

Proposed V & A at Dundee

KEY INFORMATION

Ward Maryfield

Address

Site For V&A, Discovery Quay, Riverside Drive

Applicant

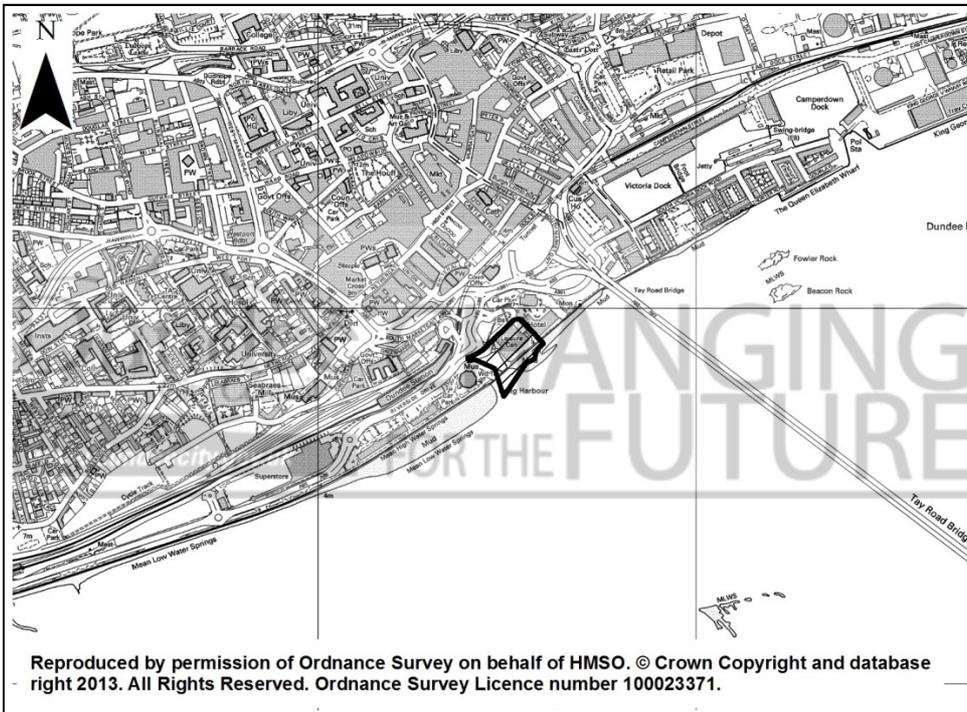
Dundee City Council, Dundee House, 50 North Lindsay Street, Dundee, DD1 1QE

Agent

Cre8architecture LLP, FAO Peter Bowman, 1 South Charlotte Street, Edinburgh, EH2 4AN

Registered 11 April 2013

Case Officer P Frickleton



SUMMARY OF REPORT

- The application seeks full planning permission for the construction of the V&A at Dundee museum building and an extension to Riverside Walk.
- The proposal has been assessed against Policy 1 (Location Priorities), Policy 2 (Shaping Better Quality Places), Policy 3 (Managing TAYplan's Assets) and Policy 4 (Strategic Development Areas) of the Strategic Development Plan and Policies 18,55,56,57,73,76,81 and 82 of the Dundee Local Plan Review 2005. The proposal satisfies the requirements of the Development Plan.
- The Council has followed the statutory neighbour notification procedures stipulated by Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application was also advertised in the local press under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. No letters of objection have been received and one letter of representation has been received from Dundee Civic Trust.
- Officers of the Council in consultation with Marine Scotland and SNH identified that the project would be likely to have a significant effect on European designated sites and therefore required that a Habitats Regulation Appraisal (HRA) be undertaken as part of the planning and licensing process. A NATURA Appraisal on this matter was submitted to the Council. It is recommended that the Council, in making an appropriate assessment of the implications of the proposal on European designated sites under the Habitats Regulations, decides that the integrity of the sites will not be adversely affected.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=ML3GHXGC68000>.

RECOMMENDATION

It is recommended that the Committee is asked to resolve that the proposal is in accordance with the relevant policies of the Development Plan. The development is likely to have a significant effect on European designated sites and that in making an appropriate assessment of the implications of the proposal on designated European sites under the Habitats Regulations; it is considered that the integrity of the sites will not be adversely affected. There are no material considerations that would justify refusal of this application contrary to the terms of the Plan. The application is therefore recommended for APPROVAL subject to conditions

1 DESCRIPTION OF PROPOSAL

1.1 The proposal under consideration seeks full planning permission for the construction of the V&A at Dundee museum building and extension to Riverside Walk. As part of the enabling works for the proposed V&A at Dundee site the existing Craig Harbour is to be infilled.

