

REPORT TO: PLANNING AND TRANSPORT COMMITTEE - 12 NOVEMBER 2007

REPORT ON: TAY STREET LANE - SITE PLANNING BRIEF

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 505-2007

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the findings of the public consultation on the draft Tay Street Lane Site Planning Brief and to seek approval of the Finalised Brief (copies of the Brief are available in the Members lounges).

2 RECOMMENDATION

- 2.1 It is recommended that the Committee:
- a note the findings from the public consultation;
 - b approve the Tay Street Lane Site Planning Brief as supplementary planning guidance to the Dundee Local Plan Review 2005 to direct future development within the Tay Street Lane area; and
 - c refer the final site planning brief to the Development Quality Committee as a relevant material planning consideration.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 BACKGROUND

- 4.1 Reference is made to report 269-2007 and the decision of the Planning and Transportation Committee of 11 June 2007 when it was agreed to approve the draft Tay Street Lane Site Planning Brief for the purpose of consultation and report back on the results of the consultation.
- 4.2 190 copies of the brief were sent to all residential and commercial properties in the Tay Street Lane and a further 30 copies were sent out to interested parties including West End Community Council, City Centre and Harbour Community Council, Historic Scotland, Dundee Civic Trust, Scottish Enterprise Tayside and the City Centre Action Group. The brief was also hosted on the City Council website. Recipients were given a period of eight weeks in which to submit comments on the content of the draft brief.
- 4.3 18 responses were received from a mix of residents, property owners and interested parties who have been generally positive in their comments. A list of

- all respondents, a summary of their comments and responses to those comments is appended to this report.
- 4.4 Residents were generally supportive of the Brief although several raised concern that the residential amenity of the area could be harmed by an intensification of leisure and entertainment uses in the area. They also noted that there are currently a number of problems with car parking and service access and asked that this be taken into consideration in developing any proposals.
- 4.5 It is acknowledged that an increase in the number of leisure uses in the area could be detrimental to residential amenity. The Brief recognises this and anticipates a mix of development that will, through the planning and licensing systems, minimise the impact on residential amenity.
- 4.6 Comments from existing businesses and interested parties focused on the aspirations of the Brief to improve pedestrian permeability from West Marketgait to South Tay Street. These respondents believe that this is essential to successfully developing a variety of uses in the study area as pedestrians would be key to the success of many of the suggested uses.
- 4.7 Some respondents suggested uses that they felt would benefit from the type and form of development proposed in the draft Brief. These suggestions included a "design village" with graduate workshop space to the development of a "financial quarter".
- 4.8 A response from the G1 Group, operators of two licensed premises in the area, revealed that they had also been considering the long term development of Tay Street Lane and had reached similar conclusions to those contained within the brief. They invite the City Council to consider further the difficulties that exist given the multiple landowners and suggest the City Council could in some way assist with site assembly.
- 4.9 The response from an agent acting on behalf of the owner of the Autorent site also confirmed that they have been actively appraising the potential for the redevelopment of their site and those neighbouring.
- 4.10 In general the comments received have been supportive of the primary aims of the brief. Some minor revisions have been made to the content of the brief in light of these comments and revisions have been made to the text. The revised text of the Brief is appended to this report and it is intended that upon approval this text be reproduced in a high quality document incorporating illustrations and images as appropriate that can be distributed to promote the development of this key are.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. The major issues are set out below:

a Sustainability

The Site Planning Brief accords with the Council's Sustainability Policy, particularly the key principles of "Transport and Travel" and the "Built Environment". The draft Brief anticipates the redevelopment of brownfield land, and explores the opportunity for greater pedestrian permeability in the Tay Street Lane area, within a location already accessible by public transport and close to local services and amenities.

The current Building Standards require any development to meet certain criteria in terms of the Sustainability Principles of "Environmental Legislation", and "Energy and Water use".

b Anti-Poverty

The Brief has the potential to augment the cultural diversity of this part of Dundee and to bring wider economic benefits to the city.

c Equality Impact Assessment

The brief falls outwith the need for an Equality Impact Assessment and its contents are believed to have no effect on equal opportunities.

d Risk Management

The brief has no implications on Risk Management.

