

KEY INFORMATION

Ward Tay Bridges

Proposal

Erection of 3 storey extension to existing Bank Street Car Park (Units U18 and L18)

Address

Land to East of West Marketgait
Overgate Lane
Dundee

Applicant

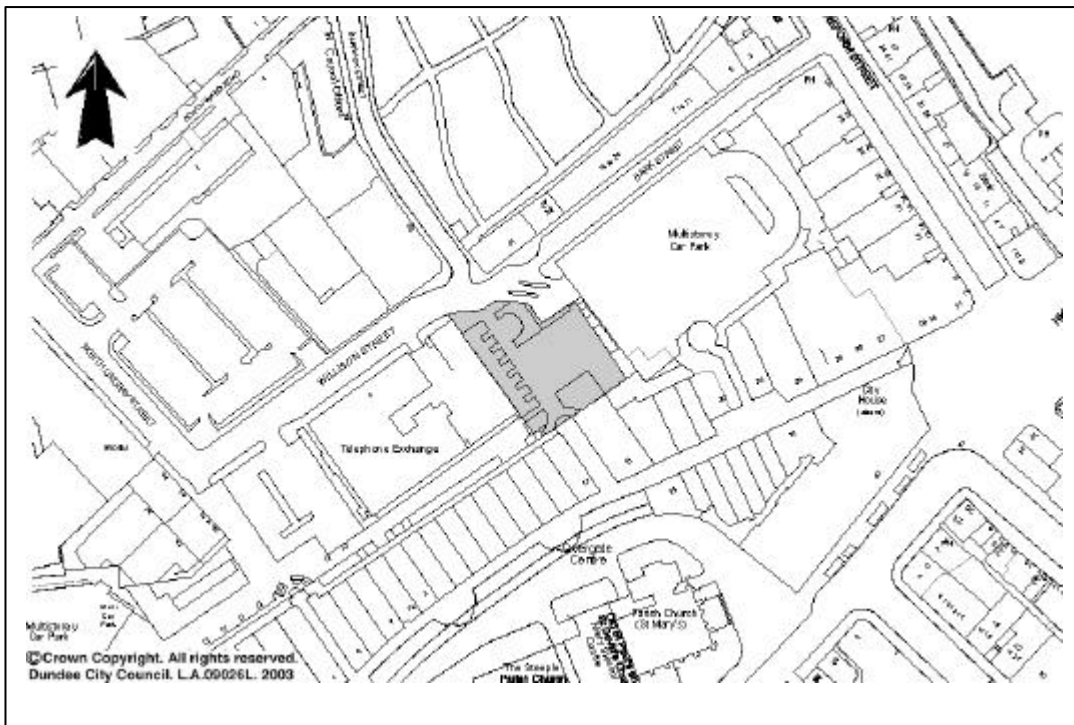
Overgate GP Ltd
Level 2
10 Maltravers Street
London WC2R 3NG

Agent

Keppie Planning
160 West Regent Street
GLASGOW G2 4RL

Registered 9 Sept 2005

Case Officer Gordon Reid



Bigger Shop Units for Overgate Centre

The Erection of 3 storey extension to west of existing Bank Street Car Park (Units U18 and L18) is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be in accordance with the provisions of the development plan.

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

SUMMARY OF REPORT

- Planning permission is sought for the erection of a 3 storey extension to the west of the existing Bank Street Car Park to enlarge units U18 and L18 at the Overgate Shopping Centre, Dundee.
- The proposed extension raises issues for consideration in terms of Town Centres and Retailing Policy 3 of the Dundee and Angus Structure Plan 2001-20016, Policies 37 and 55 of the Dundee Local Plan Review 2005 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- Two letters of objection were received to the proposed development. The main concerns raised related to the loss of an existing high quality area of public open space, that there is no need for additional retail floor area, existing retailers would be drawn from other parts of the city centre to the new extension, the proposal is contrary to national guidance and the adopted local plan and that the design is inappropriate.
- It is considered that the proposed extension is in accordance with Town Centres and Retailing Policy 3 of the Dundee and Angus Structure Plan 2001-20016, Policies 37 and 55 of the Dundee Local Plan Review 2005 and Section 65 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a 3 storey extension to the west of the existing Bank Street Car Park to enlarge units U18 and L18 at the Overgate Shopping Centre, Dundee.

