

KEY INFORMATION

Ward Tay Bridges

Proposal

Proposed new mixed use development comprising retail and office accommodation with ancillary car parking

Address

Centre Car Co
South Ward Road
Dundee

Applicant

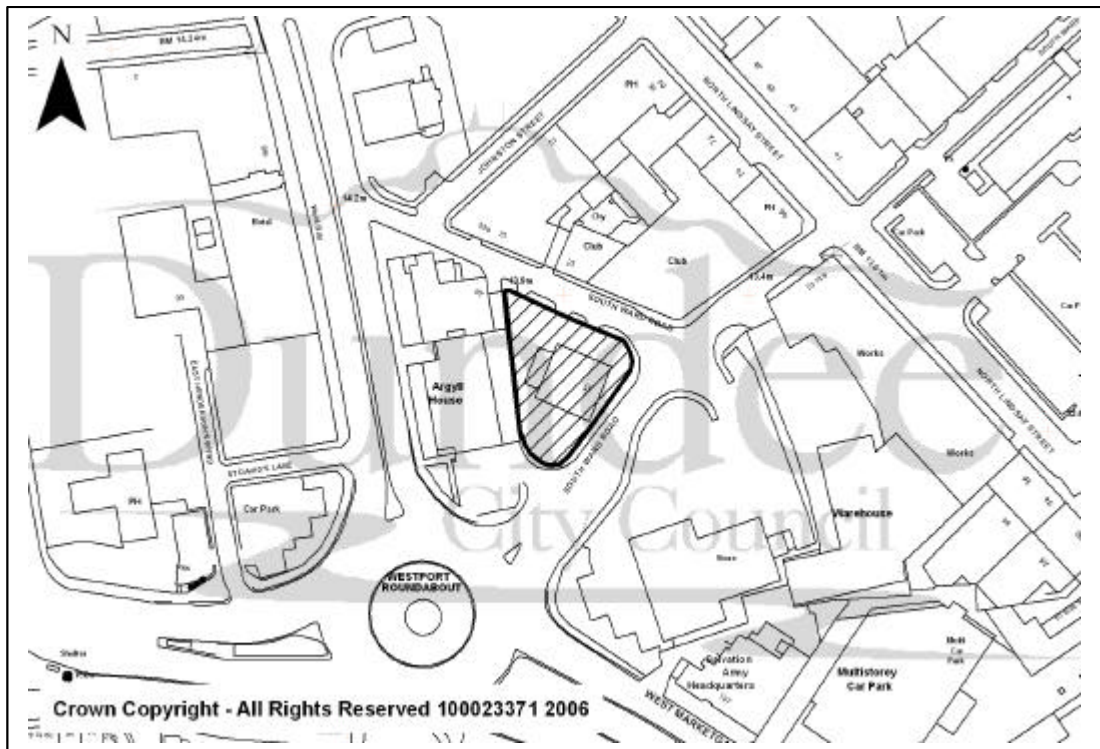
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Registered 27 Oct 2006

Case Officer D Gordon



Proposed Office and Retail Development in South Ward Road

A proposed new mixed use development comprising retail and office accommodation with ancillary car parking is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is viewed as a contemporary design solution for the development of this prominent city centre site. The proposed uses are considered to be acceptable. The proposal is seen as a positive contribution to the continual improvement of the local area by on-going and future development projects. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for a mixed use development on a former second hand car sales area located adjacent to South Ward Road. The building will be 9 storeys in height and will incorporate basement car parking, three levels of retail floorspace and six levels of office accommodation. The building will be of a contemporary design. The application is considered to be phase one of a three phase approach to the development of this and the adjacent sites.
- The statutory neighbour notification procedure has been undertaken by the applicants. In addition the proposal was advertised in the local press. No objections to the application have been received.
- It is considered that the proposed mix of uses to be accommodated within the new building accord with the relevant development plan policies for the area. It is further considered that the design and appearance of the proposed new building is appropriate in this prominent location. The proposal is considered to be in accordance with the provisions of the development plan. There are no material considerations which would justify the refusal of this application contrary to the adopted policies of the Plan.

DESCRIPTION OF PROPOSAL

The proposal seeks permission for a mixed use development on the site of a former second hand car sales yard located to the north west of South Ward Road. The development (which comprises Phase 1 of the future development of two adjacent sites) involves the provision of approximately 17,000ft² of retail floorspace and 54,000ft² of office accommodation.

