

**KEY INFORMATION**

**Ward** Craigiebank

**Proposal**

Erection of 120sq m retail unit and 180 sq m Class 2 office

**Address**

140 Arbroath Road  
Dundee DD4 7PU

**Applicant**

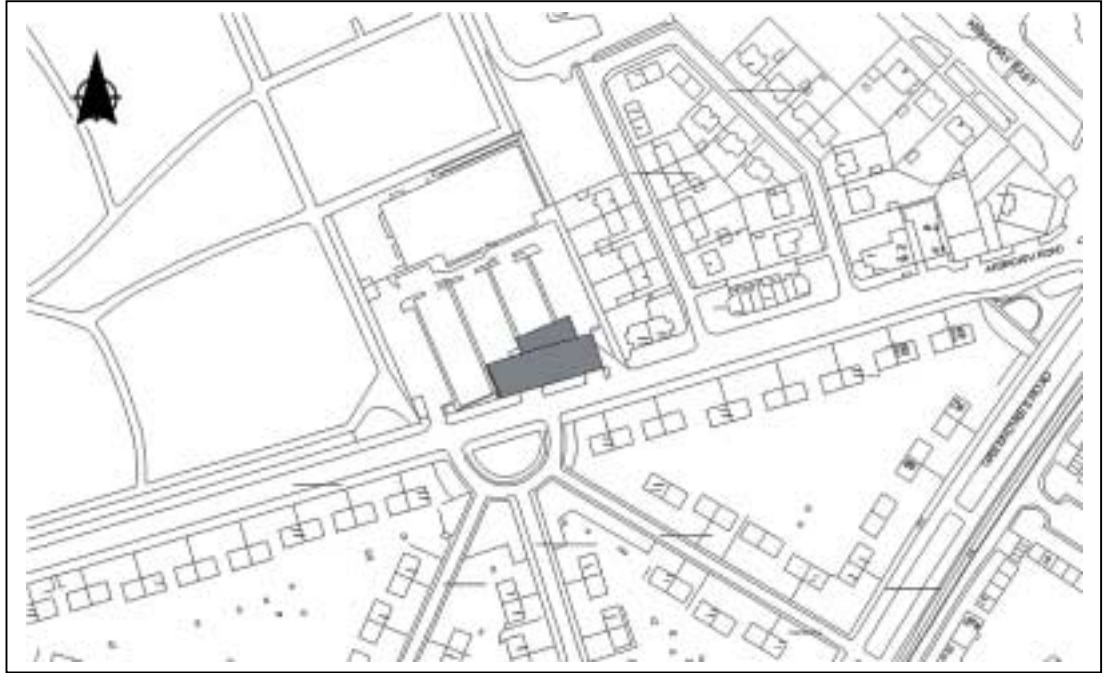
Sangobeg Ltd  
Sangobeg House  
4 Francis Street  
Dundee DD3 8HH

**Agent**

B S Design  
4 Grove Road  
Broughty Ferry  
Dundee  
DD5 1JL

**Registered** 3 April 2003

**Case Officer** C Walker



# Proposed Retail and Office Development at Arbroath Road

The Erection of a 120 sq m retail unit and a 180 sq m Class 3 office is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development accords with the policies of the adopted and finalised Local Plans on the protection of residential amenity. Whilst it is not fully compliant with the policies of the adopted Plan on out of centre shopping and office location, it complies with the relevant policies of the Finalised Plan and is of a scale and nature that is entirely appropriate for this location.

**SUMMARY OF REPORT**

- Outline planning permission is sought to erect 2 units on the site, a 120 sq. metres shop and a 180 sq. metres Class 2 office. Occupiers of the proposed units have not been identified although it is anticipated that the types of user would be similar to those normally provided in local shop parades.
- Statutory neighbour notification was carried out and the proposal was also advertised as contravening the adopted Local Plan. No public comment was received.
- The proposal complies with the residential amenity policies but not with the out of centre shopping and office location policies of the adopted Local Plan. It is fully compliant with the policies of the Finalised Local Plan.

## DESCRIPTION OF PROPOSAL

Outline planning permission is sought to erect 2 units on the site, a 120 sq. metres shop and a 180 sq. metres Class 2 office. The layout submitted indicates the 2 units set back in the site with a parking area of 11 spaces to the west of the proposed buildings, a further 3 to the south of the buildings and in and out access points at locations similar to those of the former petrol filling station on the site.

No other details of the proposed development are available. Occupiers of the proposed units have not been identified although it is anticipated that the types of user would be similar to those normally provided in local shop parades. Class 2 offices are defined as financial, professional and other services (including use as a betting office) which is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public.

## SITE DESCRIPTION

The site comprises the former ESSO petrol filling station to the south of the Safeway store on Arbroath Road. It is currently enclosed by a timber fence with advertisement hoardings on the Arbroath Road frontage. It has in and out access points and the westmost access is currently used as one of 2 exits from the Safeway car park (the principal exit is immediately to the east of the application site).

To the south, on the opposite side of the Arbroath Road, are 2 storey 4 in a block flats. To the east is a parade of shops, those closest to the site being in a 2 storey building with a butchers and florists at ground floor and flats above. To the north east are the rear gardens of houses at Montgomerie Avenue.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application, since the retail policies are fully reflected in those of the adopted and finalised Local Plans.

### Dundee Local Plan 1998

The following policies are of relevance:

The site is allocated as part of an existing residential area and Policy H1 permits development that does not adversely affect residential amenity.

