

KEY INFORMATION

Ward West End

Proposal

Erection of 102 bedroom hotel with restaurant and formation of associated car parking and landscaping

Address

Land south of Riverside Avenue, Dundee

Applicant

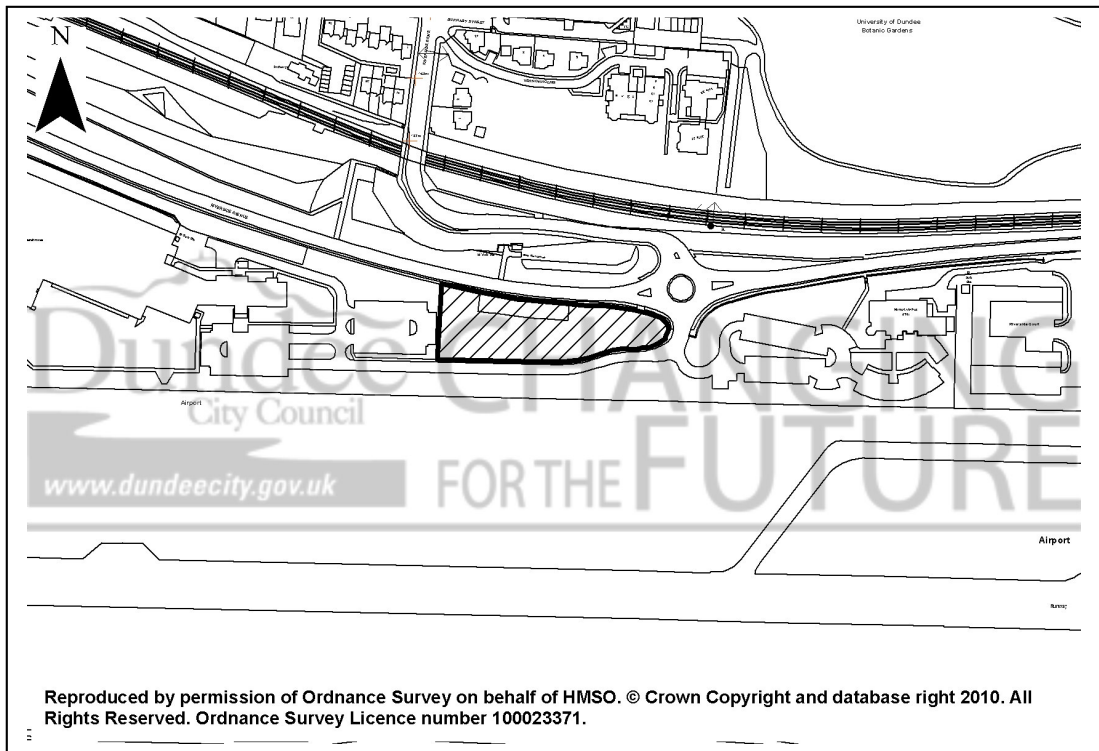
Hanna & Strachan Ltd
Unit 5 Lomond Business Park
Glenrothes
Fife KY6 2PG

Agent

AIM Architecture Interiors
Media
Unit 5 City Quay
Camperdown Street
Dundee DD1 3JA

Registered 20 May 2010

Case Officer Paul Macari



Proposed New Hotel at Riverside

The erection of 102 bedroom hotel with restaurant and formation of associated car parking and landscaping is **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

RECOMMENDATION

The applicants have put forward an innovative and quality design for the hotel and restaurant facilities proposed. However, the proposed uses are considered to be contrary to the Development Plan. The applicants have failed to demonstrate that there is any justification to support the proposed development contrary to the requirements of the Development Plan. Consequently, the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to erect a hotel and restaurant on a site located on the south side of Riverside Avenue. The facility will provide 102 bedrooms, a rooftop restaurant, conference facilities and associated car parking and landscaping.
- The Development Management Committee has previously granted permission (06/01086/FUL) contrary to the recommendation of the Director of City Development for the erection of a 60 bedroom hotel and restaurant on the application site.
- Two letters in support of the application has been received.
- It is considered that the proposed development fails to comply with a number of Structure and Local Plan policies that relate to the provision of such facilities within the city. The applicants have failed to submit sufficient justification for the Council to set aside the relevant policies and recommend approval of the hotel and restaurant in the location proposed.

