

**KEY INFORMATION**

Ward Logie

**Proposal**

Proposed Al-Maktoum  
Cultural Centre

**Address**

Former Harris Academy  
Annex  
Blackness Road  
Dundee

**Applicant**

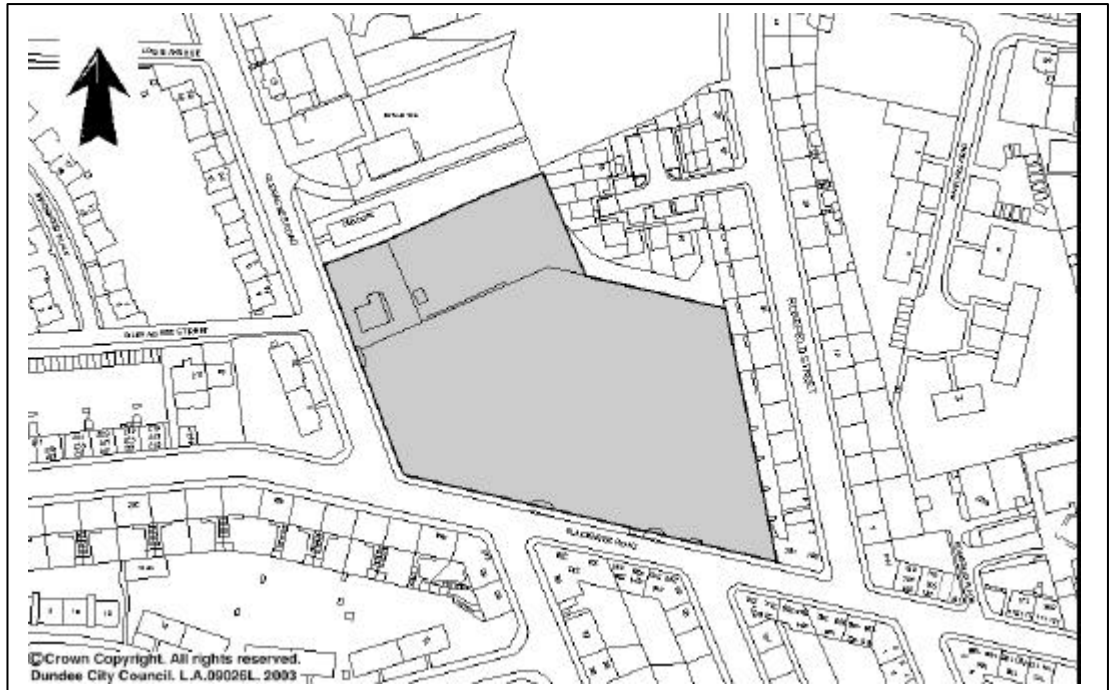
Al-Maktoum Foundation  
124 Blackness Road  
Dundee  
DD1 1PE

**Agent**

James F Stephen  
Milton Studio  
Glamis  
Angus  
DD8 1UN

Registered 15 Sep 2005

Case Officer S Cooper



## Cultural Centre Proposed in Blackness Road

The proposed Al-Maktoum Cultural Centre is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is concluded that the proposal is contrary to the provisions of Proposal H21 and Policy 3A of the Dundee Local Plan Review 2005. However, there are material considerations that carry sufficient weight such as to justify setting aside those Policies and Proposals and the granting of planning permission contrary to the provisions of the development plan. It is therefore recommended that the application be **APPROVED**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of a Cultural Centre on the Former Harris Academy Annexe site on the north side of Blackness Road.
- The site is allocated for housing by Proposal H21 of the Dundee Local Plan Review 2005. The proposal also raises issues for consideration in terms of Policies 1, 3A and 55 of the Dundee Local Plan Review.
- The proposed development would incorporate a Mosque and other facilities including an exhibition hall, office space, video/tv suites and computer rooms. The applicant has submitted an indicative masterplan of the phased development of the site.
- The application has attracted a total of 6 letters of objection and 1 letter of support.
- It is considered that the proposed development is contrary to the provisions of proposal H21 and Policy 3A of the Dundee Local Plan Review 2005. However there are material considerations that justify the setting aside of these policies and granting planning permission contrary to the provisions of the development plan.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a mixed-use building on the site of the former Harris Academy Annexe on the north side of Blackness Road, Dundee. The building would provide a Mosque with an associated underground morgue, and an exhibition hall, a library, office space and computer and video suites for community use. 113 car parking would be provided to the north of the building.

