

Reconfiguration of Car Parking, Bicycle Parking and Landscaping

KEY INFORMATION

Ward Maryfield

Address

River Court, 5 West Victoria
Dock Road, Dundee

Applicant

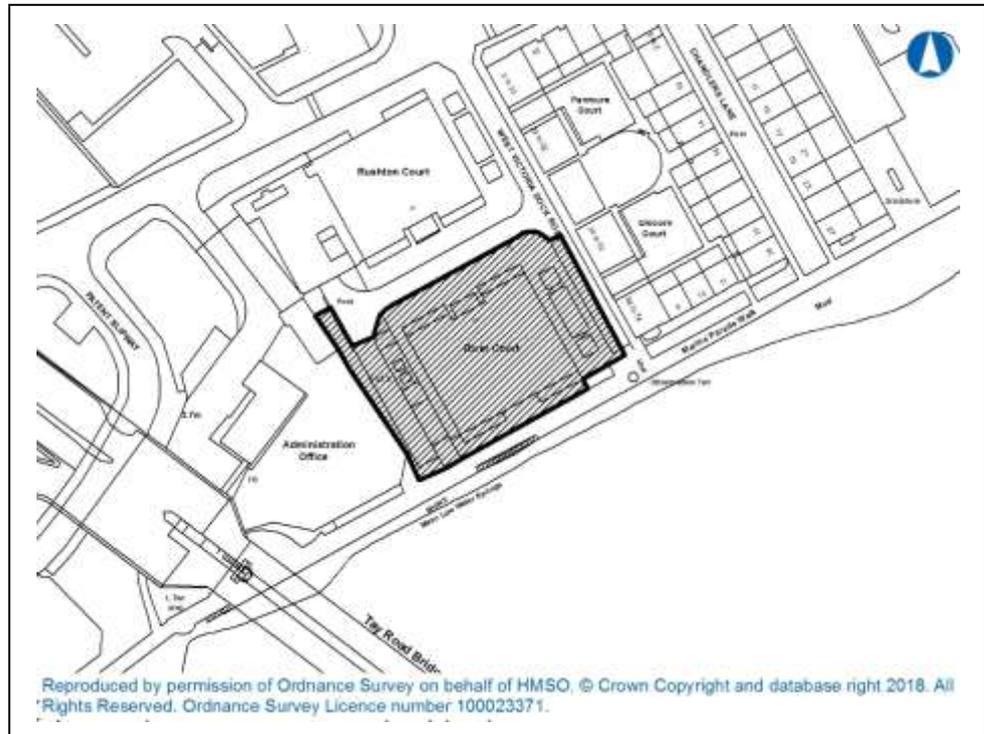
Jute Properties Ltd
River Court
5 West Victoria Dock Road
Dundee DD1 3JT

Agent

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233 St Vincent Street
Glasgow G2 5QY

Registered 5 June 2018

Report by: Executive
Director of City Development



SUMMARY OF REPORT

- Planning permission is sought for the reconfiguration of car parking, bicycle parking and landscaping.
- The statutory neighbour notification procedure was undertaken, nine letters of objection have been received, and one letter of support from the City Centre & Harbour Community Council.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee at the request of an elected member.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

The application fails to comply with Policies 7, 38, 54 and 55 of the adopted Dundee Local Development Plan, or with Policies 1, 35, 54 and 56 of the proposed Dundee Local Development Plan 2. There are no material considerations of sufficient weight to justify approval of the application contrary to the provisions of the Plan. The application is therefore recommended for REFUSAL.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the reconfiguration of car parking, bicycle parking and landscaping in association with an existing office use. An additional 17 car parking spaces would be created. It is proposed to remove the landscaped area and existing bicycle shelters from the eastern side of the building and create 13 additional car parking spaces. A further 3 spaces would be accommodated to the northern elevation at the entrance to the property, and one additional space is proposed to the west. The total number of parking spaces available would be 37 for the River Court office building. Compensatory planting is proposed as raised flower bed borders positioned adjacent to the new car parking spaces and to the south and west perimeters of the site. The existing landscaping to the north west of the application site would be retained. The existing flower bed to the west side of the building would be removed and a 2 tier 24 space bicycle storage unit installed in its place. A travel plan dating from 2008 has been submitted with the application documents. A planning statement submitted with the application documents concludes that the lack of car parking is a deterrent to potential tenants of the office building, and that the existing cycle provision is not secure. The applicant has further advised that additional bike stands at the front entrance and next to the bin enclosure would result in a total of 76 bicycle parking spaces.

