

## Erection of 119 Flats and 1no Retail Unit (Class 1) With Associated Private Parking, Refuse Stores, Landscaping and Internal Roads Including Formation of Access From Thorter Loan

### KEY INFORMATION

**Ward** Maryfield

**Address**

Land to West of Thorter Land and South of South Victoria Dock Road, Dundee

**Applicant**

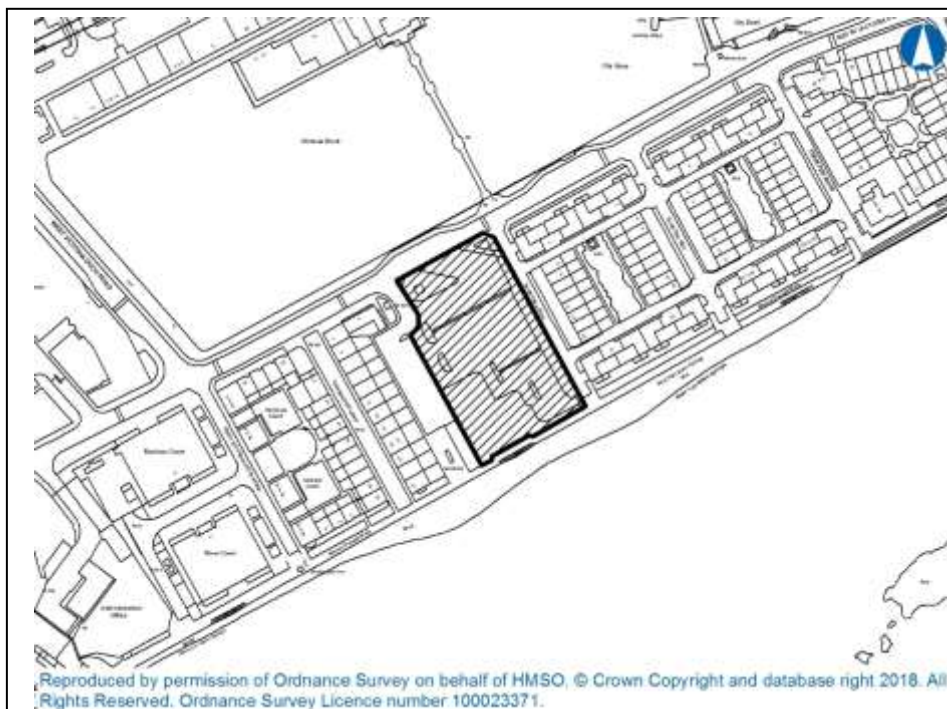
Victoria Dock Ltd, Lindores Ltd (in administration) and Hillcrest Housing Association  
21 Young Street  
Edinburgh EH2 4HU

**Agent**

Henry McKeown  
50 Bell Street  
Glasgow G1 1LQ

**Registered** 6 June 2018

**Report by:** Head of Planning and Economic Development



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### SUMMARY OF REPORT

- The application is for the development of 119 social rent flatted properties, 1 retail unit (Class 1) and associated private parking, refuse stores, landscaping and internal roads. The proposed 119 flats would be split between 2 blocks (north and south), whilst the retail unit would be located on the ground floor of the north block.
- The site is currently in use as a car park which is privately owned.
- As the proposed number of residential units is more than 50, the proposals constitute a major planning application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community. A public event was held on 12 December 2017 at the Apex City Quay Hotel and took the form of an informal “drop-in” session.
- The application complies with the Development Plan and there are no material planning considerations that would justify refusal of the application.
- In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be determined by the Council's Development Management Committee.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

### RECOMMENDATION

**Erection of 119 flats and 1no retail unit (Class 1) with associated private parking, refuse stores, landscaping and internal roads including formation of access from Thorter Loan is recommended for APPROVAL subject to conditions.**

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 The application is for 119 flats split between two six storey blocks. The flats are proposed as social rent tenure, with joint applicants being Hillcrest and Victoria Dock Ltd Lindores Limited (in Administration). It is proposed to erect a north and south block with a courtyard in the centre which includes private parking for the flats, stores, landscaping and roads. A local shop which falls within Class 1 (shops) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 is proposed on the ground floor of the north block.
- 1.2 The north block would contain 53 units, comprising of 47no 2 bed flats and 6no 1 bed flats. The proposed retail unit would have a floorspace of 225m<sup>2</sup>. The south block would contain 66no 2 bed residential flats.
- 1.3 The proposed access would be taken from Thorter Loan (west) and would have a barrier to ensure that the parking provided is for use by the residents. Within the courtyard there would be; bin stores, bicycle storage for 120 bicycles, plant rooms and 119 car parking spaces including 6 accessible spaces and 4 electric charging spaces. It is proposed to form a landscaped public courtyard on the northwest of the site which has the possibility to host some form of public art, in order to act as a new public space and improve the overall amenity of the site. It is also proposed to form a new loading bay/shared surface on the north of the site to serve the ground floor retail unit. On the northeast of the site it is proposed to form garden ground areas which the ground floor properties would have access to via patio doors. The east and west boundaries of the site are to be bound by a fence with galvanised steel fins.
- 1.4 The flats would be finished in facing brick at ground floor level, mid grey fibre cement cladding panels at levels 1-4 and a light grey fibre cement cladding panels at level 6. They would have a standing seam aluminium roof with a slight overhang and would contain aluminium framed windows. The south block would have projecting balconies whilst the north block proposes recessed balconies. 10 of the smaller flats on the north elevation of the north block would contain Juliet style balconies. The ground floor retail unit would have a glazed north frontage which would partially wrap around the west elevation.
- 1.5 Subsequent to the validation of the application, officers have negotiated with the applicants to seek improvements to the design and layout of the proposal. The changes include: reduction in scale of north block of flats from 7 storeys to 6 storeys; reduction in number of flats from 122 to 119; number of parking spaces amended to reflect the reduction of flats; reduction in floor space of proposed ground floor retail unit; change to layout of courtyard; change to layout of north of site; an increase in window sizes and changes to colour of proposed cladding.
- 1.6 As the proposed number of residential units is more than 50, the proposals constitute a major planning application as defined by Regulation 2 (1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community.
- 1.7 A Proposal of Application Notice (PAN) was submitted in October 2017 and a Pre-application Consultation Report was submitted with the application which reports the public event held on 12 December 2017 at the Apex City Quay Hotel. Additional supporting information has been submitted which includes a Flood Risk Assessment, Transport Statement, Geo-Environmental and Geotechnical Preliminary Investigation Report, Energy Statement, Sustainability Statement and Statement of Need.

