

KEY INFORMATION

Ward Maryfield

Proposal

Conversion and extension of Listed warehouse into new offices for DCC with incorporation of the public's one stop shop facility

Address

36-42 North Lindsay Street
Dundee
DD1 1PN

Applicant

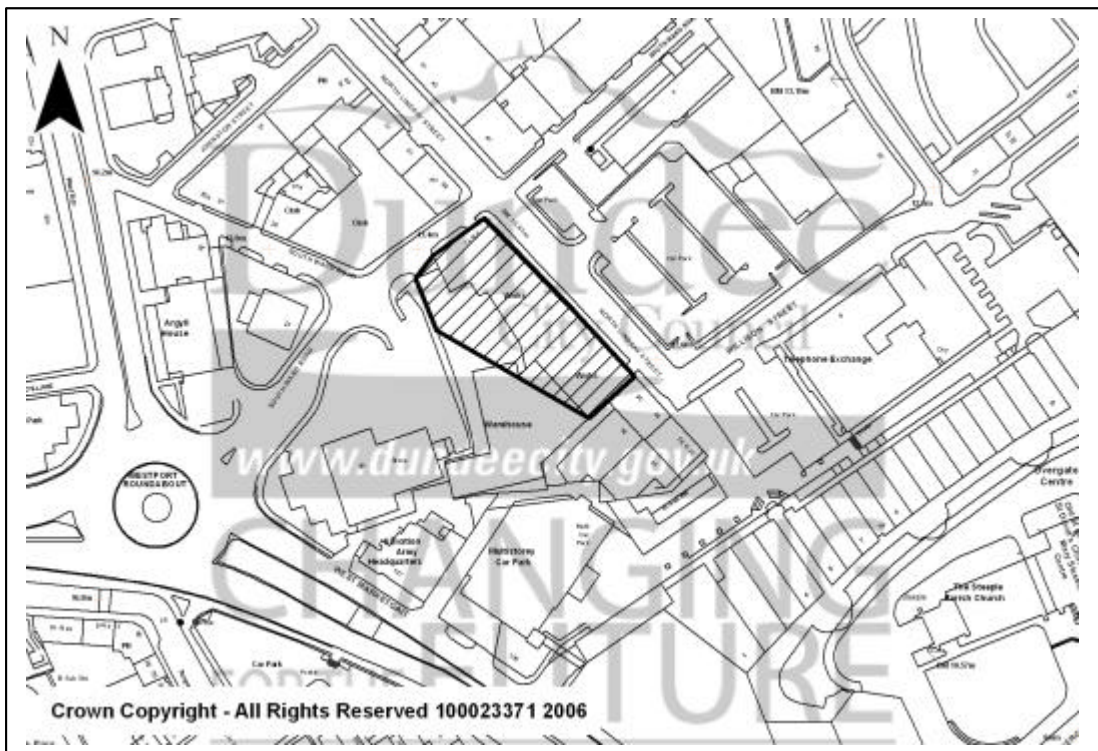
Dundee City Council
Tayside house
Crichton Street
DUNDEE
DD1 3RF

Agent

Reiach & Hall Architects
6-8 Damaway Street
Edinburgh
EH3 6BG

Registered 25 June 2007

Case Officer D Gordon



Proposed New Council Offices

The Conversion and Extension of a B Listed warehouse into offices for DCC is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is viewed as an exciting design solution to the development of this visually important and prominent city centre site for new Council offices. The proposal will result in a positive contribution to the continued regeneration of this area. The application is recommended for **APPROVAL subject to conditions**.

SUMMARY OF REPORT

- Permission is sought to convert and extend a former warehouse building into new Council office accommodation following the demolition of Tayside House. The proposal also involves the demolition of more modern buildings located on the west side of the site.
- The statutory neighbour notification procedure has been undertaken and there have been no objections to the proposals.
- It is considered that the proposals comply with the relevant policies of the development plan and the terms of the approved Development Brief for the site. There are no material considerations that would justify the refusal of the application contrary to these development plan policies.
- It is considered that there is no requirement to refer the application to Scottish Ministers as the proposals are in accordance with the development plan and they have not been subject to a substantial body of objection.

