

Figure 1 – Proposed Site Plan

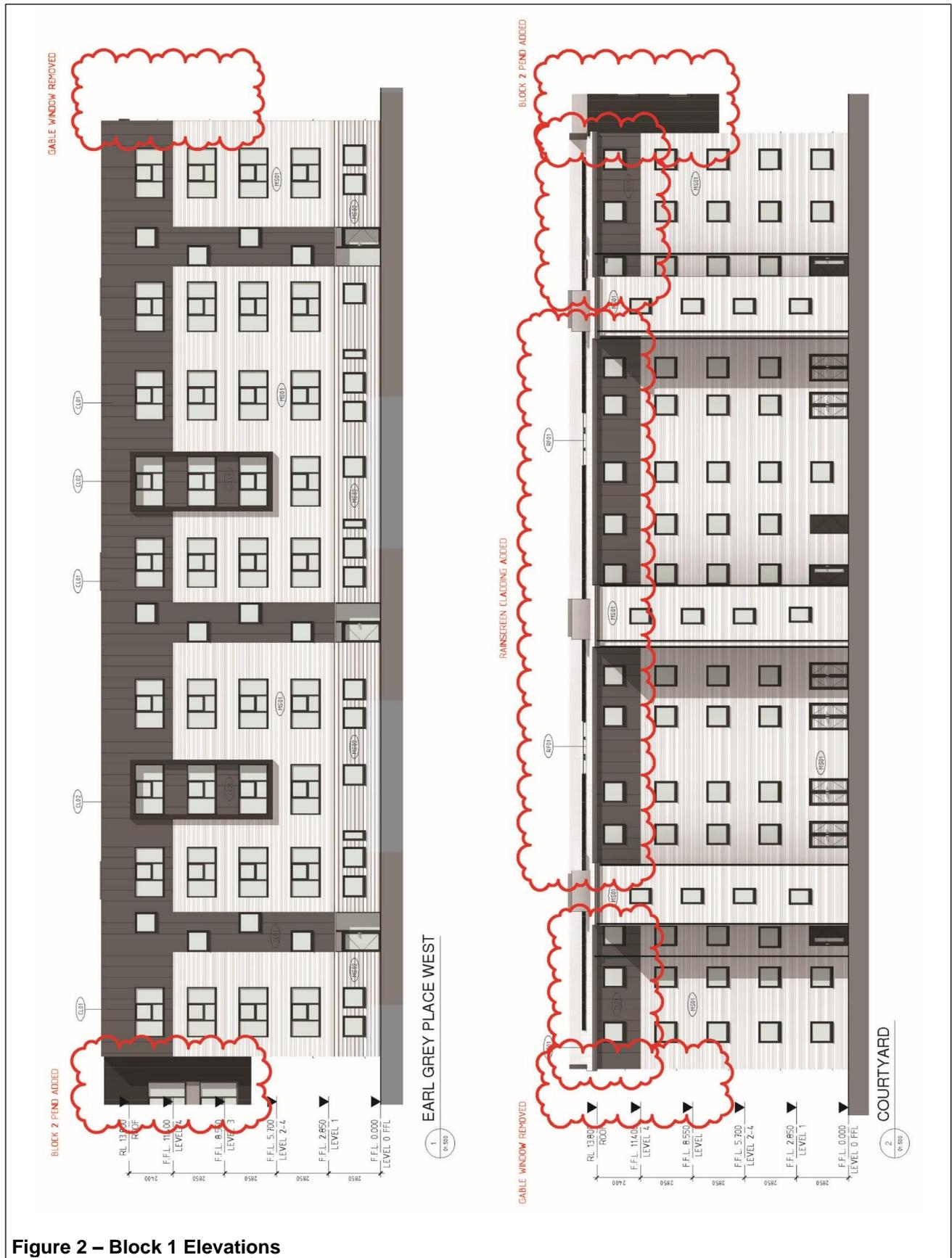


Figure 2 – Block 1 Elevations



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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Planning permission is sought for alterations to the layout and design of the residential blocks that were approved as part of planning permission 17/00113/FULM for the erection of new offices, residential units, a hotel, retail units and associated vehicular access and parking spaces.
- 1.2 The proposed alterations would result in the number of flats on Site 6 increasing from 88 to 99. The number of one bedroom flats would increase on site by two from 16 to 18. The number of two bedroom flats would increase by 25 from 42 to 67. The number of three bedroom flats would reduce by 16 from 30 to 14.
- 1.3 As well as changes to the layout of the proposed residential blocks, the applicant also proposes some external design changes. These comprise the creation of a pend on the north elevation of block one with the addition of two storeys at third and fourth floor levels above the access into the courtyard, alterations to the location of some of the external balconies, minor window and door relocations and the installation of external cladding within the courtyard.
- 1.4 The rest of the approved Site 6 development would remain unchanged.

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## 2 SITE DESCRIPTION

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- 2.1 The site is located within the Dundee Central Waterfront. The site is identified as "Site 6" and occupies a prominent position, immediately to the north of the V&A Museum of Design, east of the railway station and is bound by Riverside Esplanade to the south, Earl Grey Place to the north, Crichton Street to the west and South Union Street to the East.
- 2.2 Site 6 is partially under construction with development having begun on the approved office block on the west side of the site.
- 2.3 The residential blocks to which the current application relates are located on north and east sides of the site, adjacent to Earl Grey Place and Slessor Gardens. A small part of Block 2 overlooks Riverside Esplanade to the south.



Figure 4 – Site Photo



Figure 5 – Site Photo

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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 29: Low and Zero Carbon Tech in New Development  
Policy 45: Land Contamination  
Policy 40: Waste Management Requirements for Developments  
Policy 42: Sustainable Drainage Systems  
Policy 44: Air Quality  
Policy 47: Environmental Protection  
Policy 55: Accessibility of New Developments

### **PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2017**

Policy 1: High Quality Design and Placemaking  
Policy 9: Housing Land Release  
Policy 10: Design of New Housing  
Policy 37: Sustainable Drainage Systems  
Policy 39 Environmental Protection  
