

KEY INFORMATION**Ward** East Port**Proposal**

Conversion and new build to form 27 townhouses and 46 apartments

Address

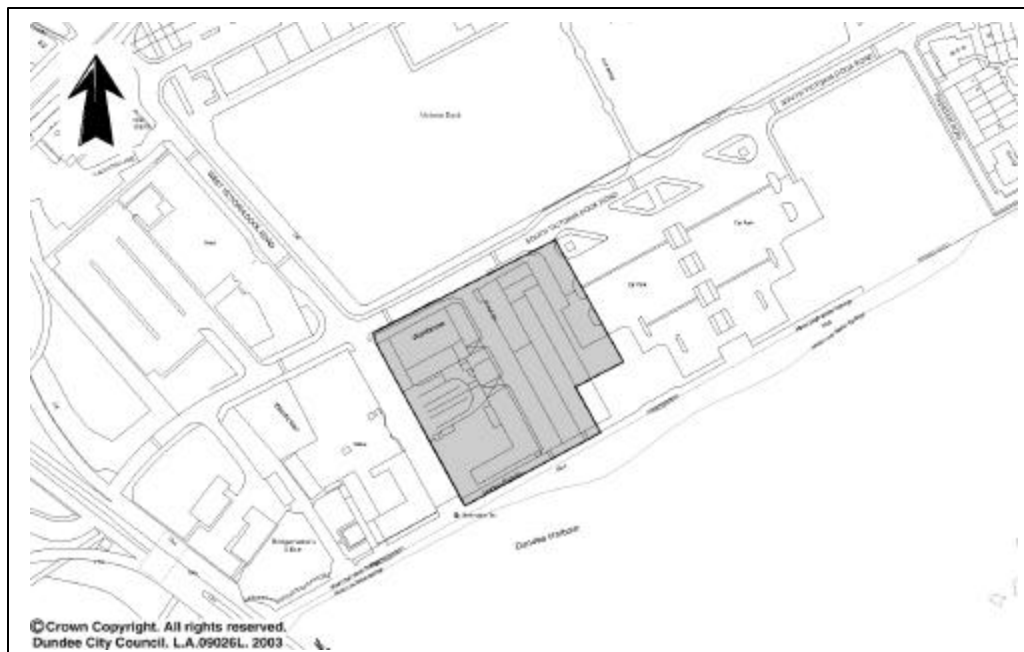
Land to east and west of Works Yard Lane and south of South Victoria Dock Road
Dundee
DD1 3BP

Applicant

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Agent

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Registered 23 Dec 2003**Case Officer** C Walker

Proposed Housing Development at South Victoria Dock Road

The development of 27 townhouses and 46 apartments is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the policies of the adopted Local Plan and the approved Master Plan for the City Quay development. It will serve to enhance the environment quality of this visually important site and will provide a good standard of residential amenity for the future occupiers of the dwellings. It is therefore recommended for APPROVAL.

SUMMARY OF REPORT

- Planning permission is sought for a residential development of 27 houses and 46 flats on the site. Most of the development will be achieved through the conversion of existing listed buildings but there will also be a new build development of 4 townhouses and 37 flats.
- Letters were received objecting to the proposed development from the Royal Fine Art Commission for Scotland, the Architectural Heritage Society of Scotland, Dundee Civic Trust and a private citizen, the principal concern being that the new build flatted blocks are excessively high.
- It is considered that the proposal complies with the provisions of the development plan and with the approved Master Plan for City Quay. It is further considered that the design and scale of the new buildings and the finishing materials proposed for them are satisfactory.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a residential development of 27 houses and 46 apartments on the site. Most of the development will be achieved through the conversion of existing listed buildings but there will also be a new build development of 4 townhouses and 37 apartments.

It is proposed to convert the B listed buildings to the east of the site to form 11 townhouses and 2 apartments in the 2 storey buildings and 3 flats in the north facing 3 storey section. It is proposed to demolish the eastern bay of the buildings to form garden areas for the dwellings.

At the western end of the site it is proposed to form a courtyard with the Category A listed buildings to the east and south being converted to form 12 townhouses and 4 flats, the erection of 4 townhouses to the north (at the former Nicol and Jack premises) and the erection of 2 blocks of flats on either side of the patent slip to the west of the site. The proposed flats are 6 storeys in height with the ground floor primarily devoted to access to the courtyard and garaging for cars. The courtyard to the rear provides parking for the development and garden ground for the townhouses.

