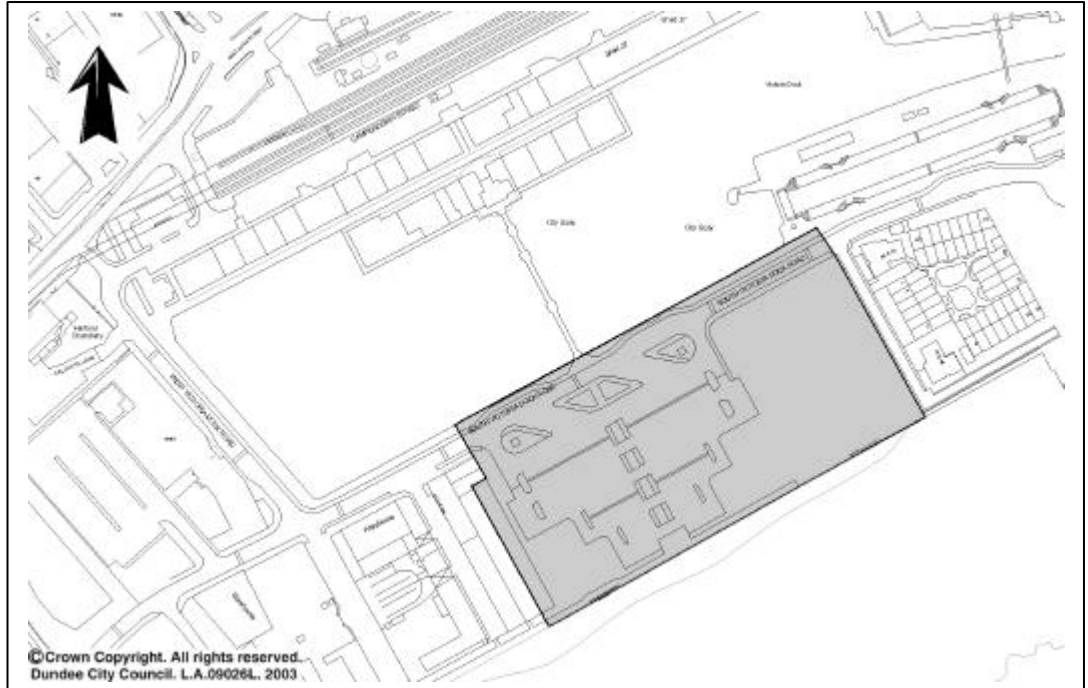


**KEY INFORMATION****Ward** East Port**Proposal**  
Outline Consent for  
residential development**Address**  
Land to south of  
South Victoria Dock Road  
Dundee  
DD1 3BP**Applicant**  
Forth Properties  
Developments Ltd  
1 Prince of Wales Dock  
EDINBURGH  
EH8 7DX**Agent**  
Turley Associates  
32 Alva Street  
Edinburgh  
EH2 4PY**Registered** 6 Sep 2004**Case Officer** C Walker

# Further Phase of Housing Proposed at City Quay

An application for outline consent for residential development is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development complies with the policies of the adopted Local Plan and with the approved Master Plan for the City Quay development. It will serve to enhance the environmental quality of this visually important site and will provide a good standard of residential amenity for the future occupiers of the dwellings. It is therefore recommended for **APPROVAL** subject to the conclusion of a Section 75 agreement and conditions.

**SUMMARY OF REPORT**

- Outline Planning permission is sought for a residential development on this site. A Design Guide has been submitted illustrating a development of 240 units (196 apartments and 44 town houses) in a grid layout similar to the existing phases of the City Quay housing development.
- Letters of objection were received from 7 local residents and a letter stating design concerns was received from the Royal Fine Art Commission for Scotland. The local residents are principally concerned about the height of the development and the RFACS urges a more radical approach to the design of the development.
- It is considered that the proposal complies with the provisions of the development plan and the amended Master Plan for the site.
- The development will not lead to any unacceptable adverse impact on residential amenity and the design indicated in the illustrative plans is appropriate for the site and for the achievement of a successful residential development.
- A Section 75 is proposed to link the phasing of the proposed development to the satisfactory conversion of the Clocktower Warehouse and Shed 25 to residential use.