The new building will be 9 storeys in height (plus basement) with the breakdown through the floors being as follows:

Basement: thirty six car parking spaces and generator plant.

Ground Floor: Entrance to office accommodation and retail unit

First & Second Floor: Retail unit and service core

Third - Seventh Floor: Open plan office accommodation.

Eighth Floor: Open plan office accommodation and chiller and boiler plant.

The predominant finishing materials proposed are glazing, white stone render, grey aluminium cladding panels and stone cladding.

SITE DESCRIPTION

The site is located to the north of the city centre and is bounded to the north east and south east of South Ward Road and to the west by Argyll House. The site is triangular in plan and is generally flat. The site has a history of industrial uses with the last known use being for second hand car sales (Centre Car Company).

The surrounding area accommodates a variety of uses that are typical of a city centre location. To the west is a six storey office block (Argyll House), to the east are night club premises and to the south is a retail supermarket (Lidl). In the wider area, in addition to the above mentioned uses, there are residential properties, commercial premises retail outlets.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Town Centres and Retailing Policy 3: Dundee Central Area. This policy supports the Central Area by supporting further retail development there. It also directs commercial developments capable of contributing to its vitality and viability of the Central Area.

Town Centres and Retailing Policy 5: Leisure and Commercial Uses. This policy includes the application of a sequential approach to proposals for new commercial developments. The City and District Centres are locations of first choice for commercial developments capable of contributing to their vitality and viability.



Transport Policy 4: The relevant provisions of this policy include the requirement that new developments are located where new road network capacity is available. This may be of particular significance in the light of other major developments proposed for this sector of the City Centre. The Policy also requires the submission of Transport Assessments and Travel Plans for relevant proposals.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 17: Cultural Quarter. Within the Cultural Quarter uses and developments which will assist the further development of its role as a focus for cultural and related leisure and business activities will be encouraged. Proposals which would

extend and improve the area's representation of small scale independent and speciality retailers will also be encouraged. Proposals for the area will be viewed in terms of their contribution to the mix and diversity of uses and to their potential to enhance its visitor attraction.

Where appropriate, proposals outwith the area but capable of meeting these requirements may also be supported.

Policy 45: Location Of New Retail Developments. The City Centre and District Centres will be the locations of first choice for new or expanded retail developments not already identified in the Local Plan. Proposals for retail developments outwith these locations will only be acceptable where it can be established that:

- a no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres; and
- b individually or cumulatively it would not prejudice the vitality and viability of the City Centre or District Centres; and
- c the proposal would address a deficiency in shopping provision which cannot be met within or on the edge of these centres; and
- d the site is readily accessible by modes of transport other than the car; and
- e the proposal is consistent with other Local Plan policies.

Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where necessary. Travel Plans will be implemented through appropriate planning and/or other agreements.

Policy 55: Urban Design. For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building

applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all

Policy 56: Public Art. The City Council will continue to support Public Art through the adopted Public Art Strategy and the Percent for Public Art Policy by:

- a implementing the “Percent for Public Art” policy where all new development in Dundee with construction costs of £1,000,000 or over will be required to allocate at least 1% of the construction costs for the inclusion of an art project/s in a publicly accessible/visible place or places within their development. The implementation of the policy will be delivered through the development control process by the imposition of appropriate conditions on planning permission and the conclusion of legal agreements; and
- b involving the Dundee Public Art Programme at every opportunity in future environmental improvements and building developments; and
- c encouraging and developing the role of the artist within private sector developments; and
- d promoting the development of the community arts in residential areas; and
- e identifying sites through Development Briefs where public art would make a contribution to the streetscape, City image or local environment.

Policy 79: Contaminated Land. When considering development proposals involving sites where the presence of contamination is suspected, the City Council will require applicants to :

- a submit the results of site investigations which assess the nature and extent of any contamination which may be present; and
- b where contamination is found to be present, notify the authority of the remediation measures proposed to render the site fit for

its intended use including all receptors.

Appropriate conditions and/or legal agreements may be applied to ensure that such measures are implemented to the satisfaction of the Council.

Alternatives to the uses permitted by the Local Plan may be supported on contaminated sites in instances where evidence can be presented to establish that the severity of contamination is such that the site cannot be economically developed for its allocated use. In such instances the City Council will require to be satisfied that:

- clear evidence has been provided to establish the nature and extent of the contamination present;
- an economic appraisal has been provided which demonstrates that development based on the Local Plan allocation is not economically feasible due to the remediation requirement;
- justification for the proposed alternative to the Local Plan allocation is supported by economic and market appraisals which include the assessment of other potential options; and
- the proposed alternative use can be justified in relation to other policies of the Local Plan.