The design of the proposed development involves the sensitive restoration and conversion of the listed buildings whereas the new build elements are of appropriate modern design, with finishing materials of facing brick and coloured rendered walls and copper standing seam roofs. Traditional surfacing materials are retained or introduced within the courtyard areas.

All the flats will have a minimum of 2 bedrooms (7 will have 3 bedrooms) and south facing flats will have balconies. Most of the flats do not have dedicated garden ground but the treatment of the courtyard parking areas includes high quality surfacing materials and landscaping. Most of the townhouses have 3 bedrooms but some have 4 bedrooms and one has 2 bedrooms. All the townhouses have private garden ground. A total of 58 car parking spaces along with garaging for 16 cars are proposed giving a ratio of 1 space per unit. Covered cycle parking for 48 bicycles is proposed.

Recycling facilities for the City Quay development are proposed off site at the City Quay retail development.

SITE DESCRIPTION

The site is just under a hectare in extent. It includes the Category A listed former Harbour Workshop buildings (the original building dates from 1837) which subsequently became the Arctic Tannery from 1882 along with the patent slip ramp to the west. In the eastern part of the site is the Category B listed former Panmure Shipyard buildings dating from the late 19th century, the shipyard where Discovery was built. These buildings are now vacant and were last occupied by Wm Stewart Hacklemakers Ltd. To the north is an unlisted brick building formerly occupied by Nicol and Jack.



The site sits between the Tay and Victoria Dock with vacant ground and then the main City Quay car park to the east and vacant ground formerly occupied by the Royal Marine Reserve and Sea Cadets to the west.

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:

The City Quay area is allocated for mixed use development in line with the approved Planning Brief under Policy EU 9. Proposal HS3 allocates an undetermined part of this area for housing stating that "a bold solution is expected which will include flats and town houses". Finally Policy H10 sets out guidelines for new housing development. For locations immediately adjoining the ring road the mix should be mainly flats and/or townhouses with no specific amenity

space standards, 50% parking and a requirement for bold imaginative architecture. For Inner City locations the requirements for a development of this size is that 75% of the units should be houses with private gardens of 50 sq. metres, parking should be at least 100% with 40% of the houses having garages or space for a garage. Exceptions are made in all cases where the retention of Listed Buildings may otherwise be prejudiced or for difficult and visually important sites which might need a more dominant building and where a very imaginative proposal of quality is put forward.

Policies BE1, 2 and 3 promote good design, townscape and use of materials and Policy BE17 requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character.

Dundee Urban Nature Conservation Subject Local Plan 1995

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

Finalised Dundee Local Plan Review

This site is allocated for housing under Proposal H34. Policy 4 sets out requirements for the design of new housing. Policy 55 promotes good urban design, Policy 56 promotes public art and Policy 60 is similar in wording to Policy BE17 of the adopted Local Plan.

Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG 18 Planning and the Historic Environment sets out the framework for dealing with planning applications affecting listed buildings.

Non Statutory Statements of Council Policy

In March 1998 the Council adopted Urban Design Guidance for the Redevelopment of Victoria Dock. This Guidance anticipated the development of housing on the south side of Victoria Dock.

In December 2003 the Council approved an amendment to the Master Plan for the City Quay development to

reflect changes which had taken place since 1998. The amended Master Plan indicates a housing development on this site achieved through conversion of the listed buildings and new build housing to the west.

LOCAL AGENDA 21

The development of this site is considered to be sustainable because it is close to the city centre and can therefore be made accessible to the public. The appropriate treatment of the site's unique heritage can contribute to the protection of local distinctiveness.

SITE HISTORY

Outline planning permission was granted for the redevelopment of Victoria and Camperdown Docks in February 1999 (application ref no D22266 refers). Since then the retail portion of the development, some 150 houses and the Apex Hotel have been completed.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as potentially contravening Policy H10 of the adopted Local Plan. Four letters were received objecting to the proposed development from the Royal Fine Art Commission for Scotland, the Architectural Heritage Society of Scotland, Dundee Civic Trust and a private citizen (copies available for inspection in the Members Lounges).

The RFACS is concerned that the treatment of the listed buildings is not bold enough, that the new build flatted blocks are excessively high and would dominate the houses and that the development would be too dominated by cars. They are also critical of some of the details of the development.

