

KEY INFORMATION

Ward Tay Bridges

Proposal

Extension to Overgate Centre: 2 storey retail: 4 storey car parking

Address

Land to East of West Marketgait
Overgate Lane
Dundee

Applicant

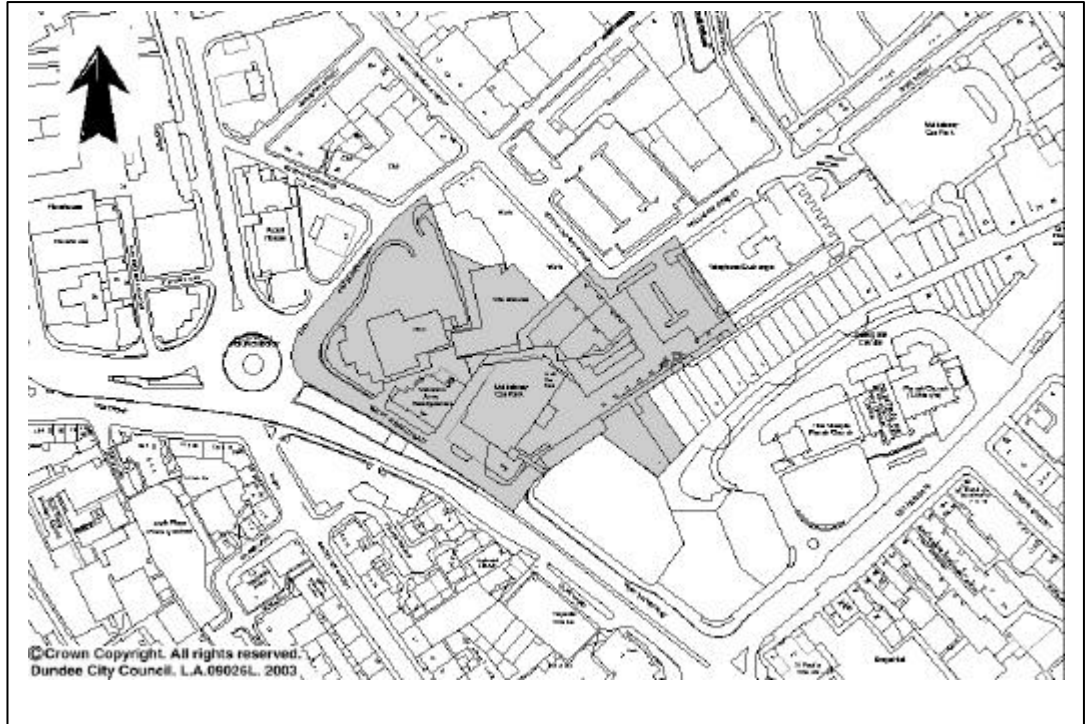
Overgate GP Ltd
Level 2
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London WC2R 3NG

Agent

Keppie Planning 160 West Regent Street
Glasgow
G2 4RL

Registered 8 Sept 2005

Case Officer G S Reid



Substantial Extension to Overgate Centre

The Extension to Overgate Centre: 2 storey retail; 5 storey car parking is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal is in accordance with the provisions of the development plan. There are no material considerations that would justify a departure to the development plan in this instance.

The application is recommended for **APPROVAL** subject to conditions. The application must also be referred to Scottish Ministers for their consideration.

SUMMARY OF REPORT

- Planning permission is sought for a 2-storey extension to the Overgate Shopping Centre including a new multi-storey car park at land to the north of the existing Overgate Shopping Centre, West Marketgait, Dundee.
- The proposal raises issues for consideration in terms of Town Centres and Retailing Policy 3, Environmental Resources Policy 6 and Transport Policy 4 of the Dundee and Angus Structure Plan 2001-20016, Policies 37, 55, 56, 65, 79 and 87 of the Dundee Local Plan Review 2005. The proposal also raises issues in terms of national guidance.
- Two letters of objection were received to the proposed development. The main concerns raised related to the loss of an existing high quality area of public open space, that there is no need for additional floor area, existing retailers would be drawn from other parts of the city centre to the new extension, the proposal is contrary to national guidance and the adopted local plan and that the design is inappropriate.
- It is considered that the proposed extension is in accordance with Town Centres and Retailing Policy 3, Environmental Resources Policy 6 and Transport Policy 4 of the Dundee and Angus Structure Plan 2001-20016, Policies 37, 55, 56, 65, 79 and 87 of the Dundee Local Plan Review 2005. It is also considered that the proposal is in accordance with national policy guidance. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.
- The application requires to be referred to Scottish Ministers for their consideration.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a 2-storey extension to the Overgate Shopping Centre including a new multi-storey car park at land to the north of the existing Overgate Shopping Centre, West Marketgait, Dundee.

The applicants have submitted various documents in support of their planning application. Over the course of the consideration of the application the applicants have made amendments to the design and other aspects of the proposed scheme. In response to this some of the documents have been revised to take into account changes to the proposed development.

The documents submitted are a planning statement including an assessment against national guidance and the policies of the development plan, a design statement, a retail condition and outlet survey, a retail impact assessment, a justification for the demolition of the listed buildings and assessments on the potential effects on the environment including i) noise and vibration, ii) air quality, iii) contamination and geology, iv) townscape and visual assessment, v) construction and vi) archaeology.

These documents set out the details of the proposal and these are summarised as follows:

The Shopping Centre Extension

The applicants have advised that the new extension will accommodate in excess of 40 new retail units with approximately 20,000sqm gross retail floor area on two levels. The existing malls will extend through to provide full access to the new extension at both levels and the new retail and associated facilities will be finished to the same high standard as that of the existing Centre. The new double-sided mall will extend northwards from the existing Centre and terminate in an atrium. The atrium will pass through both mall levels and provide the main vertical link between the shopping area and the new decked car park above. The atrium will provide access to a new major shopping unit and include a welcome hall, escalators, lifts and will be top lit from a large rooflight.