DESCRIPTION OF PROPOSAL

The application seeks permission to erect a 102 bedroom hotel with restaurant and the formation of associated car parking and landscaping.

The proposal comprises of two main elements:

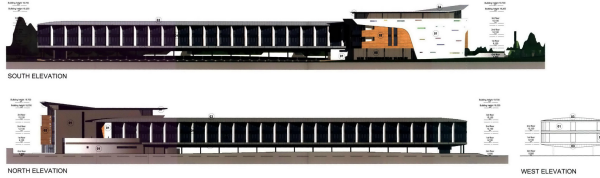
1 The Hotel Tower. This is located at the east end of the site. This feature will be 5 storeys and will accommodate a plant room within the basement and at ground floor level the main entrance into the facility and hotel foyer, associated kitchen and toilet facilities, a bar and seating areas and various associated ancillary uses. At first floor level it is proposed to provide conference facilities and bedrooms as well as a first floor roof top garden. The second floor provides further bedrooms, meeting rooms, storage facilities and toilet facilities. The top floor is entirely occupied by a rooftop restaurant with balcony offering 270° panoramic views across the River to the south.

2 The accommodation wing to the west side of the above hotel tower is elevated above the existing ground level of the site by a single storey. This allows for car parking to be located beneath the structure. This element of the building sweeps westwards from the tower and provides a strong horizontal building form that is enhanced by the provision of angled windows. The design of this accommodation wing is based on the spitfire aircraft that has a fluted exhaust which is repetitive along the nose of the plane.

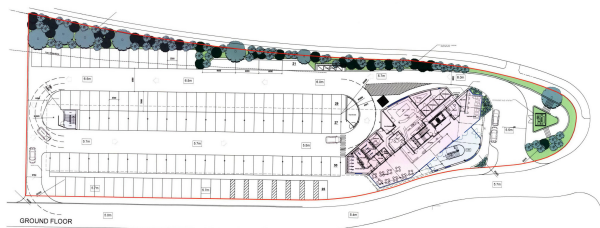
The building will be finished in horizontal timber cladding and white rainscreen cladding (walls) and single ply membrane and zinc standing seam roofs. The building shall have grey aluminium framed windows in the accommodation wing and butt jointed glass in the restaurant. The hotel shall be enclosed by white rendered walls with galvanised steel artwork.

Access into the site is to be taken from the existing access road located on the

south side of the site. Associated off street car parking, in addition to the spaces to be provided below the accommodation wing, is to be located on the north side of the site with a total of 132 spaces being proposed. Associated landscaping is proposed for the north and east sides of the site.



The current proposals are similar to the hotel and restaurant facilities with application ref: 06/01086/FUL that were approved by the Development Management Committee on 23 March 2007. The main differences between the current proposals and those approved by planning application ref: 06/01086/FUL are that the floor area of the hotel has increased to accommodate an additional 42 rooms, greater meeting and function space facilities, including an additional lift



and increased kitchen and business cafe facilities.

Although the current proposals seek planning permission to increase the number of rooms from 60 to 102, each room has also been increased by approximately 50% from 15.6m² to 24.3m².

The footprint of the hotel building has increased from 519m² to 600m² on the ground of the tower section, from 1,330m² to 1,970m² on the first and second floors of the hotel and from 354m² to 395m² on the third floor.

Externally the area of the application site has remained the same. However, the level of car parking has increased significantly with the current proposals afforded 132 car parking spaces and 12 cycle spaces in comparison to the 92 car parking and 10 cycle spaces afforded to the 60 bedroom hotel and restaurant facilities approved by planning application ref: 06/01086/FUL.

In accordance with the Council's Scheme of Delegation, this application is being reported to the Development Management Committee at the request of the Director of City Development.

SITE DESCRIPTION

The site under consideration is located on the south side of Riverside Avenue, to the west of The Marmalade Pot Restaurant and to the east of existing office buildings (Scottish Water). Further to the north lies Riverside Drive,

the main east coast railway and residential properties located within the grounds of "Vernonholme". The south section of the site is delineated by an access road leading to the west and by airport land.

The site orientates in an east to west direction, is low lying and has been formed from made-up material with varying depths of top soil. The north side accommodates banking that is landscaped with trees/shrubs and which partially screens the site from Riverside Avenue to the north. Due to its location, the site offers clear views over the Tay Estuary to the south.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Employment Policy 5 - Leisure and Tourism. This policy seeks to support proposals that contribute to the sensitive development of the range and quality of tourism and visitor attractions, including inter alia, three or four star hotels with conference facilities in Dundee city centre.