DESCRIPTION OF PROPOSAL

The proposal seeks permission to convert and extend a former warehouse property, which is a Category B listed building, into new offices for Dundee City Council following the demolition of Tayside House. This proposal also involves the demolition of more modern basic buildings currently located to the west of the warehouse.

At ground and first floor level the existing building will accommodate a double height, arched loggia (open sided arcade) that will front onto North Lindsay Street. Principal public access into the building will be taken off this loggia. Further accommodation is proposed at second and third floor levels. The roof of the building is to be removed and replaced with an additional floor of meeting rooms/office space.

An 8 storey spine of stairwells, lifts, toilets etc is located to the west and separates the existing building from the new built extension element of the proposed development. This new built will be 7 storeys in height and will be flat roof in design. The main finishing materials proposed are stone and glass.

SITE DESCRIPTION

The site is located in the north-west sector of the central area of the city. The principle building on the site, occupying an elongated frontage onto North Lindsay Street is a vacant warehouse formerly owned by DC Thomson. Built in 1909 this building is mostly 4 storeys in height, of sandstone construction and is a Category B listed building. There are extensive shed type buildings and yard to its rear ie to the west.

To the south of this warehouse building and abutting it, is a double close 4 storey sandstone tenement that is also listed category B. This property accommodates a variety of mixed uses that includes residential and business. Further to the south there is the Overgate Shopping Centre.

To the north of the site there exists a variety of uses that are typical of an edge of city centre location including, bars, restaurants, night clubs and residential properties.

To the west there is a Lidl supermarket and its associated off street car

parking, a Salvation Army building and an NCP multi storey car park which is accessed directly off West Marketgait. A NCP surfaced car park is located immediately to the east of the site.



POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Town Centres and Retailing Policy 5: Leisure and Commercial Uses.

Environmental Resources Policy 5A: Historic Environment

Environmental Resources Policy 6: Design and Urban Renewal



Dundee Local Plan Review 2005

The following policies are of relevance:

POLICY 1: VIBRANT AND SUSTAINABLE COMMUNITIES

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local

residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

POLICY 55: URBAN DESIGN

For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

POLICY 59: ALTERNATIVE USES FOR LISTED BUILDINGS

Suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. Reference should be made to other policies in the Plan.

POLICY 60: ALTERATIONS TO LISTED BUILDINGS

The alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shop fronts, roller shutters, treatments to masonry and painting and use of materials.

POLICY 65: ARCHAEOLOGICAL SITES

Where any proposal could affect a site of known archaeological importance or potential, the applicant will be required to provide an assessment of the

archaeological value of the site and the likely impact of the proposal on the archaeological resource. Such an assessment will require a field evaluation to be carried out to the reasonable satisfaction of the Council, to determine:

- a the character and extent of the archaeological remains; and
- b the likely impact of the proposal on the features of archaeological interest; and
- c the ways in which the development proposal can be amended or designed in order to mitigate its impact on the archaeological remains.

Where the development is considered to be acceptable and it is not possible to preserve the archaeological resource in situ, the developer will be required to make arrangements for an archaeological investigation. This will include excavation and recording prior to the start of any development. Planning conditions will be used and agreements sought to secure these arrangements. Similarly, where development is proposed for any site considered to be of potential archaeological interest within the City Centre Area of Archaeological Potential, the applicant will be required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource.

POLICY 79: CONTAMINATED LAND

When considering development proposals involving sites where the presence of contamination is suspected, the City Council will require applicants to:

- a submit the results of site investigations which assess the nature and extent of any contamination which may be present; and
- b where contamination is found to be present, notify the authority of the remediation measures proposed to render the site fit for its intended use including all receptors.

Appropriate conditions and/or legal agreements may be applied to ensure that such measures are implemented to the satisfaction of the Council.

Alternatives to the uses permitted by the Local Plan may be supported on contaminated sites in instances where evidence can be presented to establish that the severity of contamination is such that the site cannot be economically developed for its allocated use. In such instances the City Council will require to be satisfied that:

- clear evidence has been provided to establish the nature and extent of the contamination present;
- an economic appraisal has been provided which demonstrates that development based on the Local Plan allocation is not economically feasible due to the remediation requirement;
- justification for the proposed alternative to the Local Plan allocation is supported by economic and market appraisals which include the assessment of other potential options; and
- the proposed alternative use can be justified in relation to other policies of the Local Plan.