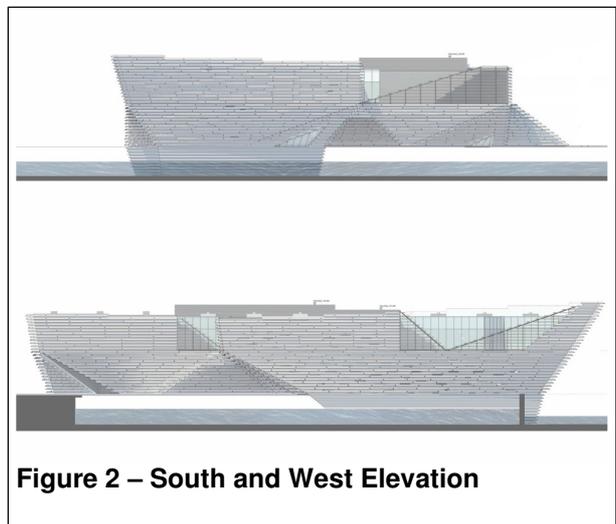
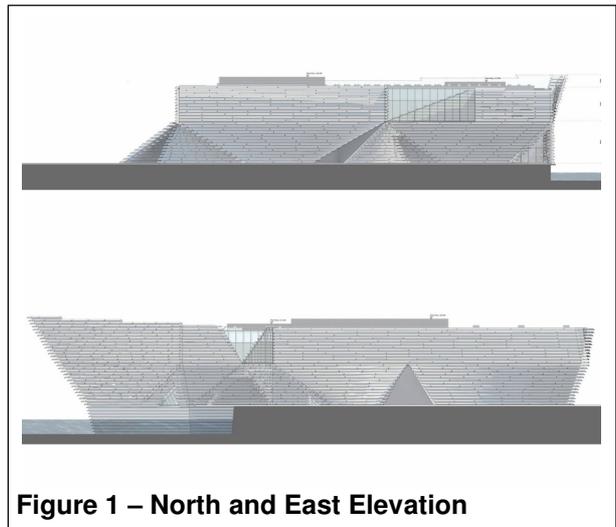
1.2 V&A at Dundee is a proposal for an international centre of design for Scotland. It will celebrate Scotland's historic importance in design and host major exhibitions of international design that will appeal to the widest public and help develop understanding of our own and others' cultural heritage. V&A at Dundee project will provide dedicated exhibition space, interpretation and a range of activities that will allow diverse audiences to see, explore, understand and be inspired by creative evolution and their design heritage, in a way that makes it physically and intellectually accessible.

1.3 The proposal is part of the Dundee Waterfront Development Masterplan which has been developed and is being implemented by the Dundee Waterfront Project (a public sector partnership between Dundee City Council and Scottish Enterprise). The master plan includes the redevelopment of the Railway Station, demolition of the Olympia Leisure Centre and Tayside House along with the reshaping of the current traffic road layout to enhance the relationship between Dundee City Centre and the River Tay.

1.4 The application site measures approximately 1.2774 hectares and will involve the provision of a 3 storey structure with a total foot area of 8,445m² and overall approximate height of 18.3m (see figures 1 & 2). The Kengo Kuma proposal incorporates a building of international design significance. The internal and external walling is to be constructed in reconstituted stone and concrete to compliment the traditional construction materials used in Dundee.

1.5 The ground floor of the building layout consists of the building entrance, lobby, reception and cloakroom, museum shop, administration office, loading bay, back of house facilities, storage, and some plant. A generous area of public space located in direct proximity to the building entrance increases the potential for the building to cope with large numbers of people entering the building at once.

1.6 At first floor is located the lunch room and offices and toilets associated with this. The remainder of the space is predominantly dedicated to plant space and storage. The second



floor is predominantly dedicated to a suite of gallery rooms with the addition of Education spaces, resource library and restaurant.

- 1.7 The main hall is suitable for different flexible uses such as concerts, art workshop, installation and exhibition of big scale art pieces. It will also be used for events, including but not limited to the following; meetings, conferences, Friday late nights (as at the V&A London), fashion shows, site-specific works, family events, design trade shows, small music recitals and performance art.
- 1.8 Out of museum hours the Education Zone and the restaurant located at the second floor can be accessed via an independent entrance located at the main entrance lobby of the building.
- 1.9 The approach to the V&A at Dundee will be by the proposed road network currently under construction. The building is accessed from a plaza adjacent to Discovery. The plaza will be hard surfaced with street furniture, planting and water features and is capable of taking load for general access, emergency and service vehicles. The deck will be designed to take art work delivery vehicles, ambulances, light vehicular traffic and permit drop off.
- 1.10 The applicant has submitted the following documents to accompany the application drawings:
 - Design and Access Statement;
 - Structural Engineers Report;
 - Mechanical and Electrical Engineers Report;
 - Sustainability Statement;
 - Parking and Transportation Statement;
 - Maintenance Statement;
 - Access Statement;
 - Public Consultation Statement; and
 - Environmental Screening Opinion.
- 1.11 The Council, as applicant, having consulted with SNH, concluded that the project was likely to have a significant effect on European designated sites. In accordance with the Habitat Regulations a NATURA Appraisal was prepared and submitted as part of the application to enable Dundee City Council and Marine Scotland to make an appropriate assessment of the potential effects on the environment. Planning permission cannot be granted for this development unless the Council has ascertained that the integrity of the European designated sites will not be adversely affected. The Report on this planning application will therefore consider this appropriate assessment as part of the determination process.
- 1.12 As the application seeks permission for a structure over 5,000m² gross floor space, the proposal falls within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly the applicant was required to undertake statutory pre-application consultation with the local community. This is evidenced in the Pre-application Consultation Report submitted as part of this application. The Town and Country (Development Management

Procedure) (Scotland) Regulations 2008 also stipulate that major planning applications must be accompanied by a Design and Access statement, the applicant has complied with this requirement. In accordance with the Discretionary scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.

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

2 SITE DESCRIPTION

- 2.1 The proposed site is located on the north bank of the River Tay, located between Discovery Point and the north landfall of the Tay Road Bridge. The site is primarily onshore with a small element projecting at ground level by 15 to 20m beyond the existing river wall (see Figure 3).

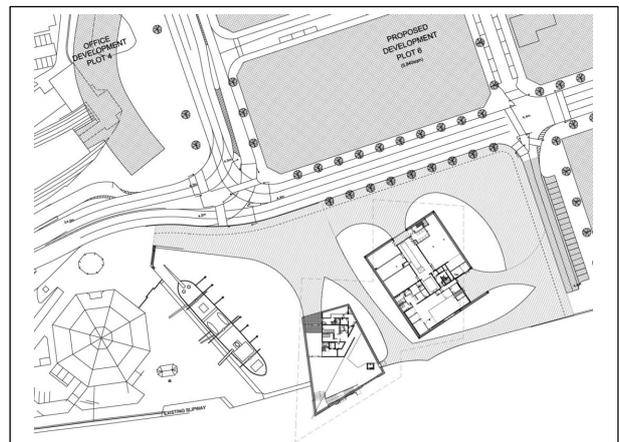


Figure 3 – Site Layout Drawing

- 2.2 The land to the rear of the river wall is currently occupied by the Olympia Leisure Centre (see Figure 4) which is constructed on pile supports through land which was reclaimed from the Tay, initially to form Dundee Harbour with associated quays and docks which were later infilled. The remainder of the reclaimed area back to the original foreshore is occupied by road and rail transport infrastructure and a mix of leisure, commercial and hotel facilities.