Policy 40: Air Quality  
Policy 41: Land Contamination  
Policy 44 Waste Management Requirements for Development  
Policy 48: Low and Zero Carbon Technology in New Development  
Policy 54: Safe and Sustainable Transport

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

Dundee Waterfront Masterplan 2001

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

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## 4 SITE HISTORY

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4.1 In 1998, the Dundee Partnership started preparation on a masterplan to re-integrate the Central Waterfront area with the city centre. The Dundee Partnership approved the masterplan in 2001.

4.2 The masterplan outlines the main components of the Central Waterfront project:

- the extension of the city centre down to the waterfront;
- improved provision for walking, cycling and buses;
- the reduction of the effect of cars and parking;

- the creation of a pair of east/west tree lined boulevards; and
  - the provision of a new rail station and arrival square.
- 4.3 Work has been carried out on several of the main projects as part of the Waterfront Development, including the construction of the V & A Museum of Design and the new railway station and arrival square.
- 4.4 Planning permission (17/00113/FULM) was granted by the Development Management Committee in June 2017 for the erection of new offices, residential units, a hotel, retail units and associated vehicular access and parking spaces. Development has commenced on the office element of this development.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.
- 5.2 Two objections have been received. One from Dundee Civic Trust and one from City Centre and Harbour Community Council.
- 5.3 The concerns raised by the objectors relate to the following issues:
- contrary to the Development Plan and Site Planning Brief;
  - flats are too small;
  - lack of parking provision; and
  - design.
- 5.4 Members will have had access to these letters and the issues raised are considered in the Observations section below.

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## 6 CONSULTATIONS

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- 6.1 **Scottish Environment Protection Agency** – has no objection to the application subject to a condition being attached to any planning permission stating that no part of the development shall be occupied until the Riverside Flood Protection Scheme has been completed.
- 6.2 **Network Rail** – has no objection to the application.
- 6.3 **City Centre and Harbour Community Council** – objected to the application on the grounds of parking and poor architecture.
- 6.4 **The Head of Community Safety and Protection** – has no objection to the application subject to conditions being attached to any permission in relation to contaminated land remediation, air quality assessment and noise.