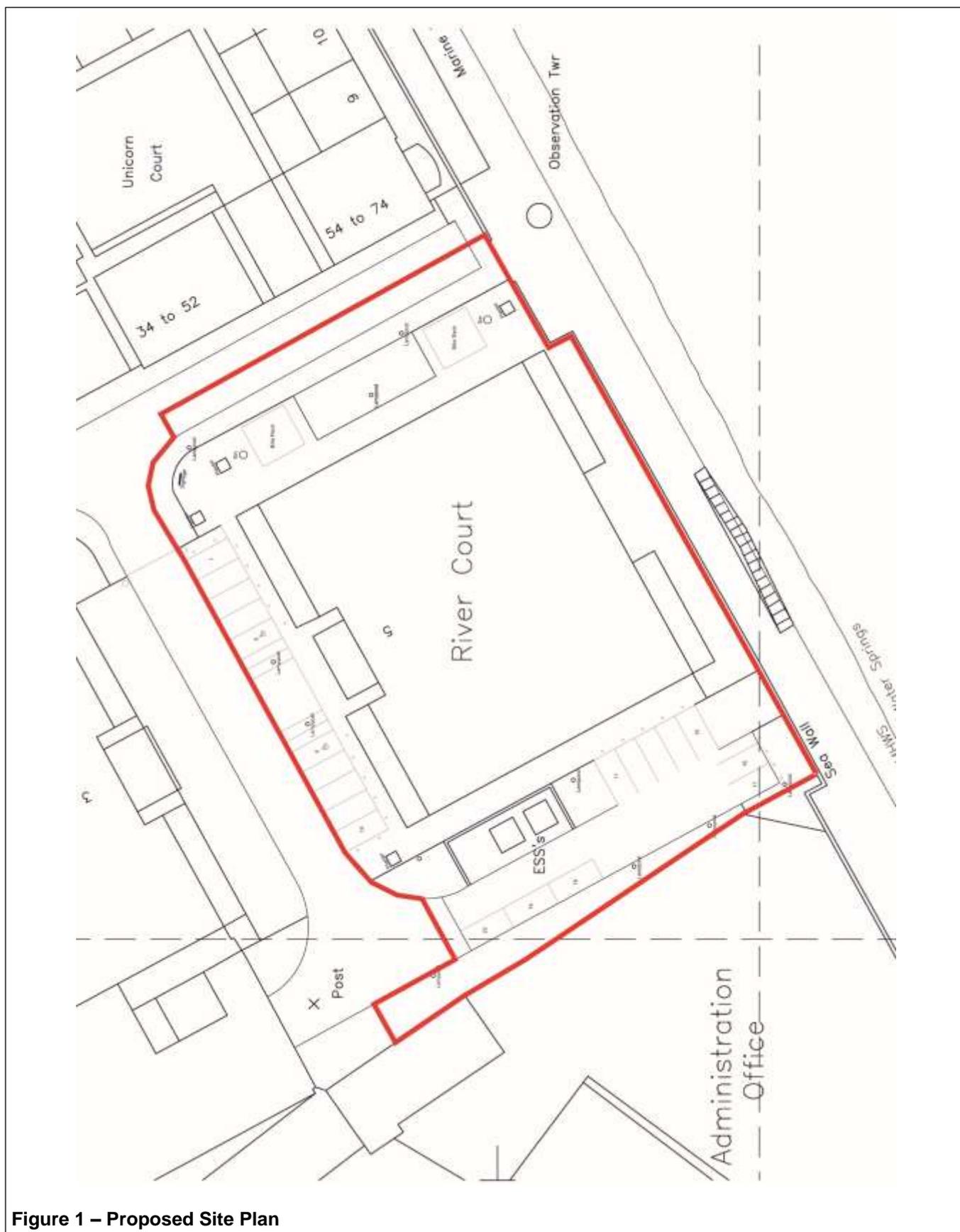


Figure 1 – Proposed Site Plan

2 SITE DESCRIPTION

- 2.1 The application site measures 3,115m² and relates to an existing 5 storey modern office block development, with associated parking and landscaping situated to the north, east and west. The Green Circular and National Cycle Network Route 1 are routed to the east of the application site down West Victoria Dock Road, and the River Tay is located to the south. The total office floorspace within the building measures 5,875m², of which approximately one third is vacant. There are currently 20 car parking spaces around the building to the north and west, and 48 bicycle storage spaces within 2 shelters to the east with hard and soft landscaping, on West Victoria Dock Road. An adjacent office block mirrors the River Court block, located to the north at Rushton Court. There are an additional 2 bicycle shelters located to the north to serve Rushton Court.