Town Centres and Retailing Policy 3 - Dundee Central Area. This policy reinforces Dundee Central Area's role as one of Scotland's key centres providing a focus for retailing and related activity by, amongst other things, directing to the central area complementary leisure and commercial uses capable of contributing to its vitality and viability.

Town Centres and Retailing Policy 5 - Leisure and Commercial Uses. A sequential approach will be applied in relation to site selection for leisure and

commercial uses capable of contributing to the vitality and viability of city and district centres. New free standing out of centre proposals involving these uses will only be accepted where it can be established that:

- no suitable site is available, in the first instance, within and thereafter on the edge of the city centre;
- the site is readily accessible by modes of transport other than car; and
- the proposal is consistent with other Structure Plan policies.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 21 - Economic Development Land Supply. In accordance with the Dundee and Angus Structure Plan, the Council will maintain a supply of at least 110 hectares serviceable, effective and marketable land for economic development. The supply is to be safeguarded for uses within Classes 4 "Business", 5 "General Industry" and 6 "Storage and Distribution".

Policy 24 - Principal Economic Development Areas. Principal Economic Development Areas are of City-wide significance and as such will be safeguarded for industrial and business use. Uses outwith Classes 4 "Business", 5 "General Industry" and 6 "Storage and Distribution" will be resisted. Exceptions where defined in Policy 27 (Ancillary Services within Economic Development Areas), will only be considered favourably where it can be demonstrated that the development will enhance the attractiveness of the area for further industrial and business investment.

Policy 27 - Ancillary Services Within Economic Development Areas. Within Economic Development Areas, appropriate ancillary services which can be demonstrated to meet the needs of employees and complement existing businesses will be supported where they satisfy the following criteria:

- a access and parking arrangements must be suitable for both pedestrians and vehicles;
- b where necessary appropriate attention should be given to landscaping and boundary treatment;
- c depending on the nature of the operation, noise impact and air quality studies may be required on submission of an application; and
- d the use is in accordance with other Plan policies.

Policy 30 - Visitor Accommodation.



The Council will support the provision of a range of high quality visitor accommodation and conference facilities in and close to the City Centre, where they are consistent with the Central Waterfront Masterplan. Additional visitor accommodation will be encouraged within central Broughty Ferry to improve the attractiveness of this location for tourism.



There will be a presumption against additional out of centre hotel accommodation on or close to major routes through the City.

Policy 46 - Commercial Developments. Proposals for new freestanding out of centre commercial developments involving uses other than leisure and retail and geared to visiting members of the public will only be accepted where it can be established that:

- a no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres;
- b the site is readily accessible by modes of transport other than the car; and
- c the proposal is consistent with other Local Plan policies.

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 57 - Visual Impact On Major Routes. The City Council in association with other agencies will seek to further the implementation of the major routes concept, subject to finance being available, where the objectives will be to:

- a improve the image of Dundee;
- b create a memorable image on arrival to Dundee that will have an imposing presence both day and night; and
- c improve the quality of the environment. In relation to visual amenity, highly visible primary frontages, and certainly those within 25 metres of the kerb line (depending on local circumstances) will be required to

abide by the guidelines within the Ambassador Route Design Guide.

Policy 89 - Airport Facilities. Dundee City Council recognises the importance of Dundee Airport and as such will support proposals for its improvement where these are necessary to enhance the range and quality of service offered. This needs balanced in order to maintain residential amenity and environmental quality.

The City Council makes provision within the Local Plan to protect the safeguarded surfaces surrounding the airport. There will be a presumption against built development within 1250 metres of both runway ends and within 90 metres either side of the extended runway centre line where this could compromise airport safety and operations.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

The Scottish Planning Policy 2010.

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning application ref: 06/01086/FUL sought planning permission for the erection of 60 bed hotel with restaurant and formation of car park. This application was approved by the Development Management Committee contrary to the Director of City Development's recommendation for refusal. The Director of City Development recommended that planning application ref: 06/01086/FUL be refused as the proposals contravened Policies 3, 5, 21, 24, 40 and 46 of the Dundee Local Plan Review 2005.

PUBLIC PARTICIPATION

The Statutory Neighbour Notification procedure was carried out and the application was advertised as a Departure to the Development Plan in the Dundee Evening Telegraph.



