

KEY INFORMATION

Ward Maryfield

Proposal

Erection of residential development of 75 dwellings and 1 retail unit

Address

Land South of
South Victoria Dock Road
Dundee

Applicant

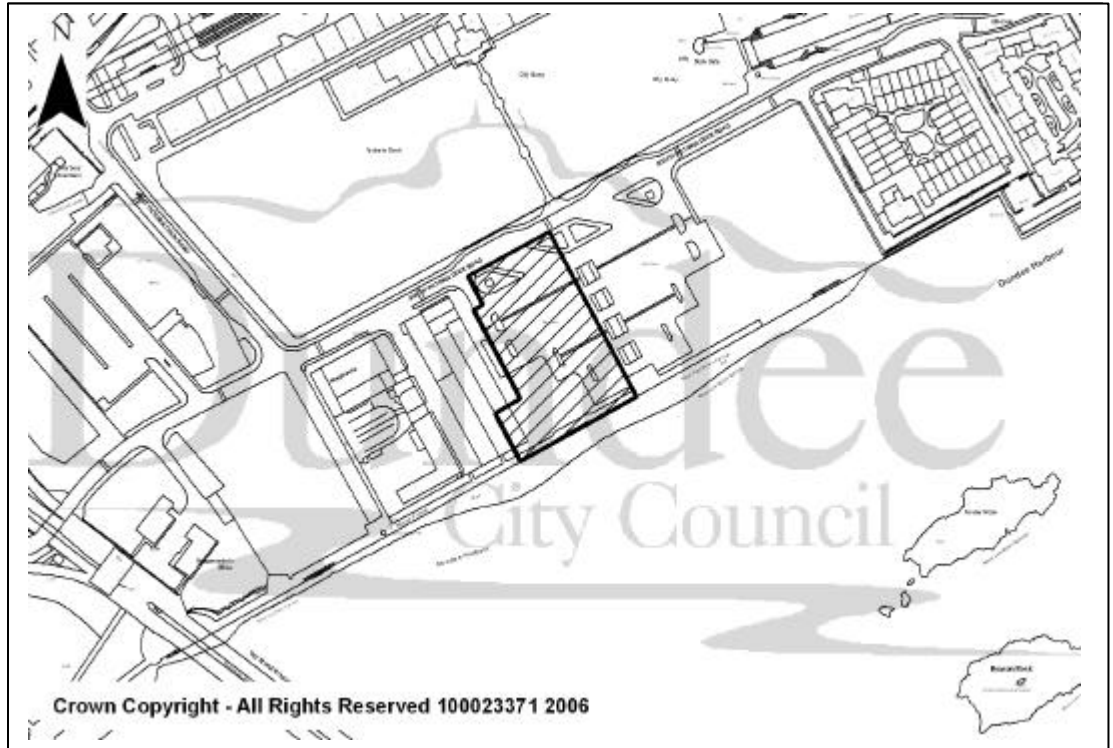
Lindores Ltd
Harbour Chambers
Dock Street
Dundee
DD1 3HW

Agent

SMC Parr Architects Ltd
Suite 23 City Quay
Camperdown Street
Dundee
DD1 3HW

Registered 27 Mar 2007

Case Officer C Walker



Proposed Residential Development at City Quay

The erection of a residential development of 75 dwellings and 1 retail unit is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development provides a good standard of residential accommodation in a well designed scheme. It pays due respect to the surrounding listed buildings and is of an appropriate scale. It complies with the Development Plan and the Master Plan for the site. The application is recommended for **APPROVAL** subject to the conclusion of a legal agreement and conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect a development of 75 dwellings including a corner retail unit at City Quay between a new build housing development to the east and the former Panmure Shipyard buildings to the west currently being converted to housing.
- The development rises to a maximum height of 9 storeys and each dwelling is provided with external amenity space. Parking is provided under a landscaped deck.
- The site is allocated for housing in the Local Plan and Policies 4, 8, 45, 55 and 56 are relevant to the determination of the application.
- Historic Scotland and Dundee Civic Trust have concerns about the scale of the development.
- The proposed development provides a good standard of residential accommodation in a well designed scheme. It is of an appropriate scale and does not detract from the setting of nearby listed buildings. It complies with the Development Plan and the Master Plan for the site.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a development of 75 flats including a corner retail unit. The proposed building has a “C” shape, curving from 3 storey townhouses facing Victoria Dock adjacent to the former Panmure Shipyard buildings currently being converted to housing, rising to 4 and 5 storeys on the elevation facing the FM Homes site to the east currently being developed for housing and rising to a height of 9 storeys at the south eastern corner facing the Tay. The building then drops to 6 storeys closer to the site of the launch of the “Discovery”.

