

Change of Use and Redevelopment of Former Education Facility

KEY INFORMATION

Ward Coldsid

Address

Former Dundee College
30 Constitution Road, Dundee

Applicant

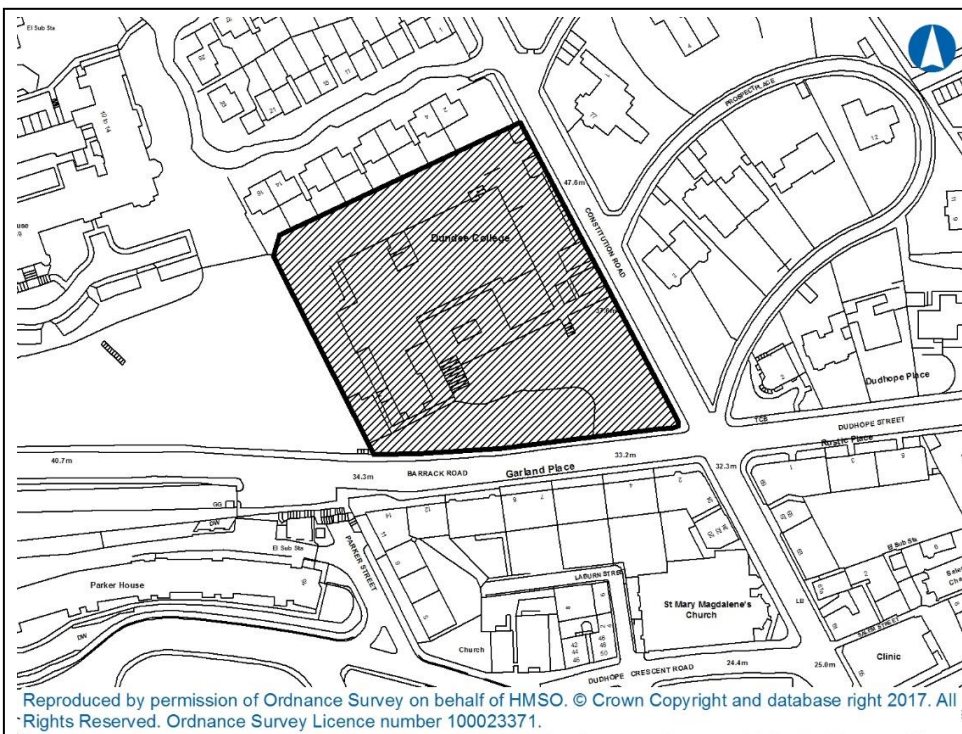
Voxcap Investments (Dundee)
Limited c/o 115 George Street
Edinburgh EH2 4JN

Agent

Kate Donald-Turley
115 George Street
Edinburgh EH2 4JN

Registered 31 Oct 2017

Report by Executive Director
of City Development



SUMMARY OF REPORT

- The proposed redevelopment of the building will provide 111 apartments, 24 short-stay serviced apartments and shared social and leisure space. External alterations are proposed to the existing buildings including east and west tower blocks, along with the provision of parking spaces and landscaping works.
- Two letters of objection were submitted raising concerns in relation to parking provision and design.
- The application fails to comply with Policy 6, Policy 9/Appendix 3 and Policy 11 of the Dundee Local Development Plan. There are material considerations of sufficient weight that would justify the approval of planning permission contrary to the application failing to comply with the Development Plan. Therefore it is recommended that planning permission is granted subject to conditions.
- As the proposal is for over 50 residential units it constitutes a Major Planning Application. In accordance with the Scheme of Delegation, Major Planning Applications are to be determined by the Council's Planning Committee.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NOQXWZGC0AX00>

