plans indicate that most of the roof top plant and machinery would be located on the highest part of the development in the southeast corner of the site. The plant is also to be set back at least two metres from the south and east elevations. Some other rooftop plant is proposed on the lower roof, but this would be screened to an extent by the proposed photovoltaic arrangement. The proposals ensure that public views of the necessary plant from street level will be minimised.
- 7.110 Details of the substation and generator on Yeaman Shore have been submitted by the applicant. This indicates that the reused shipping containers shall be finished in an appropriate RAL colour and that the substation will be clad in a material in keeping with the main buildings. A condition in relation to materials shall be attached to any grant of planning permission which shall ensure these details are agreed prior to commencement of development on site.

### **E - SCOTTISH PLANNING POLICY**

- 7.111 The SPP is a statement of Scottish Government policy on land use planning and contains, amongst other things, concise subject planning policies, including the implications for development planning and development management.
- 7.112 The SPP states that by locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction.
- 7.113 Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.
- 7.114 It is considered that the proposed development would achieve several aims of the SPP by providing a use which would support the wider economy of the city, play an important role in attracting visitors and investment to Dundee's new waterfront; opening up public access and stimulating the regeneration of the area.
- 7.115 **It is concluded from the foregoing that the material considerations weigh in favour of the proposed development and are of sufficient weight to justify the granting of planning permission contrary to the provisions of the Development Plan. It is therefore recommended that planning permission be granted.**

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## **8 CONCLUSION**

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- 8.1 The Waterfront development and the V&A at Dundee provide an important centre of design for Scotland in a building of international design significance. The economic impact of the development will be considerable and have a transformational effect on the perception of Dundee both nationally and internationally.
- 8.2 The proposals will play an important supporting role to this, stimulating the regeneration of the area and providing facilities which will support the economy of the city.

- 8.3 There are therefore material considerations that would justify the approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## 9 RECOMMENDATION

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

- 1 **Condition** - Prior to the commencement of any development full details of public art provision for the development shall be submitted to and approved in writing by the planning authority. For the avoidance of doubt, the public art provision shall be completed only in full accordance with such approved details prior to the first use of the unit or within such a further period of time that has been agreed in writing with the planning authority.

**Reason** - In order to provide for public art in interests of visual amenity and the appearance of the site.

- 2 **Condition** - Details of the proposed entrances to the building shall be agreed prior to any works on site.

**Reason** - In the interests of vehicle and pedestrian safety.

- 3 **Condition** - Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.

**Reason** - In the interests of vehicle and pedestrian safety.

- 4 **Condition** - A Travel Plan must be in place and agreed with the Local Authority within one year of any part of the development opening.

**Reason** - In the interests of promoting sustainable transport.

- 5 **Condition** - Details of any required alterations to street lighting must be provided by the applicant to Dundee City Council standards and specifications prior to any works on site.

**Reason** - In the interests of vehicle and pedestrian safety.

- 6 **Condition** - Development shall not begin until a Contaminated Land Stage 1 Desk Study has been submitted to and approved in written by the Council; the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed; and a remediation strategy to deal with contamination risks at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:

- i the nature, extent and type(s) of contamination on the site;
- ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
- iii measures to deal with contamination during construction works; and
- iv verification of the condition of the site on completion of decontamination measures.

**Reason** - In order to ensure the site is fit for the purpose proposed.

- 7 **Condition** - Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

**Reason** - In order to ensure the site is fit for the purpose proposed.

- 8 **Condition** - Before any work on the site is begun, an assessment of the impact of emissions to air from or associated with the development, including associated road transport and combustion sources, carried out by a method agreed by the planning authority shall be submitted to and approved in writing by the planning authority. The assessment report shall make reference to the standards and objectives of the National Air Quality Strategy and specify mitigation measures. The approved mitigation measures shall be completed before the use of the development commences.

**Reason** - To ensure that local air quality is maintained.

- 9 **Condition** - Prior to the commencement of any work on site, an assessment of the impact of dust and fine Particulate Matter to air from or associated with the construction of the development, shall be prepared in accordance with IAQM Guidance, and submitted for the prior approval of Dundee City Council as Planning Authority. Thereafter, the approved dust mitigation measures shall be fully implemented throughout the construction of the development.

**Reason** - In the interests of safeguarding environmental quality and to protect residents and other sensitive receptors from air pollution.