This “C” shaped building forms an urban block when combined with the former Panmure Shipyard buildings to the west of the site.

The proposed residential accommodation comprises 3 townhouses each with 4 bedrooms, 7 maisonettes each with 3 bedrooms, 2 duplex apartments each with 4 bedrooms, 53 flats with 2 bedrooms, 7 flats with 3 bedrooms and 3 flats with 4 bedrooms. Each dwelling is provided with external amenity space in the form of gardens, patios, terraces and sun spaces averaging at some 20m² per unit. In addition communal amenity space of some 750m² is provided at the first floor deck area.

The proposed retail unit has a floor area of some 280m².

Car parking (69 spaces) and garaging (17 spaces) is provided in a secure courtyard enclosed by the new building but a significant part of the courtyard is covered by a concrete slab which provides gardens and amenity space for the dwellings at first floor level. It is proposed to cover the remaining parking spaces with light weight canopies. In addition 10 on street parking spaces are proposed to the west of the building. Secure storage for up to 85 bikes is provided for within the building.

It is proposed to landscape the site including the first floor deck area and the space to the front of the corner retail unit. A public art feature is proposed at the site of the launch of the “Discovery” in conjunction with the

housing development under construction to the west of the site.

A Design Statement has been submitted with the application. This statement sets out a design concept of creating a strong edge to the river, a good relationship with the Panmure Shipyard development and the formation of a new urban block with a clear hierarchy of public and private space. The form of the building combines 2 main elements, a lower curving stepping form in red facing brick and a taller slab block facing the river which steps towards the west. It states that to synthesise the 2 forms where they come together at the south east corner, the 6 storey monopitch



South-East Elevation – River Frontage

Final Design Solution Sketches

roof of the curving block crashes though the slab block and is expressed as a cantilever onto the waterfront. Continuity with the rest of the City Quay development is maintained by a palette of proposed finishing materials of red brick, smooth white and rusticated buff renders and aluminium roof cladding.



South-West Elevation

The most recent Transport Assessment for the City Quay development had assumed a total of 650 dwelling units on the overall site. However if the development currently proposed was approved this would result in a total of 693 units on the City Quay site. A Transportation Assessment was

therefore submitted which indicates that the additional 43 units proposed will not lead to any traffic problems on the Trunk Road network at Dock Street.

SITE DESCRIPTION

The site is some 0.6 hectares in extent and comprises the eastern third of the former car park on the south side of Victoria Dock designed to serve the City Quay retail and leisure development. The site is completely flat and lies some 4.3 metres above Ordnance Datum.

It sits between the Tay and the Category A listed Victoria Dock. To the west is the Category B listed former Panmure Shipyard buildings dating from the late 19th century, the shipyard where Discovery was built. These buildings are currently being converted to housing.

To the east is ground currently being developed for housing by FM Homes.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan Review 2005

This site is allocated as part of a brownfield housing site under Proposal H34 and Policy 4 sets out requirements for the design of new housing. Policy 8 makes provision for local facilities in major new housing developments and Policy 45 seeks to ensure that new retail development does not undermine the vitality or viability of the City Centre and District Centres. Policy 55 promotes good urban design and seeks to protect the setting of listed buildings. Policy 56 promotes public art.

Scottish Planning Policies, Planning Advice Notes and Circulars

SPP7 Planning and Flooding suggests that properties below the 5 metre contour are potentially at risk from coastal flooding.

Non Statutory Statements of Council Policy

The Master Plan for the City Quay development is considered in the Site History section of this Report.

SUSTAINABILITY ISSUES

The development of this site is considered to be sustainable because it is close to the city centre and has easy access to a range of facilities.

SITE HISTORY

Outline planning permission was granted for the redevelopment of Victoria and Camperdown Docks in February 1999 (application ref no D22266 refers). Later that year the Council adopted a Master Plan for the Site indicating a parking area on the site of the current application.

The detailed application for the retail development (D23866) included the formation of a 315 space car park, the eastern third of which formed the site of the current application. That car park was designed to serve both the retail development and the proposed leisure development on the application site.

Since then the retail portion of the development, some 250 houses and the Apex Hotel have been completed.

In December 2003 the Council approved an amendment to the Master Plan for the City Quay development to reflect changes which had taken place since 1999. The amended Master Plan indicates a new build housing development on a 2.65 ha site comprising the car park and a vacant site to the east.