A new entrance on the north edge of the site adjacent to the former Halley

works and flanked by retail units will provide pedestrian access into the new extension. The applicants highlight that this will help supplement the existing Centre's access and strengthen the links with the adjacent 'Cultural Quarter' to the west and the city to the north. In addition, a new entrance located on the northwest corner of the site at the junction between South Ward Road and West Marketgait will act as a marker to signify the new north edge of Overgate and provide direct access into new major shopping units at upper mall level.

Proposed Gross Retail Floor Areas as a result of the proposed extension will be:

Area lost due to link: 1,300 sq. metres.

New Extension: 20,000 sq. metres.

Additional Gross Retail Area: 18,700 sq. metres.



New Multi storey Car Park

The new multi-storey car park will provide 330 additional spaces (total 700 cars) on 4 decks with vehicular access being directly off West Marketgait. Exit from the car park will be via a ramp into Willison Street. Control barriers will be located at service deck level which is on the roof of the upper mall level. At this level there will be accessible parking for parent/child and disabled, and the Shop Mobility facility. Access from this and the upper car park decks to the retail area is via the lifts and stairs that take you directly into the new atrium space and welcome hall. Direct access will be provided to the new major unit and a pedestrian 'bridge' will connect the new car park with the existing Debenhams store.

Servicing of the Proposed Extension

The existing service access ramp located off West Marketgait will be retained and will remain the main point of service access and egress for the complete Centre. A new service bay

with sufficient space for an additional 5 service vehicles and a compactor unit is located between the new car park and the existing service access deck. Distribution of goods to the new units will be via rear of unit service corridors and lifts.

The new major shopping unit (MSU1) will have its own dedicated service dock that is capable of taking up to 3 service vehicles. This will be accessed from South Ward Road.

Proposed Elevations

The applicants state that the elevations of the new extension will compliment the elevations of the existing Centre and surrounding buildings both in the quality and selection of materials and scale. The new extension has 3 main elevations; West Marketgait, South Ward Road and Willison Street/North Lindsay Street. The applicants acknowledge the prominence of the corner of South Ward Road with West Marketgait Roundabout and that it adds a further aspect to the design. The finishing materials are to match those of the existing centre where appropriate.

West Marketgait

The applicants highlight that this is by far the most public elevation and as such justifies the use of appropriate quality materials such as suitably coloured cast/concrete stone that is in keeping with the standards set by the existing Centre. They state that the massing of the elevation has been dictated by the two horizontal retail floors and service/car park deck, the height of the decked parking and the fall across the site from north to south. Elements such as the car park, access ramp and the prominent feature at West Port Roundabout generates three dimensional interest with the active frontage to MSU1 providing added vitality at street level.

They stress that the design style avoids being an inappropriate pastiche but adopts a more contemporary and dynamic approach that is complementary to the character and scale of the adjacent buildings.

South Ward Road

The west part of this elevation is a continuation of the West Marketgait corner feature. A similar approach to the architectural style is therefore carried through. Beyond this, moving eastwards, the scale of the Upper

Retail level also carries through to the tenement scale of the former Halley Works building.

Willison Street/North Lindsay Street

The North Lindsay Street elevation is dominated by the façade of the former Halley Works building which makes a significant contribution to the quality of streetscape in this area. The Willison Street/North Lindsay Street corner junction of the new development is fundamental to the successful integration of the new with the existing buildings and also for maintaining the quality of streetscape on the east side of the site. Originally the applicants intended to demolish both tenements and introduce a new building as a link between the Centre and the former Halley Works. However, they have changed their approach and now propose to retain the facade of the north most tenement. In addition, it is proposed to activate the Willison Street façade where it sits adjacent to the retained North Lindsay Street listed building façade by forming a fully glazed retail frontage alongside the sub-station/car park.

Landscaping

The applicants have advised that the extent of any new landscaping is significantly restricted because the development fills the site. However, where appropriate, (e.g. at West Port Corner) any new streetscape/landscape will be used to provide pedestrian friendly zones. Also, particular attention will be given to the paving and interface details along the West Marketgait and at the West Port junction to ensure continuity of quality and finishes with that of the existing Centre.

Other Matters

Because of the nature of the development the applicants have stated that it will be necessary to demolish all of the existing buildings contained within the site boundary. The only exception to this is the retention of the facade on the north-most tenement in North Lindsay Street.

The western end of Overgate Lane that currently crosses the south edge of the site, is to be closed off in order to accommodate the link between the existing building and the proposed new extension.

The applicants made amendments to the design of the elevations as a result

of discussions with the Council and the Design Review process with Architecture Design Scotland.

The applicants have submitted a Transport Assessment. The Assessment sets out the potential impact of the proposed development on the surrounding road network. It also outlines the measures required to manage the affects of the proposed development.

The applicants have advised that a Drainage/Flood Assessment is under preparation. The Assessment had not been received at the time of writing the Report.

The applicants have advised that it has been necessary to prepare a revised Air Quality Assessment in response to changes to the Transport Assessment. The updated Assessment had not been received at the time of writing the Report.

SITE DESCRIPTION

The application site extends to approximately 1.46 hectares. The site is bounded by the West Marketgait section of the Inner Ring Road to the west; warehouse and commercial buildings fronting South Ward Road to the north; the old Halley Brothers Ltd (D C Thomson) works and North Lindsay Street to the east; the BT Exchange building to the south east; and the existing Overgate and Overgate Lane to the south.

