

KEY INFORMATION

Ward Maryfield and West End

Proposal

Construction of the V&A at Dundee Museum Building and extension to Riverside Walk

Address

Site for V&A
Discovery Quay
Riverside Drive
Dundee

Applicant

Dundee City Council
Dundee House
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Dundee DD1 1LS

Agent

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Registered 4 June 2012

Case Officer P Frickleton



Proposed V&A at Dundee

Construction of the V&A at Dundee Museum Building and extension to Riverside Walk is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

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

SUMMARY OF REPORT

- The application seeks full planning permission for the construction of the V&A at Dundee museum building and an extension to Riverside Walk.
- The proposals have been assessed against Policy 1 (Location Priorities), Policy 2 (Shaping Better Quality Places), Policy 3 (Managing TAYplan's Assets) and Policy 4 (Strategic Development Areas) of the Strategic Development Plan and Policies 18, 55, 56, 57, 73, 76, 81 and 82 of the Dundee Local Plan Review 2005. The proposals satisfy the requirements of the Development Plan.
- Officers of the Council in consultation with Marine Scotland and SNH identified that the project would be likely to have a significant effect on European designated sites and therefore required that a Habitats Regulation Appraisal (HRA) be undertaken as part of the planning and licensing process. A Report to Inform Appropriate Assessment on this matter was submitted to both the Council and Marine Scotland. It is recommended that the Council, in making an appropriate assessment of the implications of the proposal on European designated sites under the Habitats Regulations, decides that the integrity of the sites will not be adversely affected.
- The Council has followed the statutory neighbour notification procedures stipulated by Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. The application was also advertised in the local press under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. No letters of objection have been received.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks full planning permission for the construction of the V&A at Dundee museum building and extension to Riverside Walk.

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

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

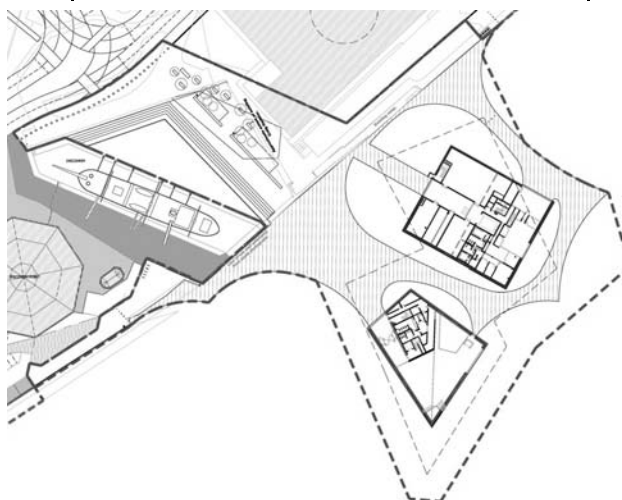
The application site measures approximately 1.476 hectares and will involve the provision of a 3 storey structure with a total floor area of 7,999m² and overall approximate height of 20m. The Kengo Kuma proposal incorporates a pile supported building of international design significance accessed via pile supported decking. The internal and external walling is to be constructed in reinforced concrete to which pre-cast concrete cladding will be attached.

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

to cope with large numbers of people entering the building at once (ie coach parties).

The first floor is predominantly dedicated to plant space and the second floor predominantly dedicated to a suite of gallery rooms with the addition of Education spaces, resource library and the signature restaurant.

The main hall is suitable for different flexible uses such as concerts, art workshop, installation and exhibition of big scale art pieces. It will also be used for events, including but not limited to the following; meetings, conferences, Friday late nights (as at the V&A London), fashion shows, site-specific works, family events, design trade shows, small music recitals and performance art.



Out of museum opening hours the Education Zone and the restaurant located at the second floor can be accessed via an independent entrance located at the main entrance lobby of the building.

The approach to V&A at Dundee will be by the proposed road network currently under construction. The building is accessed from a plaza adjacent to Discovery Dock via a new deck, extending out from the existing quay. Craig Harbour is to be partially infilled as part of these works. The plaza (on land) will be hard surfaced with street furniture and planting features and is capable of taking load for general access, emergency and service vehicles.

The applicant has submitted the following documents to accompany the application drawings:

- Design and Access Statement
- Structural Engineers Report

- Mechanical and Electrical Engineers Report
- Sustainability Statement
- Maintenance Statement
- Parking and Transportation Statement
- Community Consultation Statement
- Environmental Screening Opinion

The Council as applicant, having consulted with SNH, concluded that the project was likely to have a significant effect on European designated sites. In accordance with the Habitat Regulations a Report to Inform Appropriate Assessment (RIAA) of the construction of the V&A at Dundee was written and submitted as part of the application to enable Dundee City Council and Marine Scotland to make an appropriate assessment of the potential effects on the environment. Planning permission cannot be granted for this development unless the Council has ascertained that the integrity of the European designated sites will not be adversely affected. The Report on this planning application will therefore consider this appropriate assessment as part of the determination process.