Policy S11 allows new shopping floorspace in or adjacent to district and local centres where the scale is appropriate for the catchment of the centre. Policy S19 makes provision for new corner shops of up to 250 sq. metres where provision is low. Policy S20 contains a general presumption against out of centre shopping and sets out strict criteria where such shopping may be acceptable.



Policy EU26 contains a presumption against office uses outwith areas identified as business, industrial, office, mixed use or district centres unless the use clearly serves the immediate local population and no alternative site can be identified within a district or local centre.

### Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

### Finalised Dundee Local Plan Review

The following policies are of relevance:

In the Finalised Plan the site also falls within a residential area where Policy 1 promotes vibrant and sustainable

communities and seeks to ensure that new development does not adversely impact on residential amenity.

Policy 42 on local shopping permits, where appropriate, additional floor space of up to 500 sq. metres.

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

PAN 33 – “Development of Contaminated Land” October 2000 is relevant as the former use of the site is one associated with potential contamination. PAN 33 states that the development control system should ensure that land is suitable for the proposed new use.

### Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application

## LOCAL AGENDA 21

The application site is in an accessible location and the proposed development involves the reuse of previously developed land. The development is therefore considered to be sustainable.

## SITE HISTORY

There is no relevant planning history at this site.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was also advertised as contravening the adopted Local Plan. No public comment was received.

## CONSULTATIONS

No adverse comment on the development was received from 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.

Policy H1 permits development that does not adversely affect residential amenity. In this case the site was last used as a petrol filling station with an associated shop and is surrounded on 3 sides by the Safeway car park. Taking into account this former use it is not considered that the proposed development would have any adverse impact on residential amenity. The nearest houses on the south side of the Arbroath Road are separated from the site by this busy road and those to the east at Montgomerie Avenue are separated from the site by the Safeway car park. The development is therefore considered to comply with Policy H1 of the Plan.

With regard to shopping policies, the Safeway store and the local parade of shops along the Arbroath Road are not defined as a local centre within the terms of Policy S11 of the adopted Plan. They do not therefore benefit from the provision allowing new floorspace in or adjacent to local centres. Policy S19 permits new corner shops where existing provision is low. In this case because there is a foodstore and an existing parade of shops it is not considered that the site is one where Policy S19 should apply. In these circumstances Policy S20 is applicable.

To satisfy S20, which relates to out of centre shopping, there are 9 criteria to be met. In this case 7 of the criteria are clearly met. The two that may not be met are those requiring the development to provide a significant improvement in the distribution and accessibility of shopping provision and that there is no suitable site in or adjacent to existing centres.

In terms of office policies, Policy EU26 contains a presumption against office uses outwith areas identified as business, industrial, office, mixed use

or district centres unless the use clearly serves the immediate local population and no alternative site can be identified within a district or local centre.

It is concluded from the foregoing that the proposal does not comply with Policies S20 and EU26 of the development plan.

## Other Material Considerations

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

- a Policy 1 of the Finalised Plan is written in terms similar to Policy H1 of the adopted Local Plan and the development is fully compliant with this policy.
- b Policy 42 of the Finalised Plan permits additions of up to 500 sq metres at local shopping centres. The Finalised Plan takes a much wider definition of local shopping than the adopted plan and the application site between a parade of shops and Safeway foodstore is covered by that policy. The proposed development involves a total additional floorspace of 300 sq metres which is both well within the acceptable figure and is of a scale that is appropriate for a local centre of this size.
- c The Finalised Plan does not contain any restrictions on the provision of a Class 2 office at this location.
- d There was formerly a shop of some 80 sq metres attached to the petrol filling station at this site.
- e The lack of a use for the site and the existing advertising hoardings does not serve to enhance the visual amenity of the area whereas an attractive redevelopment would contribute to the visual enhancement of the area.
- f The scale of the proposed development is modest and would not detract from the viability or vitality of other centres.

Taking all these material considerations into account, it is considered that they are of sufficient as to justify the grant of planning permission contrary to the provisions of the development plan. The proposed development is fully compliant with the policies of the

emerging local plan. Although it is technically "out of centre" shopping as envisaged in Policy S20 of the adopted Local Plan, it is located in an existing shopping area and is of a scale and nature that would in no way undermine the hierarchy of shopping protected by the Plan. Similarly the proposed office use is in a location where it is appropriate to provide such a service and would not undermine the office location strategy of the Plan. With regard to issues relating to contaminated land, a planning condition can be imposed to ensure that whatever remediation measures necessary for the proposed use are undertaken prior to the development of the site.

It is therefore recommended that planning permission be granted with conditions.

## Design

As this is an outline application, no details of the design of the building have been provided, so this matter will need to be considered if and when a detailed planning application is submitted.

## CONCLUSION

The proposed development accords with the policies of the adopted and finalised Local Plans on the protection of residential amenity. Whilst it is not fully compliant with the policies of the adopted Plan on out of centre shopping and office location, it complies with the relevant policies of the Finalised Plan and is of a scale and nature that is entirely appropriate for this location.

## RECOMMENDATION

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

- 1 the approval of the City Council shall be obtained to the following reserved matters before any development is commenced viz: the siting of the building(s) the design of the building(s) the external appearance of the building(s) the means of access to the building(s) the landscaping of the site
- 2 application for approval of the matters referred to in condition (1) above must be made within 3

years of the date of this permission

- 3 the development to which this permission relates shall begin within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later.
- 4 Development shall not begin until a scheme to deal with any contamination on the site has been submitted to and approved in writing by the Council. This scheme shall be fully implemented as approved by the Council before either of the units is occupied.

### **Reason**

- 1 to reserve these matters for future consideration by the Council
- 2 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 3 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 4 In order to ensure that any contamination on the site is adequately dealt with.