- 10 **Condition** - Prior to the commencement of any works on site, a Flood Risk Assessment and Dundee City Council Compliance and Independent Check Certification shall be prepared and submitted to the Council and SEPA for written approval. Any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to occupation of the development.

**Reason** - In the interests of flood prevention.

- 11 **Condition** - Prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

**Reason** - In the interests of flood prevention.

- 12 **Condition** - Prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

**Reason** - In the interests of flood prevention and visual amenity.

- 13 **Condition** - Prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

**Reason** - In the interests of flood prevention.

- 14 **Condition** - prior to the occupation of each residential unit hereby approved, a whole house ventilation system shall be operational and be retained thereafter unless otherwise agreed in writing with the Council.

**Reason** - In order to protect the amenity of residential properties within the development.

- 15 **Condition** - Prior to the first occupation of any of the residential properties within the development hereby approved, all residential properties within the development shall be fitted windows which achieve the minimum sound insulation performance standards as detailed in Table 11 and Table 12 within section 10 on pages 23 - 24 of the submitted Noise Impact Assessment produced by CSP Acoustics dated 20 July 2017, Ref# 1184001PRV1, for "Site 2, Dundee Waterfront".

**Reason** - In order to protect the amenity of the residential properties within the development from road traffic noise.

- 16 **Condition** - Total noise from all mechanical and electrical services plant shall not exceed Noise Rating (NR) 35 during daytime hours, and NR25 during night time hours, when measured internally (with windows closed for the purpose of the assessment) within any of the residential properties within the proposed development. In addition, the total noise from all mechanical and electrical services plant shall not exceed Noise Rating (NR) 45 during daytime hours, and NR35 during night time hours, when measured externally at one metre from the facade of any existing residential properties adjacent to the proposed development. For the avoidance of doubt, daytime hours shall be from 0700 to 2300 hours, and night time hours shall be from 2300 – 0700 hours.

**Reason** - In order to protect the amenity of the residential properties within and adjacent to the proposed development.

- 17 **Condition** - Total noise from the proposed new electrical substation shall not exceed Noise Rating (NR) 30 during daytime hours, and NR20 during night time hours, when measured internally (with windows closed for the purpose of the assessment) within any of the residential properties within the proposed development. In addition, the total noise from the proposed new electrical substation shall not exceed Noise Rating (NR) 40 during daytime hours, and NR30 during night time hours, when measured externally at one metre from the facade of any existing residential properties adjacent to the proposed development. For the avoidance of doubt, daytime hours shall be from 0700 to 2300hours, and night time hours shall be from 2300 - 0700hours.

**Reason** - In order to protect the amenity of the residential properties within and adjacent to the proposed development.

- 18 **Condition** - All deliveries to and servicing of, including loading, unloading or lay-up, the development shall only be permitted between 0700 to 2100 hours Monday to Saturday, and 09.00 to 18.00 hours on a Sunday."

**Reason** - In order to protect the amenity of the residential properties within and adjacent to the proposed development.

- 19 **Condition** - All amplified music/vocals from the commercial units of the developments shall be controlled as to be inaudible within residential properties within and adjacent to the proposed development".

**Reason** - In order to protect the amenity of the residential properties within and adjacent to the proposed development.

- 20 **Condition** - Before any work on the site is begun, an assessment of the impact of local air quality on existing sensitive receptors and those within the proposed development, carried out by a method agreed by the planning authority shall be submitted to and approved in writing by the planning authority. The assessment shall make reference to the standards and objectives of the National Air Quality Strategy and specify mitigation measures. The approved mitigation measures shall be completed before any of the dwellings are occupied.

**Reason** - To protect existing sensitive receptors and also residents and other sensitive receptors in the development from air pollution.

- 21 **Condition** – Prior to the commencement of development on site, full details for the finished floor levels across the development shall be submitted to the Council for approval in writing. The development shall thereafter be carried out in complete accordance with the agreed details.

**Reason** - In the interests of flood prevention.

- 22 **Condition** – Prior to the commencement of development on site, full details for the finishing materials shall be submitted to the Council for approval in writing. Thereafter, the development shall be carried out in complete accordance with the agreed details.

**Reason** - In order to ensure the design finish of a high quality.

- 23 **Condition** – Prior to the commencement of development on site, full details for the bike storage facilities, including finish, shall be submitted to the Council for approval in writing. Thereafter, the works shall be carried out in complete accordance with the agreed details.

**Reason** - In order to ensure the bike storage facilities are of a high design standard finish.