1.8 In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be determined by the Council's Development Management Committee.

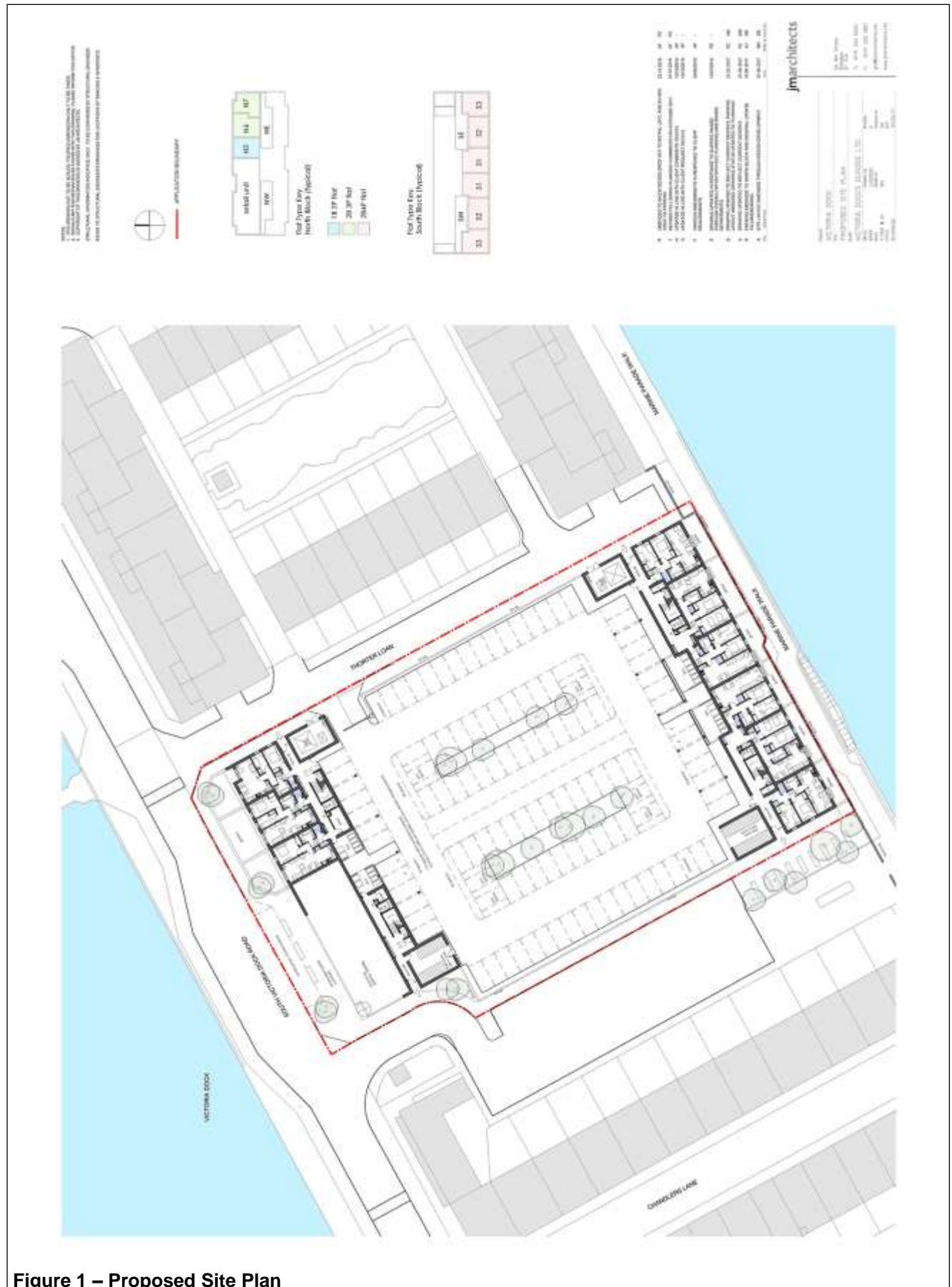


Figure 1 – Proposed Site Plan  
 Dundee City Council Planning Committee

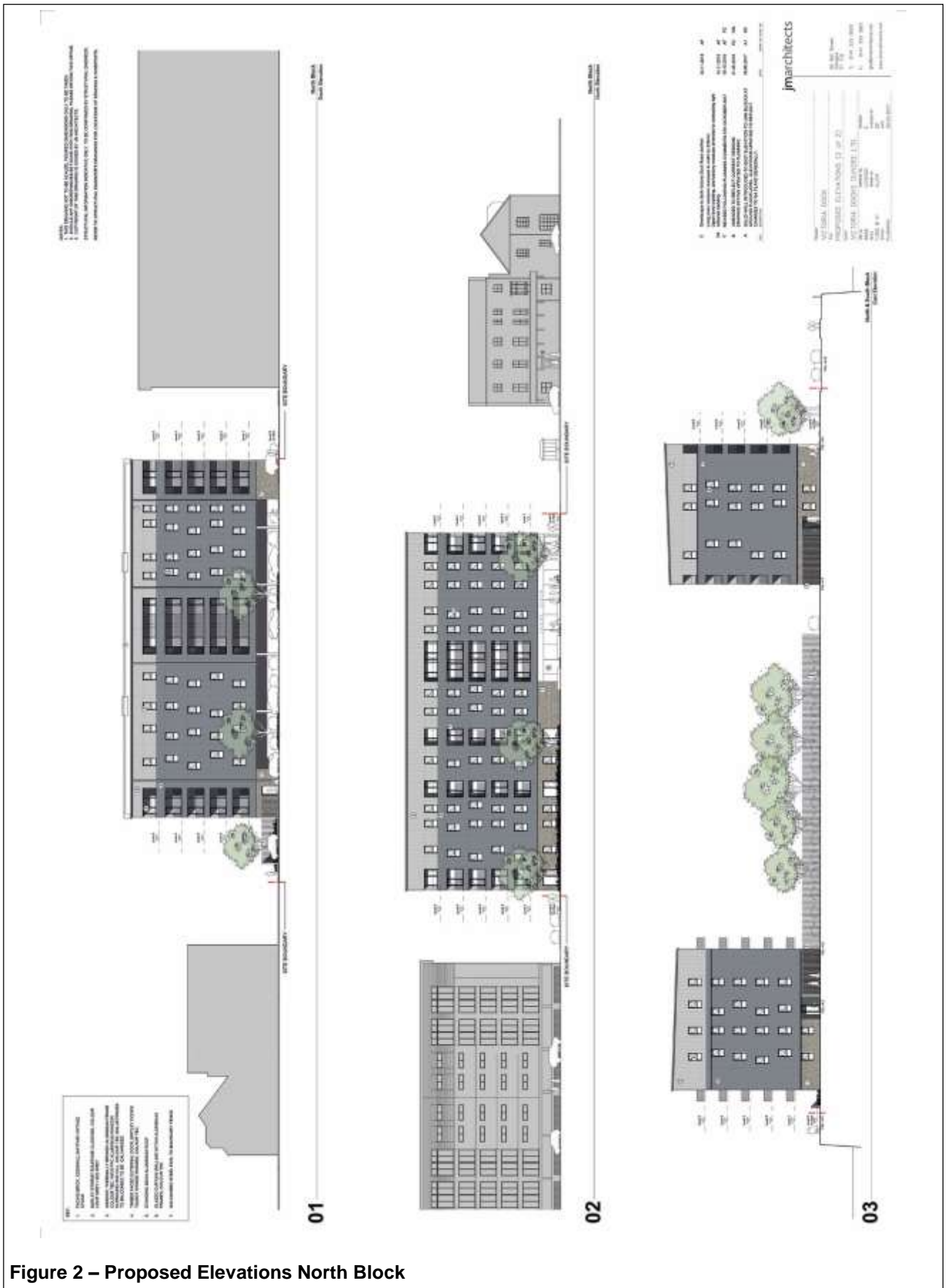


Figure 2 – Proposed Elevations North Block



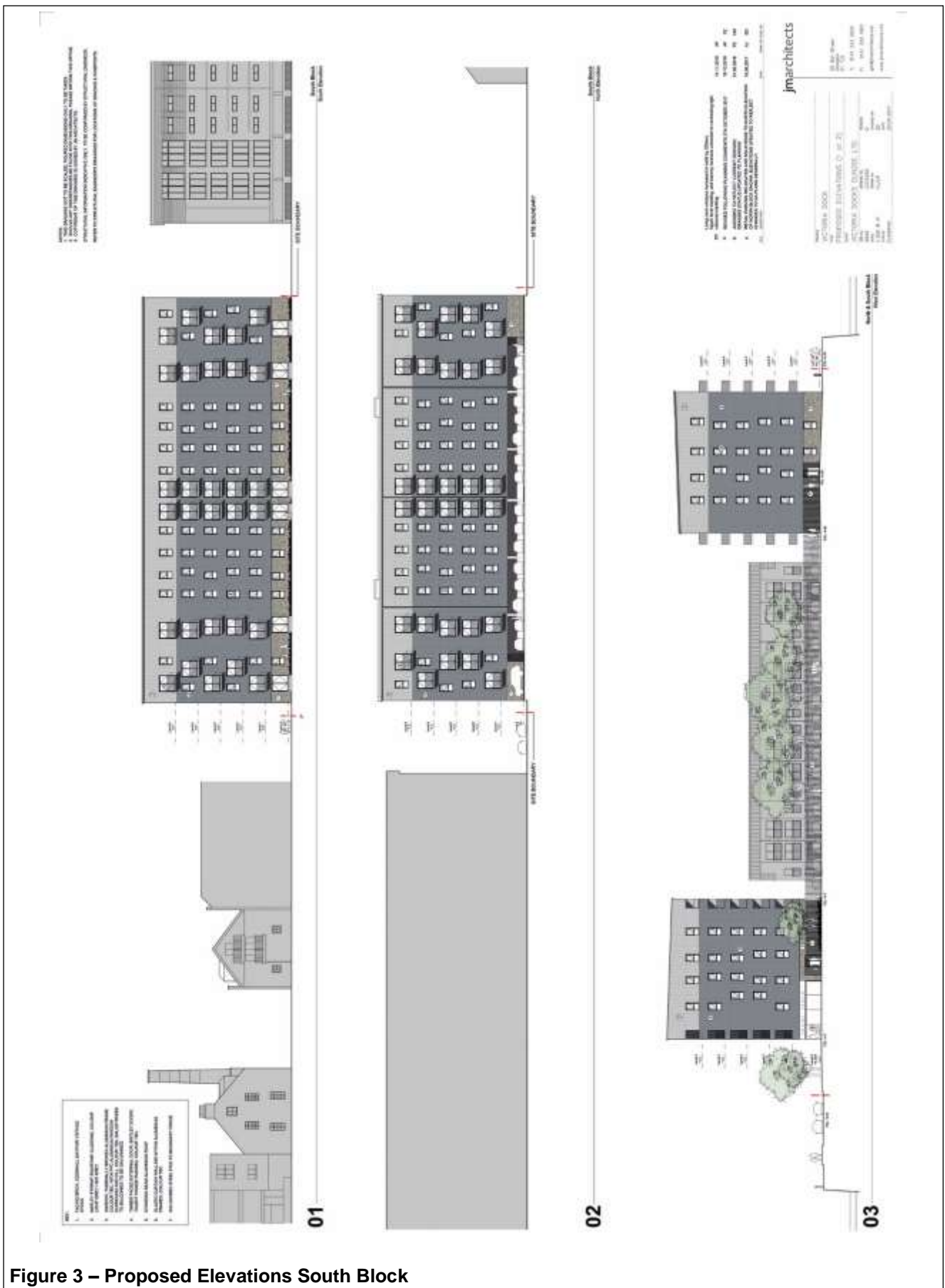


Figure 3 – Proposed Elevations South Block



Figure 4 – Proposed Visuals

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## 2 SITE DESCRIPTION

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- 2.1 The site is currently in use as an off street private car park. It is located between Victoria Dock (north) and the Tay Estuary (south). South Victoria Dock Road runs parallel to the north of the site. A footbridge from South Victoria Dock Road provides access to City Quay where there are a mixture of Class 1, 2 and 3 uses. City Quay is Category A and B Listed. HMS Unicorn is located to the northeast of the site within Victoria Dock basin. Victoria Dock is Category A Listed.
- 2.2 Thorter Loan runs parallel to the east of the site. To the east of Thorter Loan there are residential developments which have a similar layout as the proposal, with north and south facing 6 storey blocks of flats. A terrace of 3 storey properties is located on Thorter Loan between the north and south blocks of flats. A terrace faces towards the proposed fencing and courtyard of the application site. Further east lies developments of a similar scale and layout as Thorter Loan.
- 2.3 Marine Parade Walk runs parallel to the south of the site and provides pedestrian access to the Waterfront redevelopment area and City Centre. To the west of the site lies a private resident's car park and a terrace of residential properties of Chandlers Lane. The terrace of properties is Category B Listed. The buildings were formerly Panmure Shipyard buildings, dating from the 19th century, the shipyard where Discovery was built.