Policy 80: Waste Management Facilities. The City Council supports the policy of self-sufficiency for waste management within the Tayside Waste Plan Area. Development proposals for waste management facilities in Dundee will only be supported where they:

- a are in accordance with the Development Strategy and BPEO as set out by the Tayside Area Waste Plan;
- b accord with the proximity principle;
- c avoid air, noise, land, surface water and groundwater pollution;
- d avoid areas of flood risk and potential sea level rise;
- e minimise impact on the natural, historic and built environment;
- f safeguard the amenity of surrounding areas; and
- g minimise effects of traffic on the road network. Where appropriate and as prescribed in the

appropriate Regulations, development proposals will require to be accompanied by an Environmental Statement and Transport Assessment.

Proposals for waste management facilities which satisfy the above criteria will be acceptable within General Economic Development Areas provided they also meet the Policy 26 criteria relating to other uses of a wider industrial nature.

Key existing waste management sites will be safeguarded for future waste management use and , where appropriate, for expansion, in keeping with the requirements of the Tayside Area Waste Plan.

Proposals for new housing and commercial developments will be required to make appropriate on-site provision to accommodate recycling facilities. This will include provision for the separate collection of recyclates within the curtilages of individual houses.

Policy 87: City Centre Car Parking Provision. Long stay City Centre car parking will be maintained at 1900 spaces.

There will be a presumption against the development of further private non-residential parking spaces within the central area. The removal of City Centre private non-residential car parking will be supported where properties are being redeveloped for new or improved use.

Proposals for new short and variable stay car parking will be considered for the benefit of shoppers, business callers and visitors where they are directly associated with new facilities.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 8 sets out the Scottish Executives policy for town centres and the key uses particularly retailing which contributes to their economic growth and enhancement. This SPP replaces NPPG 8 1998.

Planning Advice Note 68- Design Statements

Designing Places - A Policy Statement for Scotland

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide.

SUSTAINABILITY ISSUES

The proposal involves the redevelopment of a city centre brownfield site with a structure of contemporary design resulting in a continued improvement and enhancement of this visually important site and surrounding area.

SITE HISTORY

There are no recent planning applications for this site that are of direct relevance to this application.

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. In addition, the application was advertised in the local press as being potentially contrary to Policy 37 (Extending and Upgrading Shopping Provision in the City Centre) of the Dundee Local Plan Review 2005, as Development affecting the Setting of an adjacent Conservation Area and under Section 34 of the Planning Act 1997 as development over 20 metres in height.

No objections to the proposals have been received.

CONSULTATIONS

The Council's Head of Environmental Health and Trading Standards has advised that, due to the history of uses on the site, a condition should be attached to any permission granted requiring certain contamination remediation measures be undertaken prior to the commencement of works.

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.

The proposal under consideration involves the erection of a mixed use development to incorporate new retail and office floorspace. A breakdown of the size and location of these proposed new uses is outlined in the 'Description of Proposal' Section of this report above.

Strategic Approach to the Development

This application site forms Phase 1 of a comprehensive 3 phase brownfield redevelopment proposal of the city block to the north east of the West Port roundabout. The redevelopment plan incorporates the following sites which together form the 0.3 hectare site bounded to the north east and south east by South Ward Road to the west by West Marketgait:

- Central Car Company (1,000m²)
- Waverley House (690m²)
- Argyll House (1310m²)

These wider redevelopment proposals will provide a variety of uses typical of a city centre location and will include retail, office, leisure, hotel and residential uses to create approximately 280,000ft² of new city centre accommodation. A landmark building is proposed for the prominent Argyll House which is envisaged will form a key focal point in the emerging Cultural Quarter.

The development of Phases 2 & 3 of the larger development site will be the subject of future planning applications.

Design of Proposed New Building

The building under consideration will be 9 storeys in height and will be located on the east side of the larger development site as outlined above. The building will be finished in a limited palette of materials including glazing, white stone render and metal and stone cladding.