Within the application site there are buildings of various styles, scale and types. They are undistinguished both in terms of their individual appearance, massing and grouping, largely as a consequence of the piecemeal development dating from the 1960's. The site levels generally falls from north to south.

The buildings within the site include:

- 1 A 340 space variable stay multi-storey car park accessed directly from West Marketgait. This is a 1960's structure and occupies a prominent corner site. The 'Shop mobility' for Dundee City Council makes use of part of the ground level, together with a 'Windscreen replacement' operator. There is also a 'bridge' link that crosses Overgate service road and provides direct access into the top level of Debenhams.

- 2 The Salvation Army Building. This building is of a contemporary design and faces onto West Marketgait.
- 3 Lidl Supermarket at West Port Roundabout. This was formerly the site of a car showroom but is now a discount supermarket. The building is single storey in height and is of a very basic commercial design.
- 4 Electric Sub-Station located at the south end of North Lindsay Street. This takes the form of a compound enclosure and is set back from the adjacent tenement building.
- 5 26-32 and 34-36 North Lindsay Street. These are Category B listed four storey tenement buildings with shop/restaurant/take-away at ground level. The pink sandstone ashlar front aligns with the adjacent Halley Brothers Ltd (D C Thomson) works building.
- 6 Halley Brothers Ltd (D C Thomson) warehouse. This a relatively modern light industrial building that is concealed between the rears of the listed Halley Brothers Ltd (D C Thomson) works building on North Lindsay Street and the Lidl supermarket at West Port Roundabout. This building forms part of the Halley Brothers Ltd (D C Thomson) works complex but has no major frontages.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Town Centres and Retailing Policy 3: Dundee Central Area. This Policy seeks to reinforce Dundee Central Area's role as one of Scotland's key centres providing a focus for retailing and related activities. One of the means identified to achieve this is by supporting further retail development in the central area, including the extension of the prime shopping area, where this can be suitably integrated with the existing shopping area.

Environmental Resources Policy 6: Design and Urban Renewal. This policy requires, amongst other things, that new developments make a positive contribution to the identity, character and quality of the built and historic environment

Transport Policy 4: Development Location:

In identifying land for new development, Local Plans will seek to ensure that development takes place in the most accessible locations having regard to the objectives of the Local Transport Strategy. New development proposals will as a minimum require to demonstrate that they can meet criteria specified in the Policy. The Policy also advises that development proposals generating significant traffic must be supported by Transport Assessments and Green Transport Plans. Green Transport Plans will be implemented through appropriate planning conditions or other agreements.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 37: Extending and Upgrading Shopping Provision in the City Centre. This Policy supports an extension of the Overgate Centre as part of accommodating a major element of the new comparison goods floorspace requirement in the City Centre.

Policy 55: Urban Design. This Policy advises that for all new developments, the emphasis will be on design quality and the Council will require the use of Design Statements for planning applications for new buildings on significant sites. All development will, in its design and layout, be expected to contribute to an environment that is safe and accessible to all.

Policy 56: Public Art. This Policy advises that the Council will continue to support Public Art through the adopted Public Art Strategy and the Percentage for Public Art policy by implementing the "Percentage for Art" policy where all new development in Dundee with construction costs of £1,000,000 or over will be required to allocate at least 1% of the construction costs for the inclusion of an art project within the development. The implementation of the policy will be delivered through the development control process by the imposition of

appropriate conditions on planning permission.

Policy 65: Archaeological Sites. This Policy requires the applicant to undertake an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource.

Policy 79: Contaminated Land. This Policy advises that when considering development proposals involving sites where the presence of contamination is suspected, the Council will require developers to submit details of investigations to assess the nature and extent of any contamination and the appropriate remedial works to render the site fit for the use proposed.

Policy 87: City Centre Car Parking. This Policy sets out the approach for the provision of car parking within the city centre.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following is of relevance:

National Planning Policy Guidance 8 (Revised 1998) Town Centres and Retailing. This guidance seeks to encourage existing centres as the first choice locations for new retail developments and promotes a sequential approach to the consideration of proposals.

Scottish Planning Policy 17 - Planning for Transport. This Policy promotes sustainable development in appropriate locations and seeks to ensure that development is well located in terms of public transport and pedestrian and cycle routes.

Planning Advice Note 75 - Planning for Transport. This offers guidance on policy contained in SPP 17 (Planning for Transport) above.

Scottish Planning Policy 20 Role of Architecture and Design Scotland.

A Policy on Architecture for Scotland 2001. Through this document the Executive recognises that the planning system is one of the most important ways of procuring good architecture.

Designing Places - A Policy Statement for Scotland. This statement from the Scottish Executive sets out their aspirations on the design and the role of the planning system for delivering these aims. It promotes the need for

high quality design of buildings and layout for proposed developments.

Non Statutory Statements of Council Policy

The following non statutory Council policies are relevant to the determination of this application.

Dundee - The Urban Design Guide.

North Lindsay Street Area, Development Brief. The brief identified the opportunity to comprehensively redevelop this area to add a new dimension to the west end of the city centre by providing new uses with increased employment opportunities and a much improved frontage for the western edge of the city centre. Although the brief was subject to public consultation it was not adopted as a material consideration.

LOCAL AGENDA 21

Key Theme 7 is relevant to the consideration of this application and seeks to ensure that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. It is considered that the proposed development meets the aims of this Key Theme.

SITE HISTORY

The most recent planning applications in respect of the

Overgate Shopping Centre are summarised below:

D23080: Redevelopment of Overgate Centre involving partial demolition and construction of new enclosed shopping centre and construction of 6 level multi-storey car park. Approved on 28 January 1998.

This was a detailed planning application for the part refurbishment and part new build of the Centre which created an additional 13,890sqm of retail floorspace and a multi-storey car park providing 700 spaces. The multi-storey car park required the demolition of the then vacant DC Thomson print works. The main elevations of the redeveloped Centre are finished in buff cast stone.

