

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

Erection of 80 residential apartments and 16 townhouses with associated road, pavements, car parking and amenity space

Address

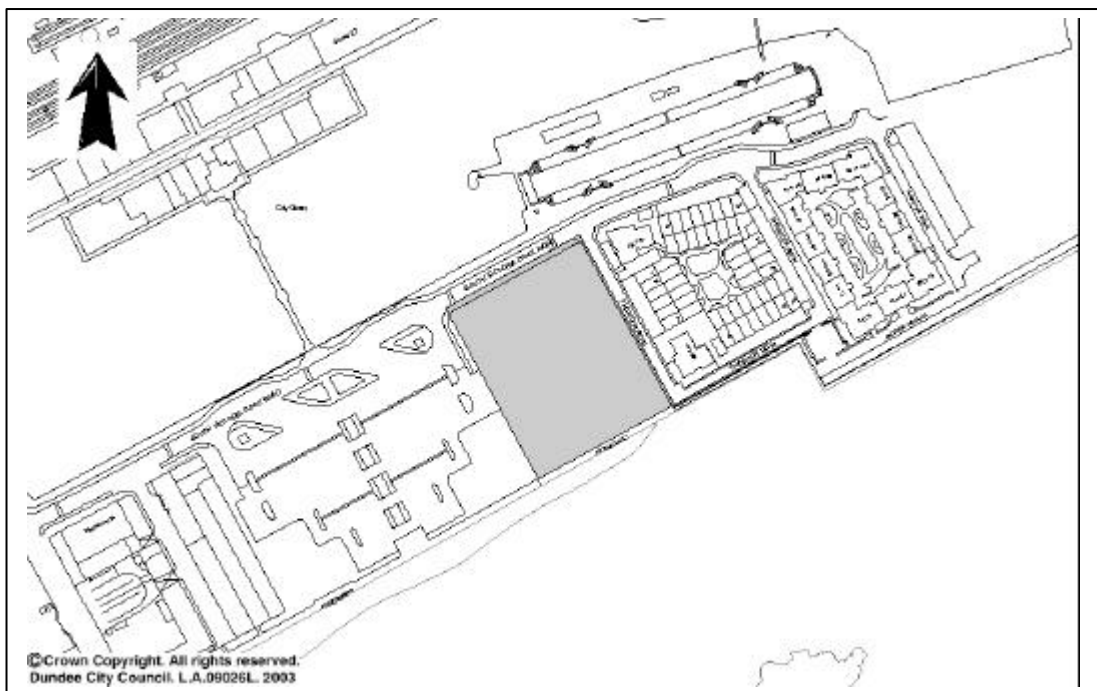
Land South of South Victoria Dock Road, Docks

Applicant

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Agent

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Registered 20 Sep 2005**Case Officer** C Walker

Proposed New Housing in South Victoria Dock Road

The erection of 80 residential apartments and 16 townhouses is **RECOMMENDED FOR APPROVAL**.
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 will be a good neighbour to the existing housing to the east. It is therefore recommend for APPROVAL.

SUMMARY OF REPORT

- The approval of reserved matters based on outline planning permission 04/00761/OUT is sought to erect a development of 80 apartments and 16 townhouses on the site. The proposals are in the form of an urban block with flatted buildings facing north and south to Victoria Dock and the Tay estuary and town houses facing east and west.
- A letter of objection was received from a nearby resident concerned about overlooking and overshadowing of his property.
- Architecture and Design Scotland have concerns about the proposals which they consider to be a disappointing response to a spectacular site.
- The proposals comply with the development plan and overlooking and overshadowing are not excessive. It is considered that the design of the proposed development is of a sufficiently high quality for this exceptional site.

DESCRIPTION OF PROPOSAL

The approval of reserved matters based on outline planning permission 04/00761/OUT is sought to erect a development of 80 apartments and 16 townhouses on the site. The proposals are in the form of an urban block with flatted buildings facing north and south to Victoria Dock and the Tay estuary and town houses facing east and west.

The apartment blocks are identical in design and comprise 5 storeys of residential accommodation above ground floor parking. There are 8 apartments on each floor level, all having 2 bedrooms and a balcony. The town houses are 3 storey in height, with an integral garage at ground floor. The accommodation comprises 4 bedrooms and each house has a private rear garden area of some 38 sq. metres. In addition a communal garden area of some 850 sq metres is proposed in the centre of the block to serve the development.

The total parking provision is 112 spaces, 1 for each apartment and 2 for each townhouse. The site is accessed from Thorter Row to the east and a new parallel access road to the west with access to the parking areas under the apartment blocks and to the communal space in the centre of the block controlled by automatic roller shutters and collapsible barriers.

The design of the proposed development follows on from the Design Guide submitted in connection with the application for outline planning permission to develop this site. The development is for a modern style of building bearing certain similarities with the existing City Quay housing development. Open glazed elevations with balconies are proposed to the north and south elevations of the apartments with smaller openings to the courtyard elevations. The town house design is very similar to that of the town houses to the east of the site. Proposed finishing materials are red brick, white render, timber cladding and galvanised balconies and railings, all to match those on the existing housing to the east of the site.

SITE DESCRIPTION

The site is some 0.76 hectares in extent and comprises vacant ground between a car park of some 315 spaces

designed to serve the City Quay retail and leisure development and housing at Thorter Row. The site is completely flat and lies some 4.3 metres above Ordnance Datum.

It sits between the Tay and the Category A listed Victoria Dock. To the west, beyond the car park 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 planning permission has been granted to convert them to housing.