The proposed building would be 3 storeys in height. The mosque would be situated at the eastern end of the building. The proposed building would be of a modern architectural form, although the mosque would incorporate traditional design features including a domed roof and a minaret. The minaret, however, would not be fully functioning and there is to be no 'call to prayer' from the proposed building.

The main pedestrian access to the building would be from Blackness Road. A new vehicular access would be created from Glenagnes Road to the west.

The proposed building would have a largely glazed frontage to Blackness Road. The building would have a flat roof. The external walls would be re-constituted stone and the glazing and doors would have anodised aluminium frames.

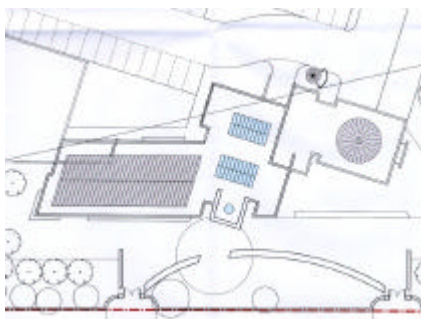
The basement of the proposed building would contain the morgue and access to the minaret. The ground floor would contain the entrance from Blackness Road, a reception area, exhibition hall, meeting areas, staff room, office space, video room, mosque and associated male shoe store and ablution rooms. On first floor there would be a library with internet facilities, and associated library office and storage space, a female praying area including a female shoe store and female ablutions room. The second floor would house flexible office space, meeting room, and a reception area.

The applicant has indicated that this is part of a phased approach to the development of the site. An indicative masterplan has been submitted, showing the proposed phased development to the north of the proposed building incorporating a sports hall, youth club, gym, library

and ancillary accommodation for these uses. This would take the form of a podium structure, built above the car parking area proposed in this application.

## SITE DESCRIPTION

The application site is the site of the former Harris Academy Annexe. The building was substantially fire damaged in 2001. The building was three storeys in height, with a hexagonal footprint with a central hall running through the centre of an inner courtyard. It has now been completely demolished and the site has mainly been cleared although the former janitor's house remains in the north west corner of the property.



The site is enclosed by boundary walls with railings atop, and there are gatepiers at the exiting entrances to the site. The janitor's house, along with the boundary walls, railings and gatepiers, are listed as being of special architectural or historic interest, Category B.

There are a number of mature trees on the application site, particularly on the south boundary. The trees on the south boundary are protected by individual Tree Preservation Orders. There are also individual TPOs on three trees at the east side of the site and 10 trees at the northern part of the site.

Existing pedestrian access to the site from is Blackness Road to the south. There is an existing vehicular access from Glenagnes Road to the west, although it is proposed that a new access would be formed.

The application site is located within a predominantly residential area. On the southern side of Blackness Road is a 4 storey high tenement block. To the east of the site is a three storey high row of flats. On the western side of Glenagnes Street there are two storey high 4 in a block flatted buildings. The site is bounded by housing and a sub station to the north.

The sites principal frontage is to Blackness Road to the south. The topography changes at various levels across the site.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and traffic movement, and noise and smell issues.

Policy 55: Urban Design states that for all new developments the emphasis will be on design quality. All development will, in its design and layout, be expected to contribute to an environment that is safe and accessible to all.

The site is allocated under proposal H21 in Appendix 2 of the Dundee Local Plan Review 2005 for housing development. Policy 3A states that sites identified in Appendix 2 and 3 are reserved for housing and should not be developed for other uses. The Council will ensure the maintenance of a five year effective land supply at all times, to be monitored through the annual Housing Land Audit Process.

### Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application

### Non Statutory Statements of Council Policy

The Council approved a planning brief for the redevelopment of the site on the 27th August 2001. The brief outlines the development of housing, principally in the form of a three storey townhouse crescent.

The brief requires a high quality, contemporary design and outlines acceptable materials which include both traditional and modern finishes.

## LOCAL AGENDA 21

Key Theme 7 requires access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. It is considered that the proposed development meets with the aims of Key Theme 7.

## SITE HISTORY

There is no planning history of relevance.

## PUBLIC PARTICIPATION

The application was subject to the statutory neighbour notification procedures and was also advertised in the 'Dundee Courier & Advertiser' as a departure from Proposal H21 of the Dundee Local Plan Review 2005. 6 letters of objection and 1 letter of representation have been received.

