

KEY INFORMATION

Ward Pitkerro

Proposal

Foodstore and petrol filling Station with associated car Parking, servicing and roads alterations to create new access

Address

Former Linlathen High School
Forfar Road
Dundee

Applicant

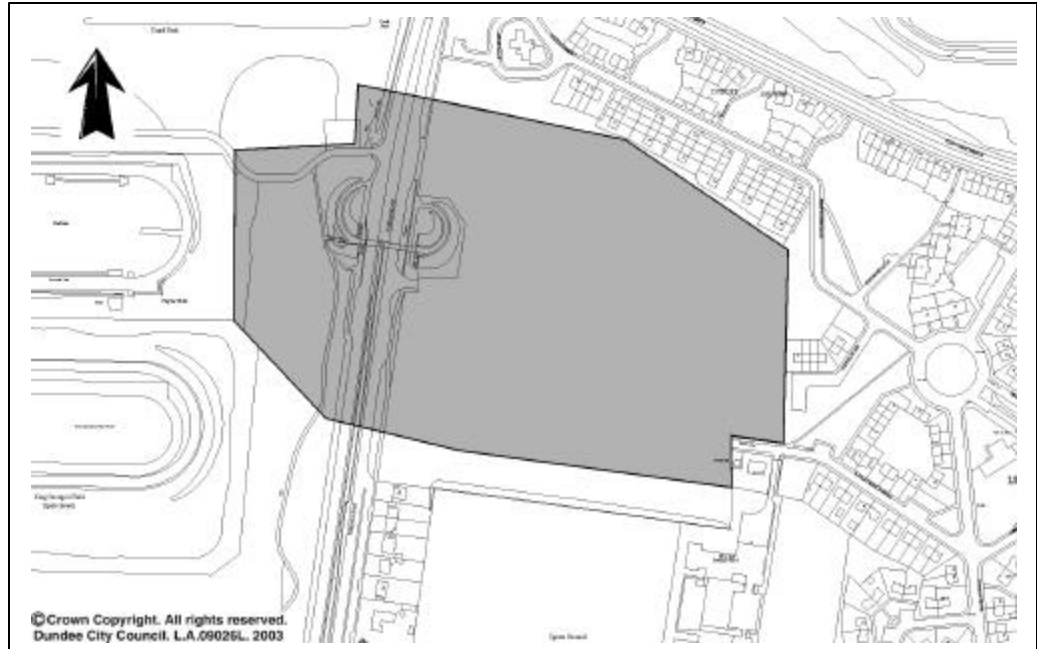
W M Morrison Supermarkets
Property & Development
Division
Hilmore House
Thornton Road
Bradford
BD8 9AX

Agent

3D (Architects) Ltd
144 St Vincent Street
Glasgow
G2 5LQ

Registered 12 Dec 2003

Case Officer G Reid



Food Superstore Development Proposed on Former Linlathen High School Site

A foodstore and petrol filling station with associated car parking, servicing and roads alterations is **RECOMMENDED FOR APPROVAL subject to Conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be acceptable in terms of the policies of the development plan.

If Members are minded to approve the application then it must be referred to the Scottish Ministers given the Council's financial interest in the site and Sportscotland's objection.