D23539: Erection of 2 level mixed-use development, including retail, cinema,

restaurants and multi-level car park. Approved 27 January 1999.

This was an outline planning application which related to development on the site of the current proposals and, as with the current proposals, represented a physical extension to the existing Overgate Centre. The proposals, although approved, were never implemented. The outline application provided indicative floorspace figures and layouts which included a multi-screen cinema, restaurants and bars, leisure related retail floorspace, mainstream retail floorspace and additional car parking.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the proposal was advertised in the "Dundee Courier and Advertiser" on the 20 September 2005 as affecting the setting of a Conservation Area in terms of Section 65 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and as a potential bad neighbour in terms of Section 34 of the Town and Country Planning Act 1997.

Two letters of objection were received from residents to the proposed extension. The main grounds of objection were that:

- 1 the proposal would result in the loss of an area of public open space to the rear of the existing Overgate Shopping Centre at North Lindsay Street.
- 2 the proposal is not necessary as there is excess retail capacity within the City Centre.
- 3 the proposal will draw major retailers out of other parts of the City Centre to the Overgate and result in a detrimental shift in the focus of retailing.
- 4 the proposal is contrary to the objectives of emerging national policy SPP8 Town Centres and in particular the sequential approach and regeneration.
- 5 the proposal is contrary to the Dundee Local Plan Review 2005 and in particular to Policy 55 Urban Design.
- 6 the scale and appearance of the proposal and its relationship to its surroundings is not

acceptable particularly in relation to the height and prominence of the proposed car park.

A letter of objection was received to the proposal from a nearby resident on the grounds of the impact on residential amenity from noise and dust pollution during the demolition and construction phases. These concerns are not material considerations in terms of the determination of the current planning application but can be addressed through separate legislation. Any disturbance to residential amenity caused during the demolition and construction phases is covered by legislation which is the responsibility of the Council's Environmental Health and Trading Standards Department.

RAC Auto Windscreens also objected to the proposal. Their main grounds of objection related to lease arrangements for their premises with Lend Lease and the lack of alternative premises. These matters while important to the objector are not valid grounds of objection to the planning application. The other concerns raised are covered in the objections set out above from residents.

Dundee Civic Trust advised that they generally welcomed the proposals and considered that they would improve the visual quality of the environment in this part of the City Centre. They did however raise concerns with regards to the design of the West Marketgait elevation referring to it as presenting a largely blank facade giving a fortress like appearance. They also raised concerns regarding the lack of pedestrian permeability along the West Marketgait elevation. Particularly the loss of opportunity to create strong pedestrian links to the west as and when this area is redeveloped in the future. Finally they also set out reservations regarding the potential increase in traffic from the proposal and its impact on the West Port/Marketgait junctions.

Copies of the letters of objection are available in the Members Lounges and the concerns raised are addressed in the "Observations" section of this report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards provided

comments on the development in terms of the potential impact from noise, air quality and contaminated land.

Noise

No objection subject to the condition that "during the period 2300-0700hrs total noise from all mechanical and electrical services shall not exceed NR35 as measured 1m external to the facade of the nearest residential accommodation."

Contaminated Land

No objection to the proposal subject to the imposition of the standard contaminated land condition.

Air Quality

Although initial air quality information was provided by the applicant's further work has been undertaken on the transport assessment. This requires the re-running of the air quality model. At the time of drafting the Report the revised air quality assessment had not been submitted for consideration.

The Scottish Environment Protection Agency were consulted and advised that they had no objection to the proposed development.

Scottish Water were consulted on the proposed development. To date no response has been received from them as to their views on the proposals.

Historic Scotland were asked to provide pre-determination comments on the application as it affects the setting of listed buildings and proposes the demolition of two listed tenement blocks with only the facade retention of the most northerly tenement.

They advised that the amended proposal was not acceptable in terms of national guidance, due to the design of the proposed new building, which is not 'of comparable quality in terms of design'. In particular the section of the development which will house a substation and car park has a significant length of frontage onto Willison Street, terminates the view down North Lindsay Street and will partially obscure views of the City Churches Tower. To comply with national policy, a development which replaces a listed building must be judged to be of better quality than the existing building, which in this case has good architectural detailing and makes a positive contribution to the character of the streets it addresses.

In addition, they stated that the proposed elevational treatment of the replacement building is functional in terms of design, massing and materials, and shows very little consideration of an architectural concept or treatment. As built, this would create the impression that the surrounding public space is a 'backland' which does not deserve quality architecture and streetscape.

The issues surrounding the demolition of the listed buildings are addressed fully in the Report on the accompanying application for Listed Building Consent for the demolition/facade retention of the tenements in North Lindsay Street (05/00816/LBC refers).

Architecture + Design Scotland (A+DS) were consulted and the proposals were considered at the Design Review Panel on the 4 October 2005. In light of the Design Review Panel meeting A+DS provided detailed comments on the design of the proposal. They advised that the principle of the development and the commitment to regenerating Dundee was welcomed. However there was a concern the scheme presented would not contribute fully to the developing fabric of the area. Further development of the design was felt necessary for the project to meet its full potential and the high standard set by the original Overgate Centre in terms of creation of civic space, and connection to it.

A+DS provided further comments by letter in response to changes made to the design by the applicants. They advised that the changes made to the scheme were not a sufficient response to the comments originally raised. They highlighted several concerns relating to i) the location and visual prominence of the multi-storey car park, ii) the relationship of the building to the junction at South Ward Road/West Marketgait iii) the facade of the building onto Willison Street did not give something of benefit to the public realm and iv) the architectural expression of the building required to be refined and improved. They concluded that they could not recommend that the application be approved.