The AHSS states that it is positive about the conversion and restoration of the listed buildings but is concerned about the treatment of the patent slip and its setting, the scale of the new build flats, the use of untreated timber as a finishing material and the absence of public art.

Dundee Civic Trust and the individual objection support the conversion of the listed buildings but are concerned about the scale and massing of the new build flats.

These views are fully considered in the Observations section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has pointed out that the issue of potential contamination needs to be addressed but considers that this can be dealt with by a planning condition.

The Scottish Executive Trunk Roads Director has not objected to the proposed development.

Historic Scotland was consulted informally on the accompanying application for listed building consent for this development (application ref no 04/00005/LBC). Their initial comments are generally supportive of the conversion of the listed buildings but they have reservations about some of the details of the development and the scale and location of the flatted blocks to the west of the development.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- 1 whether the proposals are consistent with the provisions of the development plan; and if not
- 2 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. In this case the proposal is consistent with the allocation for housing under proposal HS3. This specifically states that "a bold solution is expected which will include flats and town houses". In terms of Policy H10 the site is close to the ring road and indeed the existing housing development further to the east was assessed in the context of this part of the policy. The development would not comply with the Inner City standards due to the amount of flats and the under provision of garden areas but clearly this was not envisaged in Proposal HS3. It is therefore concluded that it is correct to apply the adjacent to ring road standard under Policy H10 in this instance and that the development

complies with this standard. Furthermore Policy H10 makes exceptions for all cases where the retention of Listed Buildings may otherwise be prejudiced or for difficult and visually important sites which might need a more dominant building and where a very imaginative proposal of quality is put forward. In this case due to the nature and location of the listed buildings it is only possible to provide limited garden areas and in addition the new flatted blocks provide a scale and design of building which is entirely appropriate at this quayside location.

Policies BE1, 2 and 3 promote good design, townscape and use of materials and Policy BE17 requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character. The listed buildings are sensitively treated in accordance with the requirements of Policy BE17 and in addition it is considered that the design of the development and the finishing materials chosen are of a high quality and in keeping with the character of the surrounding area.

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:

The Finalised Dundee Local Plan Review

The policies of the Finalised Plan are almost identical to those in the adopted Local Plan. The site allocation for housing under Proposal H34 does not set out any criteria for the proposed development.

Policy 4 sets out requirements for the design of new housing. Unlike Policy H10 of the adopted Local Plan, there is no category relating to development adjacent to the ring road, so in this case the Inner City standards apply. The proposed development does not meet all these standards. There is a general presumption in the policy against flats but this can be overcome where site specific circumstances demand a flatted solution. It is considered that in this case the new build flats provide an appropriate scale of development for this prominent quay side location. All flats should

have a minimum gross internal floor area of 60 sq. metres and this standard is met by the proposed development. The general requirement for parking is 130% although this can be reduced in light of on street and off street parking provision nearby. In this case the proposed development is adjacent to the city centre and in a location where 100% parking provision is adequate and in any event there is space for some casual parking in the streets to the north and west of the proposed development. The provision of cycle parking is more than adequate.

Garden ground for the houses and flats falls short of the standards but all the townhouses have a reasonable level of garden ground and for the flats the treatment of the courtyard areas with a high specification of finishing materials provides an attractive outlook. In addition all the flats have generous space standards and some have external balconies.

Policy 55 promotes good urban design, Policy 56 promotes public art and Policy 60 is similar in wording to Policy BE17 of the adopted Local Plan. Policies 55 and 60 have already been covered in the section of this Report dealing with Policies BE1, 2, 3 and 17 of the adopted Local Plan. Public Art is catered for in the provision of a representation of the Discovery at the south eastern corner of the site in the location where it was built and launched.

The Master Plan and Conservation Plan for City Quay

The revised Master Plan indicates a housing development on this site achieved through conversion of the listed buildings and new build housing to the west in a manner identical to the current proposals.

The Conservation Plan, which was drawn up for the original City Quay development in 1999, recognises the importance of the listed buildings on this site. It suggested a heritage use for the Harbour Workshops area stressing the importance of retaining the courtyard "feel" to the group of buildings.

It is considered that the proposed development complies with the requirements of both the Master Plan and the Conservation Plan albeit that there is no longer a requirement for heritage uses at this location.