Figure 5 – Site Photograph Facing South



Figure 6 – Site Photograph Facing East





Figure 7 – Site Photograph Facing West



Figure 8 – Site Photograph Facing North

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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 2016-2036**

Policy 1: Location Priorities  
Policy 2: Shaping Better Quality Places  
Policy 4: Homes

**DUNDEE LOCAL DEVELOPMENT PLAN 2014**

Policy 7: High Quality Design  
Policy 8: Housing Land Release  
Policy 9: Design of New Housing  
Policy 26: Local Shopping Provision  
Policy 29: Low and Zero Carbon Technology in New Development  
Policy 40: Waste Management Requirements for Development  
Policy 41: Flood Risk Management  
Policy 42: Sustainable Drainage Systems  
Policy 45: Land Contamination  
Policy 47: Environmental Protection  
Policy 54: Active Travel  
Policy 55: Accessibility of New Developments

**PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2**

Policy 1: High Quality Design and Placemaking  
Policy 2: Public Art Contribution  
Policy 9: Housing Land Release  
Policy 10: Design of New Housing  
Policy 17: Small Scale Commercial Uses within Residential Areas  
Policy 26: Local Shopping Provision  
Policy 36: Flood Risk Management  
Policy 37: Sustainable Drainage Systems  
Policy 39: Environmental Protection  
Policy 41: Land Contamination  
Policy 44: Waste Management Requirements for Development  
Policy 46: Delivery of Heat Networks  
Policy 48: Low and Zero Carbon Technology in New Development  
Policy 49: Listed Buildings  
Policy 54: Safe and Sustainable Transport  
Policy 56: Parking

**SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS**

Scottish Planning Policy states that the strategic development plan should identify the housing land requirements for city regions and local development plans should allocate land on a range of sites which is effective or capable of becoming effective up to year 10 from the predicted date of adoption. This report will demonstrate that these requirements have been met by the TAYplan and the Dundee Local Development Plan.

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 07/00300/FUL - erection of residential development of 75 dwellings and 1 retail unit. Approved with conditions.
- 4.2 11/00134/PAN - Mixed Use Development comprising of 90 Bed Residential Care Home, 46 Flats, Children's Nursery and Associated Car Parking.
- 4.3 14/00801/PAN - proposed construction of the phase 3 Housing Development by Unicorn Property Group.
- 4.4 17/00852/PAN - to develop approximately 120 affordable flats with associated parking, greenspace, cycle and refuse storage and a retail unit.

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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. The application was also advertised in the Dundee Evening Telegraph as a departure to the development plan, for neighbour notification purposes and as affecting the setting of a listed building.
- 5.2 One letter of objection was received. It raised the following valid planning matters - detrimental to environment, increase/volume of traffic, insufficient parking space, privacy of neighbouring properties affected, large number of flats for a small area, noise nuisance, residential density and water supply.

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## 6 CONSULTATIONS

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- 6.1 **City Centre and Harbour Community Council** – fully support the application for the flats and retail/commercial unit with associated private parking, refuse stores, landscaping and internal roads including formation of access from Thorter Loan.
- 6.2 **Historic Environment Scotland** – has no comment on the application.
- 6.3 **The Head of Community Safety and Protection** – was consulted on the following matters:
- Contamination - the Preliminary Contaminated Land Report for the site has been reviewed and its conclusion and recommendations are agreed. Conditions regarding investigation, risk assessment and remediation strategy are requested should planning permission be granted;
  - Noise - as the proposal is now only for retail premises on the ground floor, it is requested that conditions restricting the noise from mechanical and electrical plant/services are attached. Conditions restricting the deliveries and servicing of the commercial properties are requested; and
  - Waste - no objection to the provision of the waste facilities which includes dedicated communal bin stores on the ground floor of the north and south blocks. Access to the bin stores will be gained through the courtyard and ground floor close of the flats.

- 6.4 **Neighbourhood Services** - was consulted and agreed with the information provided by the applicant regarding housing need waiting list for the area and confirms the site is included in the Strategic Housing Investment Plan (SHIP) for funding from Scottish Government.
- 6.5 **SEPA** – has no objection to the application.
- 6.6 **Scottish Water** – were consulted on the application and have not provided comments.

## 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 2016-2036

- 7.2 **Policy 1: Location Priorities** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region, and that the re-use of previously developed land and buildings should be priorities; Dundee's core area is identified as a Tier 1 principal settlement.
- 7.3 **The proposal therefore satisfies Policy 1 of the TAYplan Strategic Development Plan.**
- 7.4 **Policy 2: Shaping Better Quality Places** - requires that climate change resilience and resource efficiency is built into the built environment, that new development is integrated with the existing community and transport links, that waste management solutions are incorporated into development proposals and that new designs and layouts take cognisance of Scottish Government Designing Places and Designing Streets.
- 7.5 The proposal has demonstrated that it complies with the above; the site is directly next to residential properties and therefore would integrate with the surrounding community, waste management is considered and the proposals meet the required policy statements.
- 7.6 **The proposal therefore satisfies Policy 2 of the TAYplan Strategic Development Plan.**
- 7.7 **Policy 4: Homes** - requires Local Development Plans to identify appropriate land to be allocated for housing to ensure a generous supply of effective housing sites. This includes provision of a mixture of sites to ensure an effective supply of housing which meet the needs of the region.
- 7.8 The site not allocated in the current Local Development Plan 2014 however the Dundee Local Development Plan makes provision for residential development on unallocated sites. In addition, the site has had previous permission for residential development and is surrounded by neighbouring residential flats and dwelling houses.
- 7.9 **The proposal therefore satisfies Policy 4 of the TAYplan Strategic Development Plan.**