Two letters of support have been received from Aurora and Visit Scotland. Aurora are currently in discussions with the Applicant regarding the proposed hotel. The Letter of support highlights that Dundee is overpopulated by budget-mid menu hotels and lacks high quality 4 star and above hotel accommodation. Aurora consider the current scheme an opportunity to improve the current hotel stock within Dundee and boost the tourism industry in the City.

Visit Scotland has confirmed their support for the proposals as they shall provide high quality hotel accommodation within the City.

Members will already have had access to the letters of support and it is intended to comment on the contents of these letters in the Observations Section of the report below.

CONSULTATIONS

The Council's Head of Environmental Health and Trading Standards has raised concern that the site may be contaminated and that the risk assessment submitted to the Council for consideration does not address the issue of natural methane production below ground level and how this would affect the proposed hotel. It is proposed to locate the hotel's plant room within the basement of the building which is contrary to the Council's advice given the possibility of methane gas emissions. The contaminated land risk assessment

submitted by the Applicants recommends that the basement of the building be well ventilated to allow for dispersal of any gasses. To address the concerns of the Head of Environmental Health and Trading Standards and to ensure that guests staying at the hotel are not put in any danger from the effects of historic/natural contamination this matter can be addressed by condition should the Committee be minded to grant planning permission.

In addition the Head of Environmental Health and Trading Standards has requested that noise from all plant and machinery be restricted to NR35 as measured 1m external to the facade of any residential accommodation. This matter shall be addressed by condition should the

Committee be minded to grant planning permission.

Dundee Airport has raised concern that the proposed development may impact upon the Instrument Landing System and therefore shall compromise the safety of air traffic provision. In its current form the proposals are considered to also impact upon existing levels of aviation security due to the proximity of the hotel development to the airport and the anticipated clear views from the hotel over the airport/runway.

The applicant has contacted both Dundee Airport and the CAA to discuss the concerns noted above. The CAA and Dundee Airport have confirmed in writing to the Council that it has been demonstrated that the proposed hotel development shall not pose a threat to aircraft instrument landing systems or aviation security.

OBSERVATIONS

Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

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 under consideration involves the provision of a hotel and restaurant facility on a site located in the west of the city on the south side of Riverside Avenue.

The site is identified in the Dundee Local Plan Review 2005 as a Principal Economic Development Area where the Council will safeguard the use land for industrial and business purposes. Uses outwith Classes 4 (Business), 5 (General Industry) and 6 (Storage and Distribution) will be resisted. Exceptions are defined in the Plan and will only be considered favourably where it can be demonstrated that the development will enhance the attractiveness of the area for further industrial and business investment. Policy 21 (Economic Development Land Supply) and Policy 27 (Ancillary Services within Economic Development Areas) are also of related relevance.

With regard to the principle of the use for hotel and restaurant purposes, it is considered that these uses do not fall within the appropriate Use Classes as specified by Policy 24 above. It is further considered that the proposed use does not fulfil the Council's requirement for any exceptions to the above classes to enhance the attractiveness of the area for further industrial and business investment. Consequently, the proposals are considered to be contrary to Policies 21, 24 and 27 of the Plan.

The section headed Town Centres and Retailing of the Scottish Planning Policy 2010 (SPP) sets out the Government's policy guidance on town centres, retailing and non-retail developments which have a role in contributing to economic health and enhancement. Although hotels and restaurants are not specifically mentioned the policy does extend to commercial and leisure facilities. This SPP advises that authorities should adopt a sequential approach to selecting sites for various key city centre uses. First preference should be for city centre sites, where suitable sites or buildings are available, followed by edge-of-centre, and only then by out-of-centre sites in locations that, or can, be made readily accessible by a choice of means of transport. This approach should apply to various

uses including attractions and facilities that are usually found in city centres.

Structure Plan Employment Policy 5 (Leisure and Tourism), and Town Centres and Retailing Policies 3 (Dundee Central Area) and 5 (Leisure and Commercial Uses) reflect the aspirations of the SPP above and seek to reinforce Dundee Central Area's role as one of Scotland's key centres providing a focus for retailing and related activity by, amongst other things, directing to the central area complementary leisure and commercial uses capable of contributing to its vitality and viability. Town Centres and Retailing Policy 5 above confirms the appropriateness of a sequential approach in relation to site selection for leisure and commercial uses with new free standing out-of-centre proposals involving these uses only being acceptable where certain criteria can be met. Policies 30 (Visitor Attractions) and 46 (Commercial Developments) of the Dundee Local Plan Review 2005 reinforce this approach.