## DESCRIPTION OF PROPOSAL

Outline Planning permission is sought for a residential development on this site of some 2.65 hectares. A Design Guide for the development has been submitted illustrating the type of development that could be accommodated on this site. The illustrative plans indicate 3 blocks of development in an urban grid form not dissimilar to the existing City Quay housing development to the east of this site. A total of 240 units (196 apartments and 44 town houses) are proposed and the form of development comprises taller apartment buildings to the north and south (indicated as 7 and 5 storeys high in the plans) and 3 storey town houses to the east and west. Parking for the town houses is indicated in ground floor garages whilst most of the parking for the apartments is indicated underneath the buildings with the rest of the parking in off street bays. Each dwelling is provided with at least 1 space, with the town houses and larger flats being provided with 2 spaces. Open space is provided in the form of private terraces of some 40 sq.metres each for ground floor apartments, communal courtyard gardens of some 2,000 sq. metres for the rest of the apartments and private gardens of some 50 sq. metres for each of the townhouses.

The Design Guide indicates a modern style of building bearing certain similarities with the existing City Quay housing development. Open glazed elevations with balconies are proposed to the north and south elevations of the apartments with smaller openings to the courtyard elevations. The town house design is very similar to that of the town houses to the east of the site. Proposed finishing materials are red brick, white render, timber cladding and galvanised balconies and railings, all to match those on the existing housing to the east of the site. It is also proposed to provide landscaping and hard surfaces to match that on the adjoining development. Public art in the form of a mosaic representing the Discovery is proposed in the south west corner of the site.

A Transport Assessment was submitted indicating that there would be no adverse impact on the trunk Road at South Marketgait.

## SITE DESCRIPTION

The site is some 2.65 hectares in extent and comprises a car park of some 315 spaces designed to serve the City Quay retail and leisure development and an area of open ground originally earmarked for a 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 now vacant and planning permission has been granted to convert them to housing.

To the east is the recently constructed City Quay housing development at Thorter Row comprising 3 storey town houses and flats of 6 storeys. The Unicorn is moored to the north of the site in Victoria Dock and it is proposed to take this ship into the Category B listed East Graving Dock further to the east.



## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 1998

The following policies are of relevance:

The City Quay area is allocated for mixed use development in line with the approved Planning Brief under Policy EU 9. Proposal HS3 allocates an undetermined part of this area for housing stating that "a bold solution is expected which will include flats and

town houses". Finally Policy H10 sets out guidelines for new housing development. For Inner City locations the requirements for a development of this size is that 75% of the units should be houses with private gardens of 50 sq. metres, parking should be at least 100% with 40% of the houses having garages or space for a garage. Exceptions are made for difficult and visually important sites which might need a more dominant building and where a very imaginative proposal of quality is put forward.

Policies BE1, 2 and 3 promote good design, townscape and use of materials.

### Dundee Urban Nature Conservation Subject Local Plan 1995

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

### Finalised Dundee Local Plan Review

This site is allocated for housing under Proposal H34. Policy 4 sets out requirements for the design of new housing. Policy 55 promotes good urban design and 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 Plans for the City Quay development are considered in the Site History section of this Report.

## LOCAL AGENDA 21

The development of this site is considered to be sustainable because it is close to the city centre and can therefore be made accessible to the public.

## 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 car park, leisure development and 2 bar/restaurant buildings on the site of the current application.

The detailed application for the retail development (D23866) included the formation of a 315 space car park on the application site. This car park was designed to serve both the retail development and the proposed leisure development on the eastern part of the site.

Since then the retail portion of the development, some 150 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 this site.

More recently the Council approved the conversion of the listed buildings to the west of the site to housing in September 2004 (application 04/00006/FUL refers) and there are current applications for planning permission and listed building consent (04/00646/FUL and 04/00647/LBC) for a housing development (principally through conversion) at the Clock Tower Warehouse, Shed S and Shed 25 site to the north east of the current application site. The reports on these 2 applications are contained elsewhere in this Agenda.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as potentially contravening Policy H10 of the adopted Local Plan. Eight letters were received objecting to the proposed development, 1 from the Royal Fine Art Commission for Scotland and 7 from residents of the housing development at Thorter Row (copies available for inspection in the Members Lounges).

