

# Erection of Drive-through Coffee Unit at New Craigie Retail Park, Kingsway East

## KEY INFORMATION

**Ward** East End

**Address**

New Craigie Retail Park

**Applicant**

Ryden  
7 Exchange Crescent  
Conference Square  
Edinburgh

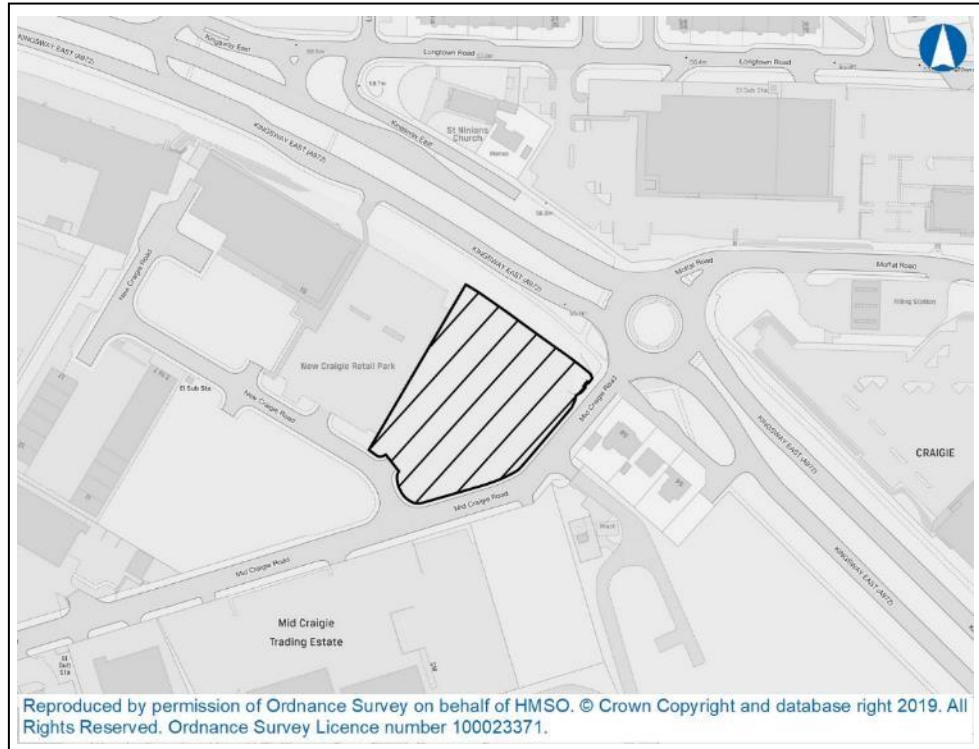
**Agent**

Marc Giles

**Registered** 11 December  
2020

**Report by Head of Planning  
& Economic Development**

**Contact:** Sharon Dorward



## SUMMARY OF REPORT

- The application seeks the approval of matters specified in condition of Planning Permission In Principle 17/00144/PPPM, for the erection of a drive-through coffee unit with associated car parking, landscaping, signage and infrastructure works on land at New Craigie Road.
- This type of application is different to the full planning application that was refused by Planning Committee in November 2020. Planning Permission In Principle 17/00144/PPPM approved a mixed-use development including a Class 3 coffee shop with associated works. Therefore, the principle of a class 3 coffee shop in this location has already been established.
- This application is solely for approval of the matters specified in condition. All that can be considered in determining this application is the design and layout of the building and the associated works; boundary enclosure details; access details; drainage details; and details of external finishing materials.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. In total 6 letters of objection were received to the proposal and one neutral letter of representation.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as 6 or more valid written objections have been received and the recommendation is for approval.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=QKTPYXGCLL00&activeTab=summary>

