

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

Erection of 144 apartments and commercial unit including landscaping and car parking

**Address**

Land South of  
South Victoria Dock Road  
Docks

**Applicant**

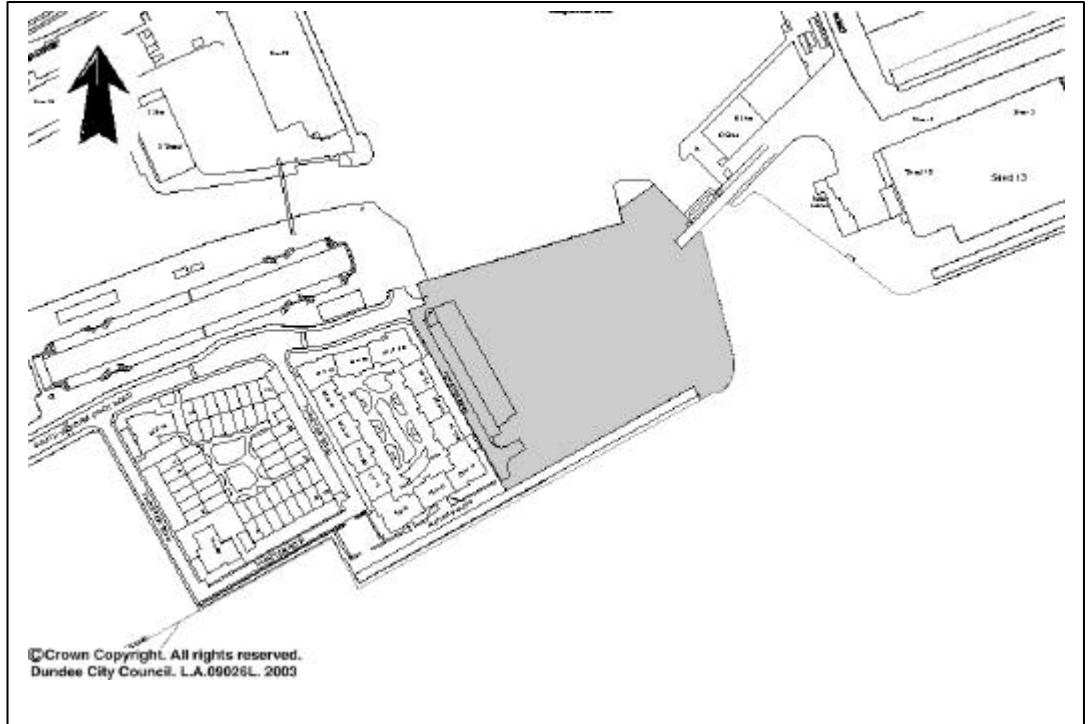
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**Registered** 6 October  
2005

**Case Officer** C Walker



# Housing Development Proposed in City Quay

The erection of 144 apartments is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.**  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development provides a good standard of residential accommodation in a well designed scheme. It complies with the Development Plan and the Master Plan for the site and is recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to erect a development of 144 apartments and a commercial unit on this waterfront site (there is a previously approved scheme for the site). The proposed buildings are in the form of a waterfront block facing the Tay ranging in height from 6 to 9 stories and culminating in a tower building of 15 storeys and a second block of 4 storeys in height facing Camperdown Dock and the city.
- Three letters of objection were received from nearby residents concerned about parking provision, the height of the buildings, overlooking and overshadowing, the lack of houses, the use of cedar boarding and amenity problems with the commercial unit.
- The Head of Environmental Health and Trading Standards and SEPA have stated that air quality standards would not be breached at the application site that there are likely to be complaints about smell from sulphur dioxide. Architecture and Design Scotland have concerns about the design of the development.
- The proposal complies with the provisions of the development plan. It provides a good standard of residential accommodation in a well designed scheme and complies with the Development Plan and the Master Plan for the site. It will not adversely impact on the amenities of neighbours to an unacceptable extent and concerns about potential odour problems are insufficient to justify refusal of the development

## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a development of 144 apartments and a commercial unit on this waterfront site. The proposed buildings are in the form of a waterfront block facing the Tay ranging in height from 6 to 9 stories and culminating in a tower building of 15 storeys at the south east corner of the site. A second block of 4 storeys in height (with a fifth storey at the eastern end) is proposed facing Camperdown Dock and the city.