**DUNDEE LOCAL DEVELOPMENT PLAN 2014**

- 7.10 **Policy 7: High Quality Design** - requires all new development proposals to have a high quality design that contributes positively to the surrounding built and natural environment, with designs complementing their surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- 7.11 The Design and Access Statement submitted with the application states that the design respects the historic street pattern and creates a new active street frontage to the north and south of the site. The housing blocks are orientated to face Victoria Dock and the Tay Estuary.
- 7.12 The proposed blocks of flats would be 6 storeys high, which is in keeping with the scale of the neighbouring blocks of flats to the east. The scale of the proposed flats and siting within the built up residential area is considered to be appropriate and the proposal would not over dominate the 2.5 storey and 3 storey properties to the west. With a central courtyard area, the proposal would not have a negative overbearing or physical impact on the car park directly to the west or terraced properties to the east which are 3 storey high.
- 7.13 The development site is an area of reclaimed land which is relatively flat. The proposal would respect and continue the pattern of development of the surrounding area. The position of the north and south blocks help define the street frontages of South Victoria Road and Marine Parade Walk respectively. The site benefits from a double frontage which maximises the outlook of the properties.
- 7.14 The development uses brick to form a plinth at ground floor level, with the upper levels clad in high quality fibre cement panels in light and mid grey colours. The proposed materials are stated as robust, durable and highly resistant to weathering and staining, given the site's waterfront context.
- 7.15 The external design respects the design of neighbouring flats where the elevations are differentiated by the use of contrasting base, middle and upper finishes. The use of balconies and the enlargement of window openings takes advantage of the views to Victoria Dock and the Tay Estuary.
- 7.16 In order to ensure a high quality finish, it is recommended that conditions are attached to any planning permission granted to request that full details and samples of the finishing materials and boundary treatments are submitted to the Council for written approval.
- 7.17 The proposed development includes some areas of landscaping within the courtyard and garden ground to the north and south of the site. 109 flats will have access to a private balcony for amenity space, 10 smaller flats on the north elevation of the north block would have a Juliet balcony and 9 ground floor flats between the north and south blocks would have patio doors which open directly on to an area of garden ground. All balconies would have a footprint between 3 and 5m<sup>2</sup>. The proposed balconies would be in keeping with flats in the surrounding area which also have balconies.
- 7.18 The layout of the development respects the existing building lines and contributes to a coherent structure of streets, spaces and buildings on South Victoria Dock Road. The proposal is easily navigable on foot and bicycle, and is within walking distance of public transport by virtue of the nearby bus station and rail station.
- 7.19 This policy requires all developments with a construction cost of £1 million or over to allocate at least 1% of construction costs towards an art project in a publicly accessible/visible place. It has been stated that the proposed open space on front of the proposed retail unit has the

possibility to host public art and improve the amenity of the site. It is recommended that a standard condition is attached to any planning permission granted to secure this.

- 7.20 The quality of design and layout of the residential development respects the character and amenity of the surrounding area with the development respecting the layout of existing residential development at Victoria Dock. The layout respects the surrounding area and connects well with the existing street pattern and the links to the City Centre.
- 7.21 **With the inclusion of conditions the proposal satisfies Policy 7.**
- 7.22 **Policy 8: Housing Land Release** – states that priority will be given to the development of the allocated brownfield and greenfield sites. Housing land release on brownfield sites, in addition to the allocations set out in Appendix 2, 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.
- 7.23 The site is not an allocated site in Appendix 2, however it is a brownfield site. The proposal would provide social rented flats at Victoria Dock where existing flats are predominantly privately owned. The site was historically proposed for residential development by an applicant in line with a wider historic Master Plan for City Quay. Planning permission was granted in 2007 for a residential and retail development on the site however this lapsed due to a wider economic recession. The site was undeveloped and is a gap site situated between residential developments. The proposal would develop this gap site and make a positive contribution to the regeneration of the area, would improve the tenure mix on South Victoria Dock Road and would not be out of character with previous aspirations.
- 7.24 **The proposal satisfies Policy 8.**
- 7.25 **Policy 9: Design of New Housing** - states that the design and layout of all new housing in Dundee should be of high quality and contribute to creating places that build on and enhance the distinct character and identity of the city. In seeking to achieve this, the policy requires proposals to comply with the requirements of Appendix 3 of the Local Development Plan.
- 7.26 As assessed against Policy 7, the scale, design and layout of the proposal would make a positive contribution to the visual amenity of the area which is currently a gap site between residential developments. The proposal would not appear out of character with its residential surroundings and with the requested conditions, the development would be of a high quality design.
- 7.27 The application is for 119 residential units in total. The applicant is a Registered Social Landlord and all units are proposed to be social rented flats. The application site is required to meet the following Inner City Standards set out in Appendix 3 for social rented flats. A condition is recommended to ensure that the flats remain as social rented accommodation and no other tenure, so that the proposal remains compliant with the Dundee Local Development Plan 2014.
- 7.28 **House Type** – flats will be permitted if identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building of merit is proposed and houses are impractical. All flats will have a minimum of 2 bedrooms or a minimum gross internal floor area of 60m<sup>2</sup>.
- 7.29 **Car Parking** – generally, social rented flats should have 100% parking provision. This provision may be increased or decreased in light of on street and off street parking provision nearby.