POLICY 80: WASTE MANAGEMENT FACILITIES

The City Council supports the policy of self-sufficiency for waste management within the Tayside Waste Plan Area. Development proposals for waste management facilities in Dundee will only be supported where they:

- a are in accordance with the Development Strategy and BPEO as set out by the Tayside Area Waste Plan;
- b accord with the proximity principle;
- c avoid air, noise, land, surface water and groundwater pollution;
- d avoid areas of flood risk and potential sea level rise;
- e minimise impact on the natural, historic and built environment;
- f safeguard the amenity of surrounding areas; and
- g minimise effects of traffic on the road network. Where appropriate and as prescribed in the appropriate Regulations, development proposals will require to be accompanied by an Environmental Statement and Transport Assessment.

Proposals for waste management facilities which satisfy the above criteria will be acceptable within General Economic Development Areas provided they also meet the Policy 26 criteria relating to other uses of a wider industrial nature.

Key existing waste management sites will be safeguarded for future waste management use and, where appropriate, for expansion, in keeping with the requirements of the Tayside Area Waste Plan.

Proposals for new housing and commercial developments will be required to make appropriate on-site provision to accommodate recycling facilities. This will include provision for the separate collection of recyclates within the curtilages of individual houses.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 18: Planning and the Historic Environment

Scottish Planning Policy 8 sets out the Scottish Executives policy for town centres and key issues which contribute to their economic growth and enhancement. This SPP replaces NPPG 8 1998

Planning Advice Note 68: Design Statements

Designing places - A Policy Statement for Scotland

Scottish Executive Circular 3/2007: The Planning Etc. (Scotland) Act 2006 (Consequential Provisions) Order 2007

Scottish Executive Circular 5/2007: Notification of Planning Applications

Memorandum of Guidance on Listed Buildings and Conservation Areas

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

North Lindsay Street Development Brief - Approved June 2004.

Dundee - The Urban Design Guide.

SUSTAINABILITY ISSUES

The proposal involves the partial redevelopment/partial re-use of a city centre brownfield site to provide a new facility that will result in the significant improvement and enhancement of this visually important site. The application raises no concerns in relation to the Council's sustainability policies. In addition, the agents have supplied a comprehensive Sustainable Development Profile to accompany the application.

SITE HISTORY

00/24530/D - Alterations and extensions to building (including partial demolition) to form 2 hotels - Withdrawn 07/02/2001

00/01787/DLB - Alterations and extension (including partial demolition) to form 2 hotels - Withdrawn 07/02/2001

01/25073/D - Change of Use with alterations and extensions to form offices, leisure use, retail use and bar restaurant - Application declared invalid

01/01879/DLB - Alterations and extension to form offices, leisure use, retail use and bar restaurant - Withdrawn 15/11/2001

01/30475/FUL - Conversion of warehouse to mixed development including pub, night club, restaurant and offices - Approved 29/04/2002

01/30476/DLB - Alterations to form mixed use development - Approved 29/04/2002

02/00909/FUL - Conversion of warehouse to form 3 public houses, night club and offices and erection of single storey extension to the rear - Withdrawn 17/03/2003

02/00915/LBC - Alterations and extensions to building to form leisure uses - Withdrawn 17/03/2003.

PUBLIC PARTICIPATION

The statutory neighbour notification has been undertaken. No objections to the proposed development have been received.

CONSULTATIONS

Architecture and Design Scotland were consulted on the proposals at the pre-

application stage of the proposed development. A&DS advised that they welcomed the Council's aspirations for this important project for the city. They were generally supportive of the designs and of the exciting approach to the new building. There was encouragement to further expand on the details of the proposed loggia in order that it provided maximum use for members of the public. A&DS also commended the overall approach to the sustainability of the scheme and were supportive of the separate but associated proposition to provide a civic square to the east side of the site. A&DS were further consulted on the details of the development following the formal submission of the planning and listed buildings for consideration. At the date of writing, no further comments have been received by this Council.