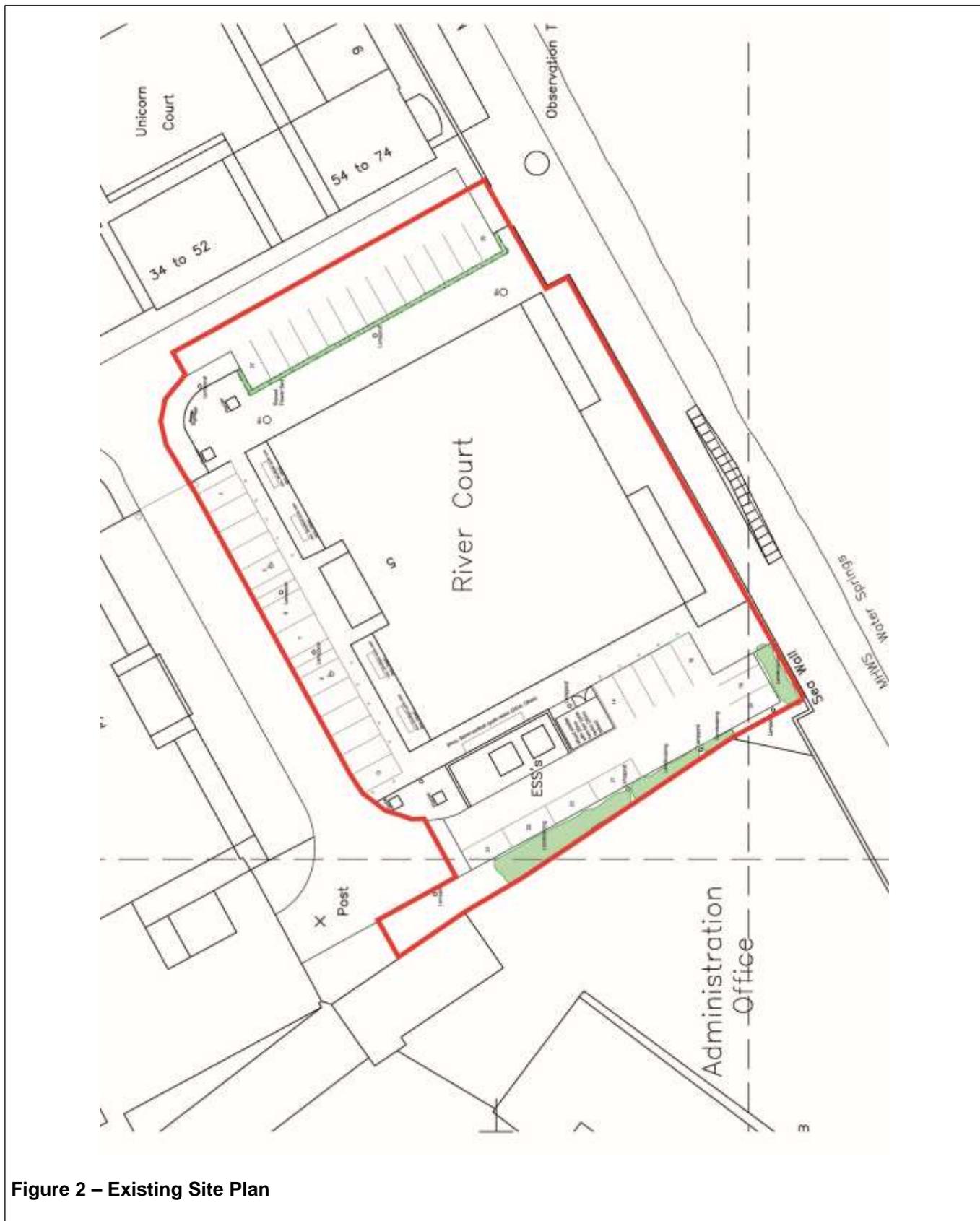


Figure 2 – Existing Site Plan



Figure 3 – Existing Landscaping to East of River Court (View South)



Figure 4 – Existing Landscaping to East of River Court (View North)



Figure 5 – Existing Landscaping to West of River Court

3 POLICY BACKGROUND

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

ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN 2014

Policy 7: High Quality Design

Policy 38: Trees and Urban Woodland

Policy 45: Land Contamination

Policy 51: Scheduled Ancient Monuments & Archaeological Sites

Policy 54: Active Travel

Policy 55: Accessibility of New Developments

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2

Policy 1: High Quality Design and Placemaking

Policy 35: Trees and Urban Woodland

Policy 41: Land Contamination

Policy 52: Scheduled Monuments and Archaeological Sites

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

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

4 SITE HISTORY

- 4.1 Planning application 07/00407/FUL for the erection of 2 office buildings was approved subject to conditions in August 2007.
- 4.2 Planning application 18/00212/FULL for the reconfiguration of car parking, landscaping and bicycle racks was withdrawn in May 2018.

5 PUBLIC PARTICIPATION

- 5.1 Nine letters of objection have been received, which raise concerns in relation to not complying with the travel plan, traffic congestion, conflict with cyclists, removal of trees and potential flooding. A letter of support has been received from the Community Council.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** - has recommended that an advisory note should be appended to any planning permission granted, to ensure that the development would not interfere with the integrity of any gas membranes or ventilation. The original application for the erection of the office buildings required extensive gas protection measures

7 DETERMINING ISSUES

- 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 DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** – requires all development to contribute positively to the quality of the surrounding environment, with reference to climate change adaptation. The design and siting of development should respect the character and amenity of the place and improve connectivity. Proposals should also incorporate new landscape and planting works appropriate to the development. Proposals should also:
