

**KEY INFORMATION**

**Ward** East Port

**Proposal**

Outline application for extension and remodelling of existing shopping centre to create 4680 sq m retail unit adjacent to Victoria Road.

**Address**

The Wellgate Shopping Centre  
The Wellgate  
Dundee DD1 2DB

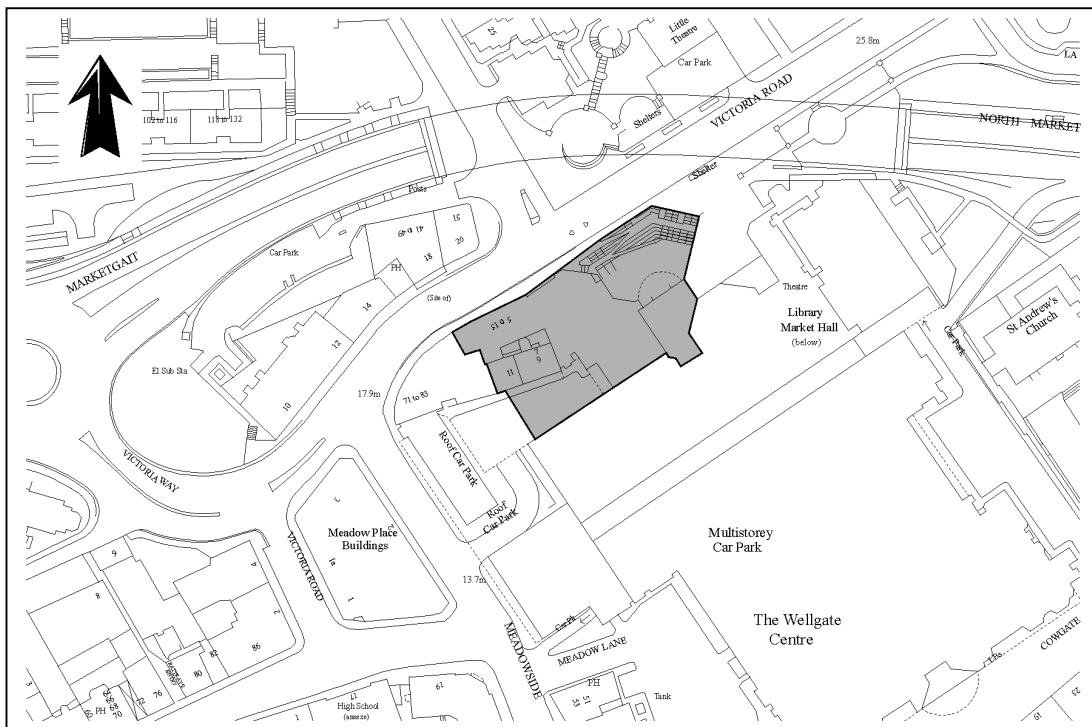
**Applicant**

Britel Fund Trustees Ltd  
Lloyds Chambers  
1 Portsoken Street  
London

**Agent**

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Edinburgh  
EH3 7BR  
**Registered** 29 May 2002

**Case Officer** C Walker



## Proposed Extension of Wellgate Shopping Centre at Victoria Road

An Outline application for the extension and remodelling of existing shopping centre to create 4680 sq m retail unit adjacent to Victoria Road is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development complies with Development Plan policy. Subject to the imposition of appropriate conditions at outline stage, a future detailed application for the proposed extension can enhance the appearance of the Wellgate Centre and the overall attractiveness of the city centre as a retailing destination.

**SUMMARY OF REPORT**

- Outline planning permission is sought to extend the Victoria Road end of the Wellgate Centre by 4,680 sq. metres. Taking demolitions into account the net increase would be some 2,590 sq. metres.
- Illustrative plans have been submitted indicating the demolition of the Victoria Road entrance, the furniture retail unit to the west of that entrance and the row of shops at 5-15 Victoria Road and the erection of a 2 storey retail unit with the upper level being at the same level as Victoria Road.
- There is a second application to extend the Wellgate Centre by 2,530 sq. metres at Meadowside Yard, and a report on that application (ref. no. 02/00416/OUT) is contained elsewhere in this Agenda. The cumulative impact of both developments would be a net increase in floorspace of 5,120 sq. metres.
- The Royal Fine Art Commission for Scotland are concerned to ensure that the development is of appropriate design in the context of the adjoining streetscape.
- The proposal complies with Development Plan and emerging Local Plan policy and National Guidance on retailing. The imposition of appropriate conditions can ensure that the development is of satisfactory design.