Figure 4 – Olympia Leisure Centre

- 2.3 The Tay Road Bridge is located some 350m east of the site with the intervening waterfront area occupied by the Hilton Hotel and former public open space which incorporates a below ground storm water tank. Discovery Point, RRS Discovery and its associated docks are located immediately west of the proposed site.

- 2.4 West beyond Discovery the river edge treatment becomes the sloping masonry wall with parapet which characterises the river edge along Riverside Drive and beyond to the airport.

3 POLICY BACKGROUND

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

Policy 1: Location Priorities

Policy 2: Shaping Better Quality Spaces
Policy 3: Managing TAYplan's Assets
Policy 4: Strategic Development Areas

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Policy 18: Major Leisure Uses
Policy 55: Urban Design
Policy 56: Public Art
Policy 57: Visual Impact on all Major Routes
Policy 73: Natural Heritage Designations of International and National Importance
Policy 76: Flood Risk
Policy 81: Pedestrians
Policy 82: Cycling Facilities

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design
Policy 29: Low and Zero Carbon Technology in New Development
Policy 33: National and International Nature Conservation Designations
Policy 35: Protected Species
Policy 41: Flood Risk Management
Policy 53: Active Travel
Policy 54: Accessibility of New Developments

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

The Scottish Planning Policy: February 2010
Planning Advice Note 84: Reducing Carbon Emissions in New Development
Environmental Impact Assessment (Scotland) Regulations 2011

NON STATUTORY STATEMENTS OF COUNCIL POLICY

Dundee Waterfront Masterplan

4 SITE HISTORY

- 4.1 In mid 2007 a proposal was brought to the Dundee Partnership by the University of Dundee to undertake and develop an outpost museum for the Victoria and Albert Museum that would be able to display exhibitions from the Victoria and Albert and also showcase Scottish and Dundonian craft and design heritage and contemporary talent.
- 4.2 The main deterrents for a site for the proposed Victoria and Albert Museum were:
- riverfront location within central area between Discovery Point and the Tay Road Bridge to maximise visibility both from approaches to the city and within the city centre;
 - accessibility for ease of access for visitors and customers;
 - capable of commencing construction in 2012/2013, including site access and site compound space, to achieve targeted opening date; and
 - fully accessible at opening date in terms of construction activity associated with the Central Waterfront programme of works.

- 4.3 A detailed option appraisal of four potential sites was undertaken in cognisance of the above issues and a suitable location identified. Having identified the preferred site location, Dundee City Council subsequently commissioned a feasibility study to:
- identify the site area which may be required assuming vehicular site access to be provided from Riverside Drive, west of Discovery;
 - characterise the existing site in association with key consultees/stakeholders;
 - examine options for site creation, construction methods and sequence, taking cognisance of the phasing of the adjacent Central Waterfront Development; and
 - consider the potential effect of site formation on the Tay and adjacent European Natura interests.
- 4.4 The output of the study was presented to the Central Waterfront Board and the proposed site area was used along with a supporting report to inform the detailed brief for an international design competition.
- 4.5 Following an appraisal of the submissions received, including a period of public consultation, the winning design was selected in late 2010. The current proposal for the site and its integration into the Central Waterfront Masterplan are a detailed development of the winning Kengo Kuma design.
- 4.6 Planning permission was previously granted in September 2012 (12/00339/FULM) for the erection of the V&A at Dundee in the original off shore position.
- 4.7 **Environmental Impact Assessment (Scotland) Regulations 2011** – a screening opinion was submitted to Dundee City Council on 1 July 2013. The opinion of the Council is that the development is not likely to have "significant effect" on the environment by virtue of its nature, size or location and is therefore not considered to be EIA development under the terms of the Environmental Impact Assessment (Scotland) Regulations 2011. A screening opinion has been issued by the Director, under delegated powers, confirming that an EIA is not required.

5 PUBLIC PARTICIPATION

- 5.1 The applicant has demonstrated through the submitted pre-application Consultation Report that the requirements of Section 35 A-C of the Town and Country Planning (Scotland) Act 1997 and Paragraph 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 have been met. The applicants have consulted with the local community including Community Councils; Neighbouring Representative Structures and the City Council's Communities Officers.
- 5.2 A public consultation event was held on 17-19 January 2013 from 10:00 to 16:00 at the Bernard King Library, University of Abertay. The event was advertised in the Dundee Courier. The consultation event was manned by members of the design team and client team who were supported by a static display of drawings and visuals together with a fly-through showing the proposed building set within the Waterfront Masterplan and Dundee as a whole. The event was attended by 353 visitors over the three days.
- 5.3 Comments received from visitors to the public consultation event were on the whole positive. In response to comments received the pedestrian/vehicle segregation was clearly defined; pedestrian access levels and gradients were revised; water feature levels revised and

relationship with Craig Harbour and Discovery improved; Gallery areas have been maintained from the original brief while catering areas have been reduced and disabled set down provision has now been incorporated into the V&A project rather than on the adjoining site.

- 5.4 In addition to the consultation event organised and administered by the applicant, the Council has also followed the statutory neighbour notification procedures stipulated by Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. No letters of objection have been received.
- 5.5 Dundee Civic Trust submitted representations welcoming the proposal and offered comments on the development which have been taken on board in the determination of the application.

