

**REPORT TO:** DEVELOPMENT QUALITY COMMITTEE – 30 AUGUST 2004

**REPORT ON:** PLANNING APPLICATION 03/00966/OUT – OUTLINE PLANNING PERMISSION FOR DISTRICT CENTRE AT LAND TO WEST OF CAMPERDOWN LEISURE PARK, DAYTON DRIVE, DUNDEE

**REPORT BY:** PLANNING & TRANSPORTATION

**REPORT NO:** 543-2004

## **1 PURPOSE OF REPORT**

- 1.1 An appeal against the non determination of planning application 03/00966/OUT has been submitted to the Scottish Executive Inquiry Reporters. The views of the Committee are sought in order to establish its position on the application in advance of a Public Local Inquiry.

## **2 RECOMMENDATION**

- 2.1 It is recommended that the Council participates in the forthcoming Public Local Inquiry into the non determination of Planning Application 03/00966/OUT on the basis that, had it determined the application, it would have refused it on the following grounds.
- 1 It is contrary to Town Centres and Retailing Policy 2: District Centres and Town Centres and Retailing Policy 4: Out of Centre Retailing of the Dundee and Angus Structure Plan 2001-2016.
  - 2 It is contrary to Housing Policy 1: Housing Land Provision and Housing Policy 2: Dundee and South Angus Housing Market Area of the Dundee and Angus Structure Plan 2001-2016.
  - 3 It would be contrary to Retailing Policy S20: Out of Centre Shopping of the Dundee Local Plan 1998.
  - 4 It would be contrary to Employment Uses Proposal EP4: Kingsway West of the Dundee Local Plan 1998.
  - 5 It is contrary to Leisure and Tourism Policy LT7: Major Leisure and Recreational Developments of the Dundee Local Plan 1998.
  - 6 It would be contrary to Natural Environment Policy ENV4 of the Dundee Local Plan 1998.
  - 7 It is contrary to Site Protection Policy SP1 of the Urban Nature Conservation Subject Local Plan 1995.
  - 8 It would not be in accordance with Policy 2: Housing Land Release, Policy 18: Major Leisure Uses, Policy 45: Location of New Retail Developments, Policy 49: New Out of Centre Foodstores and Policy 38: District Centres of the Finalised Dundee Local Plan Review.

9 It would not be in accordance with the guidance set out in National Planning Policy Guideline 8 (Revised 1998) Town Centres and Retailing, and National Planning Policy Guideline 17: Transport and Planning.

10 It has not been demonstrated that the proposed development could be satisfactorily accommodated within the surrounding road network.

### **3 FINANCIAL IMPLICATION**

3.1 No financial implications arise for the Council as a direct result of this report.

### **4 LOCAL AGENDA 21 IMPLICATIONS**

4.1 Key theme 7 of the Council's Local Agenda 21 is relevant to the proposal. This key theme seeks to ensure that access to facilities, services, goods and people is not achieved at the expense of the environment. It is considered that the current proposal would not fully achieve the aims of this key theme.

### **5 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 Equal opportunities policies cannot be taken into account in the determination of a planning application.

### **6 BACKGROUND**

6.1 Planning Application 03/00966/OUT for Outline Planning Permission for a District Centre comprising Food Retail Unit (80,000 Sq Ft), 4 Non Food Retail Units (4 X 1,500 Sq Ft), Petrol Filling Station, 200 Residential Units, Public House/Restaurant and Doctors Surgery at Land to the West of Camperdown Leisure Park, Dayton Drive, Dundee, was received on 9 December 2003.

6.2 The applicants carried out neighbour notification and the proposal was advertised as a potential departure to the Dundee and Angus Structure Plan 20001-2016 and the Dundee Local Plan 1998. The proposal attracted two letters of objection, one from a business operating within the surrounding area and the other from the Dundee Civic Trust. The main grounds of objection were that the proposal was contrary to the retailing policies in the approved Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review. In addition it was considered that the establishment of a new district centre would seriously threaten established district and local centres which are located to serve the needs of the population. In addition, the objectors considered that proposal represents a greenfield residential development additional to those already allocated and would detract from regeneration and improvement of existing communities by unnecessarily deflecting finite demand from higher priority sites elsewhere.

6.3 The applicants submitted in support of their application a retail assessment/planning assessment, a transport assessment, a noise assessment and a geo environmental study. No conclusion with regards to these documents were reached prior to the appeal for non-determination of the application.