## RECOMMENDATION

The proposal is generally in accordance with the Development Plan. The application seeks the approval of matters specified in condition of Planning Permission In Principle 17/00144/PPPM, for the erection of a Class 3 drive-through coffee unit with associated works. It is therefore recommended that the application is APPROVED subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Planning permission in principle 17/00144/PPPM approved a mixed-use development comprising industrial units (Class 4 & 5), car showroom (sui generis), family restaurant (with ancillary public house), coffee shop (Class 3) and food retail (Class 1), with car parking, access and associated works. Access to the site would be from Mid Craigie Road.
- 1.2 Condition 1 of that permission requires that a further application is submitted for the Approval of Matters Specified by Condition and that the application shall include:
- detailed plans and drawings including a location plan and detailed plans, sections and elevations of all buildings proposed to be erected on the site;
  - details of any proposed boundary enclosure;
  - details of access;
  - details of drainage; and
  - details of external finishing materials.
- 1.3 This application seeks the approval of the matters specified in condition 1 specifically for the erection of a Class 3 drive-through coffee unit with associated car parking, landscaping, signage and infrastructure works.
- 1.4 The Class 3 unit is proposed to the east of the wider site, immediately adjacent to Kingsway East. The unit is proposed with a footprint of 338m<sup>2</sup> and would be constructed with a flat roof to a maximum height of 7 metres. External finishes are not fully specified but include black, brown and cream Kingspan cladding and glazing. Signage is proposed which is the subject of a separate advertisement consent application. Hard and soft landscaping is proposed at the perimeter of the site as trees, shrubs, groundcover and grass, with paving and gravel/bark. The Class 3 drive-through coffee unit has both internal and external seating for up to 80 persons.
- 1.5 The operator intends to sell coffees and other drinks, with a selection of pre-prepared baked goods and sandwiches and has stated that a fully functioning kitchen and associated extraction is not required. Hours of operation would be from 6:00am to midnight, 7 days a week. It is intended that deliveries would take place 2 days per week and not between the hours of 08:00pm and 07:00am.
- 1.6 Access to the development is proposed to be taken from New Craigie Road which is the new road formed to serve the wider development site as approved under planning application 17/00974/FULL, which leads from Mid Craigie Road and in turn the Kingsway East. There would be a one-way road system internal to the site. The application proposes a total of 63 car parking spaces, of which 4 would be accessible and 4 for parent and child. Two electric charging points are proposed and infrastructure to enable 6 in total. Six covered cycle parking bays are proposed close to the entrance of the store for customer use, with additional provision for staff cycles.

1.7 The applicant has submitted the following in support of the application:

- Planning Statement;
- Transport Statement;
- Sustainability Statement;
- Drainage Scheme; and
- Road Construction Details.