6 CONSULTATIONS

- 6.1 **Scottish Environment Protection Agency (SEPA)** – SEPA have advised that they have no objection to the proposed development on flood risk grounds. Notwithstanding this they would expect Dundee City Council to undertake their responsibilities as the Flood Prevention Authority. The change in finished floor levels (FFL) from 5.5 mAOD to 5.0 mAOD were noted and whilst SEPA do not object to the development they highly recommend the earlier FFL of 5.5 mAOD is adopted for the development. It is also recommended that flood resistant and resilient materials are incorporated within the design.
- 6.2 In terms of groundwater environment, SEPA foresee no significant hydrogeological issues with the proposed development provided that the detailed design and management of the works is undertaken appropriately. Details should be provided to SEPA operations staff of how any dewatering will be managed, the amount of groundwater proposed to be abstracted and the anticipated timescales.
- 6.3 Surface Water will require “minimal” SUDS, however SEPA are aware that SUDS may be extremely difficult to accommodate on this site. They note that water features play a key part of the proposal and it appears that surface water drainage from the walkways is to drain the pools. SEPA ask that consideration be given to directing the roof water to the ponds provided this would not jeopardise the aesthetics of the building. In addition, other surface water management arrangements could be agreed with SEPA such as good housekeeping and gull scaring which would help keep potential ground pollutants minimal therefore reducing the environmental impact of the building. SEPA operations staff would be willing to assess surface water drainage proposals.
- 6.4 During construction, mitigation will be required to any surface water run off or effluents arising from any construction activity. The developer is advised to speak to SEPA operations staff regarding the specifics of any environmental mitigation prior to the commencement of the build.
- 6.5 SEPA recommend that controls should be included in development management and marine licensing for Marine Non-Native Species in line with Water Framework Directive and Marine Strategy Framework Directive objectives, and EU biodiversity Strategy targets. Accidental introduction of MNNS can also occur via attachment to construction plant, specialised equipment and moorings as these are moved from one area to another. SEPA recommend that method statements produced as part of the marine licence application process should also include measures that will be adopted to minimise these risks before the constructional, operational or decommissioning phases of a project commence

- 6.6 **Historic Scotland** – Historic Scotland has no comment to make on the proposal.
- 6.7 **Scottish Natural Heritage (SNH)** - SNH are very supportive of the overall proposals and have been involved in the pre-application discussions from an early stage. They state that a small part of the development site is located within and has the potential to adversely affect, a number of internationally important wildlife sites. The proposal will need to be progressed strictly in accordance with mitigation measures outlined within their response dated 16 July 2013 which are relevant to the Marine Licence.
- 6.8 The requirements of the Conservation (Natural Habitats, &c.) Regulations 1994, as amended, (the “Habitats Regulations”) apply. Marine Scotland will be the licensing authority for works which fall within the marine environment and Dundee City Council for on-shore works.
- 6.9 In SNH’s view the proposal is likely to have a significant effect on the qualifying interests of the following sites: Firth of Tay & Eden Estuary Special Area of Conservation (SAC), River Tay SAC, Isle of May SAC and Moray Firth SAC. The development could affect bottlenose dolphins, common and grey seals, Atlantic salmon, sea & river lamprey and subtidal and intertidal habitats. These features could be affected by loss of intertidal and subtidal habitat, disturbance from construction works, and changes to the structure and function of some coastal processes.
- 6.10 On the basis of the commissioned report: “V&A@Dundee, Natura Appraisal (Version 1, 28 June 2013)” and SNH’s additional appraisal, they consider that, for each of the qualifying interests, an adverse effect on site integrity can be avoided through the use of Marine Licence conditions.
- 6.11 A European Protected Species (EPS) license will be required to disturb all species of cetaceans that use the waters of the Tay Estuary area. SNH have advised the applicant on their draft license application, in particular the information presented to address Test 3 - relating to Favourable Conservation Status. SNH believe that with the appropriate mitigation included in the application they will be able to conclude that the development will not be detrimental to the Favourable Conservation Status for all species of cetacean affected.
- 6.12 **Transport Scotland** – the Director of Transport Scotland does not propose to advise against the granting of planning permission.
- 6.13 **Environmental Protection** - the Head of Environment has concerns that given the extent of plant and the use of water source pumps there may be an issue with regard to noise. As there is a considerable distance between existing residential accommodations this is not considered to be problematic, however this may change in the future as the waterfront proposals include residential accommodation. It is therefore recommended that, should Committee be minded to approve the application, a noise condition be attached to the consent restricting night time noise to NR35.
- 6.14 A Preliminary Risk Assessment for contaminated land was also requested by the Head of Environmental Protection.
- 6.15 **Habitat Regulation Appraisal** - the proposal falls under the terms of the Conservation (Natural Habitats) Regulations 1994 (as amended by the Conservation (Natural Habitats) Amendment (Scotland) Regulations 2004). Development occurring within, or adjacent to, a European Site is governed by Regulations 5 and 6 of the Conservation Regulations and under Regulation 49(3) of these regulations the “competent authority” for site formation, Dundee City Council and Marine Scotland, has a duty to make an appropriate assessment of

the implications (of the proposal) for the site in view of that site's conservation objectives. The competent authority can only agree to the proposal under Regulation 48, as advised by Scottish Office Circular 6/95, and as amended in 2000, if they have ascertained that the integrity of a site will not be adversely affected.