## 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 site is a brownfield site that forms part of the Dundee Central Waterfront within Dundee City Centre. Mixed use development including residential use is supported by strategic and local planning policy in this location.
- 7.4 **The proposal therefore complies with Policy 1 of the Adopted Strategic TAYplan.**
- 7.5 **Policy 2: Shaping Better Quality Places** – this requires that climate change resilience and resource efficiency is built into the 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's Designing Places and Designing Streets.
- 7.6 The site is allocated in the current Local Development Plan as part of the Dundee Central Waterfront where residential use is supported. The site is located within the City Centre, is well connected to the surrounding area and is very well placed for pedestrian, cycle, bus, train and private vehicle access. Waste management facilities have been designed into the wider approved development on the site. The development has been designed with place making as one of its core aims and with climate change and resource efficiency in mind.
- 7.7 **The proposal therefore complies with Policy 2 of the Adopted Strategic TAYplan.**
- 7.8 **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 to provide for the delivery of the required level of housing as detailed in Proposal 2 and to provide flexibility and choice. The Local Development Plan should plan for house building rates in Dundee to exceed the level of annual provision in Proposal 2. However, the Local Development Plan shall ensure that there is a presumption against land releases where it would prejudice the delivery of Strategic Development Areas.
- 7.9 The site is allocated in the Dundee Local Development Plan for mixed use development, including residential development. The proposed additional 11 flats on the site would deliver additional housing in an appropriate location.
- 7.10 **The proposal therefore complies with Policy 4 of the Adopted Strategic TAYplan.**

**DUNDEE LOCAL DEVELOPMENT PLAN 2014**

7.11 This application is for amendments to the layout of the two residential blocks granted planning permission in application 17/00113/FULM. The proposal would increase the number of flats on Site 6 from a total of 88 to 99. The application does not affect any of the other elements of the development approved on the site.

7.12 **Policy 7: High Quality Design** - requires all new development proposals to have a high quality design that positively contributes to the surrounding built and natural environment, with designs complementing their surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

All proposals should:

- 1 Consider and respect site topography and any surrounding landmarks, views or skylines;
- 2 Contribute to a sense of identity by developing a coherent structure of streets, spaces and buildings that are safely accessible, respecting existing building lines where possible;
- 3 Complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours;
- 4 Create safe, accessible, inclusive places for people which are easily navigable, particularly on foot, bicycle and public transport and be designed with future adaptability in mind; and
- 5 Retain and sensitively integrate existing buildings, structures and natural features that contribute to the local townscape in to the development.

7.13 Policy 7 also states that all developments with construction costs of £1million or over will require to allocate at least 1% of construction costs for inclusion of art projects in a publically accessible/visible place or places within the development.

7.14 The basic scale, form and design concept of the approved Site 6 development would be the same as that approved in planning permission 17/00113/FULM. However, as a result of the amendments to the layout of the residential blocks the applicant also proposes some relatively minor external design changes. These comprise the creation of a pend on the north elevation of block one with the addition of two storeys at third and fourth floor levels above the access into the courtyard, alterations to the location of some of the external balconies, minor window and door relocations and the installation of external cladding within the courtyard.

7.15 None of the external design amendments would compromise the scale, nature, quality or character of the overall design for the approved Site 6 development. The height of the development would remain the same and the building lines would be unaltered. The finishing materials are of high quality and would reflect those already approved on site. The design of the development therefore meets the aspirations of the Central Waterfront Masterplan and Design Guidance for Site 6.

7.16 A condition was attached to planning permission 17/00113/FULM for the provision of public art on the site and the agreement of this has already been secured.

7.17 **The proposal complies with Policy 7.**

7.18 **Policy 8: Housing Land Release** - seeks to ensure that there is a 5 year effective supply of housing land maintained over the Plan Period. The housing strategy as set out in Policy 8

has been to give priority to brownfield land release within the existing urban area and to focus the limited greenfield land release at the Western Gateway Strategic Development Area.