The grounds of objection can be summarised as follows;

- \* There is no need for another Mosque as there is already one at Brown Street;
- \* There is no need for a Morgue;
- \* The site should be developed for the whole Community;
- \* The Building would not be in keeping with the character of the buildings in the area in terms of its height, scale, design and materials;
- \* The noise from the 'call to prayer' would be detrimental to the amenity of neighbouring houses;
- \* Traffic Impact;
- \* The proposal would reduce the value of neighbouring properties;
- \* The proposal would create litter and vandalism; and
- \* The proposal would result in the loss of trees from the site.

The letter of representation is from the Dundee Civic Trust and supports the principle and design of the proposal.

It is intended to comment on these issues in the 'Observations' section of this report. Copies of the letters are available for inspection in the Members Lounges.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards advises that the introduction of high level air conditioning/ ventilation or extraction systems has the potential to increase the noise burden in the area. Accordingly it is recommended that a condition is imposed to control noise levels emanating from all mechanical and electrical systems.

The Councils Forestry Officer advises that there are a number of trees on the site that are covered by individual Tree Preservation Orders. He recommends that a detailed landscape plan and a tree protection plan be submitted. This matter can be controlled through the imposition of a suspensive condition on the grant of planning permission.

A general ground investigation report was submitted to accompany this application. The Report identifies the presence of potential contaminants in the ground. Accordingly the Council's Land Contamination Officer recommends that a condition be imposed on the grant of planning permission to ensure that remediation measures are put in place in order to ensure that the ground is fit for its intended purpose.

Otherwise no adverse comments were received from consultees.

## 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.

Policy 1 seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and traffic movement, and noise and smell issues.

The design and layout of the building are considered in greater detail under

the terms of Policy 55 below. It is considered that the building is of a high standard of design.

By virtue of its size, form, and positioning, and the distance between it and neighbouring residential properties, it is considered that the proposed building would not result in overshadowing of any neighbouring residential properties.

It is therefore considered that the proposal would not be detrimental to the environmental quality enjoyed by local residents by virtue of its design and layout.

The proposal provides for a total of 113 parking spaces. These would mainly be formed to the north of the building, with some more spaces adjacent to the west boundary. The vehicle access would be taken from Glenagnes Road on the west boundary of the site.

It is considered that the level of parking provided and the location of the vehicular access are acceptable. It is therefore considered that the proposed development would not be detrimental to the environmental quality enjoyed by local residents by virtue of the impact on parking and traffic movement issues.

As stated above, the introduction of high level air conditioning/ ventilation or extraction systems has the potential to increase the noise burden in the area. However, a condition can be imposed on the grant of planning permission to control external noise levels from all machinery and electrical systems in the interests of the amenity of occupants of nearby residential properties.

The proposal raises no issues in terms of smell.

It is therefore considered that the proposal accords with the provisions of Policy 1 of the Dundee Local Plan Review 2005.

Policy 55 of the Dundee Local Plan Review 2005 emphasises the importance of design quality and requires new building to contribute, in its design and layout, to an environment that is safe and accessible to all.

The application site is prominently located. As such, a strong design is required to take advantage of its position effectively whilst responding

to the local environment. Therefore in the conception of the design, the site has been analysed in the context of the surrounding area to give the building a foothold relative to the surrounding urban fabric as well as the city of Dundee.

The primary result of the analysis was the identification of a series of important views into the site and the establishment of a principal impact point where Blackness Road converges with Peddie Street.

At this point the Minaret is located. The minaret is a highest point on the site. It is a tall and relatively slim structure and is included as a purely aesthetic feature. By incorporating the minaret in such a strong position, taking advantage of those views into the site, establishes the building as a landmark building in the area, and connects the building with Hawkhill, emphasising its ties and connections with the University.

The overall concept behind the design of the building is to fuse modern Scottish architecture with traditional aspects of Middle Eastern Construction. Furthermore, the building is designed to respond to the local environment so as to tie in to the immediately surrounding environment, as well as the larger area.

This is achieved by presenting a strong, modern, mainly glazed frontage onto Blackness Road, whilst also incorporating traditional features such as a domed roof over the mosque and a minaret at the rear of the building. The design concept is further identified through the use of materials based on characteristics inherent in both traditional Scottish architecture and Islamic construction. The north, south and west elevations of the building would show strong modern design characteristics. The mosque would be aligned to the east, towards Mecca, and would incorporate traditional features such as a domed roof and a minaret.