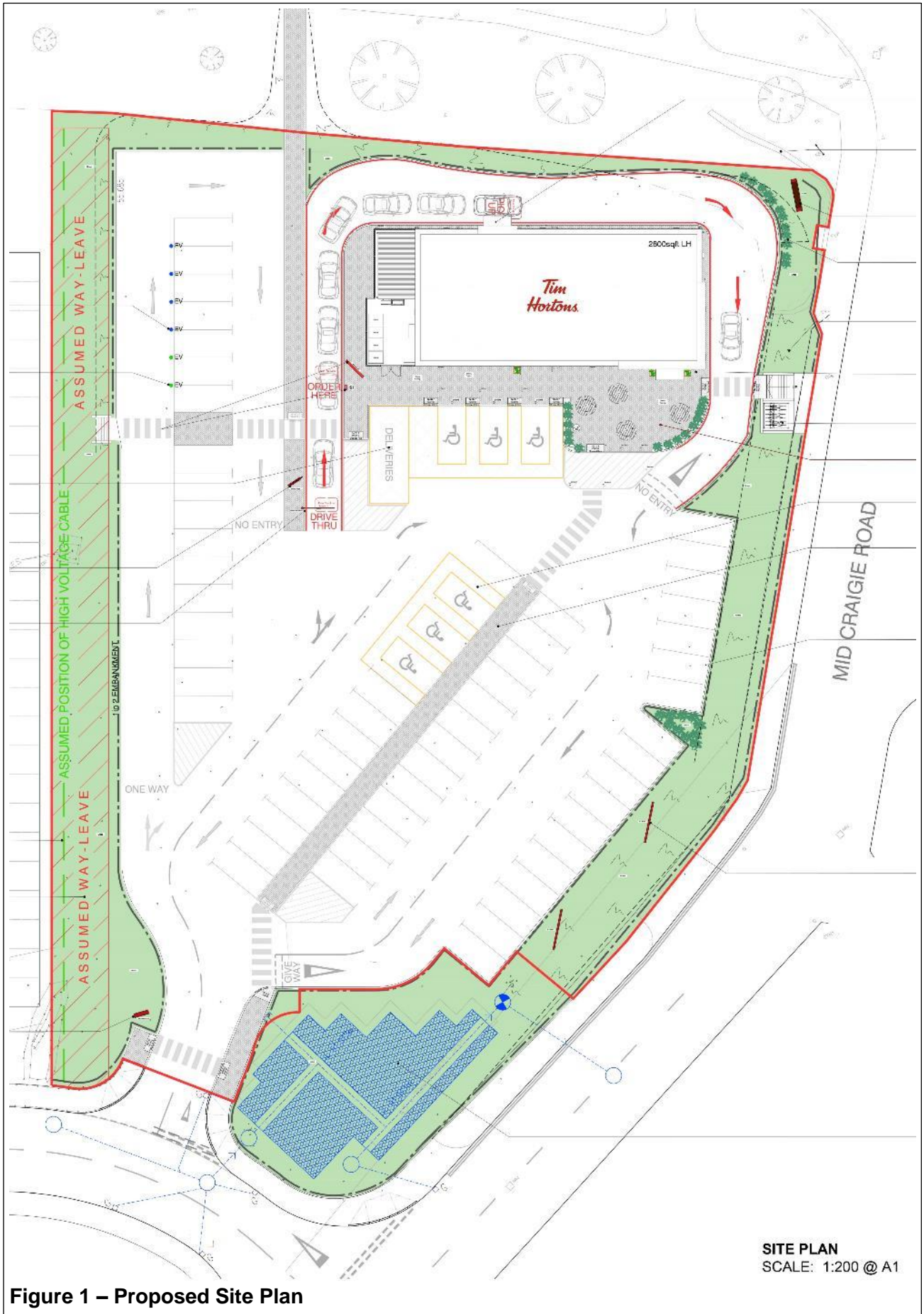


Figure 1 – Proposed Site Plan



Figure 2 – Proposed Elevations

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## 2 SITE DESCRIPTION

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- 2.1 The application site measures 4,600m<sup>2</sup> and is located within the application site boundary for planning permission 17/00144/PPPM, which is in the east of Dundee immediately south of the A972 Kingsway East. More specifically, the current application site sits to the immediate east of the recently constructed Lidl store. The site is situated within Mid Craigie General Economic Development Area. The application site is bound by Mid Craigie Road to the south, west and east. The application site is level, open and visible from the Kingsway. The site is currently vacant brownfield land, following the demolition of a factory unit in 2006. The site was cleared and land contamination works undertaken. Surrounding land uses are largely industrial, with some residential and retail uses and a cemetery beyond.



Figure 3 – View Towards Site

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### 3 POLICY BACKGROUND

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

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 1: High Quality Design and Placemaking

Policy 5: General Economic Development Areas

Policy 6: Ancillary Services within Economic Development Areas

Policy 21: Town Centre First Principle

Policy 27: Public Houses, Restaurants and Hot Food Takeaways

Policy 37: Sustainable Drainage Systems

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 48: Low and Zero Carbon Technology in New Development

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.

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### 4 SITE HISTORY

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- 4.1 Planning application 08/00313/FUL was approved in September 2008 for the remediation of materials following the demolition of the existing buildings and re-profiling of the site.
- 4.2 Proposal of Application Notice 13/00202/PAN for the erection of a foodstore, pub restaurant, coffee drive through and employment land with associated car parking, access and landscaping was submitted and agreed in April, 2013.
- 4.3 Planning application 16/00476/FULL for the erection of a vehicle body repair workshop and associated parking area was approved in August, 2016, to the immediate south of the current application site.
- 4.4 Planning application 17/00144/PPPM was approved at committee in June, 2017 for a mixed use development comprising industrial units (Class 4 & 5), car showroom (sui generis), family restaurant (with ancillary public house) and coffee shop (Class 3) and food retail (Class 1), with car parking, access and associated works for the wider application site.
- 4.5 Application for the approval of matters specified in condition reference 18/00077/APCONM was approved in July 2018 for the construction of 16 industrial units, subject to conditions.
- 4.6 Application for the approval of matters specified in condition reference 18/00460/APCONL was approved in September 2018 for the construction of the Lidl foodstore, subject to conditions.
- 4.7 Planning application 17/00974/FULL was approved in December 2018 for the proposed access road to the site, subject to conditions.
- 4.8 Planning application 20/00344/FULL was refused at Planning Committee in November 2020 for the proposed drive-thru restaurant with associated car parking, landscaping, signage and infrastructure works. This is currently the subject of an appeal to the Scottish Government.