With regard to the design and appearance of the proposed new building, the applicants have submitted

a Design Statement that sets out the design rationale for the development (as required by Policy 55 (Urban Design) of the Dundee Local Plan Review 2005. The applicants advise that an analysis of the environment and existing uses already in operation surrounding the application site has exerted a significant influence on design considerations relative to the overall site layout and development proposals. In particular the design concepts seek to address the lack of positive urban form appropriate to this very important and prominent city centre location. The applicants indicate that the principle design concept of the proposals is to utilise the full extent of the site footprint for the development of the new accommodation in order to reinforce the pattern of the existing urban fabric. Developing up to the boundary of the site will serve to give the proposals a unique urban form created from the existing street pattern.

The building will be triangular in shape and from street level the proposed design rises through eight storeys with a penthouse type 9th floor setback via a roof terrace. The building incorporates a strong horizontally layered approach that is emphasised by the use of a limited palette of finishing materials. The result of this is that the structure displays a quality of design that is commensurate with its visually important location in the local area and its strategic position within the emerging Cultural Quarter. The new building will be higher than many of the surrounding buildings in the area. This approach to introducing a modest increase in the local building heights is intended to serve as a catalyst for a key landmark building on the adjacent Argyll House site, considered to offer a principle development opportunity in the Cultural Quarter.

In light of the above, the proposal is considered to be in accordance with the principles and requirements of Policy 55 (Urban Design) of the Local Plan Review.

Proposed Office Accommodation

The proposed new office accommodation is to be provided over 6 levels. Although there are no Dundee Local Plan Review policies specific to the provision / location of

new office accommodation within Dundee, Policy 46 (Commercial Developments) makes it clear that the City Centre is a first choice location for new commercial developments. It is considered that the provision of new office accommodation in this city centre location is consistent with the policy requirements for the area. In addition, it is considered that the provision of new office accommodation in this area will not undermine the aims and aspirations of the emerging Cultural Quarter (Policy 17 refers).

Proposed Retail Floorspace

The proposal seeks permission to provide approximately 17,000ft² of retail floorspace over 3 levels (ground, first and second floors).

Given the size and location of the proposed retail units it is considered that it does not raise any significant issues in terms of the retailing policies of the Dundee and Angus Structure Plan.

In terms of the retailing policies of the Local Plan, Policies 45 (Location of New Retail Developments) and Policy 37 (Extending and Upgrading Shopping Provision in the City Centre) are relevant. Given the location of the proposed units within the identified City Centre it is considered that the proposal meets the sequential test provisions of Policy 45.

Notwithstanding the above, the applicants have submitted a Retail Statement in support of their application. This advises that: -

The City of Dundee presently offers a reasonable mix of town centre and out of town shopping facilities and we believe the proposals for the Westport site will further compliment the city's retail offer.

The site lying adjacent to the proposed Overgate extension offers exciting potential for a mixed use development including an active retail frontage on a pedestrian route to the retail core.

In respect of the Dundee City Regional Retail Study as prepared by Colliers CRE in 2006, we believe that the proposed development will further enhance the city centre retail provision and will meet sequential requirements. In policy terms, Policy 3 supports Dundee City Centre and further retail development in the central area and refers to commercial uses capable of

contributing to its vitality and viability. We believe that these subjects address these issues and comprise a city centre site where the development improves upon the existing environment and helps to promote and enhance a safe environment.

The proposed development will form part of the regeneration of this sector of the city centre and may be of interest to occupiers who may not consider the shopping centre or High Street locations. In respect of current retail demand for this type of location, we would target occupiers who would not consider shopping malls, but have an emerging development brand such as:

- Asda Living
- Bo Concept
- George
- Habitat
- New Heights
- Maplin

We are specifically targeting retailers that do not currently have a presence in Dundee and who are looking to expand their UK coverage.

While it is considered that retailing is acceptable in this location, it is intended to attach appropriate conditions to any consent granted that offers control on the form of retailing that can be operated from the floor space proposed.

Traffic and Car Parking

The submitted details advise that 36 off street car parking spaces are to be provided. These are to be located at basement level with vehicular access being taken from South Ward Road opposite the existing nightclub premises. Future phases of the development include residential apartments and the applicants have advised that, due to the restrictive nature of the site, parking for these future units is catered within these first phase proposals to assist in being able to provide adequate numbers of car parking spaces for residential occupiers at a later date. The applicants have submitted a Transport Assessment in support of their application. This Assessment has been analysed and the findings agreed with the applicants consultants. It is intended to attach conditions to any permission granted that require certain

facilities be put in place prior to the commencement of development including the provision of associated pedestrian crossings and cycle parking provision.