The majority of the building is three storeys in height, although the mosque is two storeys with a domed roof, responding to the change in ground level across the site. The building is set back from the Blackness Road frontage of the site, in order to respect the positioning of the previous building on the site, and to respect the existing buildings on the south side of Blackness Road.

A second focal point is at the main pedestrian access which is centrally placed on the Blackness Road frontage. Both hard and soft landscaping areas would be created leading to the largely glazed entrance to the building. The entrance leads to the Exhibition hall, which is the heart and focus point of the building. Although the Exhibition Hall lies between the mosque and the administrative areas, a series of bridges cutting across the void will link these different areas, creating a vibrant space, enhanced by the sense of light from the vertically hung glazing and atrium rooflights.

The finishing materials would further enhance the design of the building. The reconstituted stone and cracked stonework would provide a soft tone to the development, while the use of glazing would provide a welcoming sense of light and openness.

The building has been designed to emphasize and respect the local urban build up. However, it is set back from the surrounding hard edges and has been sympathetically designed so as not to impose itself within the area.

To further realise the key features in the wider area of the City, the building offers a number of significant viewing opportunities to landmarks such as the Law Hill, the River Tay and the University Campus. This will further strengthen the buildings ties with the City and provide it with a unique dynamic.

Therefore it is considered that the design and layout of the building would be of a high quality, and would enhance the character and appearance of the streetscene. Accordingly it is considered that the proposal is in accordance with Policy 55 of the Dundee Local Plan Review 2005.

However, the site is allocated for housing by Proposal 21. Policy 3A states that sites allocated for housing should not be developed for other uses, in order to maintain an adequate supply of land for housing. A site brief for the development of the site for housing was approved by the Council on the 27th of August 2001.

As stated above, the building is considered to be of a high quality design that would provide a local landmark, enhancing the character and appearance of the streetscene.

It is a material consideration that this proposal represents a unique opportunity for the development of a high quality, landmark building of benefit to the local area.

The building would also provide facilities of benefit to the wider community. The phased development of the site as shown in the submitted indicative masterplan would include a sports centre, gym and other community facilities. This would provide a facility that would be of benefit not just to the local community but to the wider population of the city as a whole.

The location of the site is of prime importance, offering close links to the University and the local community. There are no other sites in the area that could accommodate this proposal. Otherwise the opportunity of this significant proposal would be lost to the City.

It is therefore considered that the proposal is a unique opportunity for a high quality development on this brownfield site. The material considerations outlined above would justify setting aside the housing allocation for the site.

Furthermore, however, in the time since the Dundee Local Plan Review 2005 was formally adopted, windfall housing sites accounting for some 278 units have arisen in the City. For example planning permission was granted on the 5th December 2005 for the development of 202 apartments at the former Homebase Store at Riverside Drive. The number of units supplied by these windfall sites more than covers the number of units originally envisaged for this site. Therefore, in these circumstances, the proposed development of this site as promoted through this application would not result in an overall net loss in the housing supply.

As outlined above it is considered that this proposal offers the unique opportunity for the development of a significant building of a high quality design. The application site represents the only available site the area which could accommodate this proposal, whilst successfully achieving the design requirements. Given that it has been established above that the development of the site would not result in a net loss to the overall supply of land for housing, it is considered that sufficient weight can be accorded

to these material considerations such as to justify the grant of planning permission contrary to the provisions of Proposal H21 and Policy 3A of the Dundee Local Plan Review 2005.

## Other Material Considerations

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

### The views of the objectors

\* There is no need for another Mosque, or the associated Morgue as there is already one at Brown Street, and the site should be developed for the whole community.

The proposed building provides for more than simply a Mosque, as it provides several functions for the use of the local community. Furthermore, the overall masterplan for the phased development of the site includes further community uses such as a sports centre and gymnasium. Notwithstanding this, the 'need' for the proposal is not a material consideration in the determination of this application.

\* The Building would not be in keeping with the character of the buildings in the area in terms of its height, scale, design and materials.