## DESCRIPTION OF PROPOSAL

Outline planning permission is sought to extend the Victoria Road end of the Wellgate Centre by 4,680 sq. metres. Taking demolitions into account the net increase would be some 2,590 sq. metres. For comparative purposes the existing Wellgate Centre has a floor area of some 27,400 sq metres.

Illustrative plans have been submitted indicating the demolition of the Victoria Road entrance, the furniture retail unit to the west of that entrance and the row of shops at 5-15 Victoria Road and the erection of a 2 storey retail unit with the upper level being at the same level as Victoria Road. These plans indicate the building filling the void formed by the Wellgate steps and effectively extending to the pavement at Victoria Road, with the entrance at its north eastern corner.

The illustrative plans give tentative proposals for the design of the building suggesting windows on the Victoria Road elevation and some form of feature at the junction of Hilltown and Victoria Road. A Design Statement accompanies these plans. It states the intention that the development relates in a satisfactory manner to streetscapes and neighbouring buildings.

There is a second application to extend the Wellgate Centre by 2,530 sq. metres at Meadowside Yard, and a report on that application (ref. no. 02/00416/OUT) is contained elsewhere in this Agenda. In response to concerns from the Council about the potential impact of significant extensions to the size of the Wellgate Centre on the city centre the applicants have produced an assessment on the vitality and viability of the city centre.

In this report they state that the existing centre is healthy, vacancy rates are low and that there is scope for growth. They criticise notions of lack of capacity for growth stating that this does not allow for competition or choice and point to the redevelopment of the Overgate Centre as contributing to the city centre rather than leading to increased vacancies. They note that many of the existing vacancies in the city centre are in the Wellgate Centre and that the refurbishment of the Wellgate Centre would enhance the

city centre and strengthen the retailing pitch between the Overgate and Wellgate.

The applicants state that these applications are speculative in that they are not linked to named operators but that they reflect a demand from larger space users which cannot be accommodated within the existing smaller units in the centre. They state that the redevelopment of the Wellgate Centre is overdue.



## SITE DESCRIPTION

The site comprises the Victoria Road end of the Wellgate Centre, a 1970's shopping centre of utilitarian design. A flight of steps leads up to Victoria Road and the entrance to the centre was upgraded in recent times with the provision of a glass canopy. The site incorporates the retail unit to the west of this entrance as well as a 2 storey parade of shops at 5-15 Victoria Road.

To the west at 71-83 Meadowside is Kandahar House, a Category B listed building with ground floor shops and first floor offices. Behind Kandahar House is a service road to the Wellgate Centre and upper storey car parking areas.

To the east is the Central Library. To the north-west on the opposite side of Victoria Road, is an impressive run of Category B listed buildings from 10-20 Victoria Road, with ground floor commercial uses and upper floor office and residential uses. To the north east is an area of open space in front of modern flats at the junction of Hilltown and Victoria Road.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Town Centres and Retailing Policy 3 supports further retail development in the central area, including the extension of the prime retail area, where this can be suitably integrated with the existing shopping area.

However the preamble to this policy suggests that there is limited spare expenditure capacity and a need for caution when considering new proposals for non food retailing.

Environmental Resources Policy 6 requires new development to make a positive contribution to the identity, character and quality of the built and historic environment.

### Dundee Local Plan 1998

The following policies are of relevance:

The site is allocated as part of the secondary retail area and Policy S5 accepts retail and non retail activities within Classes 1,2 and 3 at this location. Policy S1 promotes an expansion of the prime shopping floorspace at the Arnotts/Forum Centre site and the preamble to this policy indicates that the city requires additional prime shopping floorspace.

The site lies just outwith the city centre conservation area and adjoins a listed building (Kandahar House). Policy BE1 seeks the highest standards of design.

### Dundee Urban Nature Conservation Subject Local Plan 1995

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

### Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 34 seeks to protect the retail core area and Policy 35 provides for the extension of the retail core area.

However the preamble to Policy 35 notes that the redevelopment of the Overgate Centre has added considerably to Dundee's supply of prime retail floorspace and suggests that the potential for further additions to the core area are likely to be limited for the present. The upper levels of the Wellgate Centre fall within a speciality shopping and non core area and Policy 36 permits uses within Classes 1, 2 and 3.

Policy 55 puts an emphasis on design quality and Policy 56 supports a percent for public art.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG8 Town Centres and Retailing seeks to sustain and enhance the vitality, viability and design quality of town centres as the most appropriate location for retailing and other related activities.