In August 2005 outline planning permission was granted for a housing development on this larger 2.65 ha site - application 04/00761/OUT refers. That application established the principle of developing this site for housing, illustrating a layout of 3 urban blocks. A Section 75 Agreement was concluded for the outline planning application containing requirements relating to the phasing of new build development and the restoration and conversion of listed buildings on the City Quay site. Detailed consent was subsequently granted for the eastern block (development almost complete) and central block (development

commenced). The current proposals form the western block of that development.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as a "bad neighbour" development (due to its height exceeding 20 metres, as affecting the setting of the listed Victoria Dock and as potentially contravening Policy 45 of the adopted Local Plan. A letter of objection was received from Dundee Civic Trust who state that whilst they have no objections the principle of developing the site for housing, they have concerns about the scale of the building in relation to the Panmure Shipyard development to the west and the Clock Tower building on the north east corner of Victoria Dock. They also have concerns about the articulation of the design and refer to a clash in finishing materials.

Copies of this letter are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

Historic Scotland was consulted with regard to the impact of the development on the Category A listed Victoria Dock and the Category A and B listed Panmure Shipyard, harbour workshops and patent slip to the west of the site.

Historic Scotland responded stating "Whilst the footprint and materials of this proposal are acceptable with regard to the impact on the setting of the surrounding listed buildings, we are concerned that the scale of the proposed building does not pay sufficient regard to setting of its listed neighbours, in particular the A and B listed Panmure shipyard, harbour workshops and patent slip to the immediate west of the application site.

The highest sections of the proposed building are notably taller than the other buildings which are situated along South Dock Road, and significantly taller than the adjacent listed buildings. It is apparent that some concession to the scale of the listed buildings has been made in setting the higher sections the building away from the dock side, and stepping down the roof of the south wing from

east to west. Nevertheless, we are not convinced that, given the prominent site and cumulative mass of this block, particularly when viewed from the north (or south), it allows the listed buildings to remain the focus of their setting.

Clearly there is precedent on the south side of Victoria Dock for new development which is considerably greater in scale than the buildings which historically occupied the site. We would have expected that the development of the site in question would have provided an opportunity to create a building which facilitated a transition between the scale of the existing buildings to the west and the listed buildings to the east, rather than increasing the contrast in scale.

We recommend that your council consider whether the proposals could be amended to demonstrate greater sensitivity to the scale and setting of the listed buildings. Any amended scheme should be accompanied by a design statement which sets out the ways in which the setting of the listed buildings has been evaluated and accommodated by the proposals. "

Scottish Water has no objections to the proposal but point out that they are currently assessing the impact of the development on current infrastructure.

The Head of Environmental Health and Trading Standards has pointed out that there may be contamination on this site and that investigation needs to be carried out to ascertain the extent of contamination.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

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

This site is allocated as part of a brownfield housing site under Proposal

H34 and Policy 4 sets out standards for new housing developments. At this location there is an adopted Master Plan which sets out the framework for development. Policy 4 standards are subject to the requirements of any site planning brief.

The proposed development complies with the requirements of the Master Plan for the site and in any event also fully complies with the Policy 4 standards because all dwellings have at least 2 bedrooms, more than 100% parking as well as secure cycle storage is provided, open space is provided in the form of gardens, patios, terraces and sun spaces and a communal garden area for the development is provided for on the deck above the parking area. Privacy distances of 18 metres minimum are respected.

Policy 45 of the Plan seeks to ensure that major retail developments are appropriately located and its primary concern is to ensure that the City Centre and District Centres are the first choice for new or expanded retail developments. However Policy 8 makes provision for local shopping and community facilities in major new housing developments.

In this case the proposed retail unit exceeds 250m² and the development has been advertised as potentially contravening Policy 45 of the Plan.

However although the unit in the proposed development is identified as a "retail" unit there is no operator associated with the proposal. The applicants have confirmed that they expect the proposal to involve a use complementary to the surrounding residential uses and may well be in the form of a delicatessen with ancillary coffee shop. It is clear that the proposed unit, taking into account its small size and the constraints imposed by the lack of any opportunity to expand and the lack of space for significant servicing or parking, is not the type of retail unit covered by Policy 45 of the Plan. Rather it is in the nature of a local facility serving a major new housing development (potentially up to 700 dwellings).

It should also be noted that the City Quay development always involved a significant retail component which has recently been substantially scaled down by the introduction of significant office and restaurant uses in the Camperdown Street transit sheds. Indeed previous criticisms of the City

Quay development have suggested that there is a need for a greater mix of uses and the introduction of a commercial use in the ground floor of the development significantly enhances the scheme in terms of both its design and interest.