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

SUMMARY OF REPORT

- Planning permission is sought for the erection of a food superstore, petrol filling station, car parking, landscaping, formation of access and ancillary works at the former Linlathen High School site, Forfar Road, Dundee.
- It is considered that the proposed development raises issues for consideration in terms of the Policies of the Dundee and Angus Structure Plan 2001-2016, the Policies of the Dundee Local Plan 1998, the Policies of the Urban Nature Conservation Subject Local Plan 1995 and the Policies (including the approved Pre-Inquiry Changes) of the Finalised Dundee Local Plan Review. In addition, it is considered that the proposed development raises issues for consideration in terms of the guidance set out NPPG 8, NPPG11 and NPPG17.
- Four letters were received raising objections to the proposed development. These raised issues relating to the increase in traffic congestion, loss of open space, noise and light spillage and the need for a petrol filling station.
- It is considered that the proposed development is acceptable in terms of the Policies of the Dundee and Angus Structure Plan 2001-2016, the Policies of the Dundee Local Plan 1998, the Policies of the Urban Nature Conservation Subject Local Plan 1995 and the Policies (including the approved Pre-Inquiry Changes) of the Finalised Dundee Local Plan Review. In addition, it is considered that the proposed development is acceptable in terms of the guidance set out NPPG 8, NPPG11 and NPPG17. Finally, it is considered that the concerns raised by objectors are not of sufficient weight to warrant refusal of the application in this instance.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a food superstore, petrol filling station, car parking, landscaping, formation of access and ancillary works at the former Linlathen High School site, Forfar Road, Dundee.

The applicant is WM Morrison Supermarkets Plc who will also be the operator of the proposed food superstore.

The proposed store is to have a gross floor area of 8,360 square metres and a net sales floor area of 3,716 sq. metres.

The proposal is to have a total of 597 car parking spaces including 27 parent/child and 22 disabled spaces.

A new grade separated junction is to be formed onto Forfar Road. The new access will provide access and egress onto Forfar Road both to the north and south.

The proposal also links into existing pedestrian routes from the surrounding residential areas.

The applicants have submitted supporting information in the form of a Planning Policy and Retail Statement, a Transport Assessment, a Travel Plan, a Noise Assessment, a Design Statement and a Public Art Plan.

SITE DESCRIPTION

The application site is primarily located to the east of Forfar Road but includes an area of land within Caird Park. The application site extends to approximately 8.4 hectares and is vacant land. The site was previously occupied by the former Linlathen High School. There are mature trees along the western boundary of the site

To the north and east of the application site are residential properties. To the west is Caird Park including open space and sports facilities. To the south is Mossgiel Primary School, a sports ground and residential properties.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Town Centres and Retailing Policy 4: Out of Centre Retailing. This Policy states that in keeping with the sequential approach to site selection for new retail developments, proposals for new or expanded out of centre retail developments in excess of 1000sq metres will only be acceptable where it can be established that:

- * No suitable site is available, in the first instance, within and thereafter on the edge of city, town or district centres;
- * Individually or cumulatively it would not prejudice the vitality and viability of existing city, town or district centres;



- * The proposal would address a deficiency in shopping provision which, cannot be met within or on the edge of the above centres;
- * The site is readily accessible by modes of transport other than the car;
- * The proposal is consistent with other Structure Plan policies.

Environmental Resources Policy 5B: Open Space and Recreation. This Policy seeks to safeguard open space from development unless acceptable alternative provision can be provided.

Dundee Local Plan 1998

The following policies are of relevance:

Retailing Policy S20: Out of Centre Shopping. This Policy advises that new out of centre shopping floorspace, other than that permitted by policies in the plan, will not be acceptable unless:

- 1 The proposal provides for significant improvements in the distribution and accessibility of shopping provision, and;
- 2 There is no suitable site available in or adjacent to existing centres, and;
- 3 It would not prejudice the vitality and viability of existing shopping centres, retail parks or the South Road Retail Area, and;
- 4 The site is located within the existing or proposed urban area, and;
- 5 Preference is given to the reuse of vacant or derelict land, and;
- 6 The development would not lead to significant increase in travel by private car, and;
- 7 The site is well located in relation to existing regular and frequent public transport, and;
- 8 It does not create a shortage of good quality industrial or business use land, and;
- 9 The design, scale and relationship to the surroundings would contribute positively to the quality of the urban area.

Housing Policy H1: Existing Residential Areas. This policy advises that within areas where residential use predominates, developments will be permitted where: (a) They do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell; and (b) they are in accordance with the policies and proposals contained elsewhere in this plan.