The Scottish Executive "Policy on Architecture(2001)" and "Designing Places (2001)" are of relevance.

## Non Statutory Statements of Council Policy

The following are of relevance:

The Council adopted the Dundee Urban Design Guide in December 2001.

## LOCAL AGENDA 21

The development is considered to be sustainable in that it proposes additional retailing within an accessible city centre site.

## SITE HISTORY

There is no relevant history of planning applications relating to this site.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and no public comment was received.

## CONSULTATIONS

The Royal Fine Art Commission for Scotland was consulted. It is

concerned that the historic link from the Hilltown to the city centre by the Wellgate steps would be lost with the proposed extension and the fact that its entrance would be offset from this route. With the building line extended to front the pavement and the increased height, the Commission considers that there would be deterioration in the quality of pedestrian environment, including loss of sunlight. Although detailed elevations have not been provided the Commission is concerned that the proposed new façade could present an unreadable dead frontage to Victoria Road if it had no shop windows or doorways. Finally the Commission states that the opportunity should be taken to consider the refurbishment of the exterior of the centre including the area under the roof car park on Meadowside.

The Director of Environmental and Consumer Protection has requested a planning condition to ensure that noise from mechanical and electrical plant does not have an adverse impact on residential property.

## 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

Regard should also be had to Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires special consideration to be given to the effects of the proposal on the setting of listed buildings.

## The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above, namely Town Centres and Retailing Policy 3 and Environmental Resources Policy 6 of the Structure Plan and Policies S5 and BE1 of the Local Plan.

The proposed development seeks to provide additional retailing space in an area allocated as part of the secondary

shopping area of the city. Both Plans encourage the extension of the prime retail area of the city and there is no doubt that this site, which extends the Wellgate Centre, is integrated with the existing shopping area. The preamble to Town Centres and Retailing Policy 3 of the Structure Plan does sound a note of caution about the level of spare capacity for additional non food retailing within the city centre but the policy itself does not seek to restrict expansion on this basis.

The design of the proposed extension has not been established. This is an outline application without an operator. Ideally it would be useful to establish the design of the extension at this stage particularly since this is a substantial development at a prominent location. The applicants have already produced a design statement for the development in which they acknowledge that the development must take cognisance of the existing streetscape and cannot turn its back to Victoria Road. The Royal Fine Art Commission has concerns about the infilling of the Wellgate steps area. The policies of the Structure and Local Plans relating to this issue are very general. However it is considered that should Members wish to approve this application suitable planning conditions can be imposed to ensure that the development is of appropriate quality, that the upgrading of other parts of the centre is achieved and that the aims of the Development Plan policies are fulfilled.

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:

- a the policies of the Finalised Dundee Local Plan Review
- b NPPG8,
- c the Scottish Executive statements on Architecture and Designing Places,
- d the Councils Urban Design Strategy and
- e Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires special regard to be had to the

preservation of the setting of listed buildings.

The Finalised Local Plan Review policies on shopping are broadly similar to those in the Structure Plan and adopted Local Plan. As with the Structure Plan, the preamble to these policies sounds a note of caution about the capacity for further non food retailing in the city centre, but the policies themselves do not seek to restrict expansion and Policy 35 makes specific provision for the redevelopment of the Forum Centre/Arnotts site. Any development that prejudices this expansion will not be permitted. However it is difficult to see how the current proposals would prejudice that development. Furthermore, given that the site is within the defined retailing area of the city centre, it cannot be argued that the development contravenes the policies of the Finalised Plan.

NPPG8 seeks to sustain and enhance the vitality, viability and design quality of town centres as the most appropriate location for retailing and other related activities. As such, the proposed development is wholly compliant with the spirit and aims of NPPG8.

However there is an underlying concern that the cumulative impact of this development and the proposed extension at Meadowside Yard (02/00416/OUT), involving a net increase of 5,120 sq. metres would lead to increased vacancies and a deterioration in the retail environment of the city centre. The applicants counter this view by stating that the current state of health of the city centre is good and that substantial increases in floorspace at the Overgate Centre have benefited the city. They argue that capacity studies do not make an allowance for competition and choice and that the upgrading of the Wellgate Centre, which currently suffers from a relatively high level of vacancies and a dated image, will result in an enhancement of the city centre as a whole. Indeed if there is to be an adverse impact on retailing elsewhere in the city, this could impact on out of centre retail park developments rather than the city centre. In accordance with NPPG8 priority should be given to city centre development.