The applicants have made further changes to the design of the building in response to these comments. At the time of drafting the Report A+DS had

made no comment on the further changes.

No adverse comments were received from any of the other statutory consultees.

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.

Dundee and Angus Structure Plan 2001-2016

Town Centres and Retailing Policy 3 seeks to reinforce Dundee Central Area's role as one of Scotland's key centres providing a focus for retailing and related activities. One of the means identified to achieve this is by supporting further retail development in the central area, including the extension of the prime shopping area, where this can be suitably integrated with the existing shopping area. The proposal is for an extension to the existing Overgate Shopping Centre. The Overgate Centre has played a significant role in reinforcing Dundee's role as a regional shopping centre. The proposal would extend the prime shopping area and aims to build on the success of the existing centre. It is considered that the proposed extension to the Overgate Shopping Centre would accord with the aims of TCRP3 of the Structure Plan.

Environmental Resources Policy 6: Design and Urban Renewal. This policy requires, amongst other things, that new developments make a positive contribution to the identity, character and quality of the built and historic environment. With the exception of the listed buildings facing onto North Lindsay Street there are no buildings of real quality in the area. Therefore it is considered that the proposal will

generally improve the visual appearance of this part of the city centre. It is considered that the proposal is in accordance with Environmental Resources Policy 6 of the Structure Plan.

Transport Policy 4 seeks to ensure that new development proposals will as a minimum require to demonstrate that they:

- 1 provide safe, convenient and attractive facilities for pedestrian, cycle and public transport access;
- 2 provide or use walking and cycle routes which are or can be linked into established and planned networks;
- 3 are accessible to, or can be made accessible to the existing or proposed public transport networks; and
- 4 are located where local road network capacity is available.

Development proposals generating significant traffic must be supported by Transport Assessments and Green Transport Plans where necessary. Green Transport Plans will be implemented through appropriate Planning or other agreements.

The applicant's have produced a Transport Assessment in support of their proposal. This is examined in detail under the material considerations section of the Report. It is suffice to say here that the proposal generally meets the requirements of Transport Policy 4 of the Structure Plan. The requirement for a Travel Plan will be achieved through the imposition of a condition to permission if granted.

Dundee Local Plan Review 2005

Policy 37: Extending and Upgrading Shopping Provision in the City Centre supports an extension of the Overgate Centre as part of accommodating a major element of the new comparison goods floorspace requirement in the City Centre. In the preamble to the Policy it is highlighted that a retail capacity study undertaken on behalf of the Council has pointed to the scope to accommodate a significant increase in the City Centres comparison shopping provision.

The proposal under consideration is for an additional 18,700 sq. metres of comparison shopping floorspace in the

form of a 2-storey extension to the Overgate shopping Centre.

In order to establish whether there is capacity to accommodate the scale of floorspace proposed and what its potential impact would be on the existing shopping provision within the city centre the applicants were requested to submit an assessment addressing these issues.

In response to this the applicants have submitted a Retail Policy and Impact Assessment. As part of this assessment that applicants carried out a health check of the City Centre in the form of a Retail Condition and Outlet Survey.

In terms of capacity the applicants carried out an assessment of available expenditure utilising the work undertaken on behalf of the Council and then assessed the impact on the existing shopping provision within the City.

In terms of capacity the applicant's conclude that there is scope to accommodate the level of floorspace proposed. In addition, they conclude that this can be done without any significant net detriment to the existing shopping centre and that it would not prejudice other identified potential extensions to the core shopping area.

It is considered that the applicant's have satisfactorily demonstrated that there is sufficient retail capacity to accommodate the proposed extension and that it can be done with no significant detriment to the existing shopping provision.

It is considered that the proposed development is in accordance with Policy 37.

Policy 55: Urban Design seeks to ensure that all new developments place emphasis on design quality and the creation of new public spaces and points of interest which incorporate architectural and landscape features and reflect the historic street layouts, significant views and vistas. In addition, the Policy seeks that all development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

The current architects have followed a more contemporary approach to the architecture of the proposed extension. In doing this they have however maintained elements of the original

Overgate approach to the design and propose to utilise some of the original finishing materials.

In assessing the design of the proposed extension several issues have been raised by Officers with the applicants. These relate to 1) the height and detailing of the multi-storey car park, 2) the elevational treatment of the facade at the junction of Willison Street with North Lindsay Street, 3) the height and detailing of the facade at the corner of South Ward Road/West Marketgait and 4) the facade facing West Marketgait. These concerns are also reflected in the views put forward by Architecture and Design Scotland.

In response to these concerns the applicants have made modifications to the design of the elevations. They now propose to i) retain the facade of the north most tenement building in North Lindsay Street, ii) remove a full deck from the multi-storey car park, iii) amend the design and raise the height of the corner feature at the Marketgait junction, iv) extend the car park northwards increasing the height of the West Marketgait elevation and v) insert a new retail unit at Willison Street adjacent to the retained listed facade. These changes are welcomed and have resulted in significant improvements to the overall visual appearance of the scheme. There are still some improvements that could be made to the detailing of the main elevations but it is considered that these can be progressed through the impositions of an appropriately worded condition. In addition, the details of the works for retaining the listed tenement facade and the new build behind can be covered by a condition.

It is considered that the proposal will result in the improvement of the visual appearance of the public realm in this area. It is considered that the proposal is in accordance with the requirements of Policy 55.

Policy 56: Public Art. The Council will continue to support Public Art through the adopted Public Art Strategy and the Percentage for Public Art policy by implementing the "Percentage for Art" policy where all new development in Dundee with construction costs of £1,000,000 or over will be required to allocate at least 1% of the construction costs for the inclusion of an art project within the development. The implementation

of this policy will be delivered through the development control process by the imposition of appropriate conditions on planning permission.