The RFACS considers that the site has a magnificent setting worthy of a world class development. Whilst it understands the thinking behind the previous phases of the City Quay housing development, it urges a bold change with a less homogenous or predictable approach and the incorporation of non residential uses.

In terms of detail it suggests all parking should be underground, that the representation of the Discovery should be in 3D and not a mosaic and it considers that the axis with the pedestrian bridge over Victoria Dock is fudged.

The adjoining residents are concerned about the scale and height of development (particularly when compared with previous proposals for a leisure development) which they consider will lead to overlooking and overshadowing of their houses and will not fit in with the adjoining listed buildings to the west of the site. They are also concerned about the loss of the car park (for both cars and coaches) which they consider will intensify pressure for parking within the City Quay site, particularly when events take place. They are also concerned about noise (and especially traffic noise) from the development, the design of the buildings and the loss of trees from the car park.

These views are fully considered in the Observations section of this Report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards has pointed out that the issue of potential contamination needs to be addressed but considers that this can be dealt with by a planning condition.

The Scottish Executive Trunk Roads Director has no objections to the proposed development.

Historic Scotland was consulted as the application affects the setting of a Category A listed building (Victoria Dock) but did not respond within the specified period

## 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. In this case the proposal is consistent with the allocation for housing under proposal HS3. This specifically states that "a bold solution is expected which will include flats and town houses". In terms of Policy H10 the site is close to the ring road and indeed the existing housing development further to the east was assessed in the context of this part of the policy. These standards are not very prescriptive and are easily met by the proposed development.

The assessment of this development in the context of the more prescriptive Inner City standards set out in Policy H10 is difficult because this is an outline application where not all the details have been provided. However taking the illustrative plans into account it is clear that the development could meet all these standards with the exception that there would be an overprovision of flats.

Clearly this presumption against flats was not envisaged in Proposal HS3 and it is therefore concluded that it is correct to apply the adjacent to ring road standard under Policy H10 in this instance and that the development complies with this standard. Furthermore Policy H10 makes exceptions for visually important sites which might need a more dominant building and where a very imaginative proposal of quality is put forward. In this case, taking into account the character and design of the existing housing development to the east of the site and the vast scale of the water bodies to the north and south of the site, it is considered that the new apartment blocks provide a scale and design of building which is entirely appropriate at this quayside location.

Policies BE1, 2 and 3 promote good design, townscape and use of materials. Although this is an outline application, design guidance has been provided and it is considered that the design of the development and the finishing materials chosen are of a high quality and in keeping with the character of the surrounding area.

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) The Finalised Dundee Local Plan Review**

The policies of the Finalised Plan are almost identical to those in the adopted Local Plan. The site allocation for housing under Proposal H34 does not set out any criteria for the proposed development.

Policy 4 sets out requirements for the design of new housing. Unlike Policy H10 of the adopted Local Plan, there is no category relating to development adjacent to the ring road, so in this case the Inner City standards apply. The proposed development does not meet all these standards. There is a general presumption in the policy against flats but this can be overcome where site specific circumstances demand a flattened solution. It is considered that in this case the new build apartments provide an appropriate scale of development for this prominent quay side location. The Design Guide indicates that all flats will have a minimum gross internal floor area well in excess of 60 sq. metres. The general requirement for parking is 130% although this can be reduced in light of on street and off street parking provision nearby. In this case the proposed development is adjacent to the city centre and in a location where 100% parking provision is adequate. In any event, 200% provision is proposed for the townhouses and larger apartments. The provision of cycle parking can also be governed by a planning condition but there should be adequate space in the underground car parks.

Garden ground for the houses meets the minimum standard of 50 sq. metres but the development does not allow for 30% of houses having at least 75 sq. metres of private garden ground. The flats easily meet the standard for garden ground (average of 18 sq metres per unit as opposed to the requirement of 10 sq. metres) although no separate arrangements are made for clothes drying. In addition all the flats have generous space standards and either private terraces or external balconies.