RECOMMENDATION

The proposal fails to satisfy the requirements of the Development Plan in relation to flat size and provision of visitor accommodation. However, there are material considerations of sufficient weight that would justify approval of planning permission. Therefore, it is recommended that this application be APPROVED subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the proposed re-development of the former Dundee College campus into a mixed use development including 111 flatted properties, 24 short stay apartments and shared social and leisure spaces including a gym and cinema/events area. The existing buildings will be largely re-used with the east tower block being extended by 6 metres to create an additional floor which is to contain the short stay accommodation.
- 1.2 Internally, the proposed residential accommodation will comprise 111 flatted properties, including 78 1-bed and 33 2-bed flats, and will be located in both east and west tower blocks. The proposal includes a café, gym/studio, and laundrette to be located on the first floor and a lounge and dining area to be located on the second floor. The proposed cinema will re-use the existing lecture theatre at the base of the east tower block. The proposals require considerable internal works, including the reconfiguration of the existing layout.
- 1.3 Externally, the proposals involve extending the east tower block upwards to include 24 short stay apartment, extensive elevational alterations including re-cladding the existing buildings and re-working existing external finishes, the reconfiguration of car parking areas, and landscaping works.
- 1.4 The existing car parking areas will be reconfigured and extended to provide 110 spaces using a controlled entry-exit system, using the existing vehicle access from Constitution Road as well as a new access for exit-only movements. The landscaping works involve the creation of a landscaped amenity courtyard to the south of the podium, a new entrance courtyard to the north, the planting of numerous trees and the formation of bicycle storage racks under the podium block.
- 1.5 Further studies and information have been submitted with the application including a bat survey, transport statement, planning statement, design and access statement, preliminary risk assessment and drainage proposals. An Environmental Impact Assessment Screening Opinion has been undertaken, under the terms of the EIA Scotland Regulations 2017, and it has been considered that an EIA is not required to be submitted.