Public Open Space Policy OS1: Existing Open Space. This policy advises that there will be a presumption in favour of retaining major areas of open space identified on the proposals map. The policy advises that there may be some instances where alternative uses for open space could be acceptable. The following factors should be considered in such situations: 1) the amount and distribution of alternative areas of open space in the vicinity. 2) the importance of the site to the visual amenity of the area, and; 3) the nature conservation value of the site.

The Natural Environment Policy ENV5: Wildlife Corridors. This policy advises that any development proposed within wildlife corridors must make suitable provision for nature conservation, taking into account of the scale and type of development and characteristics of the wildlife corridor.

Dundee Urban Nature Conservation Subject Local Plan 1995

The following policies are of relevance:

Wildlife Corridor Policy WC01. This policy advises that any development proposed within wildlife corridors must make suitable provision for nature conservation, taking into account of the scale and type of development and characteristics of the wildlife corridor.

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 49: New Out of Centres Foodstores. The Council supports the principle of new foodstore provision at South Road and at the former Linlathen High School sites as a means of improving the accessibility of foodstore provision in the north and west of the City. Proposals for the site will require to demonstrate:

- 1 That they will not undermine the vitality and viability of the City Centre and District Centres; and
- 2 Compliance with Policy 48 and other relevant local plan policies; and
- 3 Commitment by the developers to facilitating on and off-site measures to resolve access and traffic issues associated with the development.

The Policy also advises that where appropriate, the opportunity to rationalise existing foodstore provision through the removal of outdated and poorly located foodstores will be pursued.

Policy 48: Accessibility of Out of Centre Retail Developments. This Policy advises that proposals for major out of centre retail developments will

require to incorporate measures to encourage convenient access by means other than the car. Specific measures are outlined within the Policy.

Policy 66: Open Space Network states that there is a presumption against the development of open spaces other than for small scale complementary uses such as sporting, recreational or interpretative facilities. This Policy is subject to Pre Inquiry Changes approved by the Council. The emphasis of this Policy is basically the same but clarification is provided with regards to proposals that will affect open spaces. These are considered to be acceptable where the development is complementary in character, function and overall integrity of the open space; or the public benefits of the development clearly outweigh the value of the site to the character and amenity of the surrounding area. In addition, the Pre Inquiry Changes include Policy 66A, which covers the replacement of open space provision. This Policy advises that proposals that will result in the loss of open space in accordance with Policy 66 will be required to:

- 1 provide replacement open space of the same type and of at least equal community benefit to that being lost to the satisfaction of the Council; and
- 2 where the Council is satisfied that replacement provision is not required, in appropriate circumstances a planning agreement may be sought to help improve the quality of existing open space.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 8 (Revised 1998) Town Centres and Retailing. The guidance within NPPG8 advises that when determining applications for food shopping a sequential approach should be adopted. This approach advises that first preference should be for town centre sites, followed by edge of centre sites, and only then by out of centre sites in locations that are, or can be made, easily accessible by a choice of means of transport. In dealing with new major retail developments NPPG8

advises that they should be initially assessed as to whether they are consistent with the development plan. Where they are not consistent with the development plan, the developer must demonstrate why an exception to policy should be made and the proposal should be rigorously assessed by the planning authority against the criteria set out in NPPG8 and refused if all the criteria are not met. Paragraph 45 of NPPG8 sets out the criteria for assessing this type of development.

National Planning Policy Guideline NPPG11 Sport, Physical Recreation and Open Space advises Councils to meet the sporting and recreational needs of residents, tourists and visitors, while safeguarding the quality of the natural and cultural heritage. In addition, NPPG11 establishes that the redevelopment of playing fields and sports pitches is acceptable where there is no loss of amenity and alternative provision of equal community benefit and accessibility is made available.