The applicant's have agreed in principle to incorporate public art into the proposed development scheme. In order to ensure that the percent for public art is adhered to it will be necessary to apply a condition to permission if granted in line with the guidance in Policy 56. It is considered that subject to an appropriately worded condition the proposal complies with Policy 56 of the Local Plan.

Policy 65: Archaeological Sites requires the applicant to undertake an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource. The applicants have prepared an archaeological desktop assessment study in line with the requirements of Policy 65. They highlight that given the previous developments on the site the archaeological potential of the site is considered to be low. They conclude that any potential archaeological impacts could be mitigated through a programme of observation and recording and that this could be secured through an appropriately worded condition. This is considered to be an appropriate method in which to meet the requirements of Policy 65.

Policy 79: Contaminated Land advises that when considering development proposals involving sites where the presence of contamination is suspected, the Council will require developers to submit details of investigations to assess the nature and extent of any contamination and the appropriate remedial works to render the site fit for the use proposed.

The applicant's have submitted a desk study entitled 'Overgate Centre Dundee Phase II: Desk Study Report' prepared by W.A.Fairhurst & Partners dated August 2005.

The Head of Environmental Health and Trading Standards advised that the study was a thorough and competent desk study of the site including a review of previous site investigations. As such he was in support of the recommendations for further site investigation work. He advised that he had no objections to the application subject to the standard contaminated land condition being attached to any permission granted. In light of this it

is considered that the proposal complies with Policy 79 of the Local Plan.

Policy 87 sets out the approach for car parking within the city centre. The policy sets out a presumption against the development of new private non-residential parking spaces within the city centre. However it does allow for the consideration of new short and variable stay car parking for the benefit of shoppers, business callers and visitors where they are directly associated with new facilities. The proposal includes the provision of a 700 space car park, 330 of which will be new spaces. The level of car parking is considered to be acceptable but will require to be controlled to ensure that it will be for shoppers rather than long stay/commuters. The Council pricing policy for parking will also need to be applied. This can be achieved through a condition.

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:

National Planning Policy Guidance 8 (Revised 1998) Town Centres and Retailing. This guidance seeks to encourage existing centres as the first choice locations for new retail developments and promotes a sequential approach to the consideration of proposals. The local plan identifies the Overgate as a potential location for accommodating additional comparison floorspace. It is considered that given the proposal is located within the city centre and is an extension to an existing shopping centre then it complies with the guidance of NPPG8.

Transport Matters

Scottish Planning Policy 17 - Planning for Transport. This Policy promotes sustainable development in appropriate locations and seeks to ensure that development is well located in terms of public transport and pedestrian and cycle routes. Planning Advice Note 75 Planning for Transport offers guidance on the policy contained in SPP 17 (Planning for Transport) above.

The applicants have submitted a Transport Assessment (TA) in support of the proposed development.

The traffic modelling carried out as part of the TA demonstrates that there will be a significant increase in congestion on the surrounding road network directly related to the extension of the Overgate Centre.

In order to address this issue the TA sets out a series of traffic management and infrastructure changes to the existing road network.

These include:

- 1 traffic management changes including:
 - Reform Street becomes one way northbound instead of two-way,
 - Bank Street becomes one way eastbound instead of westbound,
 - South Ward Road onto West Port Roundabout becomes one way westbound instead of two-way.
- 2 fully signalling the Dudhope Roundabout.
- 3 new pedestrian crossings facilities at various locations including Bank Street and Marketgait opposite Argyle House.
- 4 realigning various junctions in particular around Court House Square.
- 5 the reconstruction of South Ward Road to the rear of Argyle House.

The above are the main changes but there are other traffic management and infrastructure changes included within the TA.

The TA concludes that the proposed traffic management and infrastructure changes do not mitigate the increased congestion but permit it to be managed more effectively than would otherwise be the case.

It is clear from the TA that the proposed extension to the Overgate Centre will result in increased congestion on the surrounding road network. The traffic management and infrastructure measures proposed by the applicant will not reduce the increased levels of congestion but will allow it to be managed.

It is considered that the option put forward by the applicant's in the TA

for managing the congestion is the most viable approach. It is considered that the TA is acceptable subject to the implementation of the measures set out in the Schedule of Works prior to the commencement of trading from the development. The costs of all the above works will need to be met by the applicant.

Other Transport Matters

The proposal includes a dedicated service bay at South Ward Road for MSU1. The design of this bay does not comply with the Council's Roads Standards. The applicants have advised that it is not possible to meet these requirements and have proposed that they will put in place procedures to manage the servicing arrangements. The management procedures that will permit the safe use of this service arrangement will need to be submitted to the Council for approval. A condition covering this requirement will need to be imposed.

Design Matters

Through the publication of "A Policy on Architecture for Scotland 2001", "Designing Places - A Policy Statement for Scotland" and "Scottish Planning Policy 20 Role of Architecture and Design Scotland" the Executive has recognised that the planning system is one of the most important ways of procuring good architecture and have set out their aspirations on design and the role of the planning system for delivering these aims. In doing so it seeks to promote the need for high quality design of buildings and layout for proposed developments. In order to help achieve these aims Scottish Ministers have established Architecture and Design Scotland (A+DS) as the national champions for good architecture, design and planning in the built environment. The aim of A+DS is to raise the quality of new development, so that high standards of layout and design are the rule not the exception.

Given the significance of the proposed Overgate Extension in terms of size, location and public impact the application was referred to A+DS for a Design Review. The response to that review process is set out in the "Consultations section of the report. In summary A+DS welcomed the principle of the development and the commitment to regenerating Dundee

was welcomed. However there was a concern the scheme presented would not contribute fully to the developing fabric of the area. Further development of the design was felt necessary for the project to meet its full potential and the high standard set by the original Overgate Centre in terms of creation of civic space, and connection to it.