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## 5 PUBLIC PARTICIPATION

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- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 In total 6 letters were received objecting to the proposal, including a letter from Dundee Cycle Forum.
- 5.3 The letters of objection raised the following:
- contrary to Local Development Plan Policy 21, Town Centre First Principle;
  - contrary to Local Development Plan Policy 54, Safe and Sustainable Transport;
  - lack of cycle parking;
  - increased traffic; and
  - increase in litter.
- 5.4 One neutral letter of representation was received from Dundee Civic Trust which raised the following:
- recognition that the application complies as part of approval through 17/00144/PPPM;
  - public art provision as required by 17/00144/PPPM; and
  - screen planting.
- 5.5 The valid grounds of representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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- 6.1 **Transport Scotland** – has no objection but recommends conditions for traffic generation management.
- 6.2 **The Head of Community Safety and Protection has no objection but has commented in relation to:**
- Contaminated Land** – recommends a planning condition to secure verification of remediation.
- Environmental Protection** - recommends that noise and deliveries are restricted in line with the conditions applied to the wider site, and that premises will be restricted to a coffee shop within the Class 3 use with no cooking on site.

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## 7 DETERMINING ISSUES

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- 7.1 The principle of a Class 3 coffee shop is established through the approval of the Planning Permission in Principle reference 17/00144/PPPM granted by Planning Committee in June 2017. It is, however, necessary to undertake an assessment of the detail of this proposal as

required by the matters specified in condition 1 of that original permission. The details that require to be assessed are:

- detailed plans and drawings including a location plan and detailed plans, sections and elevations of all buildings proposed to be erected on the site;
- details of any proposed boundary enclosure;
- details of access;
- details of drainage; and
- details of external finishing materials.

7.2 **Section 25 of the Town and Country Planning Act 1997 as amended 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**

7.3 The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

### **TAYPLAN 2016 – 2036**

7.4 **The application raises no issues of relevance.**

### **DUNDEE LOCAL DEVELOPMENT PLAN 2019**

7.5 **Policy 1: High Quality Design and Placemaking** - requires all development proposals to follow a design-led approach to sustainable and high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, creating a sense of community and identity, and enhancing connectivity, with creative approaches to urban design, landscaping and green infrastructure. New development is required to meet the six qualities of successful place, in accordance with Appendix 1, creating development which would be distinctive, safe and pleasant, easy to move around and beyond, welcoming, adaptable, and resource efficient.

7.6 The site is located adjacent to one of the main routes through the city. The proposed development site is highly visible from the A972 Kingsway East. The existing buildings within the vicinity of the site are of a predominantly industrial form and design. The proposed Class 3 unit would be of a suitable scale and massing, given the design of the adjacent properties located on the Kingsway which are of similar massing and scale. The proposed finishes are not fully specified, incorporating black, brown and cream Kingspan insulated panels; but are acceptable as far as they are depicted in the plans submitted with the application. The landscaping proposed at the perimeter adjacent to the Kingsway would soften the appearance of the building. Planning conditions are recommended to agree further details in relation to the colour of the external finishes and details of the proposed landscaping. The principle of development has been established through the grant of planning permission in principle application 17/00144/PPPM.

7.7 **The proposal is in accordance with Policy 1, subject to conditions.**

7.8 **Policy 5: General Economic Development Areas** – supports proposals for Class 4, 5 and 6 developments. Other uses of a wider industrial nature such as car showrooms, wholesaling and scrap yards may be permitted provided:

- there would be no detrimental impact on neighbouring uses and residential amenity,
- there would be no unacceptable traffic impact, and
- the scale of development would be appropriate to the location of the application site.

Other uses with General Economic Development Areas will not be supported.

7.9 The application proposes the erection of a Class 3 drive-through restaurant. The principle of development has been established through the grant of planning permission in principle application 17/00144/PPPM and raises no new issues in terms of Policy 5.

7.10 **Planning permission in principle for the development has already been granted and this application is solely for the approval of matters specified in conditions. Any failure to comply with this policy would relate to the principle of the development and would not be a valid ground for refusing this application.**

7.11 **Policy 6: Ancillary Services within Economic Development Areas** – supports small scale ancillary services which can be demonstrated to meet the needs of employees and complement existing businesses.

7.12 It is considered in this case that the proposed drive through unit would not be ancillary to the Mid Craigie Economic Development Area. The proposed drive-through Class 3 unit would be situated adjacent to the Kingsway which would maximise visibility. The nature of the drive through use and the scale of the proposal with 64 car parking spaces indicates that the development is aimed at attracting visiting members of the public as opposed to supporting local employees from within the Economic Development Area. The principle of development has been established through the grant of planning permission in principle application 17/00144/PPPM and the current proposal raises no new issues in terms of Policy 6.