The ground between the proposed buildings is to be enclosed and laid out as private gardens immediately behind the northern building and a communal garden area to the south. The south eastern corner of the site is to be developed as a public space.

The proposed apartments are principally 2 bedroom units although 18 have 3 bedrooms. 102 units (71% of the total) are provided with gardens, balconies or terraces ranging in size from the smallest balconies at 3 sq. metres to the largest garden at 80 sq. metres.

A total of 195 parking spaces are proposed, 2 for the 18 larger flats, 1 for each of the 126 two bedroom flats, 24 allocated for apartments already constructed to the west of the site and 9 remaining spaces for the commercial unit or for visitor parking. 40 of the spaces are in the form of garages underneath the southern block.

The proposed development is in the form of an urban block enclosing a central garden area and with the principal elevations of the buildings facing the Firth of Tay to the south and Camperdown Dock to the north. The southern building sweeps up in height to a 15 storeys high signature cylindrical building which forms the gateway to the site when viewed from the Tay. This pattern of development is similar to that previously approved on this site and on other phases of the City Quay development. Proposed finishing materials are brick and render walls and grey metal roofing, again matching previous phases of the development.

In support of their proposals the applicants have submitted a Design Statement, Transportation Assessment and Contaminated Land Report.

The Design Statement indicates that the design solution for this site should be compatible with the previous phases of the development and complement the Central Waterfront Master plan, should provide a suitable finale to the waterfront and should provide high quality residential accommodation. It refers to the importance of the panoramic views over the Tay estuary and the need for a strong edge to define the waterfront walkway and shield the remainder of the development. The tower feature at the end of the site is designed to be a landmark not just within the site but for the city. The harbour edge of the development is designed on a smaller scale with a sheltered garden area between the buildings.



The Transportation Assessment indicates that the additional 60 units (over and above those previously approved on this site) can be accommodated without detriment to the road network. The Contaminated Land Report sets out proposals for the analysis of the site and remediation treatment.

## SITE DESCRIPTION

The site is some 1.2 hectares in extent and comprises cleared ground formerly occupied by port related buildings and open storage yards. The site is completely flat and lies some 4.3 metres above Ordnance Datum.

The site sits between the Tay and the Category A listed Camperdown Dock, with the narrow entrance to Victoria and Camperdown Docks to the east of the site and the operational port area beyond that. To the west is a recently constructed block of apartments which

is part of Phases 1-3 of this development.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 2005

This site is allocated as part of an existing housing area and Policy 4 sets out requirements for the design of new housing. Policy 55 promotes good urban design and seeks to protect the setting of listed buildings. Policy 56 promotes public art.

### Scottish Planning Policies, Planning Advice Notes and Circulars

SPP7 Planning and Flooding suggests that properties below the 5 metre contour are potentially at risk from coastal flooding.

### Non Statutory Statements of Council Policy

The Master Plans for the City Quay development are considered in the Site History section of this Report.

## LOCAL AGENDA 21

The development of this site is considered to be sustainable because it is close to the city centre and has easy access to a range of facilities.

## SITE HISTORY

Outline planning permission was granted for the redevelopment of Victoria and Camperdown Docks in February 1999 (application ref no D22266 refers). Later that year the Council adopted a Master Plan for the Site indicating housing on the site of the current application.

In November 2000 planning permission was granted for 246 dwellings and a commercial unit on the site to the east of the main City Quay car park. 169 of these dwellings were constructed on the site with a balance of 77 dwellings and a commercial unit

to be constructed on the site of the current application.