Figure 1 – College East Elevation



Figure 2 – College File Plan

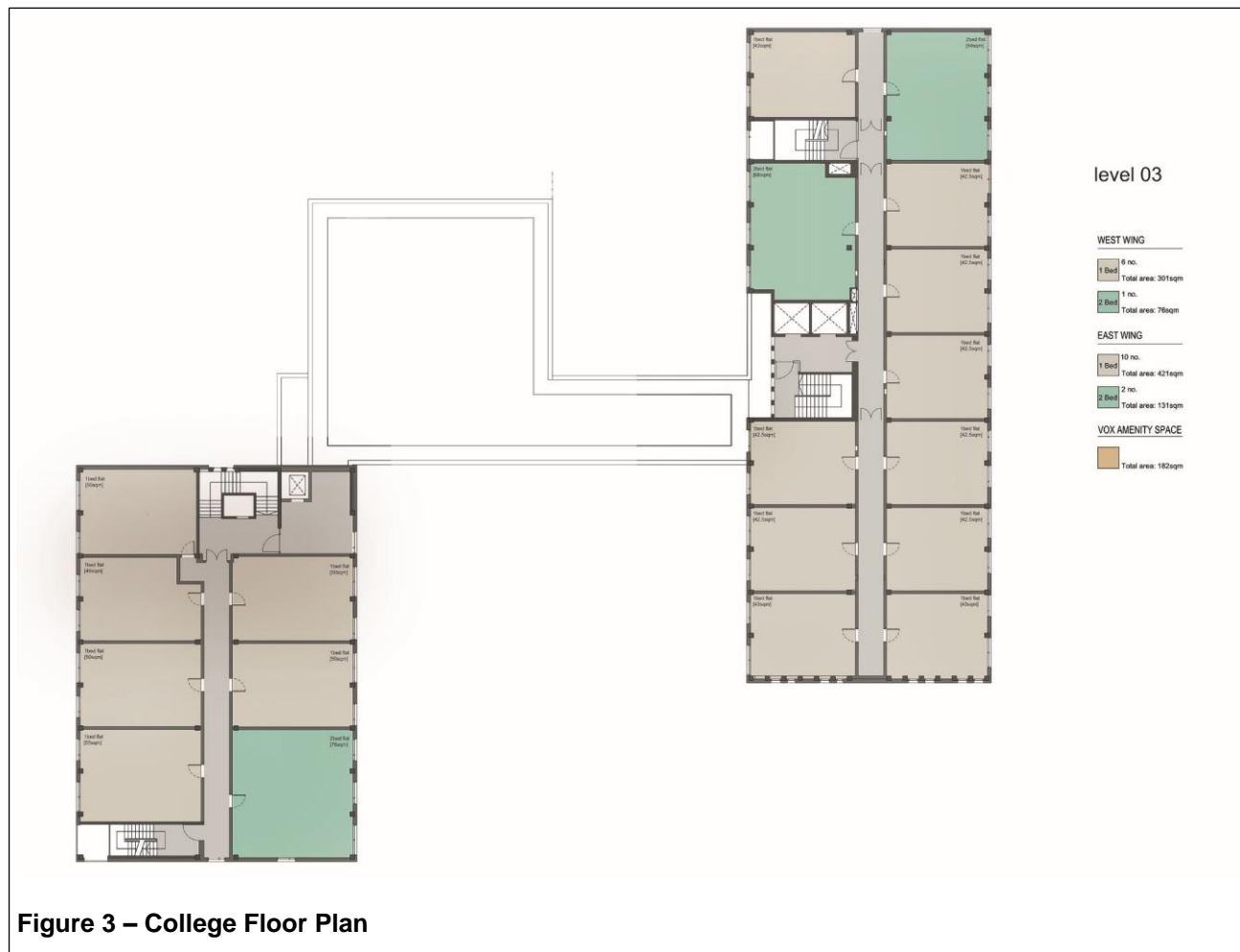


Figure 3 – College Floor Plan

2 SITE DESCRIPTION

- 2.1 The application is located on the site of the former Dundee College on Constitution Road. The site is bounded by residential properties to the north, east and south, and mature woodland bounds the site to the west, with the former Dundee Royal Infirmary beyond.
- 2.2 The site is accessed from vehicle and pedestrian accesses off Constitution Road with car parking wrapping the north, east and west areas of the site. To the south, there is semi-mature woodland on north-south sloping ground. The site itself consists of an existing 1970s former college building, formed of two towers, the east being 9 storeys tall and the west being 5 storeys tall. The towers are linked by a podium at level 01, which accommodated a gym, main hall and canteen. The east tower incorporated a lecture theatre at lower ground and ground floor levels. The buildings are formed in rendered concrete framing with sections of ceramic tiles and brick. The site generally slopes from north to south, with a large retaining wall formed at the north of the site.
- 2.3 The surrounding area is predominantly residential with a range of modern and traditional properties in the vicinity including detached, semi-detached and tenement properties. The Crescents Conservation Area is situated to the east of the site and the land to the west of the site is designated as the Barrack Road Site of Importance for Nature Conservation. The site, which is located within the Inner City boundary has no allocation within the Local Development Plan. There are on-going issues with vandalism and anti-social behaviour at this site which has been vacant for a number of years.



Figure 4 – Site Photo of the College

3 POLICY BACKGROUND

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

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

Policy 6: Visitor Accommodation

Policy 7: High Quality Design

Policy 8: Housing Land Release

Policy 9: Design of New Housing and Appendix 3 Standards

Policy 11: Formation of New Residential Accommodation

Policy 16: Small Scale Commercial Uses within Residential Areas

Policy 35: Protected Species

Policy 38: Trees and Urban Woodland

Policy 42: Sustainable Drainage Systems

Policy 45: Contaminated Land

Policy 55: Accessibility of New Developments

Policy 57: Car Parking

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

4 SITE HISTORY

4.1 14/00752/PAN - The PAN (Proposal of Application Notice) was validated on 31 October 2014. The PAN must be submitted at least 12 weeks before the planning application is lodged and specified public consultation must be carried out. A report on the Pre-Application Consultation must be submitted as part of the subsequent planning application. The applicant has complied with these requirements.

4.2 15/00391/FULM - Full planning permission was granted for the re-development and change of use of former College site into a mixed use development comprising 110 flats, with office, cafe, cinema, gym and storage accommodation by Development Management Committee in August 2015.

5 PUBLIC PARTICIPATION

5.1 As noted above, public consultation forms part of the statutory requirements for the submission of a Major application. The applicant has submitted an updated Pre-application Consultation (PAC) Report as part of the planning application in order to comply with the statutory requirements. Details of the Pre-Application Consultation are available in the submitted PAC report.

5.2 Objections/Representations - the statutory neighbour notification process has been undertaken and 2 letters of objection have been received on the application raising the following concerns:

- potential impact on traffic volume and parking; and
- impact of extended the east tower on the design of building and setting of Crescents Conservation Area.