- 7.19 The principle of development on this site for housing is established through its status in the DLDP 2014 as part of H41. The H41 designation allows for housing to be constructed within the Waterfront Development Area with an indicative capacity of around 375 units across the entire area.
- 7.20 The DLDP 2014 through Appendix 2 provides capacities for each of the housing sites to ensure that sufficient land is allocated. Whilst the capacities for each site are provided, it is still incumbent on any proposed development to demonstrate that the design and layout is in accordance with Policy 9 (Appendix 3). As part of this process it is accepted that the number of units that can actually be accommodated may increase or decrease from that identified for each of the allocated sites. The proposal would provide an additional 11 units on Site 6 in accordance with the H41 allocation.
- 7.21 **The proposals are in accordance with Policy 8.**
- 7.22 **Policy 9 and Appendix 3: Design of New Housing** - this Policy advises that "The design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the city." "All new housing development will require to conform to the guidance on the Design of New Housing set out in Appendix 3."
- 7.23 House Type Appendix 3 states that all flats/houses should have a minimum of 2 bedrooms or a minimum gross internal floor area of 60m<sup>2</sup>.
- 7.24 This application proposes to amend the layout of the approved residential blocks to provide an additional 11 flats units. The proposed layout would result in the number of flats on Site 6 increasing from 88 to 99. As a result of the proposed increase in units, the number of one bedroom flats across the whole site would increase by two from 16 to 18. The number of two bedroom flats would increase by 25 from 42 to 67. The number of three bedroom flats would reduce by 16 from 30 to 14.
- 7.25 The changes resulting in more two bedroom flats and less three bedroom flats would meet the standards of Appendix 3. However, the one bedroom flats would have an internal floor area of between 49 and 56m<sup>2</sup> and this would be contrary to Appendix 3 and Policy 9.
- 7.26 **Car Parking** - the Policy seeks 100% car parking provision for new build properties but notes that flexibility on the level of provision may be applied where car free schemes or alternative arrangements such as car clubs are proposed or where provision is impractical.
- 7.27 In terms of residential parking, the application does not propose any spaces and therefore fails to comply with this requirement of the Policy.
- 7.28 **Cycle Provision** - secure indoor bike storage to be provided in accordance with the number of flats being provided. The applicant proposes to provide 99 residential cycle spaces for the 99 residential units. This level is considered to be acceptable.
- 7.29 **Amenity/Garden Ground** - to be provided where site specific circumstances allow, including separate drying areas. Where garden cannot be provided, balconies that are usable and attractive in terms of size and outlook should be provided.
- 7.30 In this instance, it has not been possible to provide garden ground or amenity space. However, 43 of the units would have balconies and a further 8 would have Juliette balconies. The nature

of the balconies vary in size, style and position within the flats which makes for an interesting variety. This equates to 51% balcony provision, which is an increase of 3% over the approved scheme. A further 8 flats have Juliette balconies.

- 7.31 The provision of balconies is welcome and they will perform an amenity space function as well as offering impressive views of the wider Waterfront area. Taking into consideration the city centre location, directly adjacent to Slessor Gardens and proposed Waterfront Place urban beach, the ample opportunities for leisure and recreation in close vicinity of the site, the level of balcony provision in the development for residential properties is considered to be acceptable and in accordance with the Policy.
- 7.32 **Privacy** - the Policy advises that an 18m privacy distance between the facing windows of habitable rooms should be afforded to flats. The proposals raise no issues in this regard.
- 7.33 **It is concluded that the proposals are generally of a high standard but do not fully comply with the requirements of Policy 9 because the proposed one bedroomed flats are less than 60m<sup>2</sup> and no car parking has been provided.**
- 7.34 **Policy 29: Low and Zero Carbon Technology in New Development** - the policy requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies.
- 7.35 The applicant provided sustainability statements with the application for the wider Site 6 development in relation to each of the main uses being proposed to demonstrate compliance with Policy 29. This included the use of an air source heat pump system and solar PV panels. The current application does not propose any amendments that would affect the sustainability or low/zero carbon generating technology within the development.
- 7.36 **The proposals are in accordance with Policy 29.**
- 7.37 **Policy 40: Waste Management** - states that development proposals should demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.
- 7.38 The proposals have been assessed in relation to the provision for waste disposal. Bin stores are proposed on the ground floor of the residential development and there is sufficient space within them to accommodate the necessary waste and recycle provision.
- 7.39 **The proposal satisfies Policy 40.**
- 7.40 **Policy 41: Flood Risk Management** - seeks to control development in low to medium and medium to high risk areas and requires a flood risk assessment to be carried out where necessary.
- 7.41 The site is located within an area of known flood risk and is identified on SEPA's indicative flood risk maps as such as being at risk from coastal and surface water flooding. The Council's Riverside Flood Protection Scheme is almost complete and this will minimise the risk of flooding to the site. SEPA has considered both the current and approved applications and the previous Flood Risk Assessment carried out. Subject to a condition to state that none of the flats are occupied until such a time as the Riverside Flood Protection Scheme is complete, SEPA has no objection to the application. Should Members be minded to approve the application, it is recommended that such a condition be attached to the permission.
- 7.42 **Subject to a condition, the application complies with Policy 41.**

