

KEY INFORMATION**Ward** Tay Bridges**Proposal**

Erection of four storey building containing hearing centre and associated administration offices

Address

4 Commercial Street
Dundee
DD1 3EH

Applicant

Scottish Children's Reporter
Administration
Property Section
Dava House
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East Kilbride

Agent

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29 Hawkhill
Dundee
DD1 5DL

Registered 31 Jan 2003**Case Officer** Gordon Reid

Proposed New Civil Service Office Building in Commercial Street

The erection of a four storey building containing hearing centre and associated administration offices is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is of a good quality contemporary design and is considered to be in accordance with the policies of the development plan.

The proposal is recommended for **APPROVAL subject to conditions**.

SUMMARY OF REPORT

- Planning Permission is sought for the erection of a four-storey building at 4 Commercial Street. The building is to provide new accommodation for the Children's Reporter, associated staff and Children's Panel Members.
- The proposal raises issues for consideration in terms of the Housing, Retailing, Employment Uses and Built Environment Policies of the Dundee Local Plan 1998 and Policies 36, 56, 61 and 65 of the Finalised Dundee Local Plan Review. In addition, the proposals raise issues for consideration in terms of the Scottish Executive's Policy on Architecture and Designing Places-A Policy Statement for Scotland and the Council's Urban Design Guide (Report 637-2001 refers) and the Design Brief for the Site (Report 12-2001 refers)
- No objections to the proposed development were received from any members of the public. The Royal Fine Art Commission for Scotland had concerns about the initial design but these have been addressed by amended proposals.
- It is considered that the proposals are in accordance with the Housing, Retailing, Employment Uses and Built Environment Policies of the Dundee Local Plan 1998 and Policies 36, 56, 61 and 65 of the Finalised Local Plan Review. In addition, it is considered that the proposals accords with the Scottish Executive's Policy on Architecture and Designing Places-A Policy Statement for Scotland and the Council's Urban Design Guide (Report 637-2001 refers) and the Design Brief for the Site (Report 12-2001 refers). However, it will be necessary to impose conditions covering the remaining design features of the building including the public artwork.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a four-storey building at 4 Commercial Street, Dundee. The building is to provide new accommodation for the Children's Reporter. The accommodation is to take the form of hearing rooms and associated administration offices.

The applicants have submitted additional information in support of their application. They highlight that the current premises in Commercial Street are of a poor quality in terms of the internal space. In addition, the premises are on the upper levels of the building with access only via the stairs in the communal close. This makes access for many of their clients difficult. As a result the current premises do not meet the requirements of the Children's Reporter. In response to this the applicants have undertaken an extensive search for new premises and have identified the application site. They have stated that the proposed site and building would meet all of their present and future requirements in a highly accessible location.

SITE DESCRIPTION

The application site is located on the west side of Commercial Street and is on the south side of Exchange Street. The application site was previously used for car sales and is partly occupied by a timber garage with the remainder of the site being an open yard. The site is bounded by walls and railings. The surrounding area is characterised by large tenemental commercial buildings with mainly retail uses on the ground floor and residential accommodation on the upper floors. Most of the properties surrounding the site are listed buildings.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Housing Policy H7 City Centre Housing: promotes the provision of more housing within these areas.

Retailing Policy S5 Secondary Retailing: allows for non-retail activities within Classes 1, 2 and 3 of the Uses Classes Order in ground floor shop-type premises.

Employment Uses Policy EU24 Central Area-Offices Outside Office Sector: presumption against office developments, which involve the loss of residential accommodation.

Built Environment Policy BE1 Design Quality: the Council expects the highest standards of composition and



design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. Infill development should relate closely to the established character of the surrounding area, respecting established building and spacing alignment, orientation and rooflines.

Built Environment BE3 Use of Materials: encourages the appropriate and imaginative use of materials, where they are in harmony with the character of the surrounding area, especially within conservation areas.

Built Environment Policy BE11 Development in Conservation Areas: seeks to ensure that all development proposals will be expected to complement and enhance the character of the surrounding area.

Built Environment Policies BE 26, BE27 and BE29 Areas of Potential Archaeological Interest: these policies require that the developer arrange for an evaluation to determine the

importance of the site, its sensitivity to development and the most appropriate means of preserving and recording any archaeological information.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 36 City Centre Speciality Shopping and Non Core Area: allows for non-retail activities within Classes 1, 2 and 3 of the Uses Classes Order in ground floor shop-type premises.

Policy 56 Public Art: seeks to support public art through the adopted Public Art Strategy and the Percent for Public Art Policy.

Policy 61 Development in Conservation Areas: all development proposals will be expected to preserve or enhance the character of the surrounding areas.

