

# Part Change of Use to Form Cinema and Alterations to Entrances at Wellgate Centre

## KEY INFORMATION

**Ward** Maryfield

**Address**

Wellgate Shopping Centre  
Panmure Street, Dundee

**Applicant**

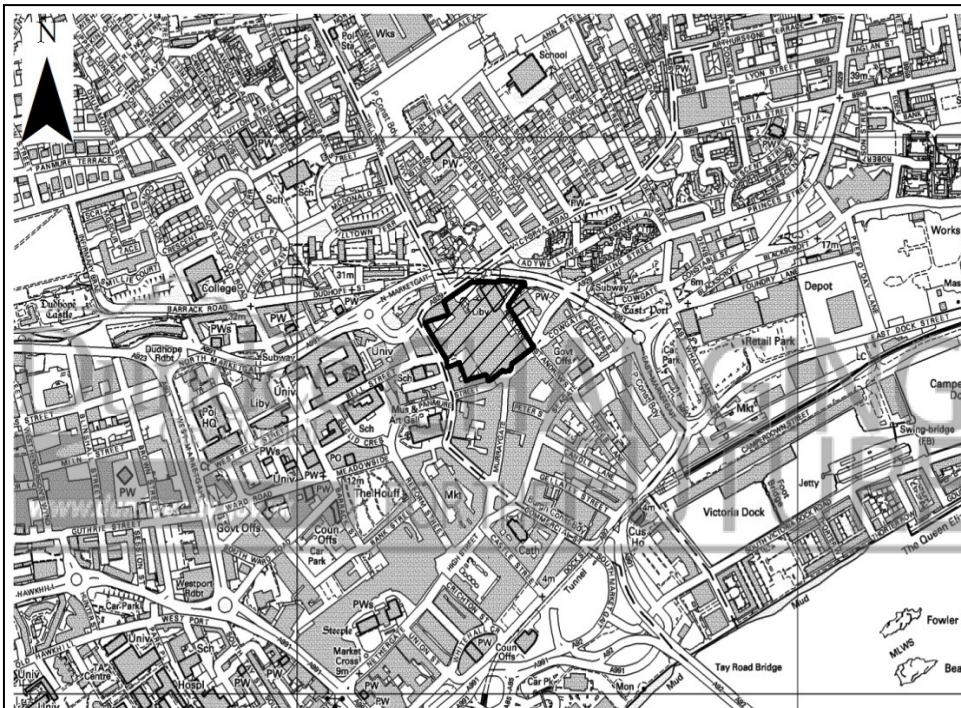
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**Agent**

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**Registered** 11 July 2013

**Case Officer** Beverley Knox



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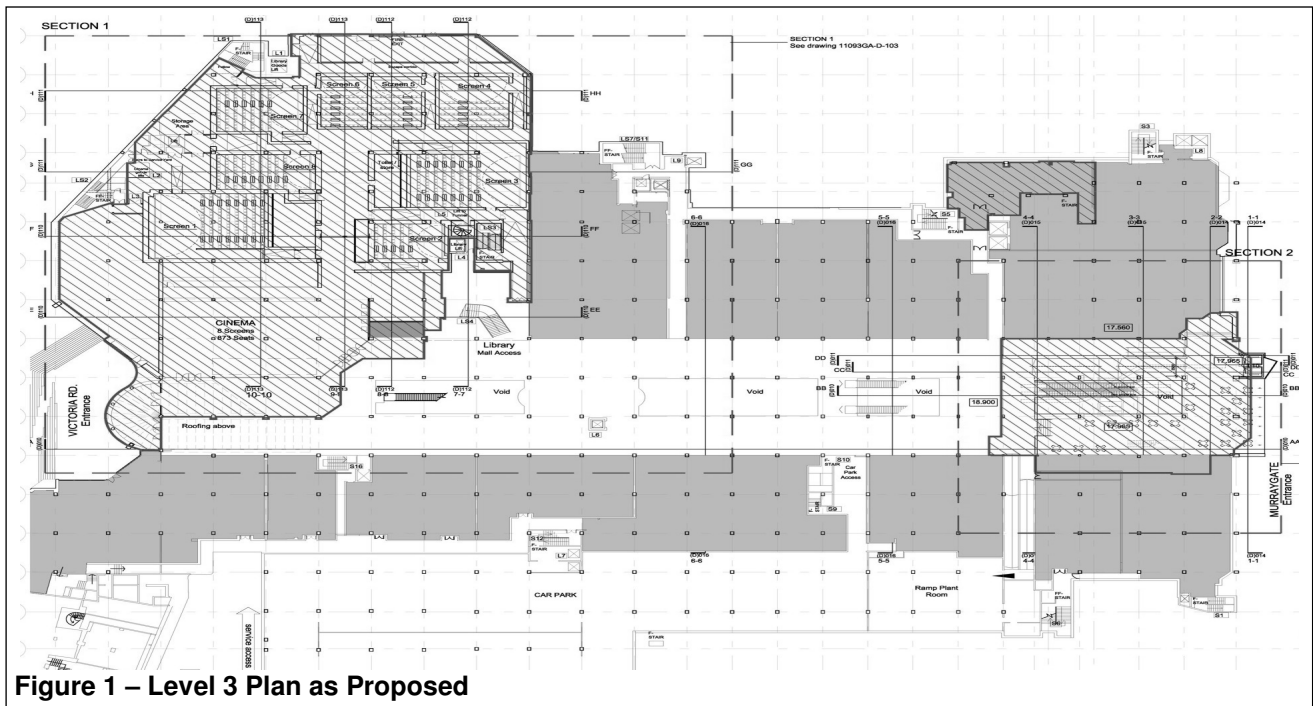
## SUMMARY OF REPORT