The design of the building is discussed in greater detail above. It is considered that the building has been designed to take advantage of views into the site to provide a landmark building. However, the bulk of the building is no higher than the height of the buildings on the south side of Blackness Road, and is set back sufficiently from Blackness such that it would not be a dominant, obtrusive feature in the streetscene. Accordingly this view is not supported.

\* The noise from the 'call to prayer' would be detrimental to the amenity of neighbouring houses.

The applicant has confirmed in writing that there will be no 'call to prayer' from the proposed building. This matter could, in any event, be controlled through the imposition of a condition on the grant of planning permission. Accordingly this view is not supported.

\* Traffic Impact.

As stated above, it is considered that the proposal would not harmfully affect the environmental quality

enjoyed by local residents in terms of parking and traffic movement issues.

\* The proposal would reduce the value of neighbouring properties.

This is not a material consideration in the determination of this planning application. Therefore this view cannot be supported.

\* The proposal would create litter and vandalism.

There is no evidence to suggest that this proposal would lead to problems in terms of litter and vandalism. This ground of objection therefore cannot be supported.

\* The proposal would result in the loss of trees from the site.

There are a number of trees on the site, the majority of these are covered by individual Tree Preservation Orders. The application drawings indicate that the majority of these trees would be retained in order to provide soft landscaping for the proposal. It is considered that the benefit to the community of the proposed development would outweigh the loss of some trees from the site. Notwithstanding this, a condition can be placed on the grant of planning permission to require a tree protection and management plan, and a detailed landscaping plan to be submitted for the approval of the Planning Authority, prior to the commencement of development on the site.

It therefore follows that the views of the objectors cannot be supported.

It is concluded from the foregoing that although the proposed development is contrary to Policy 3A and Proposal H21 of the Dundee Local Plan Review 2005, sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

## Design

It is considered that the proposed building successfully fuses modern design principles with traditional features such as the domed roof and minaret. The proposed building respects the height and scale of the buildings on the south side of Blackness Road. It has been designed to present a strong frontage to

Blackness Road. The proposed finishing materials are considered acceptable.

## CONCLUSION

It is concluded from the foregoing that the proposal is not in accordance with Proposal H21 and Policy 3A of the Dundee Local Plan Review 2005. However it is considered that the material considerations outlined above justify the setting aside of those Policies and the granting of planning permission contrary to the provisions of the development plan. The views of the objectors are not supported. It is therefore recommended that the application is APPROVED subject to conditions.

## RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
  - a existing and finished ground levels in relation to a fixed datum preferably ordnance
  - b existing landscaping features and vegetation to be retained and, in the case of damage, restored
  - c location and design, including materials, of walls, fences and gates
  - d soft landscaping works including the location of new trees, shrubs, hedges and grassed areas and a schedule of plants to comprise species, plant sizes and proposed numbers/density
  - e programme for completion and subsequent maintenance.
- 3 The landscaping scheme shall be fully implemented, to the satisfaction of the Local Planning Authority, within a period of one year from the date of

commencement of development on the site or the approval of the landscaping scheme, whichever is the later, or within such other period as shall be agreed to in writing by the Local Planning Authority. Any trees which are planted and which die within 5 years of planting shall be replaced to the satisfaction of the Local Planning Authority.

- 4 No development or other operations shall be commenced on this site until adequate steps, which shall have been previously approved by the City Council, have been taken to safeguard, against damage or injury during construction works, all trees on the site, or whose root structure may extend within the site, which are the subject of the Tree Preservation Order. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees by affecting their root structure
- 5 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 6 Total noise emissions from all mechanical and electrical systems shall not exceed NR45 during the hours of 0700 and 2300 and shall not exceed NR35 during the hours 2300 and 0700 as measured 1m from the external facades of the properties 220-246 Blackness Road.
- 7 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:
  - 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.
- iii measures to deal with contamination during construction works
- iv condition of the site on completion of decontamination measures.

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

- 8 The boundary walls enclosing the application site shall be made good in accordance with details to be submitted for the approval of the planning authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the building.
- 9 The minaret shall be non-functional at all times, in accordance with the details in David Stephen's letter dated the 14th December 2005, ref: 05/JFS/2390-03.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 3 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 4 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development
- 5 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 6 In the interest of the amenity of the occupants of nearby residential properties.
- 7 In order to ensure that the land is fit for its intended purpose.

- 8 In the interest of the visual amenity of the area.
- 9 In the interests of the amenity of occupants of nearby residential properties.