- 6.16 Advice was given in consultation with Marine Scotland and SNH (who have an advisor role under the regulations) that the project would be likely to have a significant impact on the European designated sites and therefore required that a Habitats Regulation Appraisal (HRA) be undertaken as part of the planning and licensing process. To inform the HRA process Dundee City Council as applicant prepared a NATURA Appraisal which concluded that there is anticipated to be no adverse effect on site integrity for any of the designated sites and that for all qualifying features of the European Sites the Conservation Objectives (COs) will continue to be met during construction and operation.
- 6.17 SNH have responded on the basis of the commissioned report: "V&A@Dundee, Natura Appraisal (Version 1, 28 June 2013)" and SNH's additional appraisal, they consider that, for each of the qualifying interests, an adverse effect on site integrity can be avoided through the use of Marine Licence conditions.
- 6.18 The officers of the Council have undertaken an Appropriate Assessment under the Habitats Regulations through a consideration of the NATURA Appraisal and taking into account the views of SNH. The NATURA Appraisal considers the development proposal and the alternatives for siting the building; it identifies five European designations to be assessed for effects arising from the construction of the building platform and then reviews each site for impacts on designated features which were appraised in the context of the conservation objectives for the site. The conclusion of the NATURA Appraisal for all the sites is that, after mitigation, there will be no significant adverse effect on the integrity of the sites and that for all sites the conservation objectives will continue to be met during and after development. SNH, as advisors to the Council agree with these conclusions.
- 6.19 It is considered that the NATURA Appraisal accurately portrays the impact on the European sites and taking into account the advice from SNH including the mitigation measures and conditions suggested by them, that the Council should similarly conclude that there will not be an adverse impact on European sites and this conclusion forms Recommendation 1 of the decision on this planning application.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

- 7.2 The Strategic Development Plan is focused on delivering sustainable economic growth for the area through shaping better quality spaces and responding to climate change, as set out in the vision. The policies and proposals contained within the Plan set out the spatial

strategy over the next 20 years of where development should and should not go and how new development should be achieved.

- 7.3 As specified above the Policies relevant to the assessment of this application are:
- 7.4 **Policy 1: Location Priorities** – this policy identifies the regions principal settlements where development should be focused. Dundee Core Area has been identified as a Tier 1 settlement which has the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the regions economy.
- 7.5 The V&A at Dundee is part of the larger Dundee Waterfront Masterplan and is a focal point of the Central Waterfront project, helping to redefine the impressions of the city. It is therefore considered that the locational requirements of this policy have been met.
- 7.6 **Policy 2: Shaping Better Quality Spaces** - this policy requires new development to be fit for place, supporting more sustainable ways of life for people and businesses. The relevant sections of this policy are:
- 7.7 **Policy 2C** requires the integration of transport and land use to reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and off site infrastructure.
- 7.8 The development lies within the heart of the Central Waterfront and the facilities are available for all modes of transport. The museum will be sited adjacent to many high quality access points for all transport modes and the streetscape that will emerge will include all the design elements to support sustainable travel.
- 7.9 The applicants have submitted a Parking and Transportation Statement in support of the proposed development which outlines the proposed means by which visitors to the new V&A at Dundee museum will travel to the facility and, in particular, how the parking of private cars will be provided for.
- 7.10 The travel planning strategy for the new museum will be based on encouraging visitors to use the most sustainable mode of transport available for their journey type. In particular, travel by bus, rail and cycling will be actively promoted and facilitated. There will, however, still be a number of these journeys made by private car and it is intended to cater for the resultant parking demand by utilising existing public parking facilities which are within a convenient distance of the new museum. From an assessment of the likely demand for parking and the existing capacity of the nearby public car parks, it will be possible to meet the parking needs of the new museum without the provision of a dedicated car parking facility.
- 7.11 The emerging Dundee West Park and Ride facility is to be located on Wright Avenue 2 miles to the west of the proposed site for the V&A at Dundee. The location of which has been identified through the Regional Transport Strategy and Transport Scotland's Strategic Transport Project Review as a key transport project. The proposal is subject to planning permission being granted; an application for which is currently being considered by Dundee City Council (13/00360/FULM).
- 7.12 Although the approval of the V&A at Dundee is not dependent on the park and ride facility, if approved, it will complement the V&A at Dundee as many car trip visitors are likely to arrive from the west, this facility will give them an excellent off site travel alternative option

especially for those unfamiliar with the city. It is anticipated that the facility will be operational by 2015.

- 7.13 A similar proposal for Park and Ride at Dundee South (Fife side of Tay Road Bridge) is likely to progress over the next 2 to 5 years subject to planning permission and funding.
- 7.14 **It is concluded that the proposal complies with Policy 2C.**
- 7.15 **Policy 2D** seeks to ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan. **Policy 2E** seeks to ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government's standards.
- 7.16 A Sustainability Statement has been submitted in support of this application which confirms that the proposed development will include design and construction features that will minimise the environmental impact of the development for current and future generations.
- 7.17 **The proposed development satisfies Policy 2D and 2E.**
- 7.18 **Policy 3: Managing TAYplan's Assets** - seeks understanding of and respect for the regional distinctiveness and scenic value of the TAYplan area through ensuring development is likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy.
- 7.19 The potential effects of site formation on the habitats and qualifying interests of the NATURA sites was assessed as part of the site selection and feasibility studies. Prior to the selection of the winning design and development of the current proposal the assessment was based on a perceived worst case scenario of site development with a 2.1ha land claim and sheet piled edge treatment. The assessment concluded, with the input of SNH, that due to the small extent of habitat loss at the margin of a dynamic NATURA site, on an footprint which has previously been used for a number of commercial purposes, it should be possible to undertake the V&A at Dundee development without adverse effect on the integrity of the European Site(s).
- 7.20 The NATURA Appraisal, as submitted under the Habitats Regulations, concluded that there is anticipated to be no adverse effect on site integrity for any of the designated sites and that for all qualifying features of the European Sites the Conservation Objectives (COs) will continue to be met during construction and operation.
- 7.21 As discussed under the Habitat Regulation Appraisal section it is considered that there will not be an adverse impact on European sites.
- 7.22 **It is concluded from the foregoing that the proposal complies with Policy 3.**
- 7.23 **Policy 4: Strategic Development Areas** - identifies specific sites for the Strategic Development Areas and allocates land for the uses set out within the Plan. The Dundee Centre and Port have been identified as such an area for mixed uses including business, commercial, leisure, retail, residential and port related uses.