With regard to Policy 56 (Public Art), the applicants are aware of the requirement to allocate at least 1% of the construction costs for the inclusion of an art project in a publicly accessible / visible place or places within their development. An appropriate condition is to be attached to any permission granted.

With regard to Policy 79 (Contaminated Land), due to the historical land uses contained within the site it is intended to attach a condition to any permission granted requiring any remediation works to be carried out prior to the occupation of the new building.

With regard to Policy 80 (Waste Management Facilities), discussions on this matter have taken place with the applicants agents. They have been made aware of the requirement to submit a scheme, to be agreed with this Council, for the provision of refuse storage facilities associated with the new development. It is intended to attach an appropriate condition to any permission granted.

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:

Dundee City Council Region Retail Study: Colliers CRE 2006 - The issue of the proposed retail element of the proposal has been discussed, in light of this Study, and discharged above.

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 contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The design rationale for the development is set out in the applicants submitted Design Statement. This visually important site fronting onto the West Port roundabout, that comprises Phase 1 of a three phase

development of the larger site to the west, will be completed with an appropriate quality landmark building and a mixture of uses that will compliment the scale, appearance and character of the surrounding area. The appropriate use of a limited palette of materials and the contemporary composition of the proposals combine to provide a dramatic building of high quality design. It is considered that the scheme satisfies the requirements of Policy 55 of the Dundee Local Plan Review 2005.

CONCLUSION

The proposed retail and office uses to be contained within the new building are considered to be in accordance with the requirements of the relevant development plan policies for the area.

The design of the new structure has been the subject of pre-application discussions. The proposals comprise Phase 1 of a three phased development for the larger site to the west ie Argyll House and Waverley House. The new building has been specifically designed to successfully integrate with future buildings for this adjacent development site.

It is considered that an appropriate solution has been achieved for this first phase of the redevelopment of this prominent and important city centre site. The design quality of the new building will result in a positive impact on the setting of the both the immediate and wider surrounding area that will eventually include new buildings such as an extension to the Overgate Centre and Dundee House.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Details of refuse storage measures to be provided shall be submitted to the Council for

approval prior to the commencement of development and if approved the development shall be carried out only in full accordance with such approved details.

- 4 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 that the site is fit for the use proposed;
 - c measures to deal with contamination during construction works; and
 - d condition of the site on completion of decontamination measures.

Before any of the proposed accommodation hereby granted permission is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 5 That full details of public art provision for the development shall be submitted to the planning authority for approval prior to the commencement of development and if approved, the development shall be completed only in full accordance with such approved details.
- 6 Total noise from all mechanical and electrical services shall not exceed NR35 during the night. For the avoidance of doubt night time shall be 2300 - 0659 hrs, as measured, 1 metre external to the facade of any residential accommodation.
- 7 That prior to the commencement of any works, the applicants will submit for the written approval of the planning authority, exact details of the allocation of the operational off street car parking spaces that are to be provided for

the various uses within the development site.

- 8 Two pedestrian crossings shall be provided and installed at locations to be agreed in writing with the planning authority prior to the first occupation of the building. For the avoidance of doubt, details of the detailed location and type of crossings shall be submitted for the written approval of the planning authority prior to the commencement of works hereby granted and all costs associated with the provision and installation of these crossings shall be met by the developers.
- 9 That prior to the commencement of development, details of the location and type of cycle parking provision shall be submitted for the written approval of the planning authority. For the avoidance of doubt, these facilities shall be operational prior to the first occupation of the building.
- 10 That the framework and detail of the Travel Plan associated with the development hereby granted shall be agreed in writing with the planning authority prior to the first occupation of the building.
- 11 That the proposed retail element of the development shall be limited to non-food goods only and have a gross floor area not in excess of 1,580m².

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 In the interests of sustainable development.
- 4 In order to ensure that the site is fit for the use proposed.
- 5 In order to provide for public art in the interests of visual amenity
- 6 To protect local residents from any noise generated from the site.
- 7 In order to ensure that the Council's adopted policies and

guidelines relating to operational parking within the city centre are not prejudiced

- 8 In the interests of the safety of the future occupiers of and visitors to the building hereby granted permission.
- 9 In order to provide appropriate cycle parking facilities for the future occupiers of and visitors to the building hereby granted permission.
- 10 To promote sustainable development within the city.
- 11 To conform with the approved shopping policies of the development plan.