- The application proposes the Change of Use of part of the Wellgate Shopping Centre to form a cinema and the remodelling of the main entrance to the Murraygate. The application also proposes alterations to the rear entrance to facilitate the cinema use. The works will involve the reconfiguration of part of the library facilities and the applicant has provided full details as to how this would be achieved. The library would remain operational throughout the period of works and thereafter.
- Policies 18 (Major Leisure Uses), 34 (City Centre Retail Core), 45 (Location of New Retail Developments), 55 (Urban Design) and 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to the determination of the proposals. Similarly, Policies 5, 7 and 20 of the Proposed Dundee Local Development Plan are also relevant. It is considered that the proposals are in accordance with the requirements of these policies.
- No objections have been received to the proposals.
- In accordance with the Council's mandatory scheme of delegation, this application requires to be reported to the Development Management Committee for determination as the Council has a land ownership interest.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?jsessionid=9D7A0D307701680E5E3CD32A46796581?action=firstPage>.

## RECOMMENDATION

The proposed change of use and elevational alterations are considered to be positive changes to the Wellgate Centre. The new build elements are considered to be of a high quality design that will improve the functionality and general appearance of the area. The proposal therefore complies with the requirements of Policies 18, 34, 45, 55 and 61 of the Dundee Local Plan Review. There are no material considerations that would justify laying aside the provisions of the Development Plan. The application is therefore recommended for APPROVAL subject to conditions.

# 1 DESCRIPTION OF PROPOSAL



**Figure 1 – Level 3 Plan as Proposed**

- 1.1 The application proposes the Change of Use of part of the Wellgate Shopping Centre to form a cinema. The new cinema complex is to be located in part within the existing shopping centre and in part within an area of the building which incorporates the library at the north east of the centre. It would be located on levels 3 and 4 of the centre. The library is currently located on levels 3, 4, 5 and 6 of the centre. The approach will provide a suitable configuration to accommodate the proposed cinema as well as a reconfigured space to accommodate the library requirement. Full details of how this is intended to be achieved, along with details of how the works could be phased to allow the library to continue to be operational throughout, have been provided by the applicant.
- 1.2 To facilitate these changes, there would be remodelling of the existing structural frame to allow for the creation of a double height base to accommodate the cinema complex.
- 1.3 In addition, the application proposes the remodelling of the mall entrance to the Murraygate. These alterations affect levels 1 through to 3 and primarily involve changes to the façade as well as internal circulation to improve access through to level 3. The existing canopy would be removed to allow for the insertion of a glazed entrance feature of modern design. As part of this, the proposal involves the cutting back of cladding at levels 2 and 3 to create a full height void at the entrance. In addition, new lifts and escalators are proposed on the side of the new entrance void. The proposals introduce dynamic lighting though the design of a “light ribbon” which defines the new elevation and ties with the use of light in the foyer area. The elevation will utilise a screen instead of static signage on the face of the new lift core.
- 1.4 Furthermore, it is proposed that there will also be alterations to the rear entrance to facilitate the cinema use which would involve new glazing and cladding to the new library entrance area and new areas set aside for signage.

## 2 SITE DESCRIPTION

2.1 The application site is located in the city centre and forms part of the Wellgate Shopping Centre. The part of the site the subject of the application is comprised of is the area in the vicinity of the library involving several levels and the frontages located on Victoria Road and Murraygate. The rest of the centre is to remain as is existing and therefore is not included within the application site.