- 7.24 The V&A at Dundee lies within Dundee Centre and is at the heart of the Strategic Development Area. It is considered that the development complies with the uses set out in Policy 4 of the Plan.
- 7.25 **It is considered that the proposed V&A at Dundee development complies with the requirements of the Strategic Development Plan 2012-2032.**

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- 7.26 **Policy 18: Major Leisure Uses** – it is a requirement of this policy that the City Centre and District Centres will be the locations of first choice for major leisure uses capable of contributing to their vitality and viability. Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where necessary. Travel Plans will be implemented through appropriate planning conditions and/or other agreements. Where appropriate, developments will be required to include provision for measures to encourage convenient access by bus, bicycle and on foot. The incorporation of these measures into existing developments will also be encouraged and pursued.
- 7.27 The proposed V&A at Dundee is part of the Dundee Waterfront Development Masterplan and holds a prominent position in this ambitious scheme. **The City Centre location complies with the requirements set out in Policy 18 of the Plan.**
- 7.28 **Policy 55: Urban Design** – this policy seeks to ensure that any proposed development is of a high quality design. It should incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.
- 7.29 A Design Statement has been submitted in support of this application along with detailed elevations and layouts for the proposal. The planning and urban design context for the proposal is provided by the Dundee Central Waterfront Masterplan.
- 7.30 The existing context surrounding the site will radically change as a result of the approved masterplan and will therefore provide a very different backdrop to the site of the V&A at Dundee. The masterplan includes the demolition of the Olympia Leisure Centre, Hilton Hotel and casino and Tayside House. The reshaping of the current traffic road layout will enhance the relationship between the City Centre of Dundee and the River Tay. The Railway Station is also under development. The masterplan will significantly improve accessibility to the riverfront.
- 7.31 The application site is at the junction of two major axes in the waterfront. One being Union Street and the other axis being the Discovery itself orientated toward the application site. The design of the V&A at Dundee takes advantage of the proposed location and of the relevant axis pointing to the site. The public circulation around the building is shaped in order to create a close relationship between the river, the museum and the surrounding context and at the same time preserve the setting of the V&A and Discovery within the Waterfront redevelopment.
- 7.32 The introduction of water features around the proposed building together with an improved Craig Harbour will bring the river into the city.
- 7.33 The system of public spaces created by the project will guarantee strong connections and relationships between the city, the riverfront, Discovery Quay and the complete Museum experience.

- 7.34 **It is considered that the proposal satisfies the requirements of Policy 55 and the detailed brief of the international design competition.**
- 7.35 **Policy 56: Public Art** - this policy advises that the Council will continue to support Public Art provision through the adopted Public Art Strategy and the Percent for Public Art. The design of the building itself and quality of soft and hard landscaping is considered to contribute to the Public Art provision of the city, **therefore discharging the requirements of this policy.**
- 7.36 **Policy 57: Visual Impact on Major Routes** - this policy identifies the importance of the visual image of the city and improving the quality of the environment. The application site is highly visible from both Riverside Drive and all approach roads as well as from across the River Tay. **The acceptability of the proposal at this prominent frontage has been assessed under Policy 55 (Urban Design) above.**
- 7.37 **Policy 73: Natural Heritage Designations of International and National Importance** - where development proposals are likely to have a significant effect on an area of natural heritage importance they must be accompanied by an ecological or similar assessment that sufficiently establishes the impacts on the conservation interest of the designation.
- 7.38 A NATURA Appraisal was submitted as part of the application which established that, after mitigation, there will be no significant adverse effect on the integrity of Sites and for all Sites the conservation objectives will continue to be met during and after development. **The proposal is therefore considered to satisfy the requirements of Policy 73.**
- 7.39 **Policy 76: Flood Risk** - this policy provides a general presumption against development in areas of significant flood risk. The applicants have submitted a Structural Engineers Report and EIA Screening Opinion to accompany the application. It has been confirmed by SEPA that the application site may be at risk of coastal flooding. The Council have carried out a detailed coastal flood study and this has been taken into consideration when determining finished floor levels.
- 7.40 The V&A at Dundee floor level has been set at 5.0mAOD with door openings designed to allow flood barriers to be inserted if required. The upgrading of the existing sea wall along the whole of the central waterfront, including the V&A at Dundee, will be structurally designed to ensure built in resilience. This addresses issues raised by SEPA with regards to finished floor levels of the building and flood resistant/resilient materials. As a result SEPA have no objection. **The proposal is therefore considered acceptable in terms of Policy 76.**
- 7.41 **Policy 81: Pedestrians** - requires consideration of the ease and safety of pedestrians as a priority over other forms of transport.
- 7.42 In response to the Museum's key location and role within the masterplan and the city, the strategy has been to use the opportunity to create connections with the railway station, city centre, the new development along the waterfront and the museum along with the public plazas distributed and clustered around the waterfront.
- 7.43 Pedestrian access is primarily from the rail station and the Union Street axis, forging a direct link with the city. In addition to this primary access to the building, it is proposed that the staff entrance for the museum is located at the south-east corner of the building where the museum administration office is located and public access to the building is through the main entrance on Union Street axis to the main public hall. A disabled drop-off point will be located immediately in front of the main pedestrian access point.