Policy 55 promotes good urban design and Policy 56 promotes public art. Policy 55 has already been covered in the section of this Report dealing with Policies BE1, 2, and 3 of the adopted Local Plan. Public Art is catered for in the provision of a representation of the Discovery at the south western corner

of the site in the location where it was built and launched.

### **(b) The Master Plan and Conservation Plan for City Quay**

The revised Master Plan 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 recognises that the City Quay development reserves much of this area for car parking.

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

### **(c) The views of Objectors and Consultees**

The RFACS considers that the site has a magnificent setting worthy of a world class development. Whilst it understands the thinking behind the previous phases of the City Quay housing development, it urges a bold change with a less homogenous or predictable approach and the incorporation of non residential uses. There is no doubt that this is an extremely important site that deserves only the best quality of development. However a successful residential development also needs to be established on a human scale, particularly in a potentially hostile environment such as this where inclement weather conditions can be encountered. The formula for the previous phases of this development has proved to be very successful, providing a traditional street pattern and a clear distinction between public and private spaces. An iconic building might well be a good architectural solution for this site but is unlikely to be successful in residential terms. It should also be borne in mind that this is an outline application and that there is no developer associated with the project. It is considered that the current proposals and the associated Design guide represent an appropriate benchmark for a high quality development on this site. However it may be that in the future an application will be submitted for a bolder and more innovative scheme and provided that the basic principles set out in the earlier phases of this housing development are adhered to, then there

should be no difficulty in approving such a scheme. With regard to the incorporation of other uses, it is considered that an acceptable balance is achieved within the City Quay site with the provision of retail and leisure elements elsewhere and that there is not a requirement that each phase of the development should incorporate a mix of uses.

In terms of detail, the RFACS suggests all parking should be underground, that the representation of the Discovery should be in 3D and not a mosaic and it considers that the axis with the pedestrian bridge over Victoria Dock is fudged. A significant proportion of the parking on this site (130 spaces) is provided either under the buildings or in garages and it is considered that this will greatly lessen the visual impact of parking provision on the site. The detailed design of the representation of the Discovery has yet to be agreed but there is no reason why a mosaic could not be acceptable. Finally the development does seek to continue the north south axis formed by the pedestrian bridge over Victoria Dock and although the new street is slightly offset, the visual link is maintained.

The occupiers of the dwellings on Thorter Row are concerned about the scale and height of development (particularly when compared with previous proposals for a leisure development) which they consider will lead to overlooking and overshadowing of their houses and will not fit in with the adjoining listed buildings to the west of the site. They are also concerned about the loss of the car park (for both cars and coaches) which they consider will intensify pressure for parking within the City Quay site, particularly when events take place. They are also concerned about noise (and especially traffic noise) from the development, the design of the buildings and the loss of trees from the car park.

The form of the proposed development, accepting that the plans are merely illustrative, is not dissimilar to the existing pattern of housing development at City Quay. The residents to the east have become used to the fact that the immediately adjoining ground has remained undeveloped for a considerable period of time. However this ground was always earmarked for a leisure development and the initial City Quay

proposals expected that the site would be developed for a multiplex cinema. The scale of that type of development (or any alternative leisure proposal), whilst not as tall as the higher apartment blocks currently proposed, would not be insignificant and might have associated amenity impacts in terms of noise or traffic generation.

In terms of potential overlooking, there will be no windows serving habitable rooms on the proposed development within 18 metres of windows on the existing development with the illustrative plans indicating the closest facing windows being over 20 metres apart. In terms of overshadowing, the indicative plans show the highest apartment blocks to the north of the site and lower 3 storey town houses directly opposite the existing town houses on Thorter Row. In these circumstances the relationship between the new development and the existing development will be no different to that of the town houses to the apartment blocks in the existing development. A degree of overshadowing will therefore occur but not to any greater degree than that already encountered within the existing phases of the City Quay housing development.