It is considered that the applicants have not demonstrated that a sequential approach has been applied to this proposal and no details of a site selection approach have been offered in support of this application. It is the case that there are a number of available sites within the City Centre that would be suitable for development as a hotel (some of which benefit from planning permission). However, the applicants are content to justify the principle of the location of the proposed hotel on the basis that a hotel development was previously granted planning permission on the application site contrary to the Development Plan. While this is a material consideration in the determination of this planning application, the absence of any supporting information justifying the location of the proposed hotel through a sequential approach discounting other available sites is contrary to the guidance contained within the Scottish Planning Policy 2010. The proposals by virtue of the location of the application site fail to satisfy the requirements of Structure Plan Town Centres and Retailing Policies 3 and 5 and Dundee Local Plan Review 2005 Policies 30 and 46.

With regard to the proposed design of the new hotel and restaurant, it is considered that the applicants' agents have put forward a highly innovative

design for consideration. The agents have submitted an informative Design Statement to accompany their application and have advised that the fuselage of the common spitfire and the elegance of the aeroplane wing were influential in the aesthetics of the hotel. The "vented" bedroom wing is complimented by a tower feature to the east not dissimilar to that of an airport control tower all in homage to the hotel's neighbour.

The building would prove to be a quality landmark feature in this prominent gateway location and would satisfy the requirements of Policy 57 of the adopted Local Plan. However, the scale and massing of the proposed hotel is excessive when compared to the area of the application site. Given the location of the site in relation to surrounding land uses it is considered that such a building and use should benefit from extensive garden grounds. Not only would this balance the proportions of the site in terms of the size of building in relation to the grounds that it is situated in but also to provide a sufficient level of environmental quality given that the application site is located within a principle economic development area characterised by Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage or Distribution) uses, adjacent to a commercial airport and positioned adjacent to Riverside Avenue which is the principal route out of the City Centre for westbound traffic.

There is no doubting the quality of the building's design, but in relation to the above analysis of environmental quality and amenity the application site is too small and in the wrong location for the scale of development proposed. In this respect, it is considered that the proposals do not accord with the requirements of Policy 55 (Urban Design) of the Dundee Local Plan Review 2005.

Policy 89 (Airport Facilities) is supportive of development proposals in and around the airport where they shall not impact upon the safety or security of the airport or air travel. The CAA and Dundee Airport have confirmed that the proposed hotel development shall not impact upon aircraft instrument landing systems or the level of aviation security afforded to the airport. The proposals therefore satisfy the requirements of Policy 89.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

The other material considerations to be taken into account are as follows:

1 Supporting Planning Statement from the applicants.

The applicants have advised, through the submission of a Planning Statement, that it is their conclusion that the principle of a hotel development on the application site was established by planning application ref: 06/01086/FUL and therefore the only material changes to be taken into account by the Council are those that relate to the difference in the footprint and appearance of the proposed hotel building.

In addition to the above mentioned Planning Statement, the applicants have submitted a Design Statement, a Noise Impact Assessment, a Phase 1 Geo-Environmental Desk Study and a Transport Statement in support of their application.

It is considered that none of the information submitted in support of the proposed development can overcome the significant contravention of the Development Plan the proposals present. Not only is the application site zoned for commercial uses falling within Class 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 but in the absence of a sequential analysis of the available sites through out the City Centre there remains no material considerations that would justify the location of a hotel within one of the City's principle areas of economic development contrary to the requirements of the Development Plan.

2 Planning application ref: 06/01086/FUL.

Planning application ref: 06/01086/FUL sought planning permission for the erection of a 60 bedroom hotel and restaurant, the formation of a parking area

and landscaping. The Head of City Development considered this application to be contrary to the requirements of policies 3 and 5 of the Dundee and Angus Structure Plan and policies 21, 24, 27, 30 and 46 of the Dundee Local Plan Review 2005. However, the Development Management Committee granted planning permission contrary to the Director of City Development's recommendation.

The current proposals although maintaining the design ethos of the hotel and restaurant approved by planning application ref: 06/01086/FUL shall have a floor area that is approximately 1,400m² bigger than the building approved by planning application ref: 06/01086/FUL. Therefore in combination with the extended car parking facilities the proposed development shall take up 91% of the application site in comparison to the 60 bedroom hotel and car parking area approved by planning application ref: 06/01086/FUL that has a site coverage of approximately 80%.