7.13 **Planning permission in principle for the development has already been granted and this application is solely for the approval of matters specified in conditions. Any failure to comply with this policy would relate to the principle of the development and would not be a valid ground for refusing this application.**

7.14 **Policy 21: Town Centre First Principle** – requires that all new or expanded uses that would generate significant footfall should be located in the City Centre or a District Centre. Proposals for such uses in other locations would only be acceptable where it can be established that:

- 1 no suitable site is available, in the first instance, in the City Centre or District Centres, then edge of town centre, then identified Commercial Centres, and then out-of-centre locations that are easily accessible by a choice of transport modes;
- 2 the proposal would not have a significant adverse effect on the vitality or viability of the City Centre, District Centres, or Commercial Centres, either individually or cumulatively; and
- 3 the proposal would address a deficiency in provision which cannot be met within or on the edge of these centres.

The Policy emulates the Scottish Government's Town Centre First Principle by locating footfall generating uses sequentially within the City and District Centres etc.

- 7.15 A Class 3 drive-through outlet would generate significant footfall and as such, Policy 21 is relevant. No evidence has been provided to demonstrate a search for alternative sites and no assessment has been made of the impact that the proposed development would have on the vitality or viability of the City Centre or other centres. There is also no evidence to demonstrate that there is a deficiency in the provision of Class 3 drive-through units in Dundee.
- 7.16 Regardless of the fact that the application site lies within a designated General Economic Development Area, planning permission in principle application 17/00144/PPPM and the subsequent development to date has established the area as a retail/commercial area. The current proposal raises no new issues in terms of Policy 21.
- 7.17 **Planning permission in principle for the development has already been granted and this application is solely for the approval of matters specified in conditions. Any failure to comply with this policy would relate to the principle of the development and would not be a valid ground for refusing this application.**
- 7.18 **Policy 27: Public Houses, Restaurants and Hot Food Takeaways** – supports proposals for hot food takeaways and restaurants outside the City Centre and District Centres where the proposal has a gross floor area of up to 150m<sup>2</sup> and is more than 30 metres from existing or proposed housing. If the floor area proposed would be over 150m<sup>2</sup>, a 45-metre separation would be required from the curtilage of the proposal to the facade of any existing or proposed houses. Proposals which do not meet these requirements may be permitted subject to their hours of operation being limited to between 7:00am and 7:00pm and the hot food only being heated by means of a microwave oven or other method that would not cause a nuisance to surrounding residential property by virtue of noise or odour.
- 7.19 The location of the Class 3 unit within the wider site has not been agreed as part of the planning permission in principle, however the principle of development has been established with the approval of 17/00144/PPPM. The planning permission in principle does not restrict the hours of operation for the Class 3 use, as the location of the Class 3 unit within the wider site was unknown at that time. It is therefore appropriate to consider the effect of the use on neighbouring residents now that the design and layout of the proposal is provided as part of this application.
- 7.20 The gross floor area of the proposed unit would be in excess of 150m<sup>2</sup>. The façade of the nearest house is less than 20 metres from the curtilage of the application site. The proposal would not meet the requirements of Policy 27 in respect of this distance from the curtilage. In reference to the second part of the policy the proposed hours of operation are 6:00am to midnight. This is beyond the hours stated in Policy 27. There will be no cooking on the premises, instead food will be heated by means of an oven that does not require external or mechanical ventilation. The proposal would not fully meet the requirements of Policy 27 in respect of the hours of operation.
- 7.21 Whilst it is recognised that the proposal is not fully in accordance with the policy, consideration has to be given to the method of heating food and also the site location. The method of heating food does not require any mechanical extraction and does not raise any amenity issues in terms of noise or odour. This can be controlled by a planning condition.
- 7.22 The site is located adjacent to the Kingsway trunk road in a mixed use area close to other commercial uses. The proposed hours of operation are 6:00am to midnight. The applicant has further indicated that it is likely that the restaurant would close earlier than midnight and just leave the drive-through open later into the evening to reduce the amount of activity on

site. Servicing of the site is restricted by a planning condition on the planning permission in principle to be between 7:00am and 10:00pm. Given the location of the site adjacent to the Kingsway and the other commercial uses in the immediate area and although the proposed hours of operation are beyond those specified in Policy 27 it is considered that locating the coffee shop as proposed will not give rise to any significant amenity issues.