The Council's Head of Environmental Health and Trading Standards has advised that given the proposed use of the new building, it is unlikely that noise from operations will impact on the residents of the adjacent premises, with the possible exception of noise generated from mechanical and electrical services associated with the proposals. Consequently, a condition should be attached to any permission granted that restricts total noise from all mechanical and electrical plant to a maximum Noise Rating of 35 as measured 1 metre external to the facade of adjacent residential accommodation.

It is also recommended that a further condition be attached to any permission granted that requires any necessary decontamination works to be undertaken within the site shall be completed prior to the occupation of the building in order to ensure that the site is fit for the use proposed.

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

Policy 1 (Vibrant and Sustainable Communities)

This policy promotes vibrant communities and encourages the development of an appropriate range of services and facilities close to and within housing areas. New developments should, amongst other things, seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell. The surrounding area accommodates a number of residential properties and consequently the existing amenities of the occupiers of these flats should be taken into account in the consideration of the proposals. In the first instance, it is considered that there are no issues arising from the proposals that relate to smell. Similarly, there are not considered to be any parking or traffic movement issues as two city centre car parks are located adjacent to the application site. There is no new associated off street parking provision proposed for these offices.

With regard to noise, it is intended to attach a condition to any permission granted that requires all mechanical and electrical services associated with the new building be restricted to a maximum Noise Rating considered appropriate for the protection of the amenities of nearby residents.

With regard to the layout and design of the building, these matters will be discussed in greater detail below. However, it is considered that the proposed development will not significantly impact on the amenities currently enjoyed by the occupiers of these city centre flats. Indeed it is anticipated that the scheme will improve the amenity of the area by bring life back to this sector of the city thorough the successful redevelopment of the currently vacant buildings.

Policy 55 (Urban Design)

The agents have submitted a Design Statement in support of the planning application. This Statement sets out the design rationale for the development as required by Policy 55. It is considered that the agents have successfully combined the re-use of a

prominent listed building with the development of a larger new build element to the west to provide a dramatic landmark public building that is appropriate in scale, appearance and materials in this important location. It is further considered that the architectural and historical integrity of the existing building is maintained through the careful detailing of the main elements of the scheme and that the character and quality of the surrounding area is preserved and enhanced by the contemporary composition of the development.

In light of the above, the proposals are considered to aspire to the requirements of Policy 55 (Urban Design) of the Local Plan.

Policy 59 (Alternative Uses for Listed Buildings).

The use of the former warehouse building for new office accommodation is considered to be consistent with the terms and aspirations of this policy.

Policy 60 (Alterations to Listed Buildings)

This policy requires that alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. The sandstone warehouse accommodates several features of architectural or historic interest within the building and a number of these have been retained and incorporated into the design of the new accommodation. In this respect, the proposed internal alterations will not adversely impact on the character of the building. The main external alterations to the building are the removal of the pitched roof (and the introduction of additional accommodation at roof top level) and the use of the existing ground floor windows on the east elevation as open stone arches to the proposed double height loggia. Historic Scotland has been involved in pre-application discussions with regard to the alterations and has offered several comments on the proposals. Formal consultation will be undertaken with HS should the Members be minded to offer support for the corresponding listed building application, a report on which can be found elsewhere on this agenda. It is considered that significant efforts have been undertaken by the agents to preserve the appearance and integrity of the

existing listed building, particularly when viewed against the background of the proposed new build element of the development to be located to the west. This has resulted in a scheme that not only allows the appearance and character of the building to remain but also enhances its setting in the local area.

Policy 65 (Archaeological Sites)

The site is located within the City Centre Area of Archaeological Potential and consequently an assessment of the likely impact of the proposals on any archaeological resources within the site will be required. As the site currently accommodates several buildings that are to be demolished, it is intended to attach a condition to any permission granted requiring a scheme of archaeological investigation, including a timetable, to be submitted for approval.

Policy 79 (Contaminated Land)

Due to the historical land use of the site, a full Site Investigation of the potential contamination of the site has been undertaken. It is intended to attach an appropriate condition to any permission granted that requires the removal/remediation of any contamination prior to the first occupation of the building in order to ensure that the site is fit for the use proposed.

Policy 80 (Waste Management Facilities)

This policy requires, amongst other things, proposals for new housing and commercial developments to make appropriate on-site provision to accommodate recycling facilities. It is intended to attach an appropriate condition to any permission granted requiring the discharge of this matter prior to the first occupation of the new building.