National Planning Policy Guideline 17: Transport and Planning. The guidance in NPPG17 advises that retail developments should be sited where there is a choice of transport and that they should not be dependent predominantly on access by car. The guidance emphasises that new retail facilities should be located on sites which are convenient for walk in trade and public transport routes.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Report 18/1998: Location and Distribution of Food (Convenience Goods) Superstores in Dundee. This report assessed the provision of major foodstores in Dundee and advises the Committee as to how current and future needs for this type of shopping can be addressed through a process of rationalisation and modernisation. This being generally within the existing floorspace total for food shopping. The Report did not seek to add to the overall provision but suggested how the process of rationalisation and modernisation can secure an overall improvement in the City's food shopping provision. At the meeting of the Development Quality

Committee of 24 February 2003 an Agenda note relating to the Finalised Local Plan Review was approved. The Agenda Note advised that Report 18/1998 was superseded as a material consideration by the relevant policies of the Finalised Dundee Local Plan Review.

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

Planning Application (in Outline) 99/24089/D Erection of Foodstore with associated car parking at Former Linlathen High School site for Cala Management Ltd., Forfar Road, Dundee. Pending Consideration.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 23 December 2003 under section 34 of the 1997 Act as a potential bad neighbour and on the 23 December 2003 as a potential departure to the development plan.

In response to this 4 individual letters were received raising objections to the proposed development. The main concerns raised by objectors were that:

- 1 The proposed development would result in an increase of traffic on the surrounding roads and exacerbate existing congestion problems.
- 2 There is no need for an additional petrol filling station within this section of Forfar Road.
- 3 The proposed petrol filling station would have a detrimental affect on the residential amenity of adjoining neighbours due to disturbance from noise, smells and light spillage.
- 4 The proposed development would result in the disturbance of neighbours due to noise particularly from deliveries, if it

is a 24 hours operation, and from other plant and machinery.

- 5 The proposed development would result in the loss of a part of open space in Caird Park.

Copies of all of the letters are available in the Members' Lounges and the issues raised are addressed in the "Observations Section" of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advised he had no objections to the proposed development subject to appropriate conditions covering times of delivery/use of the service yard and noise levels from plant and machinery.

Sportscotland advised that they object to the loss of the area of ground within Caird Park required for the proposed junction/

Scottish Executive Enterprise, Transport and Lifelong Learning Department - Network Management Division have not as yet responded to the Transport Assessment.

The Forestry Officer (Contract Services) advised that the applicants should carry out a detailed tree survey of existing trees, upgrade the size of trees to be planted and that a landscaping maintenance schedule be submitted.

Scottish Water advised they had no objection in principle subject to a full drainage assessment covering surface and foul treatment and attenuation.

SEPA advised that they had no objection in principle subject to a full drainage assessment covering surface and foul treatment and SUDS.

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.

Retail Planning Policies

The application under consideration is for the development of a food superstore and filling station in an out of centre location. The application site is not designated within the adopted Local Plan for food retailing. The proposal therefore raises issues for consideration in terms of the retailing policies of both the Dundee and Angus Structure Plan 2001-2016 and the Dundee Local Plan 1998. The relevant Structure Plan Policy is Town Centres and Retailing Policy 4. This Policy sets out criteria for the consideration of new out of centre retail developments. In terms of the Dundee Local Plan Retailing Policy S20 is relevant and sets out criteria for the consideration of new out of centre proposals not identified by other retailing policies. Both of these policies reflect the guidance contained in paragraph 45 of NPPG8 (revised 1998) Town Centres and Retailing. The criteria in both these policies are broadly similar. The following assesses the development against the criteria of Policy S20 of the Dundee Local Plan 1998:

- 1 "The proposal provides for significant improvements in the distribution and accessibility of shopping provision". Report 18/1998 entitled the Location and Distribution of Food (Convenience Goods) Superstores in Dundee was approved by the Council in 1998. This report assessed the provision of major foodstores in Dundee and advised that sites to the north and west, well located in relation to the Kingsway should be sought in order to improve the present distribution of floorspace. In terms of the north of the City a site at the former Linlathen High School was recommended. The Finalised Dundee Local Plan Review has identified the same site as a location for a food superstore. No major changes to the provision of food shopping within the catchment area that would be served by the store have taken place since the publication of Report 18/98. In

light of this it is considered that the application site would still clearly provide for significant improvements in the distribution and accessibility of shopping provision as sought by Report 18/98 and now by the Dundee and Angus Structure Plan and the Finalised Dundee Local Plan Review.

