

KEY INFORMATION

Ward Maryfield

Proposal

Erection of 2 Office Buildings

Address

Land to West of
West Victoria Dock Road
Dundee

Applicant

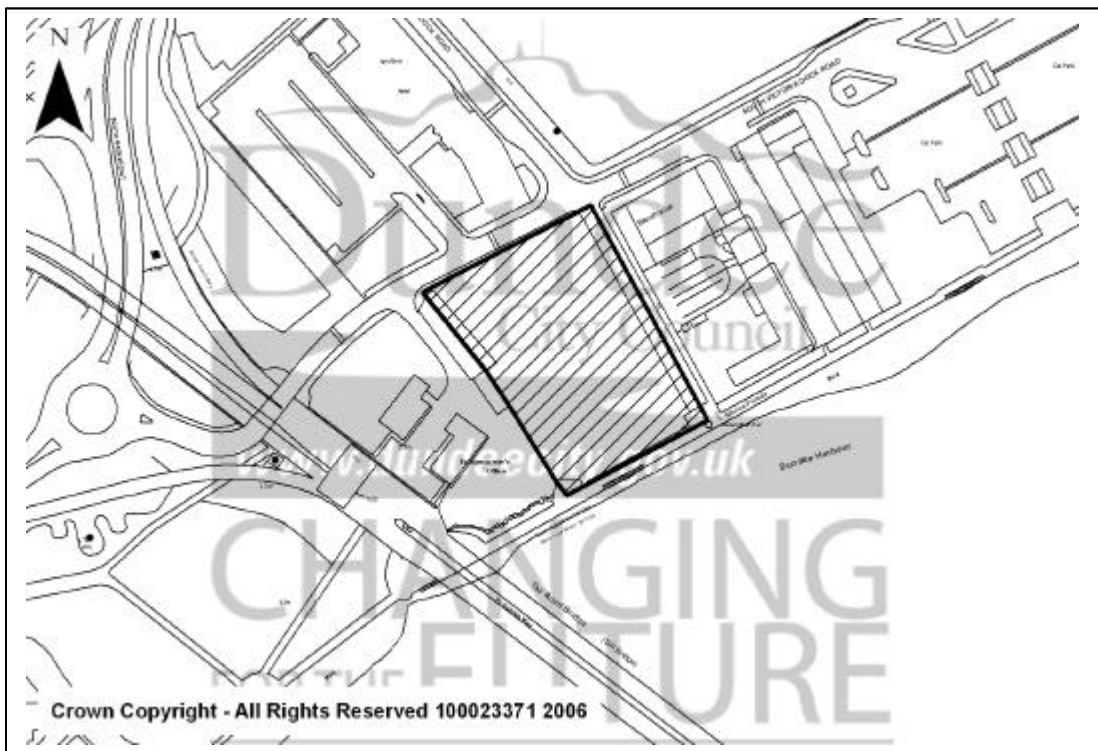
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Case Officer C Walker



New Office Development Proposed in City Quay

The erection of two office buildings is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development provides attractive office accommodation in an appropriately designed scheme. It complies with the Development Plan and the Master Plans for City Quay and the Central Waterfront and is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought to erect an office development on the site comprising two 5 storey blocks and providing a total of 11,750m² of office space.
- This site is allocated as falling within the City Quay area and the Central Waterfront and there are Masterplans setting out parameters for the development of this area.
- 2 letters of objection were received from the Community Council and an individual stating concerns about the scale and design of the development and the lack of mixed uses.
- The proposed development provides attractive office accommodation in an appropriately designed scheme. Adequate provision has been made for mixed uses in the City Quay development. The proposals comply with the Development Plan and the Master Plans for City Quay and the Central Waterfront.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect an office development on the site comprising two 5 storey blocks and providing a total of 11,750m² of office space. The 2 buildings are identical in design and are separated by a central east-west courtyard reflecting the line of the patent slip under the site. Together the 2 blocks form an urban square, following the pattern set by the City Quay housing developments to the east of the site and the urban grid pattern proposed in the Central Waterfront Masterplan.