As the application seeks permission for a structure over 5,000m² gross floor space, the proposals fall within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly the applicant was required to undertake statutory pre-application consultation with the local community. This is evidenced in the Pre-application Consultation Report submitted as part of this application. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 also stipulate that major planning applications must be accompanied by a Design and Access Statement, the applicant has complied with this requirement. In accordance with the Discretionary Scheme of Delegation, all Major Planning Applications must be reported to the Council's

Development
Committee.

Management

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

SITE DESCRIPTION

The proposed site is located on the north bank of the River Tay. In order to ensure visual prominence and to avoid conflict with the phased implementation of the Waterfront Project the proposed site extends into the River Tay to the south east of Craig Harbour. The proposed site is at the junction of two major axes in the site: one being Union Street and the other axis being RRS Discovery which, within its dock, is orientated towards the proposed V&A at Dundee site.

The area north of the site is largely occupied by road and rail transport infrastructure with residual areas occupied by a mixture of leisure, commercial and hotel facilities.

The Tay Road Bridge is located some 350m east of the site with the intervening waterfront area occupied by the Olympia Leisure Centre, the Hilton Hotel and former public open space which is currently being reconfigured as part of the proposed realignment of the Tay Road Bridge ramps.

Discovery Point, RRS Discovery and its associated dock are located immediately north and west of the proposed site.

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

POLICY BACKGROUND

TAYplan Strategic Development Plan 2012 - 2032

The following policies are of relevance:

Policy 1: Location Priorities

Dundee City Council Development Management Committee

Policy 2: Shaping Better Quality Spaces

Policy 3: Managing TAYplan's Assets

Policy 4: Strategic Development Areas

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 18: Major Leisure Uses

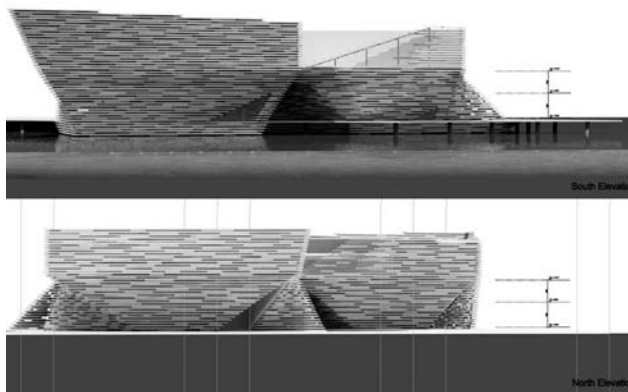
Policy 55: Urban Design

Policy 56: Public Art

Policy 57: Visual Impact on all Major Routes

Policy 73: Natural Heritage Designations of International and National Importance

Policy 76: Flood Risk



Policy 81: Pedestrians

Policy 82: Cycling Facilities

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

The Scottish Planning Policy - February 2010

Planning Advice Note 84: Reducing Carbon Emissions in New Development.

Environmental Impact Assessment (Scotland) Regulations 2011

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee Waterfront Masterplan

SUSTAINABILITY ISSUES

Sustainability issues have been considered throughout this report.

SITE HISTORY

In mid 2007 a proposal was brought to the Dundee Partnership by the University of Dundee to undertake and develop an outpost museum for the Victoria and Albert Museum that would be able to display exhibitions from the Victoria and Albert and also showcase Scottish and Dundonian craft and design heritage and contemporary talent.

The main deterrents for a site for the proposed Victoria and Albert Museum were:

- Riverfront location within central area between Discovery Point and the Tay Road Bridge to maximise visibility both from approaches to the city and within the city centre;
 - Accessibility for ease of access for visitors and customers;
 - Capable of commencing construction in 2012/2013, including site access and site compound space, to achieve targeted opening date; and
 - Fully accessible at opening date in terms of construction activity associated with the Central Waterfront programme of works.
- A detailed option appraisal of four potential sites was undertaken in cognisance of the above issues and a suitable location identified. Having identified the preferred site location, Dundee City Council subsequently commissioned a feasibility study to:
- Identify the site area which may be required assuming vehicular site access to be provided from Riverside Drive, west of Discovery;
 - Characterise the existing site in association with key consultees/stakeholders;
 - Examine options for site creation, construction methods and sequence, taking cognisance of the phasing of the adjacent Central Waterfront Development; and

17 September 2012

- Consider the potential effect of site formation on the Tay and adjacent European Natura interests.

The output of the study was presented to the Central Waterfront Board and the proposed site area was used along with a supporting report to inform the detailed brief for an international design competition.

Following an appraisal of the submissions received, including a period of public consultation, the winning design was selected in late 2010. The current proposals for the site and its integration into the Central Waterfront Masterplan are a detailed development of the winning Kengo Kuma design.