- 5.3 Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

- 6.1 **Scottish Water** – have been consulted on the proposals and have raised no objection to the application. There is sufficient capacity in existing networks to serve the proposed development.
- 6.2 **SEPA** – have been consulted on the proposals and have raised no objection to the application. SEPA have provided advice to the applicant on their drainage proposals and potential for a future connection to district heating networks.
- 6.3 **The Head of Community Safety and Protection** – has commented on the proposals and requested the imposition of a number of conditions relating to the proposed café use, noise levels associated with plant equipment and to ensure any potential contaminated land is suitably addressed.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 6: Visitor Accommodation** - states that accommodation, with the exception of small scale B&B and guesthouse style accommodation, will not be supported outwith the city centre except where these involve enhancements to existing facilities.
- 7.3 The proposal includes 24 short stay serviced apartments. The serviced apartments are intended as short term lets for visitors to Dundee and also for friends and family visiting tenants who live in the Vox building itself.
- 7.4 **As the proposed visitor accommodation is not the enhancement of an existing facility and would be located out with the city centre, the proposal fails to comply with Policy 6.**
- 7.5 **Policy 7: High Quality Design** - requires all development proposals to be of a high quality design.
- 7.6 The proposal comprises the re-use of the existing former college buildings, including the extension of the east tower block. In relation to Policy 7, the principle of the re-development scheme is considered to be sustainable through the re-use and adaption of the existing buildings. The proposals include re-using the existing building frame/structure and re cladding with a variety of finishing materials to improve thermal efficiency and to improve the appearance of the overall development.

- 7.7 The building is located in a prominent position, which is visible from many locations across the city. The proposal includes the use of a variety of finishing materials including acrylic render, ceramic mosaic tiles, and PPC aluminium clad windows, with painted brick at the base of the towers and the retention of exposed concrete at the lecture theatre. Details of the finishing materials are included within the submitted design statement and the applicant has provided justification for the design concept. The details of the finishing materials submitted are therefore considered to be acceptable in principle and will be of a high quality. The proposed external finishes will significantly enhance the appearance of the buildings and provide a distinct palette of materials, textures and colours. In order to ensure that the range of finishing materials used throughout the development are of a high quality, in the event members are minded to grant planning permission a condition will be imposed to require the submission of samples of all finishing materials for the approval of the planning authority.
- 7.8 In addition, a landscaping plan has been submitted detailing the landscaping works proposed across the whole site. The semi-mature landscape to the front of the existing buildings is to be retained and will be enhanced through the use of landscaping to allow the area to be better used. To the north, a landscaped courtyard joining the reception to the car park is proposed. The courtyard will provide further amenity space for users of the site, including seating and soft/hard landscaping. Further proposals include the installation of seating areas and brick planters within the site, and planters within brick boundary walls to the east of the site.
- 7.9 Overall, the landscaping proposals are well considered and re-use the existing facilities as well as enhancing the site as a whole through a mixture of soft and hard landscaping. In the event members are minded to grant planning permission a condition will be imposed to require the submission of details of all materials associated with the soft/hard landscaping in order to ensure that development is finished to a high standard.
- 7.10 **Overall, the proposals are of a high quality design, subject to the imposition of various conditions, and therefore the proposals satisfy the requirements of Policy 7.**
- 7.11 **Policy 8: Housing Land Release** - states that where proposals involve unallocated brownfield sites this may be acceptable where it can be demonstrated that it will improve the tenure mix in an area where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.
- 7.12 The site has not been allocated for housing in the Dundee Local Development Plan 2014. The proposal is situated on a brownfield site and is proposing residential use of the existing former Dundee College building. The proposal will provide a mix of 1 and 2 bedroom flatted properties as well as short stay accommodation for the private rental sector. The proposal therefore will improve the tenure mix in the area, and will contribute to the regeneration of this prominent vacant site.
- 7.13 **The principle of re-developing this unallocated site for residential purposes is considered to be in accordance with Policy 8, and the proposals satisfy the requirements of Policy 8.**
- 7.14 **Policy 9: Design of New Housing** - requires all new development proposals to be of a high quality design and conform to the guidance contained in Appendix 3 of the Plan.
- 7.15 In terms of the overall quality of the proposed development, it has already been considered above that the proposals are considered to be of a high quality and therefore comply with this element of the Policy.
- 7.16 It is considered that the residential element of the proposed development fails to comply with the quantitative standards of Appendix 3 of the Local Development Plan. In terms of house

type, whilst there are no site specific circumstances that demand a flatted solution the justification provided by the applicant is that the reuse of the existing college building would be the most sustainable approach to redeveloping the site and this is agreed in principle. However, the application proposes 78 1-bedroom flatted properties of less than 60m² and therefore fails to meet the house size criterion. In terms of parking, the proposals include provision of 110 spaces. Of these spaces 99 are to be allocated to the flatted properties and 11 are to be allocated to the serviced apartments. As the 111 flats are to be served by 99 space the 130% parking requirement is not met. In terms of amenity space, the proposals meet the required level to be provided with a range of amenity spaces available for the residents. In terms of privacy, the development is sufficiently set back from existing dwellinghouses so as to not give rise to any overlooking impact.