Interest and variety is provided in the design of the buildings by varying the floor plates at each level so that there are projecting and recessed features on the elevations. Proposed finishing materials are white render for the walls, dark grey aluminium within the curtain walls, zinc panels framing the projecting curtain walls and cladding the recessed top floor levels and grey membrane roofs.

It is proposed to plant street trees along the streets to the north, east and west of the site and to hard landscape the courtyard to reflect the location of the buried patent slip. A total of 40 parking spaces are proposed, principally within the courtyard area and also along the western road.

The applicants state in a Design Report that the building is in an accessible location and has been designed to be as sustainable as possible with a view to achieving a very good BREEAM rating. A Report on Ground Conditions concludes that the levels of contaminants present within the site do not pose unacceptable risks to human health or the water environment. Gas remedial measures are proposed as well as the importation of topsoil for landscaped areas.

SITE DESCRIPTION

The site is some 0.65 hectares in extent and is currently fenced off and used as a construction compound for the firm

carrying out repair works to the Tay Road Bridge. The site is completely flat and lies between 3.75 and 4.5 metres above Ordnance Datum.



The site is bounded to the north by South Victoria Dock Road and the Apex Hotel lies immediately to the north of the road. To the west are the Tay Bridge Board Offices. To the east the site is bounded by West Victoria Dock Road and there is a housing development currently under construction on the western side of the road. To the south is the Firth of Tay and to the north east is Victoria Dock, a Category A listed structure.



High Level View from South West

The site was formerly part of the Panmure Shipyards and the Category A listed patent slip associated with that former use runs under the site.

The site is very prominent on the waterfront and is very visible to traffic entering Dundee on the Tay Road Bridge.

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 falling within the City Quay area where Policy 16A supports a range of uses. It also falls within the eastern part of the Central Waterfront where Policy 16 encourages proposals which comply with the Central Waterfront Masterplan.

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 Plan for the City Quay development is considered in the Site History section of this Report. The Central Waterfront Masterplan indicates this site as forming part of a larger urban block extending up to the Tay Road Bridge.

SUSTAINABILITY ISSUES

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 the retention of the HMS Camperdown facility 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 indicates an office development on this site.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as a “bad neighbour” development (due to its height exceeding 20 metres).

A letter of objection was received stating concerns about the lack of mixed uses at City Quay and the fact that there was no provision for restaurants, cafes and bars at ground floor level.

Copies of this letter are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

Dundee City Centre and Harbour Community Council object to the proposed development on the basis that the buildings are too large for the site and too close to the waterfront and that the development fails to meet the balance between buildings and open space advocated in the Waterfront Masterplan. They question the need for such large buildings when there is already vacant office space in the city. They consider the design and finishing materials unsatisfactory for such a prominent site. They consider that the building may be susceptible to flooding problems, that the flat roofs will provide nesting sites for gulls and that the proposal only pays lip service to sustainability.

Historic Scotland was consulted with regard to the impact of the development on the Category A listed Panmure Workshop and patent slip and responded with no adverse comments but suggesting that the hard landscaping detail could be developed to make greater reference to the presence of the patent slip.

Scottish Water has no objections to the proposal but point out that they are currently assessing the impact of the development on current infrastructure.

The Head of Environmental Health and Trading Standards has pointed out that there may be contamination on this site and that investigation needs to

be carried out to ascertain the extent of contamination.

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 falls within both the Central Waterfront Masterplan area and the City Quay development area in the Local Plan and Policies 16 and 16A set out a framework for development in this area. These policies refer in turn to the two Masterplans for the area.

The proposed development of offices on the site and the continuation of the urban grid already developed on sites to the east at City Quay and as proposed for new Central Waterfront developments to the west complies with Local Plan policy and the requirements of the Masterplans for the site.