- 7.23 The Head of Community Safety and Protection recommends that planning conditions are attached to the approval to restrict the Class 3 use to a coffee shop only and to prevent any cooking on site, and to ensure that hours of operation are restricted to 6:00am to midnight. Appropriate conditions are proposed.
- 7.24 The principle of development has been established through the grant of planning permission in principle application 17/00144/PPPM and although the proposal is not fully in accordance with Policy 27 the proposed location of the coffee shop within the site is considered to be acceptable in terms of the impact on nearby residential properties and this can be controlled through the use of planning conditions.
- 7.25 **The proposal is generally in accordance with Policy 27, subject to conditions.**
- 7.26 **Policy 37: Sustainable Drainage Systems** - states that surface water discharging to the water environment from the new development must be treated by a Sustainable Drainage System (SUDS), designed so that the water levels remain 600mm below finished floor levels during a 1:200-year rainstorm event with allowance for climate change and future urban expansion. Proposals are encouraged to adopt an ecological approach.
- 7.27 A drainage layout has been provided, along with details required including surface water calculations, compliance certificates, evidence of Scottish Water technical approval and compliance with the Simple Index Approach. The applicant has demonstrated that an acceptable drainage solution can be achieved within the site.
- 7.28 **The proposal is in accordance with Policy 37.**
- 7.29 **Policy 41: Land Contamination** – states that the development of potentially contaminated or statutorily identified contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where the Council is satisfied that proposed remediation would adequately address contamination risks to all receptors, and be suitable for the planned use. Proposals for an alternative use to that identified in the Local Development Plan will be considered where the above criteria are satisfied, and it is established that the site cannot be economically developed for the allocated use, and the proposed use would meet the requirements of other relevant Local Development Plan policies.
- 7.30 The application site has undergone a substantial contamination remediation scheme under planning application 08/00313/FUL, to prepare the site to be the general standard expected for commercial developments. One of the conclusions of this work was that each new development should consider the previous remediation strategy, and ensure that the strategy would relate to new plans. In line with other developments at the wider site, a remediation statement has been submitted and agreed. A planning condition is recommended to secure the details of verification for the remediation scheme.
- 7.31 **The proposal is in accordance with Policy 41, subject to a condition.**
- 7.32 **Policy 44: Waste Management Requirements for Development** – requires development proposals to demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste

reduction and waste separation at source with separate collection of recyclable material, as outlined in the Waste (Scotland) Regulations 2012.

- 7.33 The Planning Statement submitted with the application states that the proposed drive-through has identified waste storage facilities to provide for the various types of waste produced by the class 3 drive-through unit, which would be uplifted 2-3 times per week. A planning condition is proposed to secure further details for the waste storage facilities.
- 7.34 **The proposal is in accordance with Policy 44, subject to a condition.**
- 7.35 **Policy 48: Low and Zero Carbon Technology in New Development** - proposals for all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.
- 7.36 The applicant has submitted a sustainability statement which proposes construction methods to include the installation of low and zero carbon generating equipment. A planning condition is proposed to seek the provision of an Energy Statement which demonstrates the proposals will comply with Scottish Building Standards.
- 7.37 **The proposal is in accordance with Policy 39, subject to a condition.**
- 7.38 **Policy 54: Safe and Sustainable Transport** - seeks that all development proposals which generate travel should be designed and well served by all modes of transport, and will be required to:
- 1 minimise the need to travel by private car;
  - 2 provide on-site facilities and links for walking and cycling;
  - 3 have access to public transport networks within 400 metres;
  - 4 have no detrimental impact on the existing road or rail network;
  - 5 ensure safe provision for freight and waste access and loading;
  - 6 comply with national and Dundee City Council's road design standards; and
  - 7 be supported by a travel plan where significant travel would be generated.
- 7.39 Planning application 17/00974/FULL was approved in December 2018 for the proposed access road to the wider development site, and it was subsequently constructed. The application site would be accessed from this new access road (New Craigie Road) - leading from Mid Craigie Road and the Kingsway. The Kingsway and roundabout form part of the trunk road network. A total of 63 car parking spaces are proposed, 8 of which would be allocated for accessible/parent and child access spaces. Two electric charging points would be provided in addition. Six secure cycle parking bays are proposed close to the entrance of the store. The applicant has advised that there will also be provision for staff cycle parking although no details have been provided. A Transport Statement has been submitted and the findings of the Statement have been accepted.
- 7.40 Criterion 1 seeks to minimise the need to travel by private car. The proposal is for a coffee shop in an out of centre location which by its nature does not minimise the need to travel by private car. However, as the principle of a coffee shop in this location has been established,

this would not provide grounds for refusing the application. Furthermore, the proposed design and layout does contain measures to encourage access on foot or by cycle.