7.17 **Overall, the proposal fails to comply with Appendix 3 standards and therefore fails to comply with Policy 9.**

7.18 **Policy 11: Formation of New Residential Accommodation** - requires all conversions of existing buildings to residential accommodation to be of a high quality design and conform with 4 criteria:

- 1 the proposal fails to comply with Appendix 3 in respect of house type and car parking;
- 2 it is considered that whilst a number of the flatted properties do not meet the required space standards, in context of re-using the existing buildings, the proposals for additional facilities including fitness studio, laundrette, cafe, etc, as well as the sites edge of city centre location, the quality of the accommodation proposed is considered to be acceptable. The site includes a high standard and level of amenity space and the proposed accommodation is set within a high quality urban environment, close to city centre facilities;
- 3 the proposal will not give rise to a loss of amenity/garden ground to existing residents, as the site is self-contained and will not give rise to any loss to adjoining residential properties. In terms of off/on street parking and traffic movements, as will be discussed in greater detail below under Policies 55 and 57, the applicant has sufficiently demonstrated that the proposed level of parking will be adequate to serve the proposed development in light of the nature of the uses involved and proximity to the city centre. In addition, the site was previously used as a college facility, which included over 200 staff and 2,000 students, therefore the traffic impact - particularly during the day - would have been more significant; and
- 4 the proposal fails to comply with Policy 6.

7.19 **The proposal fails to comply with Criterion 1 and Criterion 4 of Policy 11 as the Appendix 3 Standards are not adhered to and visitor accommodation is proposed out with the city centre.**

7.20 **Policy 16: Small Scale Commercial Use** - states that the Council will support the development of a range of small scale commercial services close to and within existing housing areas. Any services will need to ensure that they do not have a detrimental effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement, noise or smell.

7.21 The application proposes the creation of a small-to-medium sized café within the ground floor accommodation as well as a cinema/performance venue within the existing lecture theatre. The applicant has noted that these facilities will not be restricted to residents and therefore fall under the remit of this policy.

- 7.22 The proposals will re-use the existing college building accommodation and therefore raise no issue in respect of design and layout. In terms of parking and traffic, it is anticipated the majority of trips would be undertaken on foot. Traffic movements associated with these uses will not be significant in comparison to previous use of the site as a college facility. In terms of noise and smell, the Council's Environmental Protection Division has considered the submitted information and requested the imposition of various conditions to control noise and smell to an acceptable level.
- 7.23 **Overall, the proposals satisfy the requirements of Policy 16.**
- 7.24 **Policy 35: Protected Species** - does not support development proposals which are likely to have a significant effect on a European protected species unless 2 criteria are met. Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported. Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.
- 7.25 The applicant has submitted a Bat Survey which concludes that there was no evidence that bats use the buildings for roosting. The survey found there is very low to zero potential for bat roosting in the structure and that trees within the site which have potential for use by bats are to be retained. As such, it is considered that the applicant has suitably demonstrated that there will be no impact on bats arising from the proposed development.
- 7.26 **Therefore, the proposals satisfy the requirements of Policy 35.**
- 7.27 **Policy 38: Trees and Urban Woodland** - requires new development to contribute to the expansion of tree planting and woodland development where appropriate and must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planning within the application site as well as new planting and maintenance.
- 7.28 An arboriculture impact assessment and landscaping proposals have been submitted in support of the application. The arboriculture assessment details that no trees are required to be felled to accommodate the proposed development. The survey provides recommendations for some tree works in the interests of good practices, as well as further recommendations including protective measures. Should members be minded to grant planning permission, a condition is recommended to be imposed to ensure that the recommendations of the tree survey are implemented in full.
- 7.29 **With the imposition of a relevant condition, the proposals satisfy the requirements of Policy 38.**
- 7.30 **Policy 42: Sustainable Drainage Systems** - requires all surface water from new development to be treated by a Sustainable Urban Drainage System (SUDS).
- 7.31 The applicant has submitted a drainage strategy for the site which includes a separate surface water and foul drainage system to be implemented, foul water to be discharged to the public sewer and surface water to discharge to the adjacent combined public sewer. Scottish Water has confirmed there is sufficient capacity - at this time - within the existing network to adequately meet the requirements of the proposed development. In the event members are

mind to grant planning permission, conditions are proposed to be imposed to ensure that the site can be suitably drained that is in accordance with this Policy.