Environmental Impact Assessment (Scotland) Regulations 2011:

A screening opinion was submitted to Dundee City Council on 30 June 2012. The opinion of the Council is that the development is not likely to have "significant effect" on the environment by virtue of its nature, size or location and is therefore not considered to be EIA development under the terms of the Environmental Impact Assessment (Scotland) Regulations 2011. A screening opinion was issued by the Director, under delegated powers, confirming that an EIA is not required.

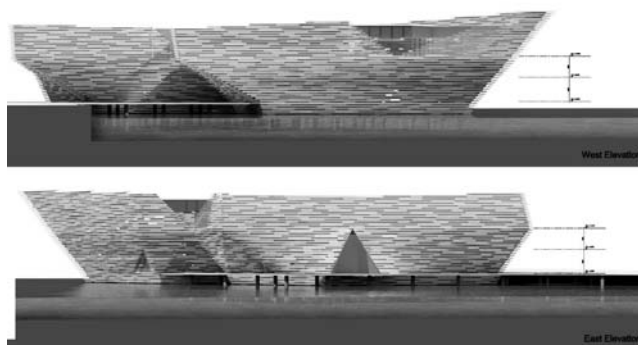
PUBLIC PARTICIPATION

The applicant has demonstrated through the submitted pre-application Consultation Report that the requirements of Section 35 A-C of The Town and Country Planning (Scotland) Act 1997 and Paragraph 7 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 have been met. The applicants have consulted with the local community including Community Councils; Neighbourhood Representative Structures and the City's Communities Officers.

A public consultation event was held on 6 July 2011 from 12:00 to 20:00 at Discovery Point. The event was advertised in Dundee Courier on 29 June 2011. The consultation event was manned by members of the design

team and client team who were supported by a static display of drawings and visuals together with a fly-through showing the proposed building set within the Waterfront Master plan and Dundee as a whole.

Comments received from visitors to the public consultation event were all positive with many commenting on an "inspiring and exciting" design which will transform both Dundee and Eastern Scotland. As a result of the consultation the design was amended to introduce increased views out from the main hall over the Tay estuary with large window at ground level and the restaurant was relocated to share the main entrance.



In addition to the consultation event organised and administered by the applicant, the Council has also followed the statutory neighbour notification procedures stipulated by Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

The application was also advertised in the local press under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. No letters of objection have been received.

CONSULTATIONS

Scottish Environment Protection Agency (SEPA)

SEPA have advised that they have no objection to the proposed development on flood risk grounds. Notwithstanding this they would expect Dundee City Council to undertake their responsibilities as the Flood Prevention Authority.

Review of the Indicative River and Coastal Flood Map (Scotland) shows

that the development site may be at risk of coastal flooding. Dundee City Council have carried out a detailed coastal flood study and this has been taken into consideration when determining finished floor levels. Proposed finished floor levels will be 5.5mOD and as a result SEPA have no objection to this.

It is recommended that flood resistant and resilient materials are incorporated within the design.

In terms of the groundwater environment and the overall risk assessment, SEPA foresee no significant hydrogeological issues associated with the proposed development provided that the detailed design and management of the works is undertaken appropriately.

The Screening Opinion document submitted in support of the application confirms the presence of a number of faults which act as pathways between the superficial and bedrock aquifers. These fault lines could therefore act as preferential pathways for contaminants to enter groundwater and surface water features. SEPA have requested that this be taken into account during construction.

SEPA have also commented that "with regard to dewatering/abstraction no on-shore dewatering or excavations have been proposed within the Screening opinion document. It is likely that any dewatering on-shore would draw in estuarine water from the River Tay resulting in risk of saline intrusion to the groundwater bodies. In light of this, if any on-shore excavations are associated with the off-shore construction works these should be detailed including proposed groundwater extraction rates. Considering that this is an urban setting the likelihood of impact on Groundwater Dependent Terrestrial Ecosystems (GWDTE) and Private Water Supplies (PWS) is considered to be negligible. Any dewatering during excavations should be in compliance with General Binding Rule (GBR) 2 and GBR 15 of the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) 2011. Abstraction of groundwater in quantities greater than 10m³/day will require a CAR authorisation depending on the scope and duration of works. Details should

be provided of how any dewatering will be managed, the amount of groundwater proposed to be abstracted and the anticipated timescales. Due to the proximity of the development to the estuary it is considered likely that the vast majority of any potential dewatering would be from brackish water".

Foul sewage should be discharged into Scottish Water's sewer network. The applicant should consult with Scottish Water in this regard.

Surface water will either be directed to the Central Waterfront Development (CWD) surface water system, which has been previously discussed and licensed by SEPA, or discharged to the Tay subject to single level of SUDS or other arrangements as agreed by SEPA.

During construction, mitigation will be required to any surface water run off or effluents rising from pile driving. SEPA's local operations staff have undertaken discussions with the developer regarding pile driving mitigation and mitigation required for other activities during construction. As this is to be constructed over water, silt run off is not anticipated to be a problem.