- 7.43 **Policy 42: Sustainable Drainage Systems** - states that surface water from new development must be treated by a Sustainable Drainage System (SDS), which should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300mm below floor level. Proposals are encouraged to adopt an ecological approach.
- 7.44 The applicant provided details of the proposed drainage strategy for the approved Site 6 development. The submitted information was reviewed and considered to be acceptable in principle provided that full details are submitted and agreed with the Council through conditions. Details of the drainage scheme have since been submitted to the Council. This application proposes no amendments to the means of drainage of the wider development the relevant conditions will remain in force on the original permission. As this is a further application to amend an approved development, the relevant drainage conditions are also proposed to be attached to the permission again should Members be minded to approve the application.
- 7.45 **Subject to conditions, the proposal satisfies the requirements of Policy 42.**
- 7.46 **Policy 44: Air Quality** - states that there is a general presumption against proposals that could significantly increase air pollution or introduce people into elevated pollution concentration unless mitigation measures are adopted.
- 7.47 An Air Quality Assessment was submitted by the applicant for the previously approved development and this was reviewed by The Head of Community and Safety Protection. Conditions were recommended to seek further specific information in relation to the impact of emissions to air associated with the development and the mitigation measures in place to protect residents from air pollution. With those measures, the proposal is considered to be in accordance with the aim of the Policy to ensure that suitable mitigation measures to reduce impacts are provided. As this is a further application to amend an approved development, the relevant drainage conditions are also proposed to be attached to the permission again should Members be minded to approve the application.
- 7.48 **Subject to conditions, the proposal complies with Policy 44.**
- 7.49 **Policy 45: Land Contamination** - requires that:
- 1 "a site investigation is submitted establishing the nature and extent of contamination; and
  - 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use."
- 7.50 Reports were submitted with the previously approved application and it was concluded that the development can address the issue of land contamination and these matters can be the subject of appropriate conditions. The Head of Community Safety and Protection has no objection to the application subject to those conditions being attached again.
- 7.51 **Subject to those conditions, it is concluded that the proposal complies with Policy 45.**
- 7.52 **Policy 47: Environmental Protection** - this Policy advises that "All new development or an extension to an existing development that would generate noise, vibration or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. 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."