- 7.32 **With the imposition of relevant conditions, the proposals satisfy the requirements of Policy 42.**
- 7.33 **Policy 45: Land Contamination** - requires where there is potential contaminated land that this is adequately addressed to the satisfaction of the Planning Authority.
- 7.34 A Preliminary Risk Assessment has been submitted in support of the application. The Council's Contaminated Land Officer has assessed the submitted information and agreed in principle with the findings of the Report. The Officer has requested in the event of granting planning permission, the imposition of two conditions.
- 7.35 **With the imposition of relevant conditions, the proposals satisfy the requirements of Policy 45.**
- 7.36 **Policy 55: Accessibility of New Developments** - requires all development proposals that generate travel to be designed to be well served by all modes of transport. In particular, the sustainable modes of walking, cycling, and public transport should be afforded priority and allow walkable access to local amenities.
- 7.37 The development site is located on the edge of the city centre boundary and has been designed to accommodate a variety of sustainable transport options. In terms of walking, the site is well connected to the city centre and surrounding area by existing footpaths. In terms of cycling, the proposal includes extensive storage facilities for bicycles and the existing infrastructure allows the site to be accessed on bike from all directions. In terms of public transport and walkable access to local amenities, the site is located on the edge of the city centre and was previously used as a college facility therefore it already has excellent access to public transport and local amenity facilities.
- 7.38 **The proposal satisfies the requirements of Policy 55.**
- 7.39 **Policy 57: Car Parking** - requires all new developments to comply with Dundee City Council's adopted guidance on road standards, (Streets Ahead) with the national maximum parking standards and the national minimum disabled parking standards.
- 7.40 The applicant has submitted a Transport Statement with accompanying justification for the level(s) of car parking proposed as well as anticipated traffic movements. In terms of car parking, the applicant considers that the level of parking proposed is sufficient to serve all aspects of the development. The Transport Statement and accompanying justification argue two key points:
- the nature of the proposal as a "live-work" development and its close proximity to the city centre and existing amenities will reduce the reliance on private car use; and
 - the site is located close to public transport options including bus and rail.
- 7.41 In addition, the Transport Statement contends that the previous use of the site as a college facility would have had a more significant impact on the local transport network and on on-street parking facilities in the surrounding area. The Transport Statement also states that the applicant intends to incorporate a controlled parking management system in order to adequately control the use of the parking areas associated with the proposed development. It is also contended that the level of cycle storage offered will offset the reliance on private car use thus further reducing parking requirements.

- 7.42 Following discussions with the Council's Roads Division, it is considered that the submitted information justifies the level and nature of car parking provided in light of the nature of the development, its location close to the city centre and an expectation that there will be an element of shared use and that car ownership is likely to be lower due to the site location. The management of the parking area and provision of electric charging points will be controlled by condition. The appropriate management of the car park will ensure the proposal does not give rise to any detrimental pedestrian/traffic impacts.
- 7.43 **Overall, following the submission of further information and with the imposition of a relevant condition, the proposals are considered to satisfy the requirements with Policy 57.**
- 7.44 **It is concluded from the foregoing that the proposal does not comply with the provisions of the Development Plan.**

OTHER MATERIAL CONSIDERATIONS

A - SUITABILITY OF RESIDENTIAL AND VISITOR ACCOMMODATION

- 7.45 It has already been considered above that the proposed 78 no. 1-bedroom flatted properties fail to comply with Appendix 3 standards in respect of room size and floor area. It is considered however that there are further material considerations that would support the proposed development including the 1-bedroom flats.
- 7.46 The proposed development is a unique proposal which would re-use the existing college buildings. The layout and design of the existing buildings are not conventional and unsuitable for purely residential use. The devised "communal living" concept re-uses the different buildings and outdoor spaces to provide residents with a variety of complementary uses. The proposal would create shared living areas with communal on site amenities for residents.
- 7.47 The amenities available to the proposed residents, include a laundrette, a café, a fitness studio and cinema, as well as car parking and cycle storage facilities. The wide range of amenities is proposed to offset those smaller flat sizes as well as to foster a mixed use development which is more socially cohesive through the use of shared facilities. This is not a conventional residential concept in the city but in this instance, with the wide range of complementary facilities, is considered to be a flexible approach to re-using the existing buildings and that still maintains a high standard of accommodation.
- 7.48 It is anticipated that this development would cater for the graduate and young professional market. The proposed mix of 1- and 2-bedroom flatted properties would complement this market, given the site's close proximity to the services and facilities associated with the city centre as well as the on-site facilities being proposed.
- 7.49 The proposed serviced apartments would provide accommodation to visitors of residents of the development and to people visiting the city. Whilst outwith the city centre, the serviced apartments are within close proximity to the city centre and associated amenities. The proposed apartments would be in keeping with the Vox concept in providing rooms with communal amenities. Visitors staying in the serviced apartments would have access to the same facilities as Vox residents and are provided with a fully functioning micro-apartments. Due to the scale and nature of the short stay apartments the proposal would have no significant impact on existing hotel and visitor accommodation within the city centre.
- 7.50 Overall, it is considered that the level and type of residential and visitor accommodation proposed is acceptable in this location and has been suitably justified, contrary to the requirements of Policy 6 and Policy 9 Appendix 3 of the Local Development Plan.