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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect 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 they possess.

This matter has already been considered in the assessment of the proposed development under Policies 59 & 60 of the Dundee Local Plan Review 2005 above and it was concluded that the proposal would not detract from the appearance of the listed building. Consequently, it is considered that statutory duty set out in this Section of the Act is discharged.

The Memorandum of Guidance on Listed Buildings and Conservation Areas is of relevance and supports alternative uses for listed buildings to ensure their protection. As noted above, Historic Scotland have been involved in pre-application discussions and the partner Listed Building application will be referred to Historic Scotland for ratification should the application be approved.

The Planning and Transportation Committee at its meeting on 28th June 2004 approved a Development Brief for the North Lindsay Street area. This Brief, amongst other things, supported the provision of a number of uses for the site and in particular identified the opportunity of the former DC Thomson warehouse building on the North Lindsay Street frontage to form the main part of the relocated Dundee City Council offices following the demolition of Tayside House. The Brief also supports the provision of tall buildings on the site and the use of lively and attractive contemporary finishing materials that are of good texture, colour and pattern and are appropriate to the scheme. It is considered that the proposed development details are consistent with the terms of this approved Brief.

It is concluded from the foregoing that insufficient weight can be accorded to any 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 design rational and concept for the development is set out in the Design Statement that accompanies this application. This visually important city centre site, that fronts directly onto North Lindsay Street and also

overlooks West Marketgait, will be developed with an appropriate quality landmark building of a scale, appearance and character that is to be welcomed in this prominent location. The appropriate use of a limited palette of materials and the contemporary composition of the scheme combine to provide another dramatic building of high quality design. It is considered that the scheme satisfies the requirements of Policy 55 (Urban Design) of the Dundee Local Plan Review 2005

CONCLUSION

The proposal represents an additional opportunity to further the regeneration of this important and prominent city centre site through the development of a landmark public building. The proposed design displays an exciting and innovative approach to the new building and while significantly greater in scale, the new build element of the scheme does not dominate or detract from the integrity or appearance of the existing listed warehouse building or detrimentally impact on the setting of the adjacent conservation area.

The new Planning etc (Scotland) Act 2006 (Consequential Provisions) Order 2007 replaced, on 1st April 2007, the previous arrangements for the Notice of Intention to Develop procedure for Local Authority applications. This is supplemented by Circular 5/2007 Notification of Planning Applications and Planning Advice Note 82: Local Authority Interest Developments. Legislation now requires, inter alia, that where the Council are minded to approve development on sites in which they have a financial interest, the applications should be referred to Scottish Ministers for consideration:

- a where the proposal does not accord with the approved local plan; or
- b where the proposal has been the subject of a substantial body of objections.

It has been demonstrated above that the proposals are in accordance with the relevant local plan policies and that there have been no objections to the development. Consequently, it is concluded that there is no requirement to refer this application to Scottish Ministers.

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 Development shall not begin until details of a scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - location of new trees
 - schedule of plants to comprise species, plant sizes and proposed number/density
 - details and materials of all landscaping works
 - programme for completion and subsequent maintenance

For the avoidance of doubt, any trees which, in the opinion of the planning authority, are dying, severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of similar specification to those originally planted.

- 3 Details of refuse storage and recycling measures to be provided shall be submitted to the Council for approval prior to the commencement of development and if approved the development shall be carried out only in full accordance with such approved details
- 4 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:
 - the nature, extent and type(s) of contamination on the site
 - measures to treat/remove contamination to ensure that the site is fit for the use proposed.

- measures to deal with contamination during construction works
- condition of the site on completion of decontamination measures

Before any of the proposed accommodation hereby granted permission is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 5 No construction works shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing. This approved scheme shall be fully implemented as approved.
- 6 Total noise from all mechanical/electrical services shall not exceed NR35 as measured 1 metre external to the facade of the adjacent residential accommodation.
- 7 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 3 In the interests of sustainable development.
- 4 In order to ensure that the site is fit for the use proposed.
- 5 In order to examine, record and salvage any items related to archaeology and history.
- 6 To protect local residents from any noise generated by the development hereby granted permission.
- 7 To ensure a satisfactory standard of appearance of the development.