- consider and respect site topography and any surrounding landmarks, views or skylines;
 - contribute to a sense of identity by developing a coherent structure of streets, spaces, and buildings that are accessible and respect the existing building lines;
 - the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours;
 - existing buildings, streets and spaces should create safe accessible inclusive places for people which are easily navigable particularly on foot, bicycle and public transport and designed with future adaptability in mind; and
 - existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- 7.3 The application site relates to an established office which mirrors another existing office complex at Rushton Court to the north. Both office complexes have an adjacent footway, areas of landscaping and cycle shelters to the east. These features contribute to the safety of pedestrians and cyclists, provide storage for cycles to encourage sustainable means of transport and provide a visually attractive street scene leading down to the Tay. The original office complex was designed to provide a coherent structure of streets and spaces that are safely accessible, particularly on foot, by bicycle and by public transport in accordance with Policy 7.
- 7.4 The proposal would result in the removal of a footway, an area of landscaping, and the cycle storage areas. These would be replaced with parking spaces for private vehicles. This would have an adverse impact on the street scape and would impact on pedestrian and cyclist safety with the removal of the footway. The proposal would adversely impact on accessibility to the Green Circular and National Cycle Network 1 which is routed down West Victoria Dock Road. Additionally, should this application be approved, it would likely set a precedent for the loss of other attractive safety and convenience features at other nearby office sites, particularly that to the north at Rushton Court, to the overall detriment of the area. The proposal is therefore not of high quality design and would be contrary to Policy 7.
- 7.5 **The proposal contravenes Policy 7.**
- 7.6 Policy 38: Trees and Urban Woodland - requires that new development must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscape scheme.