Figure 2 – Photo 37 (Front)

2.2 The main part of the centre is a 3 storey building which rises to 6 storeys in the north east corner and also along the southern boundary. There is a large multi storey car park to the west of the centre which is accessed from the east elevation by a slip road.

2.3 There are existing large glazed canopies to the entrances on to Murraygate and Victoria Road. The ground and first floors are occupied by Class 1 uses with the third floor also providing Class 3 uses in the form of a food court.



Figure 3 – Photo 41 (Rear)

2.4 Access to the library is available from the third floor of the centre via a staircase or lift. Alternatively, there is direct access to the library from Victoria Road.

2.5 The frontage of the centre to the Murraygate is located within the Central Conservation Area as it sits at an important location and indeed the main focus when walking along Murraygate is the frontage of the Wellgate Shopping Centre.

## 3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

### **DUNDEE LOCAL PLAN REVIEW 2005**

- Policy 18: Major Leisure Uses
- Policy 34: City Centre Retail Core
- Policy 45: Location of New Retail Developments
- Policy 55: Urban Design
- Policy 61: Development in Conservation Areas

### **PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN**

- Policy 5: Tourism and Leisure Developments
- Policy 7: High Quality Design
- Policy 20: City Centre Retail Frontages

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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## 4 SITE HISTORY

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- 4.1 An application for outline planning permission for the extension and remodelling of the Wellgate Shopping Centre were approved in 2003 (application ref: 02/00415/OUT refers). However, an application for the approval of reserved matters was not submitted and consequently outline planning permission expired.
- 4.2 There have also been a variety of small scale applications to facilitate the needs of particular occupiers over the years and none of these are relevant to the determination of the current application.
- 4.3 The most recent significant elevation alteration was for a new canopy to the main entrance of the Wellgate Centre onto the Murraygate (99/23991/D refers). It is proposed that this be removed as part of the current proposals.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The application was the subject of statutory neighbour notification and was advertised in the press under the terms of Section 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (Schedule 3).
- 5.2 No letters of objection have been received in response to this.

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## 6 CONSULTATIONS

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- 6.1 **The Head of Environment** – has advised that Meadowside is within an Air Quality hot spot area. In order to minimise any additional vehicle emissions from the potential increase exiting from the Meadowside end of the Wellgate car park, it is suggested that measures to ameliorate any impacts are incorporated into the project.
- 6.2 As part of these recommendations, it is considered appropriate to attach conditions to any grant of permission requiring electric vehicle charging points to be provided within the car park of the centre prior to the operation of the cinema use or other such measures to ameliorate impacts in this regard. The applicant has agreed with the imposition of such a condition.

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## 7 DETERMINING ISSUES

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- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless 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.

**DUNDEE LOCAL PLAN REVIEW 2005**

- 7.2 **Policy 18: Major Leisure Uses** – this policy advises that the City Centre and District Centres are the location of first choice for major new leisure uses capable of contributing to their vitality and viability. The proposal is located within the City Centre and is therefore acceptable in this regard. The policy goes on to advise that proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where considered necessary. Where appropriate, developments will be required to include provision for measures to encourage convenient access by bus, bicycle and foot.
- 7.3 The applicant has provided transport information to support the proposals. The application is situated in an accessible location within the city centre and is ideally located close to the vast majority of bus routes to allow for convenient and sustainable access to the cinema element of the proposals. In addition to this, there is bike storage available at both the front and rear of the centre.
- 7.4 In addition, it is anticipated that a significant proportion of cinema goers will be from an age cohort that will not have access to a car and that all users who wish to visit without a car will be able to do so with ease.
- 7.5 Taking the above into account it is concluded that the proposals encourage convenient access by bus, bicycle and foot and satisfy these aspirations of Policy 18.
- 7.6 **The proposal therefore satisfies Policy 18.**
- 7.7 **Policy 34: City Centre Retail Core** – the site is located within the city centre retail core area and as such Policy 34 is applicable. This states that within this area proposals for Class 1 Retail will be encouraged. Proposals which would result in the loss of ground floor retail uses to other uses other than Class 3 will not be permitted.
- 7.8 At ground floor level, the existing canopy is to be removed which will mean that there will be a loss of floor area which has functioned as circulation space within the centre. In the recent past, this area has also been occupied by a variety of kiosk type uses. The works will mean that such uses could no longer be accommodated in this location within the centre but there will be no loss of retail units. The kiosk shopping stalls could be located elsewhere within the centre due to their temporary and portable nature.
- 7.9 The Policy places no restrictions on the upper levels and therefore the loss of retailing to the third floor of the Centre does not contravene the terms of this Policy.
- 7.10 **The proposal therefore satisfies Policy 34.**
- 7.11 **Policy 45: Location of New Retail Developments** – this Policy advises that the City and District Centres will be the locations of first choice for new or expanded retail developments not already identified in the Local Plan. The proposal involves the creation of one small retail unit at the north of the site. Since the site is within the city centre there are no policy contraventions in this regard.
- 7.12 **The proposal therefore satisfies Policy 45.**
- 7.13 **Policy 55: Urban Design** – Policy 55 advises that 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.