To the east is the recently constructed City Quay housing development at Thorter Row comprising 3 storey town houses and flats of 6 storeys. The Unicorn is moored to the north of the site in Victoria Dock and it is proposed to take this ship into the Category B listed East Graving Dock further to the east.



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 a brownfield housing site under Proposal H34 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 a leisure development on the site of the current application.

The detailed application for the retail development (D23866) included the formation of a 315 space car park to the west of the application site. This car park was designed to serve both the retail development and the proposed leisure development on the application site.

Since then the retail portion of the development, some 169 houses and the Apex Hotel have been completed.

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 indicates a new build housing development on a 2.65 ha site comprising the application site and the car park to the west.

In August 2005 outline planning permission was granted for a housing development on this larger 2.65 ha site - application 04/00761/OUT refers. That application established the principle of developing this site for housing, illustrating a layout of 3

urban blocks of which the current proposals form the east most block.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as affecting the setting of the listed Victoria Dock.

A letter of objection was received from a resident of the housing development to the east (copies available for inspection in the Members Lounges).

The objector is concerned about overlooking and overshadowing of his property. These views are fully considered in the Observations section of this Report.

He is also concerned about loss of view and devaluation of his property, but these are not matters that can be taken into account in the determination of this planning application.

CONSULTATIONS

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

Architecture and Design Scotland were consulted and had concerns about the layout of the development, the lack of mixed uses, the interface with the riverside walkway and what they considered to be 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.

This site is allocated as part of a brownfield housing site under Proposal H34 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, more than 100% parking as well as secure cycle storage is provided, open space is provided in the form of balconies and a communal garden area for the apartments and private gardens for the townhouses. 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 Guide for the original application for outline planning permission on this site. The development is for a modern style of building bearing certain similarities with the existing City Quay housing development. Open glazed elevations with balconies are proposed to the north and south elevations of the apartments with smaller openings to the courtyard elevations. The town house design is very similar to that of the town houses to the east of the site. Proposed finishing materials are red brick, white render, timber cladding and galvanised balconies and railings, all to match those on the existing housing to the east of the site.

It is considered that the design of the proposed development, which was the subject of considerable pre application discussion, is of a sufficiently high quality to satisfy the requirements of Policy 55. The proposed layout and finishing materials reflect those used on previous phases of the City Quay development.

The design has been criticised by Architecture and Design Scotland and most of these criticisms were also levelled against the original application for outline planning permission at this location. There is no doubt that this is an extremely important site that deserves only the best quality of development. However a successful residential development also needs to be established on a human scale, particularly in a potentially hostile environment such as this where inclement weather conditions can be encountered. The formula for the previous phases of this development

has proved to be very successful, providing a traditional street pattern and a clear distinction between public and private spaces. An iconic building might well be a good architectural solution for this site but is unlikely to be successful in residential terms. It is considered that the current proposals represent an appropriate high quality development on this site. With regard to the incorporation of other uses, it is considered that an acceptable balance is achieved within the City Quay site with the provision of retail and leisure elements elsewhere and that there is not a requirement that each phase of the development should incorporate a mix of uses. Finally it is considered that the interface with the riverside walkway is appropriately treated with an attractive area of landscaping screening the ground floor parking.

Policy 55 also seeks to protect the setting of listed buildings. In this case the adjoining Victoria 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 was 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.

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 revised Master Plan for the area indicates 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 objector about overlooking are not considered to be valid since a minimum privacy distance of 18 metres has been maintained between the existing development and the proposed new development. This distance satisfies the requirements of Policy 4. In terms of overshadowing, the higher parts of the proposed development are those adjacent to the higher blocks on the existing development with town houses opposite the existing townhouses. The scale of the proposed development is broadly similar to that of the existing development. Taking into account the distance between the developments (minimum of 18 metres) and the fact that the new buildings are of comparable scale to the existing development, it is not considered that there will be unacceptable overshadowing of existing dwellings.

d Flood Risk

In terms of potential 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 buildings, the apartments will be 3 meters above current ground level (and well above the 5 metre contour) and almost all of the accommodation within the town houses will be at upper floor levels.

e 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 the objector or other material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The development is for a modern style of building bearing certain similarities with the existing City Quay housing development. Open glazed elevations with balconies are proposed to the north and south elevations of the apartments with smaller openings to the courtyard elevations. The town house design is very similar to that of the town houses to the east of the site. Proposed finishing materials are red brick, white render, timber cladding and galvanised balconies and railings, all to match those on the existing housing to the east of the site. It is considered that the design of the proposed development is of a sufficiently high quality for this exceptional site.

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 and will not detract from the residential amenities enjoyed by neighbours.

RECOMMENDATIONS

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 houses in multiple occupation.

Recommendation 2

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

- 1 The development to which this permission relates shall begin within 5 years of the date of the granting of outline planning permission for this development (04/00761/OUT granted on 10/8/05) or 2 years of the final approval of the reserved matters, whichever is the later.
- 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 (which shall include 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 Details of the establishment of the waterside walkway to the south of the application site including a timescale for implementation, the provision of street lighting and the installation of quayside protection 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 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.
- 6 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.
- 7 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.
- 8 Full details of the provision of public art for the development

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 To ensure the provision of a safe pedestrian walkway in the interests of amenity.
- 5 In the interests of sustainable development.
- 6 In order to ensure that the site is fit for the use proposed.
- 7 In order to examine, record, and salvage items related to archaeology and history.
- 8 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.