Policy 65 Archaeological Sites: sets out a similar criteria to the above policies in the Dundee Local Plan 1998.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Executive's "Designing Places-A Policy Statement for Scotland" published December 2001. This advises that design is a material consideration in determining a planning application. In addition, it highlights that every public body commissioning a new development will be expected to demonstrate how it has raised standards.

Scottish Executive's "Policy on Architecture" published in October 2001. The Policy sets out the objective to promote a culture of quality in the procurement of publicly-funded buildings that embraces good design as a means of achieving value for money and sustainable development.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Report 637-2001: "Dundee-The Urban Design Guide". This document sets out guidance for new buildings within the City and emphasises that imaginative and innovative contemporary architecture is sought to discourage "off-the-peg" design and debased versions of historical styles.

Report 12-2001: Commercial Street/Exchange Street Design Brief. The Brief highlights the development potential of this prominent city centre corner site. The brief proposed a mix of uses for the site including residential, restaurant/licensed premises and an extension of the secondary retailing designed to continue to bring life and vitality to this part of the city centre.

LOCAL AGENDA 21

Key Themes 13 and 15 are relevant. Key Theme 13 seeks to ensure that places, spaces and objects combine meaning and beauty with utility. Key Theme 15 seeks to ensure that diversity and local distinctiveness are valued and protected. The proposed development is considered to satisfy both of these Key Themes.

SITE HISTORY

There is no site history of relevance to the consideration of the proposed development.

PUBLIC PARTICIPATION

The applicants carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 20 February 2003 as a potential departure to the development plan and on the 11 February 2003 as affecting the setting of the conservation area.

No objections were received to the proposed development.

CONSULTATIONS

The Director of Environmental and Consumer Protection advised that he had no objection to the proposed development subject to a condition

controlling the noise output from the mechanical and electrical plant associated with the development.

The Royal Fine Art Commission for Scotland has commented on the original proposals for this development. They were critical of aspects of the design including the corner tower feature, the upper level fenestration and balconies and the use of materials. The Council shared these concerns and entered into negotiations with the applicants in order to improve the design. The amended drawings now take on board the concerns of the Commission.

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 site is located within an area covered by Policies H7, S5, BE11, BE29 and EU24 of the Dundee Local Plan 1998. The site is currently vacant but was previously used for car sales. The proposed use is for office accommodation and hearing rooms for the Children's Reporter.

Housing Policy H7 seeks the provision of more housing within areas identified on the proposal map. The proposed development is clearly not for housing but it is for a use that would not be detrimental to the amenity of any existing or future residents. It is considered that the proposal does not raise any issues of concern with regard to Housing Policy H7 of the Local Plan 1998.

Retailing Policy S5 allows for non-retail uses within Classes 1, 2 and 3 of the Uses Classes Order in ground floor shop-type premises. The use proposed would fall under a use within Class 2. The proposal is considered to accord with Retailing Policy S5.

Employment Uses Policy EU24 sets out a presumption against offices that would result in the loss of residential accommodation. The proposal is for a new building on a vacant site and as such would not result in the loss of any residential accommodation. The proposal is considered to be in accordance with Employment Uses Policy EU24.

The site is located within the "City Centre Area of Archaeological Potential". Policies BE26, BE27 and BE29 are relevant. In order address this issue it will be necessary to impose conditions to permission, if granted, to require the developer to arrange for an evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means of preserving and recording any archaeological information.

The site is located within the Central Area Conservation Area which, was designated as "Outstanding" by Historic Scotland. Policy BE11 is relevant and seeks to ensure that all development both complements and enhances the character of the surrounding area. Built Environment Policy BE1 and BE3 are also relevant to the consideration of the application. These policies aim to secure the highest standards of design and the imaginative use of materials.

The application site is located on a prominent corner site within the City Centre and is flanked by listed buildings. The ability to secure the highest quality of design is therefore of utmost importance. As a result the design of the building has been given careful consideration and subject to lengthy discussion with the architects acting on behalf of the applicants. As a result it is considered that generally the building is now of a good quality contemporary design and will contribute to the established character of the surrounding area. However, certain more detailed features of the building still require to be resolved. Therefore, it will be necessary to impose conditions to permission, if granted, to progress and secure the remaining design features of this building.

The proposal, subject to conditions, is considered to comply with Built Environment Policies BE1, BE3 and BE11 of the Dundee Local Plan 1998.

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 Does the proposal comply with Policies of the Finalised Dundee Local Plan Review

Policy 36 City Centre Speciality Shopping and Non Core Area: allows for non-retail activities within Classes 1, 2 and 3 of the Uses Classes Order in ground floor shop-type premises. As indicated in terms of Policy S5 the proposal is considered to be a Class 2 Use. The proposal is therefore in accordance with Policy 36 of the Finalised Local Plan Review.