Policy 55 promotes good design. It is considered that the design of the proposed development is of a sufficiently high quality to satisfy the requirements of Policy 55. The choice of finishing materials and the articulation of the building coupled with good hard landscaping and planting in the form of street trees provides a development of appropriate quality for this prominent site. It is considered that the height and massing of the buildings is justified, particularly when viewed in the context of the 6 storey residential development to the east, the 6 storey Apex Hotel to the north, the Tay Bridge and future development to the west and the wide expanse of the waterfront to the south.

Policy 55 also seeks to protect the setting of listed buildings. In this case the adjoining former Panmure Shipyard buildings and patent slip to the east are Category A listed. The

proposed development will not have an adverse impact on the setting of the listed buildings and structure, and is largely masked from them by the modern housing development immediately to the east. Hard landscaping is proposed to mark the buried patent slip and a planning condition can be imposed to ensure that it is of appropriate quality should Members be minded to approve the application. Historic Scotland was consulted on the impact of the development on the Category A listed buildings and had no adverse 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 should Members be minded to approve the application.

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 listed buildings to the east of the site.

- b The Masterplans for the Central Waterfront and City Quay

This matter has already been considered in the assessment of the proposed development under Policies 16 and 16A of the adopted Local Plan and it was considered that the proposal complies with the requirements of both Masterplans.

- c The Concerns of the Community Council and the Objector.

The Community Council object to the proposed development principally because they feel it is too large for the site and that its design is unsatisfactory. These matters were considered in the assessment of the proposed development under Policy 55 of the adopted Local Plan and it was concluded that the design and scale are satisfactory. The Community Council were particularly concerned about the proximity of the development to the waterfront. However the development is set back from the quayside in line with the residential developments to the east (some 11 metres back) and even though the upper levels overhang this area (the nearest part of the building is some 8.5 metres from the quay wall), it is considered that this leaves ample space in visual and well as functional terms for an attractive walkway.

The Community Council is also concerned that the development fails to meet the balance between buildings and open space advocated in the Waterfront Masterplan. What the Masterplan actually proposes is a large new central area of open space framed by buildings and it does not make provision for open space on the site of the current application. Despite this the proposed development does provide a hard landscaped courtyard and street trees on the roads to the east and west.

Their concerns about flooding problems are addressed below. Planning conditions can be imposed to ensure measures are taken to deter gulls from nesting on the roofs should Members be minded to approve the application. Finally the view of the Community Council that the proposal only pays lip service to sustainability is not accepted. The site is accessible to walkers, cyclists and users of public transport and the buildings have been designed to the client's brief which emphasises the need for sustainability.

The objector considers that there is a lack of mixed uses at City Quay and that there should be provision for restaurants, cafes

and bars at ground floor level in this development. It is correct that one of the aspirations for City Quay is to develop a mix of uses on the site. Whilst this could be achieved by each separate development having a mix of uses, it can also be achieved by the various developments combining to provide mixed uses. This is how City Quay has been developed in practice so that although this particular development is for office use only, there is a hotel on the site immediately to the north and housing immediately to the east. There are also a range of retail, leisure and restaurant uses close by. In these circumstances it is not considered that there should be a requirement to provide alternative uses in the ground floors of this development.

d Flood Risk

In terms of potential flooding, the ground level of the site is between 3.75 and 4.5 metres above ordnance datum and on average is approximately 1 metre higher than the highest recorded tide. However this is lower than the 5 metre level generally recommended in SPP7. SPP7 identifies land uses where the risk of flooding would have especially serious adverse consequences and suggests differing approaches to built up areas and undeveloped areas.