- 7.14 The change of use element of the proposals is not relevant to this design based policy but the proposed alterations to the entrance points to both Victoria Road and Murraygate are relevant in this regard. The applicant advises in their submitted Design Statement that the design of the new Murraygate elevation focuses on the visual impact on the street and seeks to enhance the building and overall area by creating a focal point at the end of the Murraygate. Glass has been chosen as the key material, particularly in relation to the Murraygate frontage to provide transparency and connection between the inside and outside. In this regard, a large amount of the frontage is to be finished with glazing to form a glazed box type structure projecting from the main building.
- 7.15 Works to the rear elevation are of a much more minimal scale but include works such as over cladding works and the creation of signage zones for the proposed new cinema and the library area. It is intended that the specifications for the finishing materials would be the subject of a condition and this would include elements such as the over cladding and any works to refurbish the Wellgate steps.
- 7.16 It is considered that the schedule of works to both frontages would be to the overall enhancement of the shopping centre. They would provide an updated, modern image for the centre and would enhance the surrounding area. The important views along Murraygate will be enhanced by the significant alteration to this frontage and it will present an inviting image.
- 7.17 **The proposal therefore satisfies Policy 55.**
- 7.18 **Policy 61: Development in Conservation Areas** – within Conservation Areas, all development is expected to preserve or enhance the character of the surrounding area. The Murraygate frontage of the centre is the only part of the application site that is located within a conservation area. In this case, it is the Central Conservation Area. This frontage is the area that will benefit most from the changes discussed above in relation to Policy 55. One of the aims of the alterations in this location is to connect the inside of the centre to outside. The application seeks to achieve this by opening up this frontage with the use of extensive glazing. As discussed above, it is considered that these changes will improve the overall appearance of the centre and present a modern image for shoppers in the city. It is considered that the works will be to the enhancement of the Conservation Area, particularly when taking into consideration the impact that the works will have on views along Murraygate towards the centre.
- 7.19 **The proposal therefore satisfies Policy 61.**
- 7.20 **It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.**
- 7.21 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997** - Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.
- 7.22 These matters have already been considered in the assessment of the development under Policies 61 of the Dundee Local Plan Review 2005. It was concluded that the proposals do not detract from the appearance and character of the Central Conservation Area.
- 7.23 It is concluded from the above assessment that the application discharges the statutory duties as set out above.

## OTHER MATERIAL CONSIDERATIONS

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

### (A) PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

- 7.24 Policies 5, 7 and 20 are relevant to the proposals. These policies have the same aims and requirements and are broadly similar to Policies 18, 34 and 55 of the Dundee Local Plan review and are therefore considered to be acceptable in this regard.
- 7.25 Therefore, it is considered that the **requirements of Policies 5, 7 and 20 of the Proposed Dundee Local Development Plan are also satisfied.**
- 7.26 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

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## 8 CONCLUSION

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- 8.1 The proposal complies with the Development Plan and there are no material considerations that would justify the refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of development full details for the finishing materials shall be submitted in writing to the Council for approval in writing. The works shall thereafter be carried out in complete accordance with the agreed details.
  - 2 Prior to the first use of the cinema, a scheme to provide electric vehicle charging points or other forms of mitigation of any air quality impacts shall be submitted to and approved in writing by the Council. For the avoidance of doubt the details shall include a timetable for implementation. The development shall thereafter be carried out in complete accordance with the agreed details.
  - 3 That total noise from all mechanical and electrical services shall not exceed NR35 as measured 1 metre external to the facade of the nearest residential property.

### REASONS

- 1 In order to ensure that the finishing materials are of an acceptable standard for the prominent location within the city centre and a Conservation Area.
- 2 In order to reduce the predicted pollutant concentration at relevant receptors.
- 3 In order to protect local residents from nuisance resulting from noise associated with the unit hereby granted permission.