Policy 56 Public Art: seeks to support public art through the adopted Public Art Strategy and the Percent for Public Art Policy. The applicants have agreed to incorporate public art into the design of the tower feature, the windows and the gates at the main public entrance. This approach is considered to be acceptable in principle and will involve the appointment of an Artistic Commission to design the artwork. In order to progress this matter it will be necessary to impose a condition covering the public art work contribution.

Policy 61 Development in Conservation Areas: all development proposals will be expected to preserve or enhance the character of the surrounding areas. As indicated above the proposal is located within the Central Area Conservation Area. Policy 61 requires that proposals either preserve or enhance the character of the surrounding area. The proposal is considered to be of a good quality contemporary design and will contribute to the established character of the surrounding area.

Policy 65 Archaeological Sites: sets out a similar criteria to the above policies in the Dundee Local Plan 1998. As such the proposals is considered to be acceptable subject to conditions.

- b Does the proposal comply with the Dundee the Urban Design Guide?

The Design Guide advises that new buildings should follow an agenda of imaginative and innovative

contemporary architecture. As outlined above it is considered that the proposed development is of a good quality contemporary design and will contribute to the character of this part of Commercial Street.

- c Does the proposal comply with The Scottish Executives "Policy on Architecture" and "Designing Places- A Policy Statement for Scotland".

It is considered that for the reasons outlined above the proposed building complies with the guidance contained within these Policy Statements.

- d Report 12-2001: Commercial Street/Exchange Street Design Brief.

The use of the proposed development is not one that was originally envisaged by the Design Brief. The design of the building does however achieve the aspirations set out in the brief for a modern expression within the envelope defined by the adjoining buildings. It is considered that the use is acceptable for this area and the design of the building accords with design brief.

- e The views of the Royal Fine Art Commission for Scotland.

The Council shared the concerns of the Commission about the original design for this building. The amended drawings now alter the corner tower and a planning condition is proposed to ensure that the resulting design is satisfactory. The fenestration details and balconies have also been altered and the principal finishing material will now be a good quality artificial stone and not roughcast as previously proposed. It is considered that this design is now satisfactory and adequately addresses the concerns of the Commission.

It is concluded from the foregoing that the proposed development complies with all of the material considerations.

Design

The proposed building is located on a prominent corner site within the City Centre. As indicated above careful consideration has been given to achieving an imaginative contemporary design, which will contribute to the established character of the area. It is considered that the building will achieve a good quality

contemporary design solution for this location.

CONCLUSION

It is considered that the proposed development is in accordance with the Housing, Retailing, Employment Uses and Built Environment Policies of the Dundee Local Plan 1998 and Policies 36, 56, 61 and 65 of the Finalised Dundee Local Plan Review. In addition it is considered that the proposed development complies with the guidance set out in the Dundee Urban Design Guide, the Design Brief for the site and the Scottish Executive's Policy on Architecture and Designing Places-A Policy Statement for Scotland document. While the general design of the building is considered acceptable it will be necessary to impose conditions to cover those matters of detailed design and public art still to be resolved. It will also be necessary to impose conditions to address the noise form mechanical and electrical plant.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 The total daytime noise from all mechanical and electrical services shall not exceed NR45 as measured 1 metre from the façade of the nearest affected residential accommodation
- 3 That samples of all finishing materials including the colour shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out using only the approved samples.
- 4 Detailed drawings of the corner tower feature and in particular its termination above parapet level shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.

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| <p>5 Details of the proposals for the 1% for public art contribution relating to the tower feature, windows and gateways and the timescales for its implementation 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.</p> <p>6 No development shall take place within the development area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority</p> <p>7 Details of the design of the windows on both the ground floor and upper floors, including sectional drawings indicating the deep recesses of upper floor windows and mullion details for all windows, shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details</p> <p>8 That the detailed design of the plant room and all other mechanical ventilation equipment to be located on the roof of the building shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details</p> | <p>4 To ensure that this detail provides for high quality feature on this prominent corner</p> <p>5 To ensure that an appropriate scheme of public art is contained within the development proposals and that the scheme is fully implemented prior to the development being completed</p> <p>6 To allow for the archaeological interest of the site to be assessed and provision made for any works required to be undertaken</p> <p>7 To ensure a satisfactory standard of appearance of the proposed development</p> <p>8 To ensure that the plantroom and mechanical plant located on the roof do not detract from the appearance of the building.</p> |
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Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the amenity of nearby residents is not detrimentally affected by disturbance from noise.
- 3 To ensure that the materials to be used are of a satisfactory quality and will result in a high standard of finish to the building.