- 7.53 A number of retail, commercial, food/drink and leisure uses have been approved on the ground floor of Site 6 to ensure active frontages which will enliven the street scene. The precise nature of these uses will be dependent on the particular operators. A number of conditions were attached to the previous Site 6 planning permission to control the nature of these uses and those conditions still apply. A number of other conditions relating to noise protection within the flats were also attached to that permission and the Head of Community Safety and Protection has no objection to the current application subject to the same conditions being attached in order to prevent any unreasonable impact on the residential blocks within the development.
- 7.54 It is noted that the site is adjacent to Slessor Gardens which will be used for public events at times. This has the potential to impact upon the amenity of the nearby residential occupiers. However, it is accepted that this is the nature of a mixed use development within the city centre. As was the case with the previous planning permission on the site, an informative will be attached to the Decision Notice to advise prospective occupiers.
- 7.55 **Subject to conditions, the proposals are in accordance with Policy 47.**
- 7.56 **Policy 54: Active Travel** - states that new development should be designed in order to minimise the need to travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.
- 7.57 **Policy 55: Accessibility of New Developments** - expects that all development that generates travel should be designed to be well served by all modes of transport. In particular, walking, cycling and public transport should be afforded priority.
- 7.58 The applicant submitted a Transport Statement with the previously approved application explaining that the site is highly accessible to pedestrians, several residential and commercial developments, hotels and recreation areas. Pedestrian access to and from the development site is through a network of extra width footways and crossings.
- 7.59 Bus stops and Dundee railway station are located in very close proximity to the site, well within walking distance. The development site is approximately 200m and 300m north of National Cycle Routes 77 (NCR77) and 1 (NCR1) respectively. There is a dedicated off-street cycle route which runs parallel to Greenmarket. The existing staggered barrier controls the speed of cyclists, enhances the safety of pedestrians and prevents motorised vehicles from using the cycle path.
- 7.60 The central area of Dundee City Centre is surrounded by the A991 ring road. Both South Union Street and Thomson Avenue (Northern Boulevard) which border the proposed site, form part of the A991. Going to the west, the A991 meets the A85 at the level of the Dundee Railway Station which links the east and west coasts of Scotland.
- 7.61 With specific regard to car parking the Transport Statement noted that the reduction of the need for private car travel is a main goal. Whilst the wider Site 6 development will provide 35 parking spaces within the internal courtyard, none of the spaces will be specifically allocated for the residential properties. This is fully compliant with one of the main aims of the Dundee Central Waterfront masterplan to reduce reliance on the private car within the Central Waterfront area. The central location of the development combined with ease of pedestrian and cyclist access and the high availability of public transport links make this goal achievable. Additionally, there are a number of public car parks within the City Centre within walking distance of the site and these have capacity to serve the development.

- 7.62 The proposals also comply with the roads design standards as set out in the Streets Ahead document.
- 7.63 **The proposal complies with the requirements of Policies 54 and Policy 55.**
- 7.64 **It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan due to the size of the one bedroom flats and lack of on-site residential parking.**

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2017**

- 7.66 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.
- 7.67 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.
- 7.68 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.
- 7.69 There are no material changes in the relevant policies between the adopted and proposed Local Development Plans that would affect the outcome of this application.

### **B - DUNDEE WATERFRONT MASTERPLAN**

- 7.70 The Central Waterfront is the focal point of the Dundee Waterfront project. The ambitious £0.5 billion development involves the demolition of bridge ramps, roads and buildings, which previously separated the City Centre from the waterfront. In their place, a new grid iron street pattern, green civic space and attractive boulevards are reconnecting the city with the waterfront. New hotels, office and residential accommodation, cafes, restaurants and retail/commercial outlets are proposed as part of the masterplan to support the expanding city. In addition improvements and enhancements are proposed to Dundee railway station to accommodate the increasing travel to the city by commuters and visitors.
- 7.71 The delivery of the Dundee Central Waterfront Development is supported by a set of related documentation, setting out the vision, objectives, planning requirements and technical infrastructure information. Aside from the technical specifications and infrastructure information, the following documents are of particular relevance to the current proposals;
- 7.72 The Central Waterfront's Planning and Urban Framework and Site 6 Development Brief set out in greater detail the principles of design and planning requirements for the Central Waterfront and provides a basis from which development proposals can be assessed.
- 7.73 The overall mixed use development approved on Site 6 in planning permission 17/00113/FULM demonstrated that it met with the aims of the Waterfront Masterplan and related guidance. The current proposal for the amended layout of the residential blocks

continues to meet the requirements of the guidance and will provide a high standard of development that will contribute to the delivery of the Dundee Central Waterfront to the enhancement of the city.

- 7.74 The Dundee Waterfront planning guidance is a material consideration which is of sufficient weight to justify approval of the application.