The applicants have responded positively to the various comments received from A+DS. They have revised those areas of the proposed development that A+DS highlighted as requiring further consideration. The latest revisions have been significant and have focused on the main concerns raised by A+DS. These are outlined above in the consideration of the application against Policy 55 Urban Design. No response to these changes has been received from A+DS at the time of writing the Report.

It is considered that in the latest revisions the applicants have made a positive response to the concerns raised by A+DS and the changes have resulted in significant improvements to the design of the proposal.

Historic Scotland were asked to provide pre-determination comments on the application as it affects the setting of listed buildings and proposes the demolition of two listed tenement blocks with only the facade retention of the most northerly tenement. These comments are set out in the 'Consultations' section above. The main concern related to the quality of the new building and the poor elevational treatment of the facade onto Willison Street. These concerns were similar to those raised by A+DS. The applicants have made changes to improve the design of the facade onto Willison Street. Historic Scotland have not formally responded to these changes but it is considered that the applicants have made a positive response and significantly improved the quality of the design.

Historic Scotland will have the chance to formally comment when the listed building application is referred to them.

Dundee - The Urban Design Guide

The Guide seeks to inform everyone involved in the development process to create a better Dundee by utilising a series of basic design principles. As indicated above it is considered that

the amendments to the design of the proposal have resulted in a much improved quality of design. It is considered that the proposal meets the aims of the Design Guide.

Noise

The proposed development includes the installation of new plant and machinery on the roof of the extension. The applicants have advised that the specification of the plant and machinery and therefore the potential noise output are as yet not finalised. The Head of Environmental Health and Trading Standards advised that it is unlikely that residents in the surrounding area would be subject to disturbance from noise from the new plant and machinery given its location. However, he advised that as the final noise output levels are not available a condition should be imposed to ensure that disturbance from noise does not become a problem to residents from the new plant and machinery particularly in the evening. The condition is outlined in the "Consultations" section of this Report.

Objections

Two letters of objection were received from residents to the proposed extension. The main grounds of objection were that:

- 1 "the proposal would result in the loss of an area of public open space to the rear of the existing Overgate Shopping Centre at North Lindsay Street." The area in question is not allocated as public open space. The applicants have advised that this area of open space will be replaced as part of the main extension to the centre at the new northern entrance.
- 2 "the proposal is not necessary as there is excess retail capacity within the City Centre." As outlined above the preamble to Policy 37 highlights that a retail capacity study undertaken on behalf of the Council has pointed to the scope to accommodate a significant increase in the City Centres comparison shopping provision. Policy 37 identifies the Overgate as an appropriate location for further expansion to accommodate the increase in comparison shopping provision.

- 3 "the proposal will draw major retailers out of other parts of the City Centre to the Overgate and result in a detrimental shift in the focus of retailing". The applicants have indicated that there is demand for larger units not available elsewhere in the city centre. The proposal will provide units of a different scale to elsewhere in the City Centre.
- 4 "the proposal is contrary to the objectives of emerging national policy SPP8 Town Centres and in particular the sequential approach and regeneration." It is considered that as the proposal is for an extension to an existing shopping centre located within the identified central shopping area it conforms to national planning guidance.
- 5 "the proposal is contrary to the Dundee Local Plan Review 2005 and in particular to Policy 55 Urban Design." As outlined above it is considered that the proposal is in accordance with the relevant policies of the Local Plan 2005.
- 6 "the scale and appearance of the proposal and its relationship to its surroundings is not acceptable particularly in relation to the height and prominence of the proposed car park." As indicated above it is considered that the proposal is of an acceptable design for the location proposed.

Dundee Civic Trust welcomed the development but also raised some concerns regarding design and traffic. It is considered that these matters have been addressed in the above considerations. In terms of permeability along the western edge it is considered that the access proposed and the location of the pedestrian crossings allow for adequate permeability to the centre from the west.

Drainage/Flooding Assessment

The applicants were requested to undertake a Drainage/Flood assessment. Whilst work has been progressing towards a positive outcome on this matter no finalised assessment has as yet been submitted. Therefore in order to properly assess the impact of the development on drainage and flooding in the area it

will be necessary to impose a condition on permission if granted requiring the submission of a Drainage/Flood Assessment for consideration and approval of the Council.

Air Quality Assessment

Initial air quality information was submitted by the applicants. However further work undertaken on the transport assessment has made it necessary to re-run the air quality model. At the time of drafting the Report the revised air quality assessment had not been submitted for consideration. Therefore in order to properly assess the impact of the development on air quality it will be necessary to impose a condition on permission if granted requiring the submission of an Air Quality Assessment for consideration and approval of the Council.

Landscaping

The applicants have advised that the extent of any new landscaping is significantly restricted because the development fills the site. However, where appropriate, (e.g. at West Port Corner) any new streetscape/landscape will be used to provide pedestrian friendly zones. Also, particular attention will be given to the paving and interface details along the West Marketgait and at the West Port junction to ensure continuity of quality and finishes with that of the existing Centre.

As part of the original Overgate application an avenue of trees was established along the east side of West Marketgait. It is considered that given the limited space for landscaping the avenue of trees should be extended northwards up to the West Port junction. This along with landscaping at the West Port corner and South Ward Road frontage will improve the visual appearance of the public realm along the frontages of the proposed development. This can be achieved through a condition.