- 2 "There is no suitable site available in or adjacent to existing centres". In preparing Report 18/98 the Council carried out a search for available sites to address the deficiency in the distribution of food shopping in the northern sector of the City. The report concluded that there was no suitable site available in or adjacent to existing centres. The report supported a site at the Former Linlathen High School site as being the most suitable location. It is considered that the proposal satisfies criteria 2 and also satisfies the sequential test as no suitable site exists within or adjacent to any of the existing centres.
- 3 "It would not prejudice the vitality and viability of existing shopping centres, retail parks or the South Road Retail Area". The proposed store is to have a net sales area of 3716 sq. metres and this is to be split with 85 for convenience goods and 15% for comparison goods. The applicants have submitted a Retail Assessment in support of their application, which examines the impact of the proposed store on existing shopping provision. The assessment indicates that the proposed store would draw its trade from existing retailers and primarily the other major food superstores within the City. The report concludes that while some stores would be effected more than others in terms of the loss of trade no store would be effected to such an extent that would lead to its closure. In addition, the report concludes that the trade drawn from existing centres would not be such as to significantly affect their viability or vitality. It is considered that the proposed store would not prejudice the vitality and viability of existing shopping centres.

- 4 "The site is located within the existing or proposed urban area". The application site is clearly within the existing urban area of the City.
- 5 "Preference is given to the reuse of vacant or derelict land". The proposed development would result in the re-use of an area of vacant brownfield land.
- 6 "The development would not lead to significant increase in travel by private car". The proposed store is bounded to the north and east by extensive residential areas. The residents in these areas currently have to travel to stores to the east and west of the site. The proposed store would cut down the length of journey undertaken by these residents. In addition, the store is accessible by foot from the surrounding residential areas. It is considered that the proposed development would not lead to a significant increase in travel by private car.
- 7 "The site is well located in relation to existing regular and frequent public transport". There are existing bus routes that pass by the site along Forfar Road. These routes could be redirected into the site to improve accessibility by public transport. In order to ensure that adequate facilities are provided within the site a condition will need to be attached to secure improved public transport penetration into the site and associated facilities.
- 8 "It does not create a shortage of good quality industrial or business use land". The proposed development is on an area of brownfield vacant land that was formerly occupied by a secondary school. The loss of this land would not result in the shortage of good quality industrial or business use land.
- 9 "The design, scale and relationship to the surroundings would contribute positively to the quality of the urban area". It is considered that the design of the proposed store and the associated landscaping is of a good quality and would contribute positively to the visual amenity of the urban area.

On the basis of the above assessment it is considered that the proposed superstore is acceptable in terms of Retailing Policy S20 of the Dundee Local Plan 1998 and Town Centres and Retailing Policy 4 of the Dundee and Angus Structure Plan 2001-2016.

Open Space/Natural Environment

The main part of the application site is in an area where there is no specific policy designation. The proposed junction does however, extend into part of Caird Park which is covered by Public Open Space Policy OS1 Existing Open Space. Whilst there is a general presumption in favour of retaining major areas of open space, the policy does allow for alternative uses having regard to the amount and distribution of alternative areas of open space in the vicinity, the importance of the site to the visual amenity of the area, and the nature conservation value of the site.

The part of the application site which is covered by open space policy OS1 is relatively small. The kickabout area which occupies this area is to be located to the north of the improved junction on an area currently unused for formal recreation. It is considered that given the amount and distribution of open space in the area the loss of the area required for the proposed junction would not be significant.