- 7.7 In this case, it is proposed to remove trees and shrubs to allow the development of the parking spaces, and remove a flower bed to install bicycle storage. The number of trees to be felled has not been specified. The proposals are not accompanied by plans for any replacement tree planting. Compensatory planting is proposed as raised flower beds to border the new car parking spaces, which is not considered to be satisfactory replacement planting for the loss of trees. The proposals are therefore contrary to the terms of Policy 38.
- 7.8 **The proposal contravenes Policy 38.**
- 7.9 **Policy 45 Land Contamination** - requires that development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.10 The Head of Community Safety and Protection has observed that gas membranes were installed as a gas protection measure at the application site. It is recommended that an advisory note is appended should Planning Committee grant permission, to ensure that the development would not interfere with the integrity of any gas membranes or ventilation.
- 7.11 **With the addition of an informative, the proposal would satisfy Policy 45.**
- 7.12 **Policy 51: Schedules Ancient Monuments and Archaeological Sites** - requires that where any proposals could affect a site of known archaeological importance or potential, the applicant is required to provide an assessment of the archaeological value of the site and likely impact of the development on the archaeological resource. This assessment would require a field evaluation.
- 7.13 The application site lies within a zone of potential interest as it is formed from reclaimed land. It is considered unlikely that significant archaeological issues would result. A condition was attached to the original planning permission for the office buildings to require a scheme of archaeological investigation prior to works commencing on site. A written scheme of investigation was submitted which included the implementation of a watching brief, which was satisfactorily completed. Full details of construction have not been submitted with the current application and a planning condition is recommended should any planning permission be granted, to seek further details for a scheme of archaeological investigation, including a watching brief, for prior approval.
- 7.14 **With the addition of a planning condition, the proposal would satisfy Policy 51.**
- 7.15 **Policy 54: Active Travel** - states that new development should be designed to minimise the need to travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. All developments which border an existing or proposed core path must ensure that it remains accessible. All developments should make provision for walking and cycle access, to a standard that it affords priority over motorised transport.
- 7.16 The principal aim of the Travel Plan dated 2008 submitted with the application is stated as being to reduce the dependence of staff and visitors on accessing the site by car. The office building was seen to benefit from its close proximity to the City Centre, which is served by a well-developed network of public transport. The Travel Plan identified that a detailed survey was to be undertaken within 3 months of opening with follow on travel plans identified for 2 years following the initial full site travel survey, and 5 years from development. These documents have not been submitted with the application, the Travel Plan has not been updated.

- 7.17 The justification given with the planning statement for additional car parking, which concludes that the parking is required in order to fully let the premises, is not acceptable, as there should be measures in place to reduce reliance on private cars. Car parking need and sustainable travel have not been addressed and it is therefore not possible to assess whether additional car parking spaces are required. The issues raised in relation to security of the cycle spaces should be addressed rather than given as a reason to remove the spaces.
- 7.18 No clear need for the additional car parking spaces has been demonstrated and the proposals are therefore contrary to the terms of Policy 54.
- 7.19 **The proposal contravenes Policy 54.**
- 7.20 **Policy 55: Accessibility of New Developments** - the proposal contravenes Policy 55. requires that new development proposals should not adversely affect the performance of the road network in terms of both capacity and road safety and that development proposals which generate travel should be designed to be well served by all modes of transport in particular walking, cycling and public transport.
- 7.21 As detailed above, there is no acceptable justification for the increase in car parking spaces. The original Travel Plan dated 2008 has not been updated. The submitted plans illustrate that an existing footway would be removed by the proposed car parking spaces and a street lighting column would be affected and the proposed layout is therefore unacceptable. Provision of electric car parking bays is required within the car parking area and must be provided above the level of car parking to meet Dundee City Council transport standards. This has not been proposed as part of the planning application. It is therefore considered that the proposal would affect the existing road network in terms of safety, in removing a pedestrian footway and potentially compromising a recognised national cycle route. There is no promotion of alternative transport methods.
- 7.22 **The proposal contravenes Policy 55.**
- 7.23 **It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.**