- 7.30 **Cycle Provision** – secure indoor storage for bikes will be provided in accordance with the number of flats being provided. Conversions may require a more flexible/relaxed approach.
- 7.31 **Amenity/Garden Ground** – useable private communal garden area of a minimum of 100m<sup>2</sup> or 10m<sup>2</sup> per flat, whichever is greater. Drying areas to be provided in addition. Private communal garden provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided.
- 7.32 **Privacy** – a minimum of 18 metres between the facing windows of habitable rooms or between balconies and the facing windows of habitable rooms will be provided. Living room windows and balconies should not unacceptably overlook private gardens of houses.
- 7.33 In respect of the above standards for flats:
- 7.34 **House Type** – there is no Site Planning Brief or Master Plan for this site. There are no buildings of merit for conversion on the site. An historic Master Plan illustrated a layout of 3 urban blocks on the land of the application site and to the east. 2 of the eastern blocks have been developed. The current application is on the undeveloped block. Although the Master Plan is no longer adopted, planning permission was granted in 2007 for flats and a retail unit on the site. This permission lapsed due to economic recession.
- 7.35 Whilst houses are not proposed, the flats which are currently proposed would be in keeping with the previous aspirations for the site and would respect the wider residential area where there are many examples of flats. A Statement of Need has been submitted which outlines the housing need for the Dundee City area and how the proposed 119 units fit within this requirement. Dundee City Council has included this project in the Strategic Housing Investment Plan (SHIP) with allocated funding for the site purchase in the 2019/2020 financial year. Neighbourhood Services have agreed with the information provided. All flats would have 2 bedrooms or would have a minimum gross internal floor area of 60m<sup>2</sup>. The proposal meets this standard.
- 7.36 **Car Parking** – 119 parking spaces are proposed within the courtyard of the development which meets the 100% parking provision requirement. This includes 4 electric charging spaces and 6 accessible spaces. A condition is also recommended to ensure that the infrastructure for additional electric charging spaces is put in place to meet any future additional provisional requirements.
- 7.37 **Cycle Provision** – secure bike stores are proposed on the northwest (54 spaces) and southwest of the site (66 spaces) as required. The stores can be accessed from the courtyard and from the ground floor close of the flats.
- 7.38 **Amenity/Garden Ground** – the 100m<sup>2</sup> or 10m<sup>2</sup> per flat private garden space standard has not been met. It is proposed that ground floor properties of the north and south blocks would have private garden space. All 3 of the ground floor properties of the north block would have access to areas of garden ground which would front South Victoria Dock Road and would have a footprint ranging between 30-41m<sup>2</sup>. All 6 of the ground floor properties of the south block would have access to private garden space which would front Marine Parade Walk and would have a footprint ranging between 16-28m<sup>2</sup>.
- 7.39 10 north facing flats, between levels 2 and 6, within the north block would have Juliet style balconies. All other 33 flats within the north block would have recessed balconies. All 66 flats of the south block would have projecting balconies. Full height glazed balcony doors to the living rooms would be installed.

- 7.40 The proposed balconies take advantage of the views over the Tay and Victoria Dock. The majority of the courtyard has been used to meet the 100% parking standard as this has been viewed as a priority by the applicant. Within the Design and Access Statement it has been stated that there are safe pedestrian and cycle accesses toward the City Centre and Waterfront area, and a number of recreational activities and spaces are available nearby, including Slessor Gardens and Foxlake Wakeboarding centre. The flats will benefit from natural daylight with no overshadowing or overlooking and the provision of useable, attractive balcony areas is considered more beneficial to tenants than less accessible communal amenity space. On the north, south and central courtyard area of the site, soft landscaped strips are proposed to improve the visual amenity of the area.
- 7.41 The flats will be afforded a high level of amenity through maximising views and the provision of balconies. It is considered that the reduction in communal garden ground is acceptable as balconies that are useable and attractive in terms of size and outlook are proposed and the site is in close proximity to pedestrian and cycle paths and Slessor Gardens. Due to the limited communal space within the courtyard, provision for drying will be by way of integrated tumble-dryers and provision of a drying rack over the bath. In this circumstance this is acceptable.
- 7.42 **Privacy** – There would be no overlooking to the north and south from the flats, as they would face Victoria Dock and the Tay Estuary respectively.
- 7.43 The north block would be 10m from the kitchen/dining window of the neighbouring flats to the east. As the kitchen/dining window of the neighbouring flats is not a habitable room there would not be detrimental overlooking impacts. The north block would be 16.5m from the gable of the neighbouring residential property to the west, which contains 2 windows at 2nd floor level. The 2 windows of the neighbouring property and the windows of the proposed flats would be offset and as such there would not be direct window to window overlooking within 18m.
- 7.44 The south block would also be 10m from the kitchen/dining window of the neighbouring flats to the east. As the kitchen/dining window of the neighbouring flats is not a habitable room there would not be detrimental overlooking impacts. The south block would be more than 18m from neighbouring residential properties and garden grounds to the west.
- 7.45 The proposal would not unacceptably overlook habitable rooms, balconies and private garden grounds.

#### Appendix 3 General Standards

- 7.46 **Waste Management** – communal bin stores are proposed on the ground floor of each block of flats. The bin stores would be contained within the courtyard area from which access can be gained for collection. The waste provision is in line with the standard requirement.
- 7.47 **Electric Charging Points** – electric charging points should be incorporated into communal car parking area. It is noted on the proposed site plan that 4 spaces are allocated for electric charging points in the communal parking area. Additionally, a condition is proposed to seek infrastructure for future electric charging points.
- 7.48 **Additional Storage** – In addition to cycle storage, flats should have adequate storage. It is noted that each of the flats have storage areas/cupboard in line with this standard requirement.
- 7.49 With the inclusion of conditions the proposal satisfies Policy 9 and Appendix 3.



- 7.50 **Policy 26: Local Shopping Provision** - states that in areas where it can be demonstrated that provision is low and subject to satisfactory demonstration of need, the council will support the provision of a new local shop with maximum gross floorspace of 250m<sup>2</sup>.
- 7.51 The proposed floorspace of the ground floor Class 1 (shops) unit is 225m<sup>2</sup>. The applicant has stated that there is a lack of small retail/commercial in this stretch of the waterfront area and it is considered that the introduction of the unit would be a welcome addition to the neighbourhood.
- 7.52 The proposed unit would be less than 250m<sup>2</sup> which meets the standards. Whilst City Quay and Gallagher Retail Park lie to the north of the site, it is noted that there are no small scale convenience/local shops within the immediate area. Given the amount of residential properties and offices at Victoria Dock, the nearby Apex Hotel and Foxlake leisure activities, the provision of the small scale local shop is supported.
- 7.53 **The proposal satisfies Policy 26.**
- 7.54 **Policy 29: Low and Zero Carbon Technology in New Development** – requires the applicant to demonstrate that 10% of carbon emission reduction standards set by the Scottish Building Standards (2007) will be met through the installation and operation of zero-carbon generating technologies. This percentage will increase to 15% from the beginning of 2016 and will be reviewed in 2018.
- 7.55 An Energy Statement has been submitted which demonstrates the flats compliance with carbon emission standards through the implementation of a range of energy efficient measures.
- 7.56 **The proposal satisfies Policy 29.**
- 7.57 **Policy 40: Waste Management Requirements for Development** – requires development proposals to demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.
- 7.58 Bin stores for the north and south blocks are proposed within the courtyard, which can be accessed from the courtyard and close areas. The Head of Community Safety and Protection was consulted on the proposal and raised no issues with the proposed provision of waste facilities.
- 7.59 **The proposal satisfies Policy 40.**
- 7.60 **Policy 41: Flood Risk Management** – states that low to medium risk areas with a 1 in 1000 to 1 in 200 year annual probability of flooding will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range or where the nature of the development or local circumstances indicate heightened risk. These areas are generally not suitable for essential civil infrastructure unless capable of remaining operational and accessible during extreme flooding events.
- 7.61 The site is located beside the River Tay however it does not fall within a high risk area of Coastal flooding. A Flood Risk Assessment has been submitted with this application in accordance with Policy 41 which concludes that the development site would be in an area of "Little or no Risk". SEPA were consulted on this application and have no objection.
- 7.62 **The proposal satisfies Policy 41.**