- 7.41 In reference to Criterion 2, the development provides links for walking and proposes covered cycle parking for 6 bikes with additional cycle parking for staff. No details have been provided for these staff facilities and a planning condition is proposed to secure these details. There are staff changing facilities available for staff to enable them to get changed if travelling to work by foot or bicycle. The proposal can therefore satisfy Criterion 2 subject to a condition.
- 7.42 There is a local bus route on the Kingsway and bus stops within 400 metres of all parts of the site and therefore the proposal accords with Criterion 3.
- 7.43 Transport Scotland has not objected to the application but has asked for planning conditions to be attached to require additional monitoring of the traffic impacts of the development when it first opens to the public, and if necessary for the implementation of traffic management measures to manage any excess demand placed on the road network for the first month of opening. These measures may include the need to employ traffic management staff on-site. The purpose of this is to minimise interference with the safety and free flow of the traffic on the trunk road, specifically the roundabout junction on the Kingsway. Aside from the need to manage traffic flows in the first period after opening it is considered that the proposal will not have a detrimental effect on the capacity or safe functioning of the road network. With the addition of these planning conditions the proposal accords with Criterion 4.
- 7.44 The design and layout of the proposed development meets the required design standards and accords with Criterion 5 and 6. The proposal contains measures to encourage the use of sustainable transport. A travel plan would further help to encourage both staff and customers to use sustainable transport which would help to mitigate transport impacts. With the addition of a planning condition requiring agreement of a travel plan the proposal accords with Criterion 7.
- 7.45 **Planning permission in principle for the development has already been granted and this application is solely for the approval of matters specified in conditions. Although the proposal does not fully satisfy Criterion 1, as the principle of a coffee shop in this location has been established, this would not provide grounds for refusing the application. With the addition of planning conditions the proposal can satisfy the other criteria within Policy 54.**
- 7.46 **Policy 56: Parking** – states that outside the City Centre, all new developments are required to comply with Dundee City Council's road standards and national parking standards. All commercial developments should include infrastructure to provide electric car charging points. All new developments should include cycle parking facilities in accordance with Dundee City Council's guidance, with covered secure parking and changing facilities provided for employees.
- 7.47 The proposal adheres to Dundee City Council road standards, electric charging points are proposed for 2 spaces with infrastructure for a further 4. The development proposes covered cycle parking for 6 bikes and additional cycle parking is available for staff. No details have been provided of these facilities and a planning condition is proposed to secure these details. There are staff changing facilities available for staff to enable them to get changed if traveling to work by foot or bicycle.
- 7.48 **With the addition of planning conditions, the proposal would comply with Policy 56.**
- 7.49 **It is concluded that as the proposal is concerned solely with the approval of the matters specified in conditions it is in accordance with the Development Plan.**

## MATERIAL CONSIDERATIONS

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

### A – REPRESENTATIONS

7.51 In total 6 letters were received objecting to the proposal, including 1 from Dundee Cycle Forum, and 1 letter has been received from Dundee Civic Trust neither objecting to nor supporting the proposal.

7.52 The objections raised the following valid material grounds:

7.53 **Objection** – the proposal is contrary to Policy 21, Town Centre First Principle.

7.54 **Response** – the site benefits from planning permission in principle for the class 3 coffee shop, which was granted as part of 17/00144/PPPM as approved by Committee in June 2017. As planning permission in principle for the development has already been granted, any failure to comply with this policy would not provide a valid ground for refusing this application.

7.55 **Objection** – the proposal is contrary to Policy 54, Safe and Sustainable Transport, there is insufficient cycle parking and would be an increase in traffic.

7.56 **Response** – the site benefits from planning permission in principle for the class 3 coffee shop which was granted as part of 17/00144/PPPM, as approved by Committee in June 2017. Planning permission 17/00144/PPPM includes planning conditions to secure a footway adjacent to Mid Craigie Road and a scheme for upgrading pedestrian access facilities within the vicinity of the wider site. Six covered cycle parking bays are proposed close to the entrance of the store for customer use, with additional provision for staff cycles. This is considered sufficient provision for a development of this type and scale. The Transport Statement submitted with this application has been agreed. Planning conditions are proposed to require the monitoring of traffic flows immediately following the opening of the restaurant and the implementation of any necessary traffic management measures. This will ensure that the increase in traffic is properly managed, particularly during the initial opening period.

7.57 One letter of representation neither supporting or objecting to the proposal was received from Dundee Civic Trust raising the following valid material planning considerations:

- the Trust state that it is recognised that the application complies with the uses approved as part of planning application 17/00144/PPPM;
- more screen planting would be beneficial to the edge of the site adjacent to the Kingsway; and
- the public art contribution sought under 17/00144/PPPM was also queried.

7.58 **Response** - a planning condition is proposed to seek further details of landscaping which would help screen the development from the Kingsway.