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 1999. The amended Master Plan continues the allocation of this site for residential development.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as affecting the setting of listed buildings and potentially contravening Policy H10 of the previous Dundee Local Plan 1998. That policy has been superseded by Policy 4 of the Dundee Local Plan Review 2005 and the issue of Development Plan compliance is considered in the Observations Section of this Report.

Three letters were received from residents of the housing development to the west objecting to the proposed development and a fourth from Dundee Civic Trust largely supportive of the development (copies available for inspection in the Members Lounges).

The objectors are concerned about parking provision, the height of the buildings, overlooking and overshadowing, the lack of houses, the use of cedar boarding and amenity problems with the commercial unit. The Dundee Civic Trust supports the proposed development but questions the use of cedar cladding and the flatness of the roof design on the high building.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards has made the following comments:

On potential contamination, he has considered the report that was submitted and has raised certain queries which can be dealt with by a planning condition.

On noise he has asked that certain standard be met and again this can be dealt with by a planning condition.

Finally on air quality matters he has considered the report carried out by SEPA on emissions from the Nynas refinery to the east of the site. He notes that although air quality

standards would not be breached at the application site that there are likely to be complaints about smell from sulphur dioxide.

The Scottish Environment Protection Agency (SEPA) have modelled air quality standards for sulphur dioxide and accept that there will be no breach in air quality standards. However they also refer to potential odour problems which increase as the proposed building heights approach the height of the Nynas stack.

The Scottish Executive Trunk Roads Director has no objections to the proposed development.

Historic Scotland was consulted as the application affects the setting of a Category A listed building (Camperdown Dock) but responded to state that they had no comments to offer.

Architecture and Design Scotland were consulted and had concerns about the proposals including the design of the tower building, the layout of the development, the lack of mixed uses and certain matters of detail. They concluded that the development was a disappointing response to a spectacular site.

## 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 part of an existing housing area and Policy 4 sets out standards for new housing developments. At this location there is an adopted Master Plan which sets out the framework for development. Policy 4 standards are subject to the requirements of any site planning brief.

The proposed development complies with the requirements of the Master Plan for the site and in any event also

fully complies with the Policy 4 standards because all dwellings have at least 2 bedrooms and more than 100% parking as well as secure cycle storage is provided. Open space is provided in the form of balconies, terraces and gardens and privacy distances of 18 metres minimum are respected.

Policy 55 promotes good design. The design rationale for the development is set out in the applicants Design Statement which refers to continuity with previous phases of the development and the importance of capitalising on Tay estuary views and terminating the development with a landmark building.

It is considered that the design of the proposed development is of a sufficiently high quality to satisfy the requirements of Policy 55. The proposals have been the subject of considerable discussion both before the application was submitted and in the course of considering the application. The design of the landmark tower building has been refined to ensure that all its elevations are of attractive appearance. The proposed finishing materials reflect those used on previous phases of the development and the layout continues the street pattern established for the City Quay development.

The design has been criticised by Architecture and Design Scotland and some of these criticisms (design of the tower building, mixed uses, public open space and the provision of balconies and windows) have been addressed by amendments to the development. However Architecture and Design Scotland have responded to state that the changes are insignificant and do not address their original concerns. Although Architecture and Design Scotland are comfortable with the scale and density of development (they consider that the tower building could be higher), they still criticise the layout of the proposals and the sculptural profile and elegance of the tower building. They consider that the Tay estuary block should be lower and the harbour block higher so that overshadowing is minimised. Despite these comments, it is considered that the layout is satisfactory since the northern block enjoys attractive views over Camperdown Dock towards the city and the area of open space to the rear is sufficient to prevent excessive overshadowing of this building. In

addition the design of the tower building has been amended and it is now considered to be satisfactory.