Given the accidental introduction of Marine Non-Native Species (MNNS) has been highlighted as a risk for water body degradation, SEPA recommend that controls should be included in development management and marine licensing for Marine Non-Native Species in line with Water Framework Directive and Marine Strategy Framework Directive objectives, and EU Biodiversity Strategy targets. Accidental introduction of MNNS can also occur via attachment to construction plant, specialised equipment and moorings as these are moved from one area to another. SEPA recommend that method statements produced as part of the marine licence application process should also include measures that will be adopted to minimise these risks before the constructional, operational or decommissioning phases of a project commence.

Historic Scotland

Historic Scotland have confirmed that there are no assets within their statutory remit located within the development site itself. There are various assets within the surrounding

area, including the Category A listed buildings at Dundee City Square/Caird Hall and St Marys Tower. Historic Scotland consider there are unlikely to be significant adverse impacts on the setting of these assets or on others within the surrounding area, as a result of the proposed development.

Overall Historic Scotland are content with the principle of the development and consider there shall be no significant adverse effects on terrestrial or marine assets within their statutory remit. They have also confirmed that they are broadly content with the initial assessment of potential effects on marine archaeology. As such they offer no objection to the application.

Scottish Natural Heritage (SNH)

SNH are very supportive of the overall proposals and have been involved in the pre-application discussions from an early stage. They state that the development site is located within and has the potential to adversely affect a number of internationally important wildlife sites and therefore the proposal has to be progressed strictly in accordance with mitigation measures outlined below:

The requirements of the Conservation (Natural Habitats, &c) Regulations 1994, as amended, (the "Habitats Regulations") apply. The Council and Marine Scotland are Competent Authority for this project.

In SNH's view the proposal is likely to have a significant effect on the qualifying interests of the following sites: Firth of Tay & Eden Estuary Special Area of Conservation (SAC), River Tay SAC, Isle of May (SAC) and Moray Firth SAC. The development would affect bottlenose dolphins, common and grey seals, Atlantic salmon, sea and river Lamprey and subtidal and intertidal habitats. These features could be affected by loss of intertidal and subtidal habitat, disturbance from construction works, and changes to the structure and function of some coastal processes.

On the basis of the commissioned report: "V&A Outreach, Report to Inform the Appropriate Assessment (18 July 2012)" and SNH's additional appraisal, they have concluded that there will be no adverse impacts in relation to designated sites for work proposed on-shore.

In relation to the marine environment and Marine Licensing, SNH will be providing a further response to Marine Scotland detailing mitigation measures necessary to avoid adversely affecting the integrity of four SAC sites and nine associated SAC qualifying features.

A European Protected Species (EPS) licence will be required to disturb all species of cetaceans that use the waters of the Tay Estuary area. SNH have been advising the applicant on their draft license application, in particular the information presented to address test 3: relating to Favourable Conservation Status. Whilst there is still further work to be done SNH believe that with this additional work and appropriate mitigation included in the application, they will be able to conclude that the development will not be detrimental to the Favourable Conservation Status for all species of cetacean affected.

Transport Scotland

The Director of Transport Scotland does not propose to advise against the granting of planning permission.

Environmental Protection

The Head of Environmental Protection has requested that, should Committee be minded to approve the application, the developer should be made aware that the development should be carried out such that any land occupied by, or created for this development is "suitable for use" according to the definitions within Part IIA of the Environmental Protection Act 1990 and before the building is occupied, a report containing verification of the condition of the site as "suitable for use" must be submitted for approval in writing by the planning authority.

HRA APPROPRIATE ASSESSMENT

The proposals fall under the terms of the Conservation (Natural Habitats) Regulations 1994 (as amended by the Conservation (Natural Habitats) Amendment (Scotland) Regulations 2004). Development occurring within, or adjacent to, a European Site is governed by Regulations 5 and 6 of the Conservation Regulations and under Regulation 49(3) of these regulations the "competent authority" for site formation, Dundee City Council and Marine Scotland, has a duty to make an appropriate assessment of the implications (of the proposal) for the

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

Advice was given in consultation with Marine Scotland and SNH (who have an advisory role under the regulations) that the project would be likely to have a significant impact on the European designated sites and therefore required that a Habitats Regulation Appraisal (HRA) be undertaken as part of the planning and licensing process. A Report to Inform Appropriate Assessment on this matter was submitted to both the Council and Marine Scotland.

SNH have responded on the basis of the commissioned report: "V&A Outreach, Report to Inform the Appropriate Assessment (18 July 2012)" and their own additional appraisal, that there will be no adverse impacts in relation to designated sites subject to mitigation measures.

The officers of the Council have undertaken an Appropriate Assessment under the Habitats Regulations through a consideration of the Report to Inform the Appropriate Assessment (RIAA) and taking into account the views of SNH. The RIAA considers the development proposal and the alternatives for siting the building; it identifies 5 European sites to be assessed for effects arising from the construction of the building platform and then reviews each site for impacts on designated features which were appraised in the context of the conservation objectives for the site. The conclusions of the RIAA for all the sites is that, after mitigation, there will be no significant adverse effect on the integrity of the sites and that for all sites the conservation objectives will continue to be met during and after development. SNH, as advisors to the Council agree with these conclusions.