B - SUPPORTING STATEMENTS

- 7.51 The applicant has submitted a variety of supporting statements, including a Design & Access Statement and Supporting Planning Statement.
- 7.52 These reports provide a justification for the Vox concept of shared amenities and state the development has been formed to meet current demand.
- 7.53 The proposals target demographic is professionals in the 25-34 age group, who are likely to be long term renters who are not co-habiting. Dundee is experiencing high demand for high quality private rental sector accommodation, particularly for one bedroom apartments. VOX Dundee rental levels are expected to be affordable to those within the target demographic, particularly considering the additional facilities and benefits provided. The proposal will include features such as bookable launderette and home working facilities, sprinkler systems throughout the building and a total of 585sqm of communal space.
- 7.54 The general principles behind these supporting statements are considered to be acceptable as material considerations in support of the application.

C - DUNDEE LOCAL DEVELOPMENT PLAN 2

- 7.55 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.56 The proposed Dundee Local Development Plan 2 will in time replace the Dundee Local Development Plan 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan 2014 (along with TAYplan) constitutes the statutory Development Plan, the Proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.57 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above. There are no material changes to these policies which would affect the outcome of the present planning application.

D - VIEWS OF OBJECTORS

- 7.58 The statutory neighbour notification process has been undertaken and 2 letters of objection have been received on the application raising the following concerns:
- a increased traffic and insufficient parking spaces; and
 - b adverse effect on street scene/conservation area.
- 7.59 In terms of point a, the applicant proposes 110 parking spaces. 99 spaces are to be allocated for the long term lease apartments and 11 allocated for the serviced apartments. The parking spaces on the site will be allocated to specific long term leased apartments within lease agreements, ensuring that occupants are aware of the availability or otherwise of parking facilities. Visitors to the serviced apartments will be able to pre-book parking, and similarly would be aware of the availability or otherwise of parking facilities at the time of booking.
- 7.60 The current proposal does not include the office space included in the previous application, resulting in a reduction in the parking demand during the day. This can be off-set against any

visitors to the serviced apartments driving to the site but then visiting Dundee by public transport or on foot. Due to the sites position close to the city centre and surrounding public transport network, the proposed parking provision is considered acceptable. The provision and implementation of a parking management plan will be controlled by condition.

- 7.61 Through the addition of conditions, the concerns of the objector can be addressed.
- 7.62 In terms of point 2, the extension of the east tower to provide short stay accommodation is considered acceptable. The design and appearance of the proposed development has already been assessed and it is considered that the proposal will enhance the current buildings on site. The extension is of a minor nature in the context of the overall development and will not give rise to any significant visual impact on the surrounding area. The proposed extension is of a smaller scale than the extension to the east tower which was approved under 15/00391/FULM.
- 7.63 The views of the objectors in relation to parking can be addressed by condition, concerns in relation to design and impact on the surrounding area are not considered to be of sufficient weight to justify refusal of the application.
- 7.64 **It is concluded from the foregoing overall, there are material considerations of sufficient weight that would support the approval of planning permission in this instance.**

8 CONCLUSION

- 8.1 The proposal fails to satisfy the requirements of the Development Plan. However, the proposed development would provide a high quality concept "shared living" development with a wide range of amenities available to residents. This is a material consideration of sufficient weight to justify approval of the application subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- Condition** - prior to the commencement of works on site, full details including samples of all finishing materials associated with the development hereby approved shall be submitted to the Planning Authority for written approval and shall only be completed in accordance with the approved details.
Reason - in order to ensure that the development is finished to a high standard.
 - Condition** - prior to the commencement of works on site, full details of all soft/hard landscaping works shall be submitted to the Planning Authority for written approval and shall only be completed in accordance within the approved details. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason - in order to ensure that the development is landscaped to a high standard.