- 7.44 **The proposal is considered to be consistent with the aims of Policy 81.**
- 7.45 **Policy 82: Cycling Facilities** - primarily considers the actions of the Council in support of cyclists. The policy also requires the provision of appropriate cycle paths and cycle parking facilities in the development proposals. As discussed the applicants have submitted a Parking and Transportation Statement as part of the application which outlines the proposed means by which visitors to the new V&A at Dundee will travel to the facility.
- 7.46 The museum is located immediately adjacent to a major strategic cycle route, which, as well as being an important commuter route into the city centre, also forms part of the Green Circular Route around the city and National Cycle Routes 1 and 77 between Edinburgh, Perth and Aberdeen. Improved cycle parking facilities will be provided adjacent to the new museum and throughout the central waterfront.
- 7.47 **The proposal is considered to be acceptable in terms of Policy 82.**

OTHER MATERIAL CONSIDERATIONS

(A) PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

- 7.48 Policies 7 (High Quality Design), 33 (National and International Nature Conservation Designations), 35 (Protected Species), 41 (Flood Risk Management), 53 (Active Travel) and 54 (Accessibility of New Developments) are substantially the same as Policies 55 (Urban Design), 73 (Natural Heritage Designations of International and National Importance), 76 (Flood Risk), 81 (Pedestrians) 82: (Cycling Facilities) of the Dundee Local Plan Review 2005 that have been assessed above.
- 7.49 Policy 29 (Low and Zero Carbon Technology in new Development) requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies. As discussed under Policy 2D of the TAYplan Strategic Development Plan a Sustainability Statement has been submitted in support of this application which confirms that the proposed development will include design and construction features that will minimise the environmental impact of the development for current and future generations.
- 7.50 **As such the requirements of Policies 7, 29, 33,35,41,53 and 54 of the Proposed Dundee Local Development Plan are also satisfied.**

(B) STATEMENTS OF POLICY AND GOVERNMENT ADVICE

- 7.51 **Scottish Planning Policy document** – this SPP is a statement of Scottish Government policy on land use planning and contains, amongst other things, concise subject planning policies, including the implications for development planning and development management.
- 7.52 Economic Development – in summary, this section of the SPP identifies that, amongst other things, planning should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. It also goes on to state that the planning system should support economic development in all areas by:
- taking account of the economic benefits of proposed development in development plans and development management decisions;
 - promoting development in sustainable locations, particularly in terms of accessibility;

- promoting regeneration and the full and appropriate use of land, buildings and infrastructure;
- supporting development which will provide new employment opportunities and enhance local competitiveness; and
- promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

- 7.53 It is considered that the proposed development would achieve several aims of the Economic Development section of the SPP by providing a use which would support the wider economy of the city, play an important role in attracting visitors and investment to Dundee's new waterfront; opening up public access and stimulating the regeneration of the area.
- 7.54 Transport – this section promotes sustainable development in appropriate locations and seeks to ensure that development is well located in terms of public transport and pedestrian and cycle routes.
- 7.55 As discussed under the Development Plan the applicants have submitted a Parking and Transportation Statement in support of the proposed development which outlines the proposed means by which visitors to the new V&A at Dundee museum will travel to the facility.
- 7.56 The proposal has already been assessed against Policy 1 (Location Priorities), Policy 2 (Shaping Better Quality Places), Policy 3 (Managing TAYplan's Assets) and Policy 4 (Strategic Development Areas) of the Strategic Development Plan and Policies 18,55,56,57,73,76,81 and 82 of the Dundee Local Plan Review 2005 and were found to be acceptable subject to certain conditions. It is therefore considered that the proposal in terms of sustainable transport and its impact on the local road network is acceptable in terms of the guidance contained within SPP in relation to Transport.
- 7.57 **PAN 84: Reducing Carbon Emissions in New Development** - a Sustainability Statement has been submitted in support of this application which confirms that the proposed development will include design and construction features that will minimise the environmental impact of the development for current and future generations.
- 7.58 The proposed development is being assessed using the Building Research Establishment's (BRE) widely used Environmental Assessment method, also known as BREEAM assessment.
- 7.59 Reduction in energy demand will be achieved through the use of modern materials with good insulating properties and by using modern methods of construction which provide well sealed buildings and spaces within buildings, keeping heat where it is required. Public spaces will be naturally ventilated. Energy will be used efficiently by new high-efficiency mechanical plant and equipment. Particular emphasis will be placed on the commissioning and control of all mechanical equipment ensuring that performance is optimised. Artificial lighting will be controlled so as to dim or switch off when there is sufficient natural light falling within the building's occupied spaces. Heat recovery techniques will be used to recover the re-use waste heat from both water and air.
- 7.60 In terms of a sustainable approach to waste and materials, the approach taken is to provide a building that is clearly designed to last. As part of the BREEAM assessment the building design and construction will consider the entire life cycle, from the extraction of materials to their final disposal.

- 7.61 The Council is supportive of such an approach which is considered to be consistent with the guidance contained in PAN 84.

(C) DUNDEE WATERFRONT MASTERPLAN

- 7.62 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 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.
- 7.63 The V&A at Dundee will have the most prominent position in this ambitious scheme, helping to redefine impressions of the city. Work has already begun on the waterfront project and it is intended that construction work on the V&A at Dundee will begin in 2014 with an anticipated opening in 2016.

(D) ECONOMIC BENEFITS

- 7.64 V&A at Dundee is part of a 30 year regeneration project. The economic and social benefits will occur through combining the attributes of a visitor attraction with those of significant cultural asset with the ability to become a key tool in the process of ensuring Scotland is a creative nation, as well as regenerating Dundee.
- 7.65 A feasibility study commissioned by the University of Dundee, Scottish Enterprise and the Victoria and Albert estimates that the potential impact is for 500,000 visits annually, including the use of the bar, restaurant and conference space as well as the galleries. The economic impact is expected to be considerable and such a project would have a transformational effect on the perception of Dundee nationally and internationally. Preliminary indications suggest that on the basis of the standard multipliers used by Scottish Enterprise a project of this scale could add around 900 new jobs, £5.4m extra output a year (£4.7m of which would be in Dundee) and £2m extra income a year to the Scottish economy (over £1.4m of which would be in Dundee). There is support for the project from the Scottish Government recognising the potential national significance of this. The additional impact of this development to that expected of the Central Waterfront, together with the effect it will have on the Central Waterfront, is powerful economic imperative.
- 7.66 By itself the V&A at Dundee will not transform Dundee, but it has the potential to be the catalyst to bring transformation on an even larger scale. Whilst there would be obvious tourism benefits, the project would also benefit the local (Scottish) economy in several ways:
- talent attraction/retention;
 - new inward investment (new and existing companies);
 - enhanced brand for the City and Scotland, which in particular will help to change the image/perception of Dundee;
 - attracting critical mass in sectors (tourism and creative industries being the obvious);
 - triggering new public sector investment (ie railway station) and;
 - attracting new speculative development to the property market.