The extension has been designed and uses materials to complement the design of the existing Overgate Shopping Centre.

The 3 storey extension will link into the existing centre and enlarge units U18 and L18. The gross floor area of the extension is to be 2000 sq. metres. The main access to the enlarged unit will be from the existing centre. The applicants have indicated that there may be an additional access from the Bank Street side of the extension dependent on the future occupier of the unit.

The submitted drawings include a new plant/machinery room on the roof of the extension.

SITE DESCRIPTION

The application site is located to the north of the existing Overgate Shopping Centre, to the west of the Bank Street Car Park and to the east of the existing access into the Overgate from Bank Street/Willison Street. The site extends to approximately 0.14 hectares and slopes from north to south. The site is currently landscaped to a high standard and forms an area of public open space with seating areas and cycle stands.

To the north of the application site is the boundary of the Central Area Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Town Centres and Retailing Policy 3: Dundee Central Area.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 37: Extending and Upgrading Shopping Provision in the City Centre.

Policy 55: Urban Design.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following is of relevance:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.



Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

Key Theme 7 is relevant to the consideration of this application and seeks to ensure that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. It is considered that the proposed development meets the aims of this Key Theme

SITE HISTORY

There is no site history of relevance to the consideration of this application.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the proposal was advertised in the "Dundee Courier and Advertiser" on the 20 September 2005 as affecting the setting of a Conservation Area in terms of Section 65 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Two letters of objection were received to the proposed extension. The main grounds of objection were that:

- 1 the proposal would result in the loss of an area of high quality public open space to the rear of the existing Overgate Shopping Centre.
- 2 the proposal is not necessary as there is excess retail capacity within the City Centre.
- 3 the proposal will draw major retailers out of other parts of the City Centre.
- 4 the proposal is contrary to the objectives of emerging national policy SPP8 Town Centres.
- 5 the proposal is contrary to the Dundee Local Plan Review 2005.
- 6 the appearance of the proposal and its relationship to its surroundings is not acceptable.

Copies of the letters of objection are available in the Members Lounges and the issues raised are discharged in the Observations Section of this report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that he had no objection to the proposed development subject to a condition being imposed on any permission granted stating that: "during the period 2300-0700hrs total noise from all mechanical and electrical services shall not exceed NR35 as measured 1m external to the facade of the nearest residential accommodation."

Architecture and Design Scotland were consulted and made no comment on this aspect of the current proposals to extend the Overgate Shopping Centre.

No adverse comments were received from any of the other statutory consultees.

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 proposal is for the erection of a 3 storey extension containing 2000 sq metres gross floor area to the west of the existing Bank Street Car Park to enlarge units U18 and L18 at the Overgate Shopping Centre.

Dundee and Angus Structure Plan 2001-2016

Town Centres and Retailing Policy 3: Dundee Central Area seeks to reinforce Dundee Central Area's role as one of Scotland's key centres providing a focus for retailing and related activities. One of the means identified to achieve this is by supporting further retail development in the central area, including the extension of the prime shopping area, where this can be suitably integrated with the existing shopping area.

The proposed development is for an extension to the Overgate Shopping Centre which is located within the existing prime shopping area. Access to the extension would be from the existing centre. It is considered that the proposed extension would extend the prime shopping area in a suitably integrated manner and would reinforce the success of the existing Overgate Shopping Centre.

The proposal is considered to be in accordance with Town Centres and Retailing Policy 3

Dundee Local Plan Review 2005

Policy 37: Extending and Upgrading Shopping Provision in the City Centre supports an extension of the Overgate Centre as part of accommodating a major element of the new comparison goods floorspace requirement in the City Centre. In the preamble to the Policy it is highlighted that a retail capacity study undertaken on behalf of the Council has pointed to the scope to accommodate a significant increase in the City Centres comparison shopping provision. The proposal is for an additional 2000 sq. metres of comparison shopping floorspace in the form of a 3storey extension to units U18 and L18 of the Overgate shopping Centre. In terms of capacity it is considered that there is scope to

accommodate the level of floorspace proposed. As the Overgate is identified for accommodating additional floorspace the proposal is in an acceptable location.

It is considered that the proposed development is in accordance with Policy 37.