6 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 Tay Street Lane - Draft Site Planning Brief - Committee Report 269-2007.
- 7.2 Dundee Cultural Quarter, West Marketgait/Long Wynd Brief - Committee Report 329-2001.

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APPENDIX 1**TAY STREET LANE SITE PLANNING BRIEF - SUMMARY OF RESPONSES TO PUBLIC CONSULTATION EXERCISE**

Respondent 1:	Brian Cram, Robertsons Interiors, Barrack Street
Summary of Comments:	Suggested that the focus for the redevelopment of Tay Street Lane should be in developing a Financial Centre for Dundee based upon the adjacency of the Halifax Bank of Scotland office and the impending Alliance Trust headquarters.
Response:	It is anticipated that creating particular business diversity is an essential component of promoting the Cultural Quarter. It is recognised that these two companies will act as anchor establishments and provide a catalyst for the development of opportunities along Tay Street Lane. It is anticipated that these developments will increase pedestrian permeability across the Marketgait.
Revision to the Brief:	None.

Respondent 2:	V Carr, 35 Palais Court
Summary of Comments:	As a resident of Palais Court the respondent recognises that increasing the number and type of cultural venues is one way of increasing the vibrancy of the Cultural Quarter, however wished to draw attention to the residential nature of the northern part of the study area.
Response:	It is acknowledged that certain uses may impact on residential amenity, however, through the planning application process the number and hours of operation of cultural venues and pedestrian access to and from the Lane will be controlled to ensure that residential amenity is protected as appropriate.
Revision to the Brief:	None.

Respondent 3:	Deep Sea Restaurant, 81 Nethergate
Summary of Comments:	The proprietor was concerned that this long established restaurant was not recognised as a significant cultural use within the draft Brief. In addition the writer wished to draw attention to the pedestrian crossing of West Marketgait as a barrier to the Cultural Quarter.
Response:	The Deep Sea Restaurant is noted as a popular restaurant that contributes to the positive uses in the Nethergate area and will be included on the map of

'Significant Cultural Uses' in the Brief has been revised to include the Deep Sea Restaurant.

West Marketgait is a recognised barrier to the free flow of pedestrians between the High Street and the Nethergate. However with the impending redevelopment of adjacent sites it is anticipated that the barrier effect of West Marketgait will be significantly lessened.

Revision to the Brief 6:

The map of "significant Cultural Uses" in the Brief has been revised to include the Deep Sea Restaurant.

Respondent 4:

L Stewart, 93 Nethergate

Summary of Comments:

As a resident of the Nethergate the respondent suggests that the focus of the redevelopment of Tay Street Lane should be on better lighting to draw attention to the architecture of the Lane. Car parking is at a premium in the area and there are household waste collection issues.

No further fast food outlets should be promoted as this encourages "drunken young people to linger longer". Sympathetic planning to an already exciting area is encouraged by the Brief.

Response:

The issues of car parking and particularly waste collection issues will be raised at the forthcoming area Community Planning Partnership meeting. The range of new uses within the wider Cultural Quarter area will be controlled through the planning system for any development.

Revision to the Brief:

None.

Respondent 5:

M Ettle, Cobra Mobile, 27 South Tay Street

Summary of Comments:

Expressed concern over the changing nature of the area due to the unmanaged nature of residual spaces connected to adjacent licensed premises. Should this situation continue unaddressed then the relocation of this young and establishing digital media company would seem imminent.

Response:

The issues raised by the respondent are in regard to a present situation of un-neighbourly practices. We are aware that conflicts can arise between different uses and would seek to mediate these through the formal planning process.

Revision to the Brief: None. However, Dundee City Council Environmental Health Enforcement officers have been requested to investigate the report of un-neighbourly practices.

Respondent 6: **Clive Gillman, Director, Dundee Contemporary Arts**

Summary of Comments: Welcomes the focus to promote the development of the Tay Street Lane Area as a necessary element of the wider Cultural Quarter. However, the accommodation of a number of "drinking-led amenities" in other cities encourages social exclusion and hostile environments for city-goers. Dundee has a "fragile economy" in the living/working/entertainment cycle and new uses require careful consideration.

