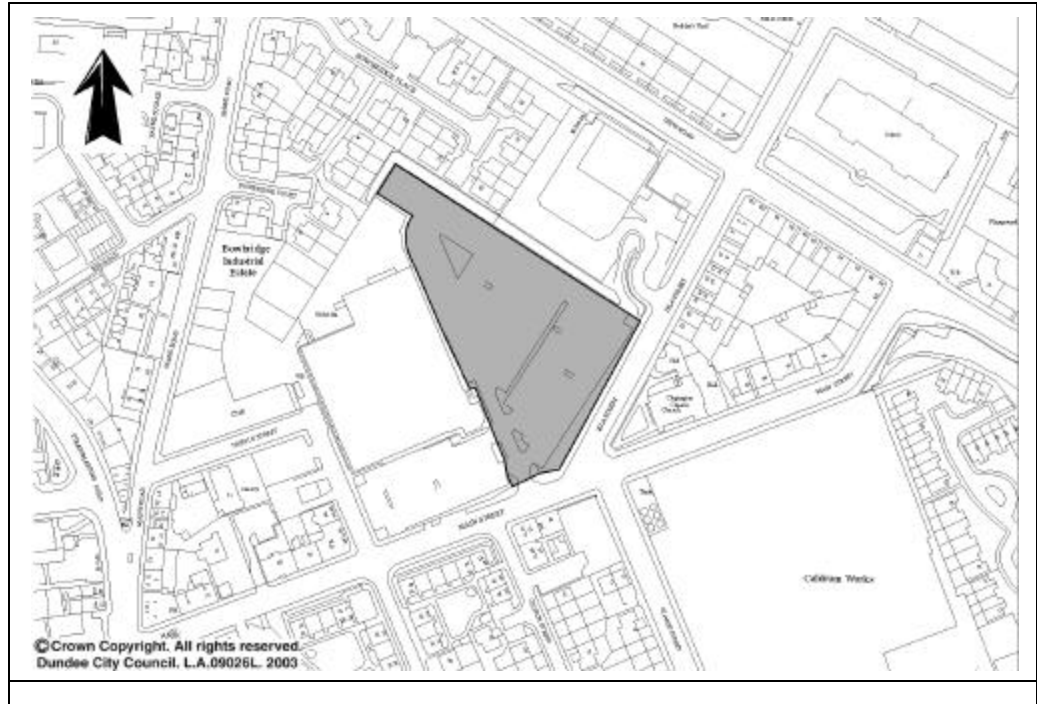


KEY INFORMATION**Ward** Bowbridge**Proposal**
Erection of foodstore**Address**
Car Park
Main Street
Dundee
DD3 7HR**Applicant**
Stainton Capital (Foxhound)
Ltd
c/o Colliers CRE
45 West Nile Street
Glasgow
G41 4RZ**Agent**
James Paul Associates
4 Brook Street
Broughty Ferry
Dundee
DD5 1DP**Registered** 13 Nov 2003**Case Officer** G Reid

Proposed Foodstore in Main Street

The erection of a foodstore is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be in accordance with the policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a foodstore in the car park to the south east of Fitness First and Thomson World of Furniture, Main Street, Dundee.
- The proposed development raises issues for consideration in terms of the Retailing Policies of the Dundee Local Plan 1998 and Policy 38 of the Finalised Dundee Local Plan Review.
- A single letter of objection was raised from Hillcrest Housing Association on the grounds of disturbance to residents from the noise of service vehicles, particularly at unsociable hours delivering to the store.
- The applicants have agreed to restrictions on the hours for deliveries to 8.00am to 8.00pm and opening hours of 8.00am to 10.00pm seven days per week.
- It is considered that the proposed development is in accordance with the Retailing Policies of the Dundee Local Plan 1998 and Policy 38 of the Finalised Dundee Local Plan Review. In addition, it is considered that subject to conditions covering the hours of deliveries and opening of the store the concerns raised by the objector can be addressed.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a food store at the Car Park to the south of Fitness First and Thomson World of Furniture, Main Street, Dundee.

The proposed foodstore is to have a gross floor area of 1580 sq. metres and will have approximately 96 customer car parking spaces.

The building is to be finished in block work to the walls and profiled metal cladding to the roof to match the existing main building. The main entrance is to be on the south west corner of the building and is to be glazed.

The service entrance to the store is to be taken from the existing service yard and entrance which is from Thistle Street.

The proposal includes additional landscaping in the form of street trees along the front age onto Main Street.

The applicants have indicated that the proposed opening hours of the store would be 0800 to 2200 seven days a week and that servicing of the store shall be limited to between 0800 to 2000 hours.

No named operator for the foodstore has been put forward by the applicant

SITE DESCRIPTION

The application site is located on the north side of Main Street and is to the north west of Isla Street. The site is within the car park area to the east of the main building and extends to approximately 0.657 hectares. The existing building was originally a NORCO foodstore and then occupied by a SCOTMID foodstore. The building has subsequently been subdivided and is now occupied by Fitness First and Thomson's World of Furniture.

To the north of the site are residential properties and commercial uses, to the east are residential properties and Cleington Church, to the south are residential properties and to the west is the main building occupied by Fitness First and Thomson's World of Furniture.