- 7.67 There will be both economic benefits and social benefits for the local community generating employment, raising skill levels, changing perceptions of the city, engaging people from diverse backgrounds and encouraging social inclusion.

(E) REPRESENTATIONS

- 7.68 Dundee Civic Trust have submitted representations welcoming the proposal and offered comments on the development. The Trust questioned the requirement for the spur road and associated parking along the eastern boundary of the site, as this acts as a physical and visual barrier between the museum and the open space area, whereas it would be desirable to integrate the two. They urged that the vehicle access and servicing arrangements be re-examined to see whether this could be achieved. The proposals for the hard landscaped areas around the building were welcomed by the Trust; however they urged that adequate stocks are kept of replacement materials.
- 7.69 Whilst the spaces around the building are designed primarily for those either visiting the V&A at Dundee or moving along the waterfront, access for delivery, maintenance and collections must be incorporated at the design stages to help prevent “ad-hoc” measures being added once the building is open. Subtle delineation of routes, access control and use of appropriate paving units help to allow the required access without detracting from the public realm. Generally, vehicle movements would be discouraged within the pedestrian area, with only emergency vehicles and occasional light vehicles being allowed access through retractable bollards.
- 7.70 In pursuit of its efficiency, sustainability and design objectives, it is proposed that the V&A at Dundee will not have any dedicated car parking facilities for visitors or staff. Visitors with severe mobility issues will be able to use a disabled drop off facility prior to their vehicle being parked nearby. Coach parking facilities are already available and it is anticipated that coach party visitors will drop off passengers to the east of the building and then park at existing facilities.
- 7.71 The landscape proposals are of a high urban quality to complement the building design and integrate with the wider waterfront project. Whilst the issue of adequate replacement material is a valid point unfortunately this is not a material planning consideration in the determination of this application. However, these comments have been passed onto the agent for their information.
- 7.72 **It is concluded from the foregoing that the material considerations weigh in favour of the proposed development. It is therefore recommended that planning permission be granted in accordance with the Development Plan.**

8 CONCLUSION

- 8.1 V&A at Dundee provides an important centre of design for Scotland in a building of international design significance. The economic impact of the development will be considerable and have a transformational effect on the perception of Dundee both nationally and internationally. The proposal satisfies the requirements of the Development Plan and there are no material considerations that would justify refusal of planning permission. The NATURA Assessment demonstrates that there will be no adverse impact on the European Designated Sites. Therefore it is recommended that planning permission is granted subject to conditions.

8.2 Background Papers

- 1 Conservation (Natural Habitats) Regulations 1994 (as amended).
- 2 Natura Appraisal – June 2013.
- 3 EIA Screening Opinion – June 2013.
- 4 Scottish Natural Heritage Letter dated 16 July 2013.

9 RECOMMENDATIONS

Recommendation 1

9.1 The Council, as Competent Authority under the Conservation (Natural Habitats) Regulations 1994 (as amended) and for the reasons set out in this report resolves:

- that the proposal is likely to have a significant effect on European designated sites; and
- after making an appropriate assessment of the implications of the development on the European designated sites taking into account these sites conservation objectives and after consultation with SNH (having regard to the representations made by them and conditions and mitigation measures suggested by them), that the proposal will not adversely affect the integrity of the designated European sites.

Recommendation 2

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

- 1 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the Council and should include all soft and hard landscaping. Full details of new planting and landscaping 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. The applicant shall inform the Council in writing of the date on which the landscaping was carried out (or if carried out in phases, the date of completion of each phase) as soon as practicable following completion of the landscaping.
- 2 Details 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 details.
- 3 The total noise from all Mechanical and Electrical plant/services shall not exceed NR 35 during the night as measured 1 metre external to the façade of adjacent residential accommodation (existing and proposed). For the avoidance of doubt night time shall be 23.00 to 07.00.
- 4 Prior to commencement of development, details of the infill of Craig Harbour shall be submitted to the Council for approval and if approved shall be carried out in full accordance with such approved details.

- 5 Prior to commencement of works on site, detailed drainage proposals including all calculations and design drawings showing capacity for a 1:200 plus Climate Change event shall be submitted to the Council for written approval. Further, all modelling and simulation results shall also be submitted. Thereafter, all works approved by virtue of this condition shall be carried out prior to occupation of the building. For the avoidance of doubt, all information submitted to the Council to comply with this condition shall comply with the adoptable standards of Scottish Water and SEPA and shall be in accordance with the SUDS Manual (CIRIA 697).
- 6 Development shall not begin until the investigation and risk assessment proposed in the submitted V&A Contamination Summary are completed and, if necessary; a remediation strategy to deal with 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.
- 7 Before the building 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.

REASONS

- 1 To ensure the development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 2 In the interests of visual amenity.
- 3 In the interests of safeguarding residential amenity.
- 4 To ensure the development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 5 In the interests of ensuring that surface water can be drained adequately from the application site without causing instances of flooding.
- 6 In order to ensure the site is fit for the purpose proposed.
- 7 In order to ensure the site is fit for the purpose proposed.