Policy 55: Urban Design seeks to ensure that all new developments place emphasis on design quality and the creation of new public spaces and points of interest which incorporate architectural and landscape features and reflect the historic street layouts, significant views and vistas. In addition, the Policy seeks that all developments will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all. The proposed development will result in the loss of an existing landscaped open space to the north of the Overgate Centre. As part of the larger extension to the Overgate Centre to the north (Planning Application 05/00815/FUL refers) a new public open space is to be created. This will be the new main access from the north. Therefore, while an existing area of public open space will be lost a satisfactory replacement will be created as part of the larger extension to the Overgate Centre.

The current architects have followed a more contemporary approach to the architecture of the proposed extension. In doing this they have however maintained elements of the original Overgate approach to the design and utilise some of the original finishing materials. It is considered that given the location of the extension the design proposed is of an acceptable quality. The proposal also maintains the existing and historic street patterns with the northern access into the Overgate centre remaining in place.

It is considered that the proposal is in accordance with Policy 55.

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:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 seeks to ensure that special attention be paid to the desirability of preserving or enhancing

the character or appearance of that area. Whilst, the proposal is not located within the Central Area Conservation Area it is adjacent to it. The impact on the setting of the Conservation Area requires to be assessed. As indicated above it is considered that the proposal is of an acceptable quality of design. It will also be located adjacent to the existing Bank Street Car Park. Given the design and location of the extension it is considered that it would not have a detrimental affect on the character or appearance of the conservation area.

The proposed development includes the installation of new plant and machinery on the roof of the extension. The applicants have advised that the specification of the plant and machinery and therefore the potential noise output are as yet not finalised. The Head of Environmental Health and Trading Standards advised that it is unlikely that residents in the surrounding area would be subject to disturbance from noise from the new plant and machinery given its location. However, he advised that as the final noise output levels are not available a condition should be imposed to ensure that disturbance from noise does not become a problem to residents from the new plant and machinery particularly in the evening. The proposed condition is outlined in the "Consultations" section of this Report.

Two letters of objection were received to the proposed extension. The main grounds of objection were that:

- 1 "the proposal would result in the loss of an area of high quality public open space to the rear of the existing Overgate Shopping Centre." The area in question is not allocated as public open space. The applicants have advised that this area of open space will be replaced as part of the main extension to the centre at the new northern entrance.
- 2 "the proposal is not necessary as there is excess retail capacity within the City Centre." As outlined above the preamble to Policy 37 highlights that a retail capacity study undertaken on behalf of the Council has pointed to the scope to accommodate a significant increase in the City Centres comparison shopping provision. Policy 37 identifies the Overgate

as an appropriate location for further expansion to accommodate the increase in comparison shopping provision.

- 3 "the proposal will draw major retailers out of other parts of the City Centre." The applicants have indicated that there is demand for larger units not available elsewhere in the city centre. The proposal will provide units of a different scale to elsewhere in the City Centre.
- 4 "the proposal is contrary to the objectives of emerging national policy SPP8 Town Centres." It is considered that as the proposal is for an extension to an existing shopping centre located within the identified central shopping area it conforms to national planning guidance.
- 5 "the proposal is contrary to the Dundee Local Plan Review 2005." As outlined above it is considered that the proposal is in accordance with the relevant policies of the Local Plan 2005.
- 6 "the appearance of the proposal and its relationship to its surroundings is not acceptable." As indicated above it is considered that the proposal is of an acceptable design for the location proposed.

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

Design

The current architects have followed a more contemporary approach to the architecture of the proposed extension. In doing this they have also maintained elements of the original Overgate approach to the design and utilised some of the original finishing materials. Taking into account the location of the extension it is considered that the design proposed is of an acceptable quality.

CONCLUSION

It is considered that the proposed extension is in accordance with Town Centres and Retailing Policy 3 of the

Dundee and Angus Structure Plan 2001-20016, Policies 37 and 55 of the Dundee Local Plan Review 2005 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.

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 all finishing materials 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 finishing materials.
- 3 During the period 2300-0700hrs total noise from all mechanical and electrical services shall not exceed NR35 as measured 1m external to the facade of the nearest residential accommodation.
- 4 Details of the proposed surface water and foul drainage arrangements 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.
- 5 A detailed landscaping scheme 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.
- 6 Details of the trees to be retained and replanting proposals 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the visual appearance of the proposed development is to an acceptable quality.
- 3 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 4 To ensure that the proposed development can be drained in a satisfactory manner.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 6 To ensure that the visual appearance of the proposed development is to an acceptable quality.