POLICY BACKGROUND

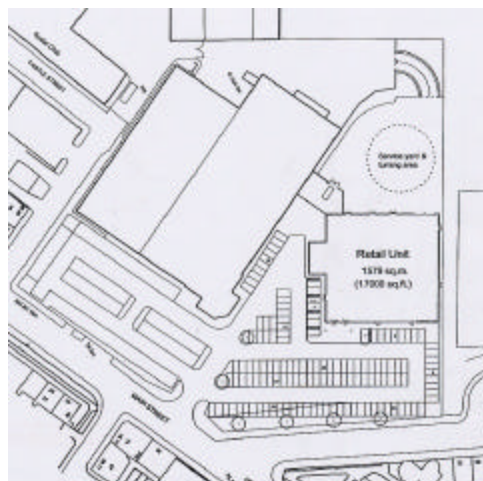
Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

Retailing Policy S11: District and Local Centres-New Floorspace. This policy advises that in or adjacent to district and local centres, increases in shopping floorspace should contribute to the vitality of such centres, should not overly compete with other centres and should be of a scale appropriate to the catchment area of the centre in which it is proposed. New floorspace which does not meet these criteria will not be acceptable.



Retailing Policy S 12: District and Local Centres-Supermarkets and Superstores. This policy advises that in or adjacent to District Centres, new large foodstores will generally be acceptable.

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:

Policy 38 District Centres seeks to encourage new retail and other shopping developments which would contribute to the vitality and viability of District Centres.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

Key Theme 7 is of relevance 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 achieves the aims of this Key Theme.

SITE HISTORY

There is no site history of relevance to the consideration of the application.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 26 November 2003 in terms of Section 34 of the 1997 Act as a bad neighbour development and on the 5 December 2003 as a potential departure to the development plan. In response a single letter of objection was received from Hillcrest Housing Association. The main concerns raised were that the service access is to close to residential properties and that as a result deliveries at unsociable hours would disturb the amenity of residents from noise.

A copy of the letter of objection is available in the Members' Lounges and the concerns raised are addressed in the 'Observations' section of the report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that on the basis of the hours of operation put forward by the applicants and a condition covering the noise levels from plant and machinery he had no objection to the proposed development.

There were no adverse comments 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.

The proposed development is for a foodstore within the car park of the former NORCO food superstore. The existing building has been sub-divided and is now occupied by Fitness First and Thomson World of Furniture.

The former foodstore site including the car park is located within the boundary of the Hilltown District Centre as defined in the proposals map of the adopted Dundee Local Plan 1998. Retailing Policies S11 and S12 apply to district centres. Retailing Policy S11: District and Local Centres-New Floorspace advises that in or adjacent to district and local centres, increases in shopping floorspace should contribute to the vitality of such centres, should not overly compete with other centres and should be of a scale appropriate to the catchment area of the centre in which it is proposed. New floorspace which does not meet these criteria will not be acceptable. Retailing Policy S12: District and Local Centres-Supermarkets and Superstores advises that that in or adjacent to District Centres, new large foodstores will generally be acceptable.

Retailing Policy 12 is the relevant policy to the consideration of this application. The proposed foodstore is within the car park of the former NORCO Foodstore and is within the Hilltown District Centre as defined on the proposals map. The proposal is considered to be acceptable and is in accordance with Retailing Policy 12 of the Dundee Local Plan 1998.

Retailing Policy 11 is a more general policy covering new retail floorspace in or adjacent to local and district centres. Given the size of the store and the location proposed it is considered that it would meet the criteria in terms of contributing to the vitality of the centre, the scale appropriate to the catchment and competition with other centres. The proposal is considered to be in accordance with Policy S11.

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:

Policy 38 District Centres seeks to encourage new retail and other shopping developments which would contribute to the vitality and viability of the District Centres identified on the Proposals Map. The proposals map draws the boundary of the district centre tight around the existing store. The proposed store would be within the car park serving the existing store and will utilise the same customer access and service access. It is considered that for the reasons outlined above the proposal is in accordance with Policy 38 of the Finalised Dundee Local Plan Review.

A single letter of objection was received to the proposed development from Hillcrest Housing Association. The main concerns raised were that the service access is too close to residential properties and that as a result deliveries at unsociable hours would disturb the amenity of residents from noise. In response to these concerns the applicants have indicated that they would be willing to restrict service deliveries to between 8.00am to 8.00pm seven days per week and that the store opening hours would be restricted to between 8.00am to 10.00pm seven days per week. The Head of Environmental Health and

Trading Standards advised that subject to conditions restricting the hours of servicing and operation to those proposed by the applicants he would have no objection to the proposed development. In addition, he also requested that a condition be attached covering the noise levels from any plant and machinery to ensure that there would be no disturbance from noise. Taking into account the above it is considered that the concerns raised by Hillcrest can be addressed through the imposition of conditions covering hours of servicing, operation and noise levels from plant and machinery.

It is concluded from the foregoing that there are no material considerations that would 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 proposed store has been designed to match the existing building on the site and utilises similar materials and colours. It is considered that the design would be acceptable for the location proposed.

CONCLUSION

It is considered that the proposed development is in accordance with the Retailing Policies of the Dundee Local Plan 1998 and Policy 38 of the Finalised Dundee Local Plan Review. In addition, it is considered that the concerns raised by the objector are not of sufficient weight to warrant refusal of the application.

RECOMMENDATION

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 The gross retail floor area of the proposed store shall not exceed 1580 sq.metres.
- 3 That the proposed opening hours of the store shall be limited to between 0800 to 2200 hours and that all deliveries to the store

shall be limited to between 0800 to 2000 hours seven days a week.

- 4 That noise from all mechanical and electrical plant shall not exceed NR35 as measured 1 metre from the façade of any residential property.
- 5 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 only in full accordance with such approved samples.
- 6 There shall be no lay up or parking of delivery/service vehicles within the service yard or service road outwith the agreed servicing hours for the proposed store.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To comply with the shopping policies of the development plan.
- 3 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise
- 4 In the interests of residential amenity and to comply with the Council's standards for the control of nighttime noise.
- 5 In the interests of the visual amenity of the area and standard of development
- 6 In the interests of residential amenity and to comply with the Council's standards for the control of nighttime noise.