### **C - JUSTIFICATION FOR RELAXATION OF FLAT SIZES AND PARKING REQUIREMENTS**

- 7.75 Flat Sizes - the amendments to the layout of the residential blocks currently proposed would result in the overall number of flats on Site 6 increasing from 88 to 99. The number of one bedroom flats would increase on site by two from 16 to 18.
- 7.76 The applicant states that further to receiving planning permission for the previously approved scheme, the developer has established that approved flat size mix would not reflect current market trends. As a result, the duplex properties have been removed from the proposal. The applicant states that the addition of the pend connecting the two blocks will unify the elevations and maintain continuity on the streetscape. The results of these amendments has led to an increase in the number of units being proposed within the residential blocks.
- 7.77 Whilst all of the two and three bedroom flats would comply with the requirements of the Dundee Local Development Plan, the one bedroom flats would not because they would have an internal floor area of less than 60m<sup>2</sup>.
- 7.78 The previously approved application accepted smaller one bedroom flats as part of the development on the basis that they would bring choice to the market and encourage a mixed community in this location. The developer demonstrated that the layout would be spacious and in many cases open plan with finishes to a high specification.
- 7.79 The percentage of one bedroom flats in the approved scheme is 18% (16 of 88 flats). The percentage of one bedroom flats in the proposed scheme is the same at 18% (18 of 99 flats). The marginal increase in the number of one bedroom flats is therefore proportionate to the mix of flat sizes already approved on the site. As such, the amended scheme would continue to provide an appropriate and balanced mix of high quality flat sizes to create a mixed community within the Central Waterfront. Additionally, two of the one bedroom flats would be larger than those previously approved (53 and 56m<sup>2</sup> as opposed to 49m<sup>2</sup>) and this represents a marginal increase in floor area of those flats.
- 7.80 Parking - whilst 35 parking spaces are approved within the courtyard, in this instance no designated on site residential car parking is proposed. However, one of the main aims of the redevelopment of the Dundee Central Waterfront area is to reduce reliance upon the private car and the proposal is in line with that aim. It is considered that 100% parking provision onsite would be impractical within this development. With reference to the above Site 6 Development Brief, the Central Waterfront location benefits from excellent public transport accessibility, good local cycling infrastructure and public car parks within walking distance that have capacity to serve the development. In addition, the residents will have access to the City Centre parking permit scheme which will provide access to secured parking. Flexibility over residents' parking is therefore acceptable in these particular circumstances.
- 7.81 These are material planning considerations of sufficient weight to justify approval of the application contrary to the requirements of Policy 9 and Appendix 3.

### **D - VIEWS OF OBJECTORS**

- 7.82 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.
- 7.83 Two objections have been received. One from Dundee Civic Trust and one from City Centre and Harbour Community Council.
- 7.84 The concerns raised by the objectors raise the following issues:
- the proposal is contrary to the Development Plan and Site Planning Brief;
  - the flats are too small;
  - lack of parking provision; and
  - design.
- 7.85 In response, it is agreed that the application is contrary to Policy 9 and Appendix 3 of the Dundee Local Development plan in relation to the size of the proposed one bedroom flats and the lack of on-site parking provision. However, the proposed one bedroom flats would be of spacious design, of high quality and would add choice to allow a mixed community in the Central Waterfront as explained above. Additionally, it is considered acceptable to allow flexibility of the parking requirements on this site given its proximity to public transport connections, the cycle network, the excellent pedestrian accessibility of the site, and the availability of public parking nearby within the city centre.
- 7.86 The objections in relation to design relate to the overall design of the Site 6 development, not the minor alterations proposed in this current alterations. Planning permission has already been granted for the original scheme and it is not within the scope of this particular application to reconsider that scheme. The amendments currently proposed are relatively minor and would not affect the overall scale, form, appearance or character of the wider development. As such, they are considered to be acceptable.
- 7.87 The concerns of the objectors are not of sufficient weight to justify refusal of the application.
- 7.88 **It is concluded from the foregoing that the Dundee Central Waterfront Masterplan and justification in relation to parking and flat sizes are of sufficient weight to justify approval of planning permission contrary to the development plan.**

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## 8 CONCLUSION

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- 8.1 The proposal fails to satisfy the requirements of the Development Plan due to the one bedroom flats having an internal floor area of less than 60m<sup>2</sup> and the lack of proposed on-site parking. However, the proposal is an important part of Dundee's Central Waterfront regeneration. One of the core aims of the Waterfront Masterplan is to reduce reliance on the private car and the proposal is in line with that. The small number of one bedroom flats proposed are of high quality and offer choice within the Waterfront. These are material considerations of sufficient weight to justify approval of the application.