It is considered that the RIAA accurately portrays the impact on the European sites and taking into account the advice from SNH including the mitigation measures and conditions suggested by them, that the Council should similarly conclude that there will not be an adverse impact on European sites and this conclusion

forms Recommendation 1 of the decision on this planning application.

OBSERVATIONS

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

The Development Plan

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

The application under consideration is for planning permission to construct the V&A at Dundee museum building and extension to riverside walk at Riverside Drive. The application site measures approximately 1.476 ha.

Tayplan Strategic Development Plan 2012 - 2032

The newly approved Strategic Development Plan is focused on delivering sustainable economic growth for the area through shaping better quality places and responding to climate change, as set out in the vision. The policies and proposals contained within the Plan set out the spatial strategy over the next 20 years of where development should and should not go and how new development should be achieved.

As specified above the Policies relevant to the assessment of this application are:

Policy 1 (Location Priorities) - this policy identifies the regions principal settlements where development should be focused. Dundee Core Area has been identified as a Tier 1 settlement which has the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the regions economy.

The V&A at Dundee is part of the larger Dundee Waterfront Masterplan and is a focal point of the Central Waterfront project, helping to redefine the impressions of the city. It is therefore considered that the locational requirements of this policy have been met.

Policy 2 (Shaping Better Quality Places) - this policy requires new

development to be fit for place, supporting more sustainable ways of life for people and businesses. The relevant sections of this Policy are:

Policy 2C requires the integration of transport and land use to reduce the need to travel and improve accessibility by foot, cycle and public transport; make best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and off site infrastructure.

The development lies within the heart of the Central Waterfront and the facilities are available for all modes of transport. The museum will be sited adjacent to many high quality access points for all transport modes and the streetscape that will emerge will include all the design elements to support sustainable travel.

The applicants have submitted a Parking and Transportation Statement in support of the proposed development which outlines the proposed means by which visitors to the new V&A at Dundee museum will travel to the facility and, in particular, how the parking of private cars will be provided for.

The travel planning strategy for the new museum will be based on encouraging visitors to use the most sustainable mode of transport available for their journey type. In particular, travel by bus, rail and cycling will be actively promoted and facilitated. There will, however, still be a number of these journeys made by private car and it is intended to cater for the resultant parking demand by utilising existing public parking facilities which are within a convenient distance of the new museum. From an assessment of the likely demand for parking and the existing capacity of the nearby public car parks, it will be possible to meet the parking needs of the new museum without the provision of a dedicated car parking facility.

The emerging Dundee West Park and Ride facility is to be located on Wright Avenue 2 miles to the west of the proposed site for the V&A at Dundee. The location of which has been identified through the Regional Transport Strategy and Transport Scotland's Strategic Transport Project

Review as a key transport project. The Park and Ride will complement the V&A at Dundee as many car trip visitors are likely to arrive from the west, this facility will give them an excellent off site travel alternative option especially for this unfamiliar with the city. It is anticipated that the facility be operational by 2015.

A similar proposal for Park and Ride at Dundee South (Fife side of Tay Road Bridge) is likely to progress over the next 2 to 5 years funding dependant.

Policy 2D seeks to ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan. Policy 2E tries to ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government's standards.

A Sustainability Statement has been submitted in support of this application which confirms that the proposed development will include design and construction features that will minimise the environmental impact of the development for current and future generations.

Policy 3 (Managing TAYplan's Assets) seeks understanding and respect of the regional distinctiveness and scenic value of the TAYplan area through ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy.

The potential effects of site formation on the habitats and qualifying interests of the NATURA sites was assessed as part of the site selection and feasibility studies. Prior to the selection of the winning design and development of the current proposals the assessment was based on a perceived worst case scenario of site development with a 2.1ha land claim and sheet piled edge treatment. The assessment concluded, with the input of SNH, that due to the

small extent of habitat loss at the margin of a dynamic NATURA site, on a footprint which has previously been used for a number of commercial purposes, it should be possible to undertake the V&A at Dundee development without adverse effect on the integrity of the European Site(s).

The RIAA, as submitted under the Habitats Regulations, concluded to inform appropriate effects on all European Site qualifying features is that, after mitigation, there will be no significant adverse effect on the integrity of Sites and for all Sites the conservation objectives will continue to be met during and after development.

As discussed under the HRA Appropriate Assessment section it is considered that there will not be an adverse impact on European sites.

It is concluded from the foregoing that the proposals comply with Policy 3.

Policy 4 (Strategic Development Areas) identifies specific sites for the Strategic Development Areas and allocates land for the uses set out within the Plan. The Dundee Centre and Port have been identified as such an area for mixed uses including business, commercial, leisure, retail, residential and port related uses.