6.4 In response to consultations carried out by the Council, objections to the proposal were received from Historic Scotland and Sportscotland.

- 6.5 The Council were in the process of assessing the application and the various documents in support of the proposal when the applicants exercised their right to appeal against the non-determination of the application. The applicants appealed against non-determination on the 28 June 2004.

## **7 PLANNING POLICY FRAMEWORK**

- 7.1 The planning application would have been required to be determined in accordance with the relevant policies and proposals of the development plan and other material considerations. The following policies and proposals are of relevance to the current planning application.

### **Dundee and Angus Structure Plan 2001-2016**

- Housing Policy 1: Housing Land Provision
- Housing Policy 2: Dundee and South Angus Housing Market Area
- Town Centres and Retailing Policy 2: District Centres
- Town Centres and Retailing Policy 4: Out of Centre Retailing

### **Dundee Local Plan 1998**

- Retailing Policy S11: District Centres and Local Centres – New Floorspace
- Retailing Policy S20: Out of Centre Shopping.
- Employment Uses Proposal EP4: Kingsway West
- Leisure and Tourism Proposal LT7: Major Leisure and Recreational Developments
- The Natural Environment Policy ENV4: Site Protection – Category A Wildlife site

### **Urban Nature Conservation Subject Local Plan 1995**

- Site Protection Policy SP1 – Category A Wildlife Site

The following material considerations are also relevant.

### **Finalised Dundee Local Plan Review**

- Policy 2: Housing Land Release
- Policy 3: Housing Investment Focus Areas
- Policy 18: Major Leisure Uses
- Policy 38: District Centres
- Policy 45: Location of New Retail Developments
- Policy 49: New Out of Centre Foodstores

### **Scottish Planning Policies, Planning Advice Notes and Circulars**

- NPPG 8 (Revised 1998) Town Centres and Retailing
- NPPG 17: Transport and Planning

- 7.2 The application site is located immediately to the west of Camperdown Leisure Park. The application site forms part of the wider area allocated for leisure and business uses in the Adopted Dundee Local Plan 1998. Policy LT7 and Proposal EP4 set out

the range of uses which would be acceptable at this location. In addition, the Finalised Dundee Local Plan Review, through Policy 18, identifies the site for major leisure uses. Proposal EP4 does not allow for either retail or residential proposals within this area, but seeks to encourage business, leisure or other non retail developments. Policy LT7 seeks to direct major leisure uses to this area. In light of this it is considered that the proposed development is not in accordance with Proposal EP4 and Proposal LT7 of the Dundee Local Plan 1998.

- 7.3 As part of the proposals the applicants have included a food superstore of 80,000 sqft gross floor area and 4 non food units of 1,500 sqft each. Both the Dundee and Angus Structure Plan 2001-2016 through Town Centres and Retailing Policy 4: Out of Centre Retailing and the Dundee Local Plan 1998 Retailing Policy S20: Out of Centre Shopping Floorspace set out the criteria for the consideration of new retail developments outwith existing centres. In addition the Structure Plan through Town Centres and Retailing Policy 2: District Centres and the Dundee Local Plan 1998 Retailing Policy S11 District and Local Centres, seek to support Dundee's District Centres as a focus for new retail development. It is considered that given its location, the application site would not improve the distribution and accessibility of shopping provision within the city. It is located in close proximity to the existing Kingsway West Retail Park which is in the process of major expansion including the recent provision of significantly increased food retailing floorspace. In addition, it is considered that there is no requirement for a new district centre at this location, given the existing Lochee District Centre already serves this area. It is considered that the proposal could therefore have a detrimental impact on the vitality and viability of the existing Lochee District Centre. In light of this it is considered that the proposed development is not in accordance with Town Centres and Retailing Policy 2 and Town Centres and Retailing Policy 4 of the Dundee and Angus Structure Plan 2001-2016 and Retailing Policy S11 and S20 of the Dundee Local Plan 1998.
- 7.4 In addition to the above the Finalised Local Plan Review sets out, through Policy 45, criteria for the consideration of the location of new retail developments. Furthermore, Policy 38 of the Finalised Plan seeks to encourage new retail and other shopping developments to the existing district centres. These policies reflect the guidance and criteria set out in those of the Structure Plan and the Adopted Local Plan. The proposal is therefore also considered not to be in accordance with the provisions of these policies.
- 7.5 The Finalised Dundee Local Plan also identifies two sites through Policy 49 for new out of centre foodstores. The application site is not at one of these locations. It is considered that the proposal would jeopardise the aims of this policy and is therefore considered not to be in accordance with its provisions.
- 7.6 For the reasons outlined above it is considered that the proposed development is not in accordance with the guidance set out in NPPG8.
- 7.7 A significant element of the proposal is for residential development on a Greenfield site. The applicants have indicated that they propose 200 new units at this location. The Dundee and Angus Structure Plan, through Housing Policy 1: Housing Land Provision and Housing Policy 2: Dundee and South Angus Housing Market Area set out the allocations for housing over the Structure Plan period. Outwith the Dundee Western Gateway, the Dundee and Angus Structure Plan limits the scope for new greenfield housing land release to a maximum of 390 units over the period to 2011. The Finalised Dundee Local Plan Review allocates a range of sites to fully satisfy the