The removal of the existing car park should have no adverse impact on existing residents. This car park was designed for use by the retail development at City Quay and the proposed leisure development to the east of the car park. It was never designed as a form of residential overspill parking. Adequate provision has been made for car parking within the existing phases of the City Quay residential development and within the proposed housing development currently applied for. The retail development has not been as successful as originally envisaged and the leisure development will not now take place. It is considered that the 190 spaces on Camperdown Street are more than adequate to serve the existing commercial development. Indeed, due to the absence of any system of control, much of the parking at City Quay is taken up by commuters and shoppers who do not visit the facilities at City Quay. The applicants have indicated that they now intend to implement such a system of control. The City Quay development is also close to the existing multi storey car parking facility at Gellatly Street.

Furthermore, in order to make provision for visitors to the Unicorn, 21 car parking/7 coach spaces have been allocated beside the East Graving Dock in addition to use of the parking spaces at Camperdown Street.

In terms of noise it is not anticipated that traffic accessing the proposed development will have any unacceptable impact on residential amenity, particularly since the illustrative plans show the development broken up into phases so that only a limited amount of traffic would use Thorter Row. Indeed the development of houses is likely to have a lesser impact on residential amenity compared with a leisure development on this site.

The loss of existing trees from the car park area will be more than compensated for by the substantial amount of additional planting associated with the housing proposals.

Finally it is considered that the design and scale of development is appropriate for this site and will not be out of keeping with the listed buildings to the west and the existing houses to the east.

The matter of potential contamination raised by the Head of Environmental Health and Trading Standards can be adequately dealt with by a planning condition.

#### **(d) Other Issues**

The matter of recycling has been raised with the applicants and they are agreeable to the provision of facilities for the entire City Quay development at the retail part of the site. A planning condition to ensure that this is achieved is proposed.

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 16 metres above current ground level (and well above the 5 metre contour) and almost all of the accommodation within the town houses will be at upper floor levels. This is a significant improvement on the existing housing at City Quay and it is considered that adequate provision is made for potential coastal flooding.

Finally it is considered important to ensure that the financially less attractive conversion elements of the overall City Quay housing development are achieved as well as the more attractive new building housing elements and it is therefore proposed that a Section 75 Agreement be concluded linking the development of this site to the successful conversion of the Clock Tower Warehouse and Shed 25 buildings within the City Quay development, the Report on which is contained elsewhere in this Agenda.

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

## **Design**

Although this is an outline application, a Design Guide has been submitted which indicates a development of high quality with a design and choice of finishing materials that will blend in with the listed buildings to the west of the site and the existing dwellings to the east.

## **CONCLUSION**

The proposed development complies with the policies of the adopted Local Plan and with the approved Master Plan for the City Quay development. It will serve to enhance the environmental quality of this visually important site and will provide a good standard of residential amenity for the future occupiers of the dwellings

## **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.

The agreement will relate to the phasing of the proposed development linking it to the satisfactory conversion of the Clocktower Warehouse and Shed 25 to residential use in accordance with planning and listed building applications 04/00646/FUL and 04/00647/LBC or any amending

applications subsequently approved by the Council. Essentially the agreement will permit the first third of the housing approved in this application to be developed unencumbered, the second third cannot commence until work had been completed on either the Clock Tower or Shed 25 and the final third cannot commence until work on the other one of these 2 buildings had been completed.

## RECOMMENDATION 2

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 buildings  
the design of the buildings  
the external appearance of the buildings  
the means of access to the buildings  
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 approval of reserved matters referred to in Condition 1 above shall generally adhere to the principles set out in the City Quay Design Guide dated November 2004 submitted with this application and with particular emphasis placed on the urban grid layout, mix of flats and townhouses, private garden and parking provision details set out in that Guide.
- 5 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.
- 6 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.
- 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.

- 7 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.
- 8 Full details of the provision of public art for the development including the proposed art feature to the south east of the site 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
- 9 No windows serving habitable rooms on the proposed development shall be within 18 metres of windows on existing dwellings at Thorter Row to the east of the site.

## Reasons

- 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 In order to provide a satisfactory standard and design of development.
- 5 In the interests of sustainable development.
- 6 In order to ensure that the site is fit for the use proposed.
- 7 In order to examine, record, and salvage items related to archaeology and history
- 8 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 Finalised Dundee Local Plan Review.
- 9 In the interests of residential amenity.