The V&A at Dundee lies within Dundee Centre and is at the heart of the Strategic Development Area. It is considered that the development complies with the uses set out in Policy 4 of the Plan.

It is considered that the proposed V&A at Dundee development complies with the requirements of the Strategic Development Plan 2012 - 2032.

Dundee Local Plan Review 2005

Policy 18 (Major Leisure Uses) - it is a requirement of this policy that the City Centre and District Centres will be the locations of first choice for major leisure uses capable of contributing to their vitality and viability. Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where necessary. Travel Plans will be implemented through appropriate planning conditions and/or other agreements. Where appropriate, developments will require to include provision for measures to encourage convenient access by bus, bicycle and

on foot. The incorporation of these measures into existing developments will also be encouraged and pursued.

The proposed V&A at Dundee is part of the Dundee Waterfront Development Masterplan and holds a prominent position in this ambitious scheme. The City Centre location complies with the requirements set out in Policy 18 of the Plan.

As discussed under Policy 2C of the Strategic Development Plan the development lies within the heart of the Central Waterfront where facilities are available for all modes of transport.

Policy 55 (Urban Design) - this policy seeks to ensure that any proposed development is of high quality design. It should incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

A Design Statement has been submitted in support of this application along with detailed elevations and layouts for the proposals. The planning and urban design context for the proposals is provided by the Dundee Central Waterfront Masterplan.

The existing context surrounding the site will radically change as a result of the approved masterplan and will therefore provide a very different backdrop to the site of the V&A at Dundee. The masterplan includes the demolition of the Olympia Leisure Centre and the demolition of Tayside House. The reshaping of the current traffic road layout will enhance the relationship between the City Centre of Dundee and the River Tay. The Railway Station is also under development. The masterplan will significantly improve accessibility to the riverfront.

The application site is at the junction of two major axes in the waterfront. One being Union Street and the other axis being the Discovery itself orientated toward the application site. The design of the V&A at Dundee takes advantage of the proposed location and of the relevant axis pointing to the site. The public deck/promenade around the building is shaped in order to create a close relation with the river, the museum and

the surrounding context at the same time.

The Discovery, will have a strong and important presence within the site and it is intended that the new public spaces created around the V&A at Dundee site will improve this relationship. The system of public spaces created by the project will guarantee strong connections and relationships between the city and the riverfront.

It is considered that the proposals satisfy the requirements of Policy 55 and the detailed brief of the international design competition.

Policy 56 (Public Art) - this policy advises that the Council will continue to support Public Art provision through the adopted Public Art Strategy and the Percent for Public Art. The design of the building itself and quality of soft and hard landscaping is considered to contribute to the Public Art provision of the city, therefore discharging the requirements of this policy.

Policy 57 (Visual Impact on Major Routes) - this policy identifies the importance of the visual image of the city and improving the quality of the environment. The application site is highly visible from both Riverside Drive and all approach roads as well as from across the River Tay. The acceptability of the proposals at this prominent frontage site have been assessed under Policy 55 (Urban Design) above.

Policy 73 (Natural Heritage Designations of International and National Importance) - where development proposals are likely to have a significant effect on an area of natural heritage importance they must be accompanied by an ecological or similar assessment that sufficiently establishes the impacts on the conservation interest of the designation.

A RIAA was submitted as part of the application which established that, after mitigation, there will be no significant adverse effect on the integrity of Sites and for all Sites the conservation objectives will continue to be met during and after development. The proposals are therefore considered to satisfy the requirements of Policy 73.

As discussed under the HRA Appropriate Assessment section. It is considered that there will not be an adverse impact on European sites.

Policy 76 (Flood Risk) - this policy provides a general presumption against development in areas of significant flood risk. The applicants have submitted a Structural Engineers Report and EIA Screening Opinion to accompany the application. It has been confirmed by SEPA that the application site may be at risk of coastal flooding. The Council have carried out a detailed coastal flood study and this has been taken into consideration when determining finished floor levels. As a result SEPA have no objection. The proposal is therefore considered acceptable in terms of Policy 76.

Policy 81 (Pedestrians) - this policy requires consideration of the ease and safety of pedestrians as a priority over other forms of transport.

The existing arrangements for pedestrians and cyclists who are diverted away from the river north of the Discovery and Olympia would remain unaffected during construction. On completion the proposed V&A at Dundee site is entirely off shore and is to be connected by pedestrian routes linking the railway station, city centre, new development public plazas distributed and clustered around the waterfront.

Pedestrian access is likely to be primarily from the rail station and the Union Street axis, forging a direct link with the city. In addition to this primary access to the building, it is proposed that the staff entrance for the museum is located at the south east corner of the building where the Museum administration office is located and public access to the building is through the main entrance to the Main Public Hall. The signature/destination restaurant will have a separate external access for use outwith the opening hours of the V&A at Dundee.

The proposals are considered to be consistent with the aims of Policy 81.