- 7.63 **Policy 42: Sustainable Drainage Systems** – states that surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS) except for single houses or where discharge is to coastal waters.
- 7.64 The development is proposed to connect to the public foul drainage network and the public water supply network, whilst surface water is proposed to discharge to coastal waters.
- 7.65 It is proposed to form permeable parking bays within the courtyard, with all surface water collected below the car park and directed to the River Tay. The monopitch roofs of the blocks of flats will be directed towards the car park, and surface watersheds of the car park will be directed into the permeable parking bays.
- 7.66 Associated infrastructure for the surface water drainage scheme will be of a sufficient size to cater for a high tide scenario. No attenuation will be provided, however the tide levels will be taken into consideration to ensure there is sufficient storage within the development drainage system during periods of high tide, to ensure the system does not flood during high rainfall events.
- 7.67 It is recommended that conditions are attached to any planning permission granted to ensure the full details including calculations and drawings for the proposed surface water drainage scheme are submitted for written approval by the Council.
- 7.68 **With the inclusion of conditions the proposal complies with Policy 42.**
- 7.69 **Policy 45: Land Contamination** - states that development of potentially contaminated land will be considered where a site investigation is submitted establishing the nature and extent of contamination and the Council is satisfied that remediation measures proposed adequately address the risks to all receptors.
- 7.70 The Head of Community Safety and Protection was consulted on the Preliminary Contaminated Land Report. The conclusion and recommendations of the report are agreed and conditions are recommended to ensure that an investigation and risk assessment are completed and if necessary an agreed remediation strategy is implemented.
- 7.71 **With the inclusion of conditions the proposal satisfies Policy 45.**
- 7.72 **Policy 47: Environmental Protection** – states 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. 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.
- 7.73 The site is within an existing residential area and the proposal is for residential flats. As such, the type of development would not have an unsatisfactory level of disturbance on the surrounding area.
- 7.74 Plant rooms are proposed on the ground floors of the proposed flats, as well as a retail unit on the ground floor of the north block. The Head of Community Safety and Protection has been consulted on the proposal. Due to the retail unit and plant/services on the ground floor, there is potential for the residents to be disturbed by noise. As such, standard conditions are recommended to restrict noise from mechanical and electrical plant/services and the deliveries and servicing of the retail unit.

- 7.75 Further information was sought on the hours of operations of the retail unit by The Head of Community Safety and Protection. It is not unusual for Class 1 retail units to exist in locations which are directly next to or adjoining residential properties. The proposed Class 1 retail use would not have a detrimental impact on the amenity of neighbouring properties and therefore the hours of operation have not been requested and a condition is not recommended to restrict the hours of operation.
- 7.76 **With the inclusion of conditions the proposal satisfies Policy 47.**
- 7.77 **Policy 54: Active Travel** – requires new development to be designed to minimise the need to travel by car, improve access to services and promote healthy lifestyles by encouraging active travel.
- 7.78 The site is located within the Inner City area with easy access to existing facilities within the City Quay area, Gallagher Retail Park to the north and the City Centre to the northwest of the site. The site is close to the core path network which runs through City Quay and links to the Central waterfront and to the north and east of the city. The development provides cycle and pedestrian links within and around the development to link with the wider active travel network. The development is considered to be accessible and provides opportunities for active travel.
- 7.79 **The proposal satisfies Policy 54.**
- 7.80 **Policy 55: Accessibility of New Developments** – requires all development that would generate travel to be well served by all modes of transport, with priority afforded to sustainable modes of walking, cycling and public transport.
- 7.81 A Transport Statement has been submitted and the findings accepted. On site facilities for car and cycle parking are provided, as well as a loading bay/shared surface on front of the retail unit. The site has direct links to road, cycling and walking networks. The site is within walking distance of City Quay, the City Centre and the bus station at Seagate. The proposed development will not have a detrimental effect on the capacity or functioning of the existing road network, and safe and adequate provision is made for road freight and waste access, loading and unloading. A number of standard conditions are recommended to ensure that the development complies with Dundee City Council's roads design standards.
- 7.82 **With the inclusion of conditions the proposal satisfies Policy 55.**
- 7.83 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2**

- 7.85 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.
- 7.86 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.

- 7.87 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.
- 7.88 The following policies are considered to be a material change:
- 7.89 **Policy 1: High Quality Design and Placemaking** - requires new development to meet Scottish Planning Policy's six qualities of successful place as outlined in Appendix 1 – Distinctive; Safe and Pleasant; Easy to Move Around and Beyond; Welcoming; Adaptable and Resource Efficient. The scale, nature and location of the development will determine the extent to which the qualities, as outlined in Appendix 1, are appropriate to the assessment process.
- 7.90 As outlined above, the proposed high quality design and layout of the residential development respects the character and amenity of the surrounding area with the flats designed to provide a frontage to South Victoria Road and Marine Parade Walk. It continues the established strong urban edge to these streets. The siting and layout provides links to City Quay, the City Centre and the Central Waterfront. The proposed development therefore meets Scottish Planning Policy's six qualities of successful place.
- 7.91 **With the inclusion of conditions the proposal satisfies Policy 1.**
- 7.92 **Policy 46: Delivery of Heat Networks** – proposals for new development should meet their heat demand through heat networks, by considering the feasibility to create or link into an existing energy centre and heat network or demonstrate the capability to progress towards this technology in the future. For major planning applications, a statement is required to be submitted to demonstrate that consideration has been given to the viability of creating or linking into a heat network.
- 7.93 A Design and Access Statement has been submitted with the application which states that a search of the local heat map confirmed there are no local district heating networks to connect in to. The central location of the development restricts the available technologies that could be incorporated into a local energy centre. The available technologies would not provide any significant energy reductions that cannot be achieved by a fabric first approach. The provision to incorporate in to any future offsite district heating network will be accommodated through the development.
- 7.94 Consideration has been given to the viability of creating a heat network and a solution has been proposed for the development to connect in to any future offsite heat network.
- 7.95 **The proposal satisfies Policy 46.**
- 7.96 **Policy 49: Listed Buildings C** - Affecting the setting of Listed Building – this new policy criteria seeks to ensure that development proposals in close proximity to or within the curtilage of a listed building have regard to the preservation or enhancement of the setting of the listed building. The location of the development site has a B Listed Building to the west and A Listed building to the north. Consideration should therefore be given to the design of the proposed development to ensure it is of a high quality design and finish and that it makes a positive contribution to the character of the area and the setting of the listed buildings.
- 7.97 Historic Environment Scotland was consulted on the proposal and did not have any comments to make. The design and scale of the proposed flats do not over dominate the