In terms of the Development Plan, planning application ref: 06/01086/FUL was accompanied by detailed justification including elements of a sequential approach to demonstrate that the application site was suitably located to accommodate a 60 bedroom hotel while minimising any potential impacts upon the vibrancy of the City Centre as a tourist attraction and the surrounding Principal Economic Development Area. However, in the 3 years since planning application ref: 06/01086/FUL was granted planning permission, planning permission has also been granted for new hotel developments within the City Centre, 2 of which have been completed (Express by Holiday Inn Dock Street and Travel Inn West Marketgait) with work on the remaining 2 sites (Tay Hotel and Junction of Nethergate and Marketgait) still to start. It is therefore considered that the current proposals involving the erection of a 102 bedroom hotel (that is significantly larger than the 60 bedroom hotel approved by planning application ref:

06/01086/FUL) should be accompanied by sufficient justification to demonstrate that the approved hotel sites within the City Centre are not suitable for the proposed 102 bedroom hotel development. This is especially the case as the sites within the City Centre that benefit from planning permission for hotel development comply with the requirements of the Development Plan.

It is also the case that given the substantial difference in the scale of development proposed by the current hotel development and the hotel development approved by planning application ref: 06/01086/FUL, the principle for locating a 102 bedroom hotel outwith the City Centre and within a Principle Economic Development Area has still to be established.

As the current proposals fail to comply with the requirements of the Development Plan and in the absence of detailed supporting information demonstrating that there are material considerations that would justify laying aside the provisions of the Development Plan to support the proposed development the current proposals fail to establish the principle for developing a 102 bedroom hotel on the application site.

3 Letters of Support

The letters submitted in support of the development proposals highlight the quality of the design of the new building and welcome proposals for high quality provision of new hotel and restaurant accommodation within the City. These matters have been raised and discharged in the consideration of the development plan policies above.

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

Design

It is considered that the highly innovative design, appearance, scale and massing of the proposed new facility combine to create a landmark feature in a prominent location on the Riverside Avenue frontage. However, the scale of development proposed leaves very little amenity space within the application site where a significant buffer zone would be required to provide the hotel with a high level of environmental quality through separating the hotel and restaurant facility from the adjoining business/industrial uses, the commercial airport and Riverside Avenue.

CONCLUSION

The applicants have put forward an innovative and quality design for the hotel and restaurant facilities proposed. However, the proposed uses are considered to be contrary to the Development Plan. The applicants have failed to demonstrate that there is any justification to support the proposed development contrary to the requirements of the Development Plan. Consequently, the application is recommended for refusal.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

Reasons

- 1 The applicants have not fully demonstrated that a sequential approach has been applied to the site selection for this facility and as a consequence the proposals are considered to be contrary to the requirements of Structure Plan Town Centres and Retailing Policies 3 and 5 by virtue of the potential adverse impact the proposals would have on the vitality and viability of the city centre. There are no material considerations that would justify the approval of this application contrary to these policies.
- 2 The applicants have not fully demonstrated that a sequential approach has been applied to the site selection for this facility and as a consequence the proposals are considered to be contrary to Policies 30 and 46 of the Dundee

Local Plan Review 2005 by virtue of the potential adverse impact the proposals would have on the vitality and viability of the city centre. There are no material considerations that would justify the approval of this application contrary to these policies.

- 3 The use of the site for purposes out with Classes 4, 5 and 6 of the Use Classes Order 1997 in this identified Principle Economic Development Area would be contrary to the requirements of Policies 21 and 24 of the Dundee Local Plan Review 2005. It is further considered that the proposal does not qualify as an appropriate ancillary service use within this area and consequently is contrary Policy 27 of the Local Plan Review. There are no material considerations that would justify the approval of this application contrary to these policies.
- 4 By virtue of scale and massing the proposed hotel building shall overdevelop the application site providing the hotel with a low level of environmental quality and amenity given the proximity of the site to neighbouring commercial/ industrial land uses, the commercial airport and Riverside Avenue. The proposals fail to adhere to the requirements of Policy 55 (Urban Design) of the Dundee Local Plan Review 2005. There are no other material considerations that would justify approval of planning permission contrary to the Development Plan.