Focus on a day time economy and suggests working in conjunction with the adjacent University to promote a 'design village' venture to encourage talent retention within Dundee. Opportunity to pool resources between the key agencies in Dundee to realise the opportunities in the Brief.

Response: The comments on the "design village" model and graduate workspace will further the diversity of uses within the Tay Street Lane area. The use of images within the draft brief from Dublin's Temple Bar area may be too evocative of development in areas of other cities, however the main text within the draft Brief is clear in its encouragement of diversity and sophistication of new uses to achieve the vision of a "cultural locus" within Dundee.

Revision to the Brief: The number of images of the Temple Bar area of Dublin have been reduced in order that they do not suggest a bias towards promoting pubs and nightclubs in the Lane area.

Respondent 7: **Keningtons Chartered Surveyors on behalf of Unite - Amicus Section, 17 South Tay Street**

Summary of Comments: States that the retention of the dedicated car parking spaces is fundamental to the operation of the office and that access from Tay Street Lane provides their only disabled access to the Category A Listed Building. Amicus do not envisage wishing to expand their premises within the curtilage of their car parking area.

Response: The purpose of the draft brief is to promote the future potential for redevelopment of the Tay Street Lane area. The brief promotes private development and does not

anticipate the use of Compulsory Purchase Powers to stymie currently successful individual business operations.

Revision to the Brief: None.

Respondent 8:

S Livingstone, West Port Gallery, West Port

Summary of Comments:

States that the draft aims to attract a higher quality of retailing within the Cultural Quarter, however, having a business in the West Port area, believes that the area is currently being neglected and requires a forward planning strategy to link the business opportunities of the West Port to the general Cultural Quarter and the City Centre.

Response:

It is anticipated that the draft site planning brief is a timely stepping stone to the wider commercial opportunities of the Cultural Quarter and the West Port.

Revision to the Brief: None.

Respondent 9:

B Linton, James Keiller Estates Ltd, Mid Craigie Road

Summary of Comments:

Congratulates the Dundee City Council Planning and Transportation Department on the draft site planning brief. Believes it is advantageous to promote and encourage the development opportunities within the Tay Street Lane area.

Response:

Comments supporting the draft noted and in particular supporting the need for a diversity of uses in the Tay Street Lane area.

Revision to the Brief: None.

Respondent 10:

Scottish Enterprise Tayside

Summary of Comments:

Support the content of the draft to promote "securing coherent sympathetic development". Suggest that the brief should mention the cultural opportunities being investigated elsewhere in the Nethergate area.

Suggests moving the end summary to the beginning of the brief as an outline of the contents.

Response:

Acknowledge the constructive comments in the supportive response. Minor revisions will be made to the content and structure of the brief.

Revision to the Brief: The summary at the end of the draft Brief has been brought to the front to provide an overview of the content of the brief and minor revisions will be made to some of the illustrations in the draft Brief.

Respondent 11: **Historic Scotland**

Summary of Comments: Welcome the preparation of the draft brief, however, raise some concern as to the focus of the commentary on the Listed Buildings, particularly the mews buildings on Tay Street Lane, and suggest that the perceived structural problems should not be an impediment to the re-use.

The creation of pedestrian routes through the South Tay Street terrace should be sensitive to the exterior and interior of the buildings. Caution the potential height of any new buildings attached to the rear of South Tay Street.

Response: Welcome the constructive comments. More emphasis will be placed on the requirement for a structural survey of the mews buildings. However the content of the brief is unbiased and comprehensively seeks to explore the alternatives for the retention and reuse of the mews buildings.

It is anticipated that any new addition to the rear of the South Tay Street buildings must be an exemplary architectural solution yet sympathetic in design quality to the surroundings.

Revision to the Brief: None.

Respondent 12: **G Richardson, CEO, Widescreen Holdings Ltd (Beanscene)**

Summary of Comments: Comments that the proposals are outstandingly forward thinking and will help enormously in stimulating unparalleled economic/cultural growth and development in the immediate area and in Dundee as a whole.

Response: Comments noted.