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

Design

The current architects have followed a more contemporary approach to the architecture of the proposed extension. In doing this they have also maintained elements of the original Overgate approach to the design and utilised some of the original finishing materials. In response to comments on potential improvements to the design from A+DS and officers the applicants have made revisions to the scheme. These revisions have been a positive response to the comments made and resulted in significant improvements to the quality of the design of the scheme. It is considered that there are still improvements that can be made to the more detailed aspects of the design of the proposed elevations. This can be addressed through the imposition of a condition.

Given the positive amendments made to the design of the proposal by the applicants it is considered that the proposal would result in an improvement to the visual appearance of the area.

CONCLUSION

It is considered that the proposed extension is in accordance with Town Centres and Retailing Policy 3, Environmental Resources Policy 6 and Transport Policy 4 of the Dundee and Angus Structure Plan 2001-20016, Policies 37, 55, 56, 65, 79 and 87 of the Dundee Local Plan Review 2005 and National Guidance on retailing and design. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.

RECOMMENDATION

Recommendation 1

In terms of Section 6(a) of the Schedule to The Town and Country (Notification of Applications) (Scotland) Direction 1997 development for the purpose of retail shopping comprising an area of 10,000 sq. metres or more gross retail floor area requires to be referred to Scottish Ministers for their consideration. The proposal is for a retail development of 20,000 sq. metres gross floor area. If Members are minded to recommend approval of the application it will be necessary to refer it to Scottish

Ministers for their consideration prior to issuing permission.

Recommendation 2

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 Samples of all finishing materials shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out using only the approved finishing materials.
- 3 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:
 - i the nature, extent and type(s) of contamination on the site
 - ii measures to treat/remove contamination to ensure that the site is fit for the use proposed
 - iii measures to deal with contamination during construction works
 - iv condition of the site on completion of decontamination measures

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 4 During the period 2300-0700hrs total noise from all mechanical and electrical services shall not exceed NR35 as measured 1m external to the facade of the nearest residential accommodation.
- 5 Details of the proposals for the 1% for public art contribution and the timescale for its implementation shall be submitted to the Council for approval before any development is commenced and if approved

- the development shall be carried out only in full accordance with such approved details.
- 6 An Air Quality Assessment shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details. For the avoidance of doubt, any mitigation measures shall be carried out in full accordance with such agreed details and shall be implemented prior to the occupation of any of the retail units hereby granted permission.
 - 7 The development shall consist of Class 1 non-food retailing with a gross floor area not exceeding 20,000 sq. metres.
 - 8 That a landscaping plan including future maintenance shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
 - 9 Details of the finishing materials for all external surfaces shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
 - 10 No part of the development shall be occupied until a Travel Plan has been submitted and approved in writing by the Planning Authority. The Travel Plan will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.
 - 11 Details of the improved pedestrian crossing facilities on Willison Street/Bank Street shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
 - 12 Details of the scheme of works for retaining the listed tenement facade and the associated new build shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
 - 13 No development or demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Council.
 - 14 A Drainage/Flood Assessment shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
 - 15 The detailed design of all elevations shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
 - 16 No part of the development shall commence trading until all of the improvements to the surrounding road network have been completed to the satisfaction of the Council.
 - 17 No part of the development shall commence trading until all of the traffic management and infrastructure works set out in the Schedule to the Transport Assessment have been implemented and completed to the satisfaction of the Council.
 - 18 Details of the tree planting scheme to continue the avenue of trees on West Marketgait shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
 - 19 The multi storey car park shall be for variable stay parking only and the pricing policy as operated by Dundee City Council for variable stay parking will be implemented and maintained.
 - 20 Details of provision for waste recycling facilities within the proposed development shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. The approved scheme to deal with waste recycling shall be operational prior to the first occupation of any of the residential units.
 - 21 Details of the scheme for the safe management of the dedicated service yard at South Ward Road shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
 - 22 Details of the design of the new build to the tenement facade retention in North Lindsay Street shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
 - 23 The costs of implementing all of the traffic management and infrastructure works set out in the Schedule to the TA shall be met by the applicant.

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 To ensure that the site is fully investigated for any potential contamination and that any contamination that is found is adequately dealt with prior to development.
- 4 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.

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| <p>5 To ensure that an appropriate scheme of public art is contained within the development proposals and that the scheme is fully implemented prior to the development being completed.</p> <p>6 To ensure that the proposed development does not result in a detrimental impact on air quality in the area.</p> <p>7 To conform with the approved shopping policies of the development plan.</p> <p>8 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.</p> <p>9 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.</p> <p>10 To be consistent with the requirements of SPP17 Planning for Transport.</p> <p>11 In the interests of traffic and pedestrian safety.</p> <p>12 To ensure that the works maintain the character and visual appearance of the listed tenement facade in North Lindsay Street.</p> <p>13 The site is in an area of archaeological interest and it is considered important to ensure that items of archaeological interest are protected and recorded and salvaged if appropriate.</p> <p>14 To ensure that the development can be satisfactorily drained and without any impact in terms of flooding.</p> <p>15 To ensure that the visual appearance of the proposed development is to an acceptable quality.</p> <p>16 In the interests of vehicular and pedestrian safety.</p> <p>17 In the interests of vehicular and pedestrian safety.</p> <p>18 To continue the existing the avenue of trees northwards on the west side of Marketgait ensuring the visual appearance of the proposed development is to an acceptable quality.</p> <p>19 In order to ensure that the car park is operated for variable stay parking only in accordance with</p> | <p>Policy 87 City Centre Car Parking of the Dundee Local Plan Review 2005.</p> <p>20 To ensure the site has adequate waste recycling provision in the interests of the amenity of the area.</p> <p>21 In the interests of vehicular and pedestrian safety.</p> <p>22 To ensure that the visual appearance of the proposed development is to an acceptable quality.</p> <p>23 To make it clear that all of the costs necessary to implement the identified works shall be borne by the applicant only.</p> |
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