Policy 55 promotes good design. The design rationale for the development is set out in the applicants Design Guide. It is considered that the design of the proposed development, which was the subject of pre application discussion, is of a sufficiently high quality to satisfy the requirements of Policy 55. It is considered that the increase in height of the buildings (compared with the developments to the east and west) is justified and that the wide expanse of the waterfront can easily accommodate a 9 storey corner building. Care is taken to ensure a good relationship with adjoining developments by stepping down the building to the Panmure Shipyard development to the west and reducing the scale at the new street to the east of the site.

The proposed layout in the form of an urban block ensures a clear hierarchy of public and private space. The proposed finishing materials reflect those used on previous phases of the City Quay development and the high quality of landscaping enhances the appearance of the development and in particular the courtyard area. It is considered that the design of the development is well considered and is appropriate for this visually significant site.

Policy 55 also seeks to protect the setting of listed buildings. In this case the adjoining Victoria Dock is Category A listed and the former Panmure Shipyard buildings to the west are Category B listed, with buildings further to the west being Category A listed. The proposed development will not physically touch the dock walls and it is further considered that it will not have an adverse impact on the setting of the listed structure. It has been designed to complement the new development at the former Panmure Shipyard buildings.

Historic Scotland have concerns about the scale of the development in relation to the listed buildings to the west of the site. Whilst they recognise that this area can accommodate larger buildings and that some concession has been made to the scale of the listed

buildings, they remain unconvinced that the development allows the listed buildings to remain the focus of their setting.

The Category B listed buildings immediately to the west of the site and the Category A listed buildings on the other side of Works Yard Road are domestic in scale (despite having always been in industrial use). As such they appear small compared with the vast scale of the Firth of Tay or even the scale of Victoria Dock to the north, and indeed they must have appeared small compared with the shipbuilding yards and the ships that were launched adjacent to them when this was a working harbour. It is accepted that the scale of the development appears large when compared with the listed building, as indeed does the scale of the new build development currently under construction to the west of the listed buildings. It is considered that notwithstanding the comments of Historic Scotland, sufficient concession has been made to the scale of the listed buildings by lowering the height of the proposed development at the western end of the site and that the development will not adversely affect the setting of these listed buildings.

Policy 56 refers to public art and it is considered that this is a matter that can be covered by a planning condition. In this case there is an opportunity to provide public art features either on this site or at other locations in city Quay in conjunction with other developments. The area in front of the proposed retail unit provides a suitable location for public art.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

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

The above Act requires planning authorities, in considering applications that affect the setting of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policy 55 of the adopted Local Plan and it was considered that the proposal would preserve the setting of the adjoining listed buildings and dock areas.

b The Master Plan and Conservation Plan for City Quay

The revised Master Plan for the area indicates a new build housing development on this site.

The Conservation Plan, which was drawn up for the original City Quay development in 1999, notes that this part of the site has been cleared of buildings but may be of archaeological interest.

It is considered that the proposed development complies with the requirements of both the Master Plan and the Conservation Plan.

c The Concerns of Historic Scotland and Dundee Civic Trust

Historic Scotland and Dundee Civic Trust have concerns about the scale of the development and the Civic Trust also have concerns about the articulation of the design and the choice of finishing materials. It is not considered that the scale of the development is excessive for the site and this matter was considered in the assessment of the proposed development under Policy 55 of the adopted Local Plan and it was considered that the proposal would preserve the setting of the adjoining listed buildings. The development is carefully designed to ensure that it relates satisfactorily to the former Panmure Shipyard redevelopment to the east with the highest parts of the development facing the broad expanse of the Tay to the south of the site. It is considered that taller buildings are acceptable in this context and are visually appropriate. Concerns of the Civic Trust about the design and finishing materials have been addressed in the consideration of the development under Policy 55 of the Plan and it has been concluded that the development is satisfactory in these respects.

d Flood Risk

In terms of potential flooding, the ground level of the site is 4.3 metres above ordnance datum and 1 metre higher than the highest recorded tide. Whilst this is slightly lower than the 5 metre level referred to in SPP7, due to the provision of parking under the buildings, the apartments will be well above this level and the remainder of the development will be above the 5 metre contour.

e HMO's

Concerns have previously been expressed by the Committee about the use of dwellings in the city centre and the west end to HMO's with resulting adverse impacts on residential amenity. In September 2006 the Planning and Transportation Committee approved Supplementary Planning Guidance for controlling HMO's. This states in Policy HM04 that the occupation of dwellings in new residential developments by 3 or more unrelated people will be prevented through the use of Section 75 Agreements.