In this case the finished floor level of the ground floor of the proposed offices will be 4.5 metres, which is below the level recommended in SPP7. Without coastal protection measures there is the possibility of occasional flooding at the premises albeit on a very infrequent basis. Whilst this possibility is a serious concern in connection with residential properties, it is considered that for a commercial property (clearly not one of the critical land uses identified in SPP7) in an existing built up area where only the ground floor of 5 storey buildings may flood on an infrequent basis represents an acceptable level of risk. It is concluded that to approve this development would not result in a material increase in the number

of buildings at risk of being damaged by flooding.

e Contamination

Due to the industrial processes formerly carried on at this site, the presence of contaminants have been identified by the applicants although their consultants suggest that there will be no unacceptable risk to human health or the water environment. The concerns of the Head of Environmental Health and Trading Standards about contamination can be addressed through a planning condition should Members be minded to approve the application.

f Impact on the Residential Development to the East

This is quite a substantial development and lies immediately to the west of a housing development that is currently under construction. The housing development is also substantial (6 storeys high) and the distance between the buildings is some 19 metres. This distance is just above the standard privacy distance of 18 metres recommended for new housing developments. In addition, the extent of overshadowing is lessened by the fact that the ground floor of the residential building is occupied predominantly by garages and that there is a spacing of some 25 metres between the 2 office buildings. It is concluded that there will be a satisfactory relationship between the 2 developments.

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. It is therefore recommended that planning permission be granted with conditions.

Design

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 choice of finishing materials and the articulation of the building coupled with good hard landscaping and planting in the form of street trees provides a development of appropriate

quality for this prominent site. It is considered that the height and massing of the buildings is justified, particularly when viewed in the context of the 6 storey residential development to the east, the 6 storey Apex Hotel to the north, the Tay Bridge and future development to the west and the wide expanse of the waterfront to the south.

It is considered that the design of the development is well considered and is appropriate for this visually significant site.

CONCLUSION

The proposed development provides attractive office accommodation in an appropriately designed scheme. It complies with the Development Plan and the Master Plans for City Quay and the Central Waterfront.

RECOMMENDATION

It is recommended that consent 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 size and species of street trees, the finishing materials to be used, the interpretation of the patent slip and a timescale for the implementation of the proposals and the future maintenance of the landscaped 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 removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted in terms of this condition.

4 Details of the upgrading 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 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 office is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

6 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.

7 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.

8 The design of the development shall be amended to provide details of a more robust basecourse material extending to approximately 2 metres above ground level or such alternative level agreed in writing with the Council 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.

9 Details of the measures to be employed to ensure that the roofs of the development are not conducive to nesting or roosting birds 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.

10 Details of the provision of secure and covered cycle parking 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.

11 The finished floor level of the proposed development shall be not less than 4.5 metres above ordinance datum.

12 A Travel Plan that sets out proposals for reducing the dependency on the private car shall be submitted to and approved in writing by the Council before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. The Plan will include, inter alia:

- Details of proposed pedestrian and cycle infrastructure within the site and connections to the existing networks.
- Details of cycle parking provision and location within the site.
- Details of measures to improve public transport usage and facilities.

- Details of initiatives such as car share schemes and flexible working.
- Details of employee locker and shower facilities.
- Details of travel information to be provided within the site.
- Details of car parking provision and management.
- Details of mode share targets.
- Details of the proposed monitoring schedule and reporting procedures.
- Details for the management of the travel plan identifying the persons responsible for implementation.

- 10 In order to make adequate provision for cycle parking in accordance with Policy 82 of the adopted Dundee Local Plan Review 2005.
- 11 Although SPP7 Planning and Flooding recommends a minimum floor level of 5 metres above ordnance datum to avoid coastal flooding, it is considered that achieving a minimum level of 4.5 metres will reduce the risk of flooding to an acceptable level.
- 12 To promote sustainable development in accordance with the requirements of SPP17 and PAN75.

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 and visually attractive pedestrian walkway in the interests of amenity.
- 5 In order to ensure that the site is fit for the use proposed.
- 6 In order to examine, record, and salvage items related to archaeology and history.
- 7 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.
- 8 In the interests of visual amenity and to ensure that the basecourse material withstands any weathering and damage at this exposed location.
- 9 To ensure that the site is not used by nesting or roosting birds in the interests of residential and visual amenity.