7.59 A public art contribution was sought under planning permission in principle 17/00144/PPPM, and appropriate contributions towards a stone sculpture project have been secured.

7.60 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.

7.61 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of the application for approval of matters specified in condition.**



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## 8 CONCLUSION

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- 8.1 The application must be determined in accordance with the Planning Permission in Principle and the Development Plan, unless material considerations indicate otherwise. The matters specified in condition of planning application 17/00144/PPPM have been assessed against the Development Plan and other material considerations and in this case it is concluded that subject to planning conditions the proposal would have no significant effect on the appearance or amenity of the local area, or the safe and efficient operation of the local or strategic road network and that surface water and other drainage can be properly managed. There are no material considerations of sufficient weight that would justify refusal of the application for approval of matters specified in condition. Therefore, it is recommended that the application is approved.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that the application is APPROVED subject to the following conditions:
- 1 **Condition** - prior to the commencement of any works on site, details of the colour of the proposed external finishes shall be submitted to the Planning Authority for approval. Thereafter the development shall be carried out in accordance with the approved details.  
**Reason** – in the interests of visual amenity, to ensure that the development will respect the surrounding area.
  - 2 **Condition** - prior to the commencement of any works on site, further details shall be submitted for all proposed landscaping at the boundary of the site, for approval in writing by Dundee City Council as Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
**Reason** - in the interests of visual amenity.
  - 3 **Condition** – the development hereby approved shall only operate as a café/coffee shop with ancillary take away service within Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order, 1997, and no other Class 3 use.  
**Reason** – in the interests of safeguarding residential amenity and in retaining proper control over the development.
  - 4 **Condition** – no cooking shall be carried out on the premises of the café/drive-through hereby approved with the exception of the preparation and reheating of sandwiches, including breakfast muffins, wraps and baked goods unless otherwise agreed in writing with Dundee City Council as Planning Authority. For the avoidance of doubt, the cooking and reheating equipment installed will not comprise of hobs, griddles, frying pans, hot plates, deep fat fryers or a donut machine.  
**Reason** – in the interests of safeguarding residential amenity and in retaining proper control over the development.
  - 5 **Condition** – the Class 3 drive-through coffee shop hereby approved shall only operate between 06:00 hours and 00:00 hours Monday to Sunday.  
**Reason** – in the interests of safeguarding residential amenity and in retaining proper control over the development.

- 6 **Condition** - before the unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

**Reason** - in the interests of providing a site suitable for future development.

- 7 **Condition** – prior to the commencement of any works on site, further details for the waste storage facilities and waste management shall be submitted for the prior approval of Dundee City Council as Planning Authority.

**Reason** – in the interests of reducing non-recyclable waste and to ensure that the development can meet the requirements of the Scottish Government's Zero Waste Policy.

- 8 **Condition** – prior to the commencement of any works on site, a Sustainability Statement to demonstrate that the development will meet the requirements of Policy 48 of the Dundee Local Development Plan shall be submitted for the approval of the planning authority and the works shall be completed in accordance with the approved Statement.

**Reason** – in the interests of reducing carbon emissions associated with the proposed development.

- 9 **Condition** – prior to the commencement of any works on site full details of the cycle parking facilities for staff and customers shall be submitted to the planning authority for written approval. Thereafter, the parking facilities shall be installed and maintained in accordance with the details approved by this condition.

**Reason** – to ensure provision is made on the site for sustainable modes of travel to the site.

- 10 **Condition** – prior to the commencement of any works on site, a plan for the implementation of traffic management measures, to manage any excess demand placed on the road network from the development between the hours of operation for the first month of opening, shall be submitted to the Planning Authority for written approval, in consultation with Transport Scotland. The plan is to be reviewed weekly and be amended as required. The plan may include the need to employ traffic management staff on -site.

**Reason** - to minimise interference with the safety and free flow of the traffic on the trunk road.

- 11 **Condition** - inbound and outbound trips shall be recorded, and an on-site parking accumulation survey shall be undertaken, between the hours of operation of the development on the first weekday of opening, the first Saturday of opening, and at one month (weekday and Saturday) following opening, to confirm that estimated trip generation is consistent with the submitted assessment of traffic impacts.

**Reason** - to maintain safety for both the trunk road traffic and the traffic moving to and from the development.

- 12 **Condition** - a Travel Plan must be in place and agreed with the Local Authority within one year of the development opening.

**Reason** - in the interests of promoting sustainable transport.

**Informative**

Any damage caused to the existing adopted footway or carriageway ex adverso the site as a result of development work must be made good by the applicant at their expense. All related works must be to Dundee City Council standards and specifications.