In these circumstances, where the proposed development complies with Development Plan policy and National

Guidance, and where concerns about the impact of the development on the existing city centre cannot be clearly established, there is no basis for refusing the proposed development on retailing grounds.

Design matters have already been considered in the context of Environmental Resources Policy 6 of the Structure Plan and Policy BE1 of the adopted Local Plan. The Policies of the Finalised Local Plan and the Scottish Executive statements on Architecture and Designing Places and the Councils Urban Design Strategy simply reinforce the need for achieving good design at this location. The upgrading of the existing centre, including in particular the treatment of the existing Meadowside elevation, must be achieved and a condition to this effect should be imposed should members be minded to approve this application. In addition the development would benefit from a public art input and the imposition of a condition requiring a Percent for art in accordance with Policy 56 of the Finalised Plan should also be imposed.

The proposed development will have an effect on the setting of Kandahar House, a Category B listed building to the west of the site. At this stage this impact cannot be quantified due to the lack of detail. However, the proposal is simply to replace an existing building butting up against the listed building with a new building of a similar size and scale. In these circumstances there is no reason why the proposed development could not have a satisfactory relationship with the listed building in accordance with the requirement of Section 59 of the Listed Buildings and Conservation Areas Act 1997. Should Members wish to support the proposal, it is considered that the imposition of appropriate conditions governing the siting and design of the proposed extension can ensure that the setting of the listed building is preserved.

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 for this development which accords with the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

## Design

The design of the proposed extension has not been established. This is an outline application without an operator. Ideally it would be useful to establish the design of the extension at this stage particularly since this is a substantial development at a prominent location. The applicants have already produced a design statement for the development in which they acknowledge that the development must take cognisance of the existing streetscape and cannot turn its back to Victoria Road. The Royal Fine Art Commission has concerns about the infilling of the Wellgate steps area. The policies of the Structure and Local Plans relating to this issue are very general. However it is considered that should Members wish to approve this application suitable planning conditions can be imposed to ensure that the development is of appropriate quality, that the upgrading of other parts of the centre is achieved and that the aims of the Development Plan policies are fulfilled.

## CONCLUSION

The proposed development complies with Development Plan policy. Subject to the imposition of appropriate conditions the proposed extension should enhance the appearance of the Wellgate Centre and the overall attractiveness of the city centre as a retailing destination.

## RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 the approval of the City Council shall be obtained to the following reserved matters before any development is commenced viz: the siting of the building(s) the design of the building(s) the external appearance of the building(s) the means of access to the building(s) the landscaping of the site
- 2 application for approval of the matters referred to in condition (1) above must be made within 3 years of the date of this permission
- 3 the development to which this permission relates shall begin

- within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later
- 4 The proposed development shall incorporate a 1% for public art contribution and details of this contribution and timescales for its 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
- 5 details of improvements to the Meadowside elevation of the Wellgate Centre between Kandahar House and Meadow Lane including proposals for the use of the ground floor area and timescales for the implementation of these improvements and proposals 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
- 6 The details of the siting, design and external appearance of the extension referred to in condition 1 above shall take account of the Councils "Dundee Urban Design Strategy 2001" and Scottish Executive "Policy on Architecture 2001" and "Designing Places 2001" and shall in particular ensure that the extension:
- a has an elevation to Victoria Road that contains shop windows and an entrance doorway and presents a human scale of development for pedestrians on Victoria Road
  - b is of a scale and format that relates to the existing streetscape at Victoria Road and in particular to Kandahar House, the Category B listed building to the west of the site
  - c reflects the axis of Hilltown and Victoria Road in its elevational treatment
  - d creates an attractive area of open space between the building line and Victoria Road
- 7 All mechanical and electrical plant, including ventilation, shall not exceed Noise Rating (NR) 35 as measured at the external façade of adjacent residential property
- 8 Details of the rearrangement of the servicing of the Wellgate centre at this location as a result of the erection of the proposed extension 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

### Reason

- 1 to reserve these matters for future consideration by the Council
- 2 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 3 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 4 To ensure that an appropriate scheme of public art is incorporated in the development proposals in accordance with Policy 56 of the Finalised Dundee Local Plan 2003
- 5 In order to neutralise the negative impact of this section of the building and to integrate the new extension into the streetscape in the interests of visual amenity
- 6 To ensure a satisfactory siting and design of the extension in accordance with Environmental Resources Policy 6 of the approved Structure Plan and Policy BE1 of the adopted Local Plan
- 7 In order to protect the amenities of nearby residential properties
- 8 To ensure that the Wellgate Centre can be adequately serviced in the interests of traffic and pedestrian safety