The Views of Objectors and Consultees

Essentially all the representations received in connection with the proposed development are generally satisfied with the treatment of the listed buildings but voice concerns about the scale of the new build flatted blocks to the western edge of the site. The RFACS consider that the listed buildings could have been developed with greater flair. Since the original submission of this application there was a fire at the former arctic tannery and this has provided an opportunity to develop the shell of the listed building with a very modern intervention. In addition some units have been removed from the development thereby slightly reducing the impact of parking at the site. This has also had the beneficial effect of removing most of the parking from the patent slip which has concerned the AHSS.

The concerns about the new build flats focus on the overshadowing impact of these blocks and the impact on views to and from the listed buildings.

Although the listed buildings appear domestic in scale, their function was always industrial and historically they would have been surrounded by high buildings connected with shipbuilding. The relationship between the converted listed buildings and the proposed 6 storey flats is very similar to the existing relationship between the townhouses and flats further to the east in the City Quay development. It is further considered that that relationship works well and does not lead to an unsatisfactory standard of residential amenity. It is not considered that the new development in any way detracts from the setting of the adjoining listed buildings.

The scale of the City Quay site with the expanse of the Tay to the south and Victoria Dock to the north means that an excessive amount of two and three storey buildings appears inappropriate in design terms and there is a clear justification for terminating the western edge of the development with buildings of this scale.

It is considered that the design of these buildings and the finishing materials proposed for them are satisfactory.

The matter of potential contamination can be adequately dealt with by a planning condition.

Other Issues

The matter of recycling has been raised with the applicants and they are agreeable to the provision of facilities for the entire City Quay development at the retail part of the site. A planning condition to ensure that this is achieved is proposed.

Open space is provided for the town houses in the form of private garden ground. The presence of the historic patent slip restricts the use of the courtyard at the western part of the site as active open space for the nearby flats but it is considered that the creation of a major area of open space as part of the Central Waterfront Master Plan will adequately serve this development.

It is concluded from the foregoing that insufficient weight can be accorded to any of these material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The treatment of the listed buildings and any modern interventions to them all serve to enhance their character and appearance. The new build townhouses at the former Nicol and Jack building and the new flatted blocks to the west of the site are of an appropriate scale and design for the site and relate well with the adjoining listed buildings. The choice of finishing materials for the buildings and for the treatment of the surrounding ground adds to the quality of the development.

CONCLUSION

The proposed development complies with the policies of the adopted Local Plan and with the approved Master Plan for the City Quay development. It will serve to enhance the environmental quality of this visually important site and will provide a good standard of residential amenity for the future occupiers of the dwellings.

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 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Details of any new or replacement windows and doors for the proposed development shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 Details of hard and soft landscaping of the site including the design of fencing and the species, sizes and maintenance regimes for planting shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 5 Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five 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 condition 4 above.
- 6 The existing quayside walkway and fence to the south of the site and extending westwards to the Tay Bridge shall be upgraded to the satisfaction of the Council prior to the occupation of any of the dwellings hereby approved. Details of these improvements shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 7 Full details of the provision of public art for the development including the proposed art feature to the south east of the site and the upgrading and repair of the viewing platform to the south west including a timescale for implementation shall be submitted to the Council for

approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

- 8 Development shall not begin until a scheme to deal with waste recycling has been submitted to and approved in writing by the Council. The development shall not be brought into use until the measures have been put in place in full accordance with the approved scheme.
- 9 The proposed development shall be phased so that no new build dwelling shall be occupied prior to the completion of the conversion of the former Harbour Workshops and Panmure Shipyard for residential use.
- 10 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
 - a the nature, extent and type(s) of contamination on the site;
 - b measures to treat/remove contamination to ensure the site is fit for the use proposed;
 - c measures to deal with contamination during construction works; and
 - d condition of the site on completion of decontamination measures.
- 11 Revised details of the junction between the new build development at the former Arctic Tannery and the existing buildings at the former Harbour Workshops that retain the south gable wall of the latter building intact shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full

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

accordance with such approved details.

- 12 No development shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the Council. This approved scheme shall be fully implemented as approved by the Council.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 In the interests of visual amenity and to safeguard the appearance of the statutory listed buildings.
- 4 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 6 In the interests of visual amenity and the safety of the occupiers of the proposed development.
- 7 In order to provide for public art in the interests of visual amenity.
- 8 In the interests of sustainable development.
- 9 In order to ensure that the statutorily listed buildings are converted at an early date.
- 10 In order to ensure that the site is fit for the use proposed.
- 11 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 12 In order to examine, record, and salvage items related to archaeology and history.