Comments on design were also received from members of the public and Dundee Civic Trust. These relate to the height of the buildings, the use of cedar cladding and the roof on the tower building. It is considered that the height of the proposed buildings is appropriate for the site and indeed the existing development to the west, whose buildings rise to 8 storeys, are almost dwarfed by the expanse of the Tay estuary. The comments from Architecture and Design Scotland suggest that an increase in scale would be acceptable. The use of cedar cladding on the development is restricted to very limited areas at windows and continues the design theme set by previous phases of this development. Finally it is considered that the design of the roof of the tower block, with its significant overhang, is an attractive feature on this building.

Policy 55 also seeks to protect the setting of listed buildings. In this case the adjoining Camperdown Dock is Category A listed. The proposed development will not physically touch the dock walls and it is further considered that it will not have an adverse impact on the setting of the listed structure. Historic Scotland were consulted on the proposed development and had no comments to make.

Policy 56 refers to public art and it is considered that this is a matter that can be covered by a planning condition and that resources should be concentrated at the public space at the south eastern corner of the site.

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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect the setting of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural

or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policy 55 of the adopted Local Plan and it was considered that the proposal would preserve the setting of the adjoining dock areas.

### b The Master Plan and Conservation Plan for City Quay

The original and revised Master Plans for the area indicate a new build housing development on this site.

The Conservation Plan, which was drawn up for the original City Quay development in 1999, notes that this part of the site has been cleared of buildings but may be of archaeological interest.

It is considered that the proposed development complies with the requirements of both the Master Plan and the Conservation Plan.

### c The views of Objectors

The concerns of objectors about the design of the proposed development have already been assessed in the context of Policy 55 of the Local Plan and it has been concluded that the design of the proposed development is satisfactory.

Three residents of the adjoining housing to the west of the site are also concerned about parking provision, overlooking and overshadowing, the lack of houses and amenity problems with the commercial unit.

Parking for the proposed development exceeds the requirement for 100% provision set out in the adopted Local Plan by some 27 spaces, 9 of which are allocated to the commercial unit. In addition 24 spaces are allocated for the previously constructed phases of the City Quay development. In addition the site is close to the city centre and provision has been made to serve the site by public transport. In these circumstances it is considered that the level of parking provision is adequate.

In terms of overlooking, a minimum privacy distance of 18 metres has been maintained between the existing development and the proposed new apartments. This distance satisfies the requirements of Policy 4. In terms of overshadowing, the higher parts of the proposed development are those most distant from the existing development.

The units on the Tay estuary block facing existing dwellings are similar to them in height at 7 storeys and those on the harbour block are lower at 4 storeys. Many of the apartments on the east face of the existing development face into the open space for the new development. Taking into account the distance between the developments (minimum of 18 metres), the fact that the new buildings are to the east of the existing development and the fact that there is a significant area of open space opposite the existing development, it is not considered that there will be unacceptable overshadowing of existing dwellings.

Concerns about the lack of houses seem to relate to a significant extent to the height and scale of the proposals, and this issue has already been considered in the context of Policy 55 of the Local Plan. In terms of housing mix, variety is achieved with the provision for garden flats in the Harbour block and the provision of larger units and terraces on the Estuary block.

A commercial unit was approved with the previous development and again it is now proposed in a location over 100 metres distant from the nearest existing houses. The nature of this use and the protection of the amenities of residents of the new development can be achieved by the imposition of planning conditions should Members be minded to approve this application.

### d The views of Consultees

The concerns of Architecture and Design Scotland and the response of Historic Scotland about the design of the proposed development and the impact on the listed dock have already been assessed in the context of Policy 55 of the Local Plan and it has been concluded that the development is satisfactory in these respects.

The issues raised by the Head of Environmental Health and Trading Standards on potential contamination and noise can be dealt with by a planning conditions should Members be minded to approve this application.

On the issue of air quality, which was also referred to by SEPA, it has been established that air quality standards would not be breached at the application site. The development of this site for housing has been established since 1999 when outline

permission was granted and detailed proposals were approved in November 2000. The principle of developing this site for housing cannot now be revisited. It may be that odours from industrial development in the port area will concern some future residents but the prevailing wind should carry odours away from the application site. Any potential impacts will not be dissimilar to those experienced by residents on Broughty Ferry Road to the north and north east of the port area. It is not considered that such impacts are such as to justify the refusal of the proposed development.