neighbouring properties. It is considered that the design and finishes, which would also be controlled by a condition, will be of a high quality and would not appear out of character with the surrounding area, given the level of regeneration which has already occurred at City Quay. The proposal is not considered to have a detrimental impact on the setting of any surrounding Listed Buildings and would be respectful to the character of the area. The proposal preserves the setting of the listed buildings.

7.98 **The proposal satisfies Policy 49.**

7.99 **There are no other material changes. The proposal complies with the provisions of the Proposed Dundee Local Development Plan 2.**

#### **B - VIEWS OF OBJECTORS**

7.100 One letter of objection was received. It raised the following valid planning matters - detrimental to environment, increase/volume of traffic, insufficient parking space, privacy of neighbouring properties affected, large number of flats for a small area, noise nuisance, residential density, water supply.

7.101 In response to the matters raised:

7.102 **Detrimental to environment** – the site is a brownfield plot situated within a built up area. It is in the Inner City area as defined by the Dundee Local Development Plan 2014. It is surrounded by a mix of land uses including residential, business, leisure and retail/commercial. The proposed flats, retail unit and courtyard which are not out of character with the surroundings would not have a detrimental impact on the environment.

7.103 **Increase/volume of traffic and Insufficient Parking Space** – the site is currently used as a car park with 102 parking spaces. The proposed development would result in the loss of this car parking facility. However, adequate capacity is available at the nearby Olympia multi storey car park for the displaced vehicles. The proposal is for 119 flats with 100% car parking provision and a small retail unit. A Transport Statement has been submitted and its findings accepted. The proposed development meets Appendix 3 standards for car parking. The proposal will not have a detrimental effect on the capacity or functioning of the existing road network.

7.104 Privacy of neighbouring properties affected – the proposal meets Appendix 3 standards in relation to privacy. The proposal would not have a detrimental effect on the privacy of neighbours.

7.105 Large number of flats for a small area and residential density – the layout and pattern of development is in keeping with the existing flatted developments to the east. The site would not appear overdeveloped by the number of flats and the layout which respects the existing pattern of development to the east.

7.106 **Noise nuisance** – there are a mix of uses surrounding the application site, however South Victoria Dock Road is predominantly residential properties. The proposed residential properties would not have a greater noise impact than what could occur from existing residential properties.

7.107 **Water supply** – it is proposed to connect to the public water supply network. Scottish Water have not objected to the proposal.

7.108 The issues raised in the letter of objection have been considered and addressed in the report and are not of sufficient weight to justify refusal of planning permission.

7.109 It is concluded from the foregoing that the material considerations support the approval of planning permission.

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## 8 CONCLUSION

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8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore 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** - 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 the interests of providing a site suitable for residential development.

2 **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 the interests of providing a site suitable for residential development.

3 **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 0700 to 2300 hours and NR35 and NR25 are applicable for 2300 to 0700 hours.

**Reason** – in the interest of safeguarding residential amenity.

4 **Condition** - deliveries and servicing of the commercial property, including loading, unloading or lay up, shall not take place between 2200 and 0700 hours

**Reason** – in the interests of providing a site suitable for residential development.

- 5 **Condition** - prior to the commencement of work on site, details and samples of the proposed finishing materials of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

**Reason** - in the interests of visual amenity.

- 6 **Condition** - prior to the commencement of work on site, details of the proposed boundary treatments and their location on the site shall be submitted to the Council for written approval. Thereafter, the erection of the boundary treatments shall be carried out in strict accordance with the details approved by this condition.

**Reason** - in the interests of privacy and visual amenity.

- 7 **Condition** - prior to the commencement of work on site details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.

**Reason** - in the interests of enhancing the amenity and environmental quality of the development.

- 8 **Condition** - prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the Council, and it shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development in accordance with BS5837:2012. Full details of new planting and landscaping and an associated maintenance schedule shall also be submitted to and approved by the planning authority prior to the commencement of development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

**Reason** - to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.

- 9 **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, evidence of compliance with the Simple Index Approach as described in Section 26.7.1 of the CIRIA SUDS Manual (C753), 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 any housing unit hereby approved.

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

- 10 **Condition** - prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction 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 commencement of the development hereby approved and shall be maintained until development is complete.

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

- 11 **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 Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out perpetuity.

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

- 12 **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 interest of flood protection

- 13 **Condition** - details of the proposed vehicle access including proposed road markings must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications.

**Reason** - in the interests of vehicle and pedestrian safety

- 14 **Condition** - a footway must be provided to Dundee City Council specifications ex adverso the site on Thorter Loan. Details of the footway must be agreed prior to any works on site.

**Reason** - in the interests of vehicle and pedestrian safety

- 15 **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

- 16 **Condition** - details of proposed alterations to existing and any new traffic regulation orders shall be submitted and agreed prior to any works on site.

**Reason** - in the interests of vehicle and pedestrian safety

- 17 **Condition** - a Street Lighting system must be provided by the applicant to Dundee City Council standards and specifications.

**Reason** - in the interests of vehicle and pedestrian safety

- 18 **Condition** - electric car charging points and the infrastructure for additional future 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

- 19 **Condition** - the hard surface within the site should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

**Reason** - to ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.

- 20 **Condition** – the residential development hereby approved shall remain in use as social rented accommodation. For the avoidance of doubt it shall not operate as any other tenure mix.

**Reason** – to ensure that the tenure remains compliant with Appendix 3 of the Dundee Local Development Plan 2014.

**Informative** - a road Construction Consent (RCC) application (found via the following link on DCC website: <http://www.dundee.gov.uk/a2z/constructionconsent>) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway. For further details please contact 01382 433341 or [developmentroads@dundee.gov.uk](mailto:developmentroads@dundee.gov.uk).