Policy 82 (Cycling Facilities) - this policy primarily considers the actions of the Council in support of cyclists. The policy also requires the provision of appropriate cycle paths and cycle parking facilities in the development proposals. As discussed the applicants

have submitted a Parking and Transportation Statement as part of the application which outlines the proposed means by which visitors to the new V&A at Dundee will travel to the facility.

The museum is located immediately adjacent to a major strategic cycle route, which, as well as being an important commuter route into the city centre, also forms part of the Green Circular Route around the city and National cycle Routes 1 and 77 between Edinburgh, Perth and Aberdeen. Improved cycle parking facilities will be provided adjacent to the new museum and throughout the central waterfront.

The proposals are considered to be acceptable in terms of Policy 82.

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 Statements of Policy and Government Advice

Scottish Planning Policy document - this SPP is a statement of Scottish Government policy on land use planning and contains, amongst other things, concise subject planning policies, including the implications for development planning and development management.

Economic Development - in summary, this section of the SPP identifies that, amongst other things, planning should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. It also goes on to state that the planning system should support economic development in all areas by:

- taking account of the economic benefits of proposed development in development plans and development management decisions;
- promoting development in sustainable locations, particularly in terms of accessibility;

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

It is considered that the proposed development would achieve several aims of the Economic Development section of the SPP by providing a use which would support the wider economy of the city, play an important role in attracting visitors and investment to Dundee's new waterfront; opening up public access and stimulating the regeneration of the area.

Transport - this section promotes sustainable development in appropriate locations and seeks to ensure that development is well located in terms of public transport and pedestrian and cycle routes.

As discussed under the Development Plan the applicants have submitted a Parking and Transportation Statement in support of the proposed development which outlines the proposed means by which visitors to the new V&A at Dundee museum will travel to the facility.

The proposals have already been assessed against Policy 1 (Location Priorities), Policy 2 (Shaping Better Quality Places), Policy 3 (Managing TAYplan's Assets) and Policy 4 (Strategic Development Areas) of the Strategic Development Plan and Policies 18, 55, 56, 57, 73, 76, 81 and 82 of the Dundee Local Plan Review 2005 and were found to be acceptable subject to certain conditions. It is therefore considered that the proposal in terms of sustainable transport and its impact on the local road network is acceptable in terms of the guidance contained within SPP in relation to Transport.

PAN 84: Reducing Carbon Emissions in New Development

A Sustainability Statement has been submitted in support of this application which confirms that the proposed development will include design and construction features that will

minimise the environmental impact of the development for current and future generations.

The proposed development is being assessed using the Building Research Establishment's (BRE) widely used Environmental Assessment Method, also known as BREEAM assessment.

Reduction in energy demand will be achieved through the use of modern materials with good insulating properties and by using modern methods of construction which provide well sealed buildings and spaces within buildings, keeping heat where it is required. Public spaces will be naturally ventilated. Energy will be used efficiently by new high-efficiency mechanical plant and equipment. Particular emphasis will be placed on the commissioning and control of all mechanical equipment ensuring that performance is optimised. Artificial lighting will be controlled so as to dim or switch off when there is sufficient natural light falling within the building's occupied spaces. Heat recovery techniques will be used to recover and re-use waste heat from both water and air.

In terms of a sustainable approach to waste and materials, the approach taken is to provide a building that is clearly designed to last. As part of the BREEAM assessment the building design and construction will consider the entire life cycle, from the extraction of materials to their final disposal.

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

b Dundee Waterfront Masterplan

The Central Waterfront is the focal point of the Dundee waterfront project. The ambitious £0.5 billion development involves the demolition of bridge ramps, roads and buildings, which previously separated the city centre from the waterfront. In their place, a new grid iron street pattern, green civic space and attractive boulevards are reconnecting the city with the waterfront. New hotels, office and residential accommodation, cafes, restaurants and retail outlets are proposed as part of the masterplan to support the expanding city. In addition improvements and enhancements are proposed to Dundee railway station to

accommodate the increasing travel to the city by commuters and visitors.

The V&A at Dundee will have the most prominent position in this ambitious scheme, helping to redefine impressions of the city. Work has already begun on the waterfront project and it is intended that construction work on V&A at Dundee will begin in 2013 with an anticipated opening in 2015.

c Economic Benefits

V&A at Dundee is part of a 30 year regeneration project. The economic and social benefits will occur through combining the attributes of a visitor attraction with those of significant cultural asset with the ability to become a key tool in the process of ensuring Scotland is a creative nation, as well as regenerating Dundee.

A feasibility study commissioned by the University of Dundee, Scottish Enterprise and the Victoria and Albert estimates that the potential impact is for 500,000 visits annually, including the use of the bar, restaurant and conference space as well as the galleries. The economic impact is expected to be considerable and such a project would have a transformational effect on the perception of Dundee nationally and internationally. Preliminary indications suggest that on the basis of the standard multipliers used by Scottish Enterprise a project of this scale could add around 900 new jobs, £5.4m extra output a year (£4.7m of which would be in Dundee) and £2m extra income a year to the Scottish economy (over £1.4m of which would be in Dundee). There is support for the project from the Scottish Government recognising the potential national significance of this. The additional impact of this development to that expected of the Central Waterfront, together with the effect it will have on the Central Waterfront, is powerful economic imperative.