#### e Flood Risk

SPP7 Planning and Flooding suggests that properties below the 5 metre contour are potentially at risk from coastal flooding. The ground level of the site is 4.3 metres above ordnance datum and 1 metre higher than the highest recorded tide. Whilst this is slightly lower than the 5 metre level referred to in SPP7, due to the provision of parking under the Estuary block, all the apartments in the proposed development other than 10 in the Harbour block will be 3 meters above current ground level (and well above the 5 metre contour). This is a significant improvement on the previously approved proposals on this site (there was much more ground floor accommodation). It is therefore considered that adequate provision has been made for potential coastal flooding.

#### f HMO's

Concerns have previously been expressed by the Committee about the conversion of dwellings in the city centre and the west end to HMO's with resulting adverse impacts on residential amenity. In September 2005 the Planning and Transportation Committee approved draft supplementary guidance for controlling HMO's for consultation. This states that the occupation of dwellings in new residential developments by 3 or more unrelated people will be prevented through the use of Section 75 Agreements.

It is therefore considered that it would be appropriate in this case to restrict changes of use of the apartments in the development to HMO's. Such a restriction by means of a Section 75 Agreement has been discussed with the

applicants and their acceptance of it has been obtained.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns voiced by objectors and consultees such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

### Design

The design rationale for the development is set out in the applicants Design Statement which refers to continuity with previous phases of the development and the importance of capitalising on Tay estuary views and terminating the development with a landmark building. It is considered that the design of the proposed development is of a sufficiently high quality to satisfy the requirements of Policy 55 of the Local Plan. The design of the landmark tower building has been refined to ensure that all its elevations are of attractive appearance. The proposed finishing materials reflect those used on previous phases of the development and the layout continues the street pattern established for the City Quay development.

### CONCLUSION

The proposed development provides a good standard of residential accommodation in a well designed scheme. It complies with the Development Plan and the Master Plan for the site.

### RECOMMENDATION

#### Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and parties with appropriate interests in the land has been recorded. This agreement will relate to the prohibition of any of the proposed dwellings becoming a house in multiple occupation.

#### Recommendation 2

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 the hard and soft landscaping of the site, including the finishing materials to be used (with provision being made for the reuse of existing setts on the site), a timescale for the implementation of the proposals and the future maintenance of the communal areas 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. 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 this condition.
- 4 The internal noise levels in the proposed apartments (with the windows closed) shall not exceed 45dB(A) from 0700 to 2300 hours and 35dB(A) from 2300 to 0700 hours.
- 5 Details of the use of the proposed commercial unit and the measures to be employed to ensure that the use does not adversely impact on the amenities of the occupiers of the adjoining dwellings shall be submitted to the Council for approval before any of the proposed dwellings are occupied and if approved the development shall be carried out only in full accordance with such approved details.
- 6 Details of the establishment of the waterside walkway within and to the south of the application site including a timescale for implementation, the provision of street lighting, the installation of quayside protection and the retention of the existing crane 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 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.

8 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.
- d Condition of the site on completion of decontamination measures.

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

9 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.

10 Full details of the provision of public art for the development including the proposed art feature to the south east of the site 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.

## 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 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 4 In order to provide a satisfactory standard of residential amenity.
- 5 In order to establish the nature of the commercial unit at an early date and to ensure that the proposed use does not adversely impact on the amenities of adjoining dwellings.
- 6 To ensure the provision of a safe pedestrian walkway and the retention of the dockside crane in the interests of amenity.
- 7 In the interests of sustainable development.
- 8 In order to ensure that the site is fit for the use proposed.
- 9 In order to examine, record, and salvage items related to archaeology and history.
- 10 In order to provide for public art in the interests of visual amenity and in accordance with the Councils percent for art policy set out in Policy 56 of the Dundee Local Plan Review.