Revision to the Brief: None.

Respondent 13: **A Smith, Dunmore Properties**

Summary of Comments: Expresses concern over the abuse of parking restrictions in Tay Street Lane and continuing problems

for goods vehicles accessing the lane. Also agrees with the brief that improvements to pedestrian access through the lane are desirable.

Response: Comments on the current traffic problems noted.

Revision to the Brief: Current traffic issues to be raised at the forthcoming area Community Planning Partnership meeting.

Respondent 14: **Dundee Methodist Church, West Marketgait**

Summary of Comments: Support in principle the proposed developments which appear designed to maximise the potential of the area.

Dundee Methodist Church is in the process of exploring the possibility of being involved in redevelopment taking place in this area. Given acceptable opportunities and safeguards the Church hopes to be a part of the development of the Cultural Quarter not only offering religious facilities but also good quality accommodation, which will be available for community use

Response: The Methodist Church is recognised in the draft brief as being a significant cultural use and it would be desirable to retain this function within the Cultural Quarter. The redevelopment of the Methodist church would provide the opportunity for that area to be enhanced with a new building.

Revision to the Brief: None.

Respondent 15: **Dundee Access Group for the Disabled**

Summary of Comments: Questioned the "lengthy and completely over the top language" used in the Brief.

Questioned how the pedestrian routes would cope with the change in levels between South Tay Street and Tay Street Lane and the purpose of pedestrian route c which is considered to have little use other than to access the gardens at the rear of the Alliance Trust building.

Response: The main purpose of the Brief is to stimulate development of the many opportunities that exist in this part of the city. Although small in size the study area has many facets and the Brief has a wide readership.

It is acknowledged that there may be difficulties in providing pedestrian routes that are fully accessible for those with mobility problems and it is anticipated that by providing a variety of routes and through the planning

and building standards systems such difficulties would be minimised.

Pedestrian route c is clearly shown on the map to be one of two potential new routes running from West Marketgait to South Tay Street. Both highlight the potential for new routes to bring pedestrians to and through new development.

Revision to the Brief: None.

Respondent 16: **A Nicoll Consulting Architect on behalf of Brian Ower of Autorent, West Marketgait**

Summary of Comments: Generally agree with the content of the draft Brief. Particularly pleased to see the importance the Brief attaches to creating east/west pedestrian links.

Outlines a number of suggestions for how these connections could be achieved. There is an intention to redevelop the Autorent site and these connections would be through that site.

Response: Comments on the Brief noted and acknowledge that owners in the Lane area are considering the long term redevelopment.

Revision to the Brief: None.

Respondent 17: **Dundee Civic Trust**

Summary of Comments: In general terms the Trust is fully supportive of the draft Brief and welcomes the importance the brief attaches to creating east/west pedestrian links.

The trust suggests that the development of the Brief should not be ring-fenced by Marketgait or South Tay Street but should seek to maximise permeability in as many directions as possible. In particular the east/west connections between the Overgate centre and the University/Bonar Hall/Rep Theatre.

Response: Comments on the Brief noted. It is the intention of the Brief to identify development opportunities in and around Tay Street Lane and to identify pedestrian routes from the city centre to and through the Lane supporting its development and links to the wider Cultural Quarter, to the University Campus and to the Digital Media Park. These routes will not only improve access to the Lane but access through it to Overgate and the University campus.

Revision to the Brief: None.

Respondent 18: **G1 Group (owners of 10 and 25 South Tay Street)**

Summary of Comments: Generally support the two principal concepts which the brief seeks to promote - namely the reinforcement of the cultural quarter through development of compatible uses and creation of pedestrian routes from West Marketgait.

G1 Group operates two licensed premises in South Tay Street and, recognising the opportunities on Tay Street Lane have themselves explored ways in which to improve links in this area.

Invites the City Council to consider how to achieve a concise and co-ordinated approach to open up this back-land area, promoting site assembly where required.

Response: Comments noted and acknowledge that others are also considering the long term development of the Tay Street Lane, and in particular the need to improve pedestrian access. Comments regarding the possibility of the City Council promoting site assembly are noted.

Revision to the Brief: None.