Structure Plan provisions. Policy 2 Housing Land Release states that additional Greenfield release would only be considered if allocated sites are agreed not be effective. This is not the case. Proposals for any additional greenfield land release would therefore not be in accordance with the Structure Plan or Policy 2 of the Finalised Local Plan Review. It is considered that the Greenfield allocations contained within Appendix 3 of the Finalised Dundee Local Plan, satisfy the housing land required. It is considered that the scale of the housing proposed would compromise the Greenfield allocations contained within the Finalised Dundee Local Plan Review and would therefore be contrary to the development strategies of both the Structure and Local Plans.

- 7.8 The Council approved a Pre Inquiry Change to the Finalised Dundee Local Plan Review in September 2003 that removed the Camperdown Leisure Park from the northwest housing investment focus area. The reason for this change was to clarify the purpose of the policy as it was considered to be misleading by covering industrial and leisure areas. There were no objections received to this Pre Inquiry Change. Policy 3: Housing Investment Focus Areas is therefore no longer applicable to the consideration of an application at this site.
- 7.9 The application site bounds directly onto Camperdown Park which is identified as a category A wildlife site in both the Dundee Local Plan 1998 and the Urban Nature Conservation Subject Local Plan 1995. Given the scale of the proposed development and its close proximity to the wildlife site it is considered that the proposal raises issues for consideration in terms of the Natural Environment Policy ENV4: Site Protection of the Dundee Local Plan 1998 and Site Protection Policy 1 of the Urban Nature Conservation Subject Local Plan 1995. These policies advise that where development proposals are likely to destroy or adversely affect a wildlife site, there would be a presumption against development of these sites of citywide importance. It is considered that given the potential density of the proposed development and its close proximity to the wildlife site, it would have an adverse affect on the wildlife site. It is therefore considered that the proposed development would not be in accordance with policy ENV4 and SP1.
- 7.10 In addition to the above it is highlighted that the development of the Camperdown Site as defined in the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review is already well underway with an Ice Arena, Multiplex Cinema, Hotel and Restaurants already on the site. The development of this site for a district centre, including retailing and housing would jeopardise the successful development of this area as a leisure park.
- 7.11 Given the nature of the proposed development and its location on a trunk road, a transport assessment was submitted in support of the application. At the time of the appeal for non-determination, the applicants had not yet satisfied either Dundee City Council or the Scottish Executive Roads Directorate with regards to the potential impact on both local and trunk road network. It is therefore considered that the applicants have failed to demonstrate that the proposed development could be accommodated within the surrounding road network without significant detriment and is considered not to be in accordance with the guidance set out in NPPG17.
- 7.12 Objections were received from various parties, including the appellants, to the policies and proposals of the Finalised Dundee Local Plan Review. These objections were considered at the public local inquiry into the Finalised Dundee Local Plan Review. The Reporters findings together with the Council's response will be material

considerations in the determination of the proposed development but these have not yet been published.

## **8 CONCLUSIONS**

- 8.1 The purpose of this report is to update the Committee with the circumstances of planning application 03/00966/OUT, to place it in its policy context, examine material considerations and to make recommendations as a basis for the Councils case at the forthcoming Public Inquiry.
- 8.2 For the reasons outlined above it is considered that the proposed development is not in accordance with the policies and proposals of the development plan and that there are no material considerations that would justify departing from the policies and proposals of the development plan.

## **9 CONSULTATIONS**

- 9.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

## **10 BACKGROUND PAPERS**

None

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