- 3 **Condition** - the recommendations contained in section 15 of the Arboricultural Impact Assessment prepared by Arboretum Internationale and dated 24 June 2015 shall be implemented in full.

Reason - in the interests of the arboricultural amenity of the site and surrounding area.

- 4 **Condition** - development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and, if necessary, a remediation strategy to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:

- 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 that any potentially contaminated land is adequately addressed.

- 5 **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 that any potentially contaminated land is adequately addressed.

- 6 **Condition** - prior to the operation of the cafe hereby approved, details of the range of foods to be cooked and the methods of cooking shall be submitted to the Planning Authority for written approval. The cafe shall only operate in conjunction with the approved details, unless otherwise agreed in writing with the Planning Authority.

Reason - in order to minimise any impact on neighbouring residential amenity.

- 7 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling and simulation results shall be submitted to Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the occupation of the development.

Reason - to ensure that the site will be drained in a sustainable manner.

- 8 **Condition** - prior to the occupation of the development hereby approved, evidence of Scottish Water's Technical Approval/Approval to Connect shall be submitted to the Planning Authority for written approval.

Reason - in order to ensure that Scottish Water are satisfied that there is sufficient capacity to accommodate additional surface drainage water.

- 9 **Condition** - prior to the commencement of any works on site, details of the maintenance responsibilities along with a Maintenance Schedule for the surface water drainage system/SUDS features shall be submitted to Dundee City Council for written approval. Thereafter, all maintenance works approved by virtue of this condition shall be carried out in accordance with the approved details.

Reason - in to ensure that the site is suitably drained with an appropriate maintenance regime.

- 10 **Condition** - prior to commencement of any works on site, signed Dundee City Council Sustainable Drainage Design Compliance and Independent Check Certification shall be submitted by the Applicant for the written approval of the Planning Authority confirming the design of the Drainage System will be completed in accordance with regulated standards.

Reason - in order to ensure that the drainage system is completed to a regulated standard.

- 11 **Condition** - prior to the commencement of any works on site, a construction/traffic management plan for all construction works on site, shall be submitted to the planning authority for approval and construction works shall operate be undertaken in accordance with the approved management plan.

Reason - in order to ensure that any impact on neighbouring residential properties is minimised during construction works.

- 12 **Condition** - the total noise from the mechanical and electrical plant/services shall not exceed NR45, during daytime, and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property. NR45 is applicable for the period 07:00 to 23:00 hours and NR35 and NR 25 are applicable for 23:00 to 07:00 hours.

Reason - in order to ensure that any noise impact associated with the development is controlled to an acceptable level.

- 13 **Condition** - details of the proposed car parking management shall be agreed with the Planning Authority in consultation with the Roads Authority prior to occupation of the development.

Reason - in the interests of vehicle and pedestrian safety.

- 14 **Condition** - details of the type and location of proposed entry/exit control mechanism/barrier shall be agreed and implemented prior to occupation of the development.

Reason - in the interests of vehicle and pedestrian safety.

- 15 **Condition** - electric car charging points shall be provided at a location and number to be approved prior to opening of the development.

Reason - in the interests of sustainable travel measures.

- 16 **Condition** - music shall be controlled as to be inaudible within any adjoining and adjacent residential property.

Reason - in order to minimise any impact on neighbouring residential amenity.

- 17 **Condition** - prior to the commencement of the development hereby approved, full details of the proposed means of providing heat, hot water and emergency power to the building, including details of any boilers, flues or extracts or other similar related works shall be submitted to and approved in writing by the planning authority. An air quality assessment may also be needed depending on the size, location and fuel type of any combustion appliances. Thereafter, the development shall be implemented in accordance with the approved details and be maintained as such.

Reason - to meet Air Quality requirements.

- 18 **Condition** - the serviced apartments hereby approved shall not be used for permanent residential accommodation and shall only be used for temporary visitor accommodation and for no other purpose whatsoever. As such, the serviced apartments hereby approved shall only be temporarily occupied for periods of between one (1) and ninety (90) days.

Reason - in order to retain control over the use of the building and to prevent permanent residential occupation which would not meet the required Development Plan standards for such.