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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** - details of the proposed vehicle accesses, including any gates/barriers and on-street parking including proposed road markings must be agreed prior to any works on site and the works must be formed and constructed to Dundee City Council standards and specifications.

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

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

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

- 3 **Condition** - details of alterations to street lighting shall be agreed with Dundee City Council Street Lighting Partnership and system must be provided by the applicant to Dundee City Council standards and specifications.

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

- 4 **Condition** – details of CCTV type and location shall be agreed and supplied on site by the applicant prior to any part of the development opening.

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

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

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

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

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

**Reason** – in order to ensure the site is fit for the purpose proposed.

- 7 **Condition** - prior to the first occupation of each of the ground floor commercial/retail units within the development, full details of the occupying use shall be submitted to the Council for approval in writing and thereafter occupied in accordance with the agreed use.

**Reason** - in order to accord with the retail strategy of the Development Plan for the city centre and to provide flexibility and control of the range of occupying uses at ground floor level.

- 8 **Condition** – prior to the commencement of development on site, full details of the finishing materials shall be submitted to the Council and approved in writing. The development will thereafter be implemented in full accordance with the agreed details.

**Reason** - to ensure the development is finished to a high standard.

- 9 **Condition** – prior to the commencement of development, a plan shall be provided to the Council for approval in writing showing a comprehensive scheme of landscaping, including, where appropriate, Secured By Design measures. The works shall thereafter be carried out in accordance with the agreed details.

**Reason** - in order to provide for sustainable transport.

- 10 **Condition** – all deliveries to and servicing of, including loading, unloading or lay-up, the hotel, commercial units and office developments carried out within the internal court yard area, shall only be permitted between 07.00 to 21.00 hours Monday to Saturday, and 09.00 to 18.00 hours on a Sunday.

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

- 11 **Condition** – all amplified music/vocals from the hotel and commercial units shall be controlled as to be inaudible within residential properties within the development.

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

- 12 **Condition** – prior to the first occupation of any of the flats hereby approved, all levels of the facades of the proposed residential development, identified as “Block 2”, facing on to South Crichton Street and Riverside Esplanade (Southern Boulevard) shall be fitted with windows and ventilators which achieve a minimum sound insulation performance standard of:

- i Rw(Ctr) 45 (-5)dB for windows (when closed); and
- ii Dnew(Ctr) 47 (-3)dB for ventilators (when set in open position)

unless otherwise agreed in writing with the Council.

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

- 13 **Condition** - prior to the first occupation of any of the flats hereby approved, all levels of the facades of the proposed residential development, identified as “Block 1” and “Block 2”, facing on to Earl Grey Place West shall be fitted with windows and ventilators which achieve a minimum sound insulation performance standard of:

- i Rw(Ctr) 35 (-5)dB for windows (when closed); and
- ii Dnew(Ctr) 42 (-11)dB for ventilators (when set in open position)

unless otherwise agreed in writing with the Council.

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

- 14 **Condition** - prior to the first occupation of any of the flats hereby approved, all levels of the facades of the proposed residential development, identified as “Block 1” and “Block 2”, facing on to the internal court yard area of the proposed development shall be fitted with windows and ventilators which achieve a minimum sound insulation performance standard of:

- i Rw(Ctr) 33 (-4)dB for windows (when closed); and
- ii Dnew(Ctr) 42 (-11)dB for ventilators (when set in open position)

unless otherwise agreed in writing with the Council.

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

- 15 **Condition** – total noise from all mechanical and electrical services plant serving the residential, hotel, office and commercial aspects of the development, shall not exceed Noise Rating (NR) 35 during daytime hours, and NR25 during night time hours, when measured internally (with windows closed for the purpose of the assessment) at any residential property. For the avoidance of doubt, daytime hours shall be from 07.00 to 23.00 hours, and night time hours shall be from 23.00 – 07.00 hours.

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

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

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

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

**Reason** – to protect residents and other sensitive receptors in the development from air pollution.

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

**Reason** – in the interests of flood protection.

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

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

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

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

- 21 **Condition** – none of the residential units hereby approved shall be occupied until such a time as the Riverside Flood Protection Scheme is complete.

**Reason** - in order to minimise the risk of flooding to occupants.