It is therefore considered that it would be appropriate in this case to restrict changes of use of the dwellings in the development to HMO's. Such a restriction by means of a Section 75 Agreement has been discussed with the applicants and their acceptance of it has been obtained.

f Recycling Facilities

It is important to ensure that appropriate recycling facilities are provided for the housing developments at City Quay. A condition has been attached to all the previous housing consents and a similar condition is proposed for this development to ensure that this matter is dealt with on a comprehensive basis. The specific waste requirements for this development are provided on the street to the east of the site. Proposals to screen these facilities have been indicated and it is important to ensure that effective and visually attractive screening is provided.

g Contamination

Due to the industrial processes formerly carried on at this site, it is possible that contaminants are present in the ground. The concerns of the Head of Environmental Health and Trading Standards about potential contamination can be addressed through a planning condition should Members be minded to approve the application.

h Phasing of Development

The Section 75 Agreement originally concluded for the outline planning application on this site and adjoining ground to the east contained requirements relating to the phasing of new build development and the restoration and conversion of listed buildings on the City Quay site (Custom House, Pump House, clock Tower and Shed 25). It is considered that matters of phasing also need to be included in a Section 75 Agreement relating to the current development which should be similar to those previously agreed but adjusted to take account of progress to date on Phases 1 and 2 of the outline site and any works to the listed buildings.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The Design Statement submitted with the application sets out a design concept of creating a strong edge to the river, a good relationship with the Panmure Shipyard development and the formation of a new urban block with a clear hierarchy of public and private space. The form of the building combines 2 main elements, a lower curving stepping form in red facing brick and a taller slab block facing the river which steps towards the west. It states that to synthesise the 2 forms where they come together at the south east corner, the 6 storey monopitch roof of the curving block crashes though the slab block and is expressed as a cantilever onto the waterfront. Continuity with the rest of the City Quay development is

maintained by a palette of proposed finishing materials of red brick, smooth white and rusticated buff renders and aluminium roof cladding.

It is considered that the design of the development is well considered and is appropriate for this visually significant site.

CONCLUSION

The proposed development provides a good standard of residential accommodation in a well designed scheme. It complies with the Development Plan and the Master Plan for the site and will not detract from the residential amenities enjoyed by neighbours.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and parties with appropriate interests in the land has been recorded. This agreement will relate to:

- 1 The prohibition of any of the proposed dwellings becoming houses in multiple occupation.
- 2 The phasing of development and any required variation of the existing S75 Agreement to ensure that listed buildings on the city Quay site are made wind and watertight and restored to new residential uses.

Recommendation 2

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Details of the use(s) of the corner retail unit shall be submitted to the Council for approval before any development is commenced

and if approved the development shall be carried out only in full accordance with such approved details.

- 4 Details of the servicing of the retail unit and the control of on street parking adjacent to the unit shall be submitted to the Council for approval before any use is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 5 Details of the hard and soft landscaping of the site, including the finishing materials to be used, a timescale for the implementation of the proposals and the future maintenance of the communal areas shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five 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.
- 6 Details of the establishment of the waterside walkway to the south of the application site including a timescale for implementation, the provision of street lighting and the installation of quayside protection shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 7 Development shall not begin until a scheme to deal with waste recycling has been submitted to and approved in writing by the Council. The development shall not be brought into use until the measures have been put in place in full accordance with the approved scheme.
- 8 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to

deal with contamination to include:

- a the nature, extent and type(s) of contamination on the site;
- b measures to treat/remove contamination to ensure the site is fit for the use proposed;
- c Measures to deal with contamination during construction works; and
- d condition of the site on completion of decontamination measures.

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 9 No development shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the Council. This approved scheme shall be fully implemented as approved by the Council.
- 10 Full details of the provision of public art for the development including a timescale for implementation shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the development is in accordance with Policy 8 of the adopted Dundee Local Plan Review 2005 and that it is complementary to the adjoining residential properties.
- 4 In the interests of traffic and pedestrian safety and to ensure that the operation of the retail unit does not adversely impact on

- the amenities of adjoining occupiers.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
 - 6 To ensure the provision of a safe and visually attractive pedestrian walkway in the interests of amenity.
 - 7 In the interests of sustainable development.
 - 8 In order to ensure that the site is fit for the use proposed.
 - 9 In order to examine, record, and salvage items related to archaeology and history.
 - 10 In order to provide for public art in the interests of visual amenity and in accordance with the Councils percent for art policy set out in Policy 56 of the Dundee Local Plan Review.