OTHER MATERIAL CONSIDERATIONS

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

A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2

- 7.25 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.26 The proposed Dundee Local Development Plan 2 will in time replace the adopted Dundee Local Development Plan, 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan, 2014 (along with TAYplan) constitutes the statutory Development Plan, the proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.27 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above.

7.28 There are no material differences in Policy between the adopted and proposed local development plans that would justify approval of the application.

7.29 The requirements of Policies 1, 35, 54 and 56 of the Proposed Dundee Local Development Plan are not satisfied.

B - VIEWS OF OBJECTORS

7.30 Nine letters of objection have been received in relation to the proposals on the following ground:

- new car parking spaces would be contrary to the Dundee One Travel Plan;
- the actions identified in the 2008 Travel Plan have not been undertaken;
- the proposal would impact upon the National Cycle Network Route 1 and Green Circular;
- increased potential conflict between car and bicycle road users;
- increased traffic congestion and air pollution;
- potential flooding to the site queried as a flood protection barrier is to be installed;
- removal of trees and planting is detrimental to environment; and
- replacement planters are of lower environmental and visual value.

7.31 One letter of support has been received from the City Centre and Harbour Community Council, which supports the additional parking at Dundee One, with the proviso that staff and visitors do not use the existing residents' parking.

7.32 The points raised have been discussed earlier within this report. No justification has been submitted for the additional car parking spaces, or promotion of alternative transport methods. No replacement tree or detailed landscaping plans have been submitted. The application site is not within an area identified on SEPA's flood maps as an area that may flood. Areas adjacent to the site are identified as being subject to a medium likelihood of surface water and coastal flooding, however no Flood Risk Assessment has been requested as the application is recommended for refusal.

7.33 **The concerns of the objectors support the recommendation to refuse planning permission.**

7.34 **It is concluded from the foregoing that there are no relevant material considerations of sufficient weight to justify approval of planning permission contrary to the Development Plan.**

8 CONCLUSION

8.1 The proposal fails to satisfy the requirements of the Development Plan. There are no material considerations of sufficient weight that would justify approval of planning permission. Therefore, it is recommended that this application be refused.

9 RECOMMENDATION

9.1 It is recommended that consent be REUSED for the following reasons:

- 1 **Reason** - the application fails to comply with Policy 7 of the adopted Dundee Local Development Plan 2014 and Policy 1 of the proposed Dundee Local Development Plan 2 as it would not respect the surrounding street scene nor create an accessible inclusive place easily navigable by alternative transport methods. The proposal does not prioritise alternative transport methods. There are no material considerations of sufficient weight that would justify approval of the application contrary to the Development Plan.
- 2 **Reason** - the application is contrary to the terms of Policy 38 of the adopted Dundee Local Development Plan 2014 and Policy 35 of the proposed Dundee Local Development Plan 2. The existing trees contribute to the appearance and setting of the site and no replacement tree planting is proposed. There are no material considerations of sufficient weight that would justify approval of the application contrary to the Development Plan.
- 3 **Reason** - the application fails to comply with policies 54 and 55 of the adopted Dundee Local Development Plan 2014 or policies 54 and 56 of the proposed Dundee Local Development Plan 2. The applicant has failed to demonstrate that there is a need for additional parking, which is contrary to the aims of the previously agreed travel plan and would increase dependence on access by car. The proposed layout is unacceptable as the existing footway would be removed and a street lighting column is affected. There are no material considerations of sufficient weight that would justify approval of the application contrary to the Development Plan.