By itself the V&A at Dundee will not transform Dundee, but it has the potential to be the catalyst to bring transformation on an even larger scale. Whilst there would be obvious tourism benefits, the project would also benefit the local (Scottish) economy in several ways:

- talent attraction/retention;

- new inward investment (new and existing companies);
- enhanced brand for the City and Scotland, which in particular will help to change the image/perception of Dundee;
- attracting critical mass in sectors (tourism and creative industries being the obvious);
- triggering new public sector investment (ie railway station); and
- attracting new speculative development to the property market.

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

It is concluded that the material considerations weigh in favour of the proposed development. It is therefore recommended that planning permission be granted in accordance with the Development Plan.

Design

The current proposals for the site and its integration into the Central Waterfront Masterplan are a detailed development of the winning Kengo Kuma design. The V&A at Dundee will have the most prominent position in the Dundee Waterfront Project.

From Union Street it will be possible to partially see the V&A, whilst ensuring that the view to the River Tay is not excluded. Upon approach from the city the relationship between the building and the river becomes more apparent. The organic form of the building and its relationship with the water, will frame the river and the landscape creating dynamic viewpoints from the city to the river as well as back to the city and the Discovery from the public deck.

Due to the relationship with the water, the ideal building volume is defined to be extending upwards in order to minimise the buildings footprint to avoid water resistance and maximise the interior spaces to hold required museum functions.

The building envelope is created by methods of twisting, connecting and layering the City grid axis and the

Discovery ship axis, using a ring structure made of re-constituted sandstone to complement the traditional construction materials used in Dundee. The facade/envelope of the building is composed of reconstituted stone panels clad on the building envelope following the hyperbolic surfaces which are created by respecting the 2 Axis (the city grid and the Discovery grid).

The building form creates dramatic spaces due to the areas of the buildings envelope that overhang round the external public plaza, the main hall. The external envelope draws people to the water front and generates a new migration route on the promenade. The interior space of the building is filled with gentle light that comes in through the apertures cut through the layered stone to create an open and intimate public space.

The existing Craig Harbour is to be adjusted to facilitate better movement of people between the city centre and the V&A at Dundee/waterfront. The new edge to Craig Harbour and the linear seating element provides edges to the purposefully narrowed (7.5m) main route between the city centre and the V&A at Dundee. The intent is to focus activity and provide a vibrant route for people to move within or sit and enjoy the ambience. Planting, using native species is to be introduced providing a feeling of comfort within this space.

It is considered that the scale, massing and finishing materials proposed are of a high standard creating a positive image for the city which shall enhance the waterfront development. Landscaping shall be explored in more detail through the use of conditions should the Council be minded to approve this application.

CONCLUSION

V&A at Dundee provides an important centre of design for Scotland in a building of international design significance. The economic impact of the development will be considerable and have a transformational effect on the perception of Dundee both nationally and internationally. The proposals satisfy the requirements of the Development Plan and there are no material considerations that would justify refusal of planning permission. The HRA Appropriate Assessment demonstrates that there will be no

adverse impact on the European Designated sites. Therefore it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

Recommendation 1

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

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

Recommendation 2

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

- 1 Prior to the commencement of development, details of the infill of Craig Harbour shall be submitted to the Council for approval and if approved the development shall be carried out in full accordance with such approved details.
- 2 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the Council and should include all soft and hard landscaping. Full details of new planting and landscaping shall also be submitted to and approved by the planning authority prior to the commencement of development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those

originally required to be planted in terms of this condition.

- 3 Prior to the commencement of development the hours of operation during construction works shall be submitted to the Council for approval and if approved the development shall be carried out in full accordance with such approved details.
- 4 Prior to commencement of works on site, detailed drainage proposals including all calculations and design drawings showing capacity for a 1:200 plus Climate Change event shall be submitted to the Council for written approval. Further, all modelling and simulation results shall also be submitted. Thereafter, all works approved by virtue of this condition shall be carried out prior to occupation of the building. For the avoidance of doubt, all information submitted to the Council to comply with this condition shall comply with the adoptable standards of Scottish Water and SEPA and shall be in accordance with the SUDS Manual (CIRIA 697).

Reasons

- 1 To ensure the development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 2 To ensure the development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To protect the amenities of the area and to ensure that there are no nuisances or disturbances to nearby residents.
- 4 In the interest of ensuring that surface water can be drained adequately from the application site without causing instances of flooding.

BACKGROUND PAPERS

- 1 Conservation (Natural Habitats) Regulations 1994 (as amended).
- 2 Report to Inform Appropriate Assessment - July 2012.
- 3 Scottish Natural Heritage Letter dated 22 August 2012.