Although the application site forms part of a Wildlife Corridor the proposed landscaping within the site will ensure that the viability and continuity of the Wildlife Corridor is not unduly compromised.

The site is located on the now vacant site formerly occupied by Linlathen High School. It is considered that the development of the site for a food superstore would have a positive affect on the visual amenity of the area.

Environmental Resources Policy 5B: Open Space and Recreation. This Policy seeks to safeguard open space from development unless acceptable alternative provision can be provided. It is considered that for the reasons set out above in terms of Public Open Space Policy OS1 the proposal is acceptable in terms of Policy 5B.

Natural Environment Policy ENV5: Wildlife Corridors. This policy advises that any development proposed within wildlife corridors must make

suitable provision for nature conservation, taking into account of the scale and type of development and characteristics of the wildlife corridor. Given the layout of the site and the landscaping proposed it is considered that the applicants have made adequate provision for maintaining the integrity of the wildlife corridor.

Housing Policy H1: Existing Residential Areas. This policy advises that within areas where residential use predominates, developments will be permitted where: (a) They do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell; and (b) they are in accordance with the policies and proposals contained elsewhere in this plan. Concerns have been raised by objectors to the proposals regarding the potential of disturbance from noise particularly from servicing of the store at night. The Head of Environmental Health and Trading Standards has requested that in order to deal with the potential of disturbance from noise conditions be attached restricting delivery times to the store and covering noise levels from plant and machinery. It is considered that on the basis of the conditions suggested the proposed store would not have an adverse affect on the environmental quality enjoyed by local residents in the surrounding area. Furthermore it is considered that the proposal is in accordance with the other relevant policies and proposals of the development plan.

Dundee Urban Nature Conservation Subject Local Plan 1995

Wildlife Corridor Policy WC01. This policy advises that any development proposed within wildlife corridors must make suitable provision for nature conservation, taking into account of the scale and type of development and characteristics of the wildlife corridor. The issue of the impact on the wildlife corridor has been addressed under Local Plan Policy ENV5. For the reasons set out above it is considered that the proposed development has made suitable provision for maintaining the integrity of the wildlife corridor.

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:

Finalised Dundee Local Plan Review

Policy 49: New Out of Centres Foodstores. This Policy advises that the Council supports the principle of new foodstore provision at South Road and at the former Linlathen High School sites as a means of improving the accessibility of foodstore provision in the north and west of the City subject to certain criteria being met. The following assess the proposals against the criteria of the policy.

- 1 "That they will not undermine the vitality and viability of the City Centre and District Centres". The proposed development is located on the site identified on the proposals map for a new foodstore at Linlathen High School. The impact of the proposal on the vitality and viability of the City Centre and District Centres is examined above in terms of Retailing Policy S20 of the Dundee Local Plan 1998. It is concluded that the proposed development can be accommodated without significantly undermining the vitality and viability of the City Centre and District Centres.
- 2 "Compliance with Policy 48 and other relevant local plan policies". The proposal is considered against Policy 48 and the other relevant policies of the Finalised Local Plan and the approved Pre-Inquiry Changes in the remainder of this Report. It is concluded that the proposed development is acceptable in terms of these Policies.
- 3 "Commitment by the developers to facilitating on and off-site measures to resolve access and traffic issues associated with the development". The applicants as part of their submission have included a new grade separated junction to access the site. These works will provide an appropriate access for the development.

The Policy also advises that where appropriate, the opportunity to rationalise existing foodstore provision through the removal of outdated and poorly located foodstores will be

pursued. The applicants are new to the city and do not trade any existing stores within the City. There is therefore no opportunity to remove any outdated stores in this instance.

Policy 48: Accessibility of Out of Centre Retail Developments. This Policy advises that proposals for major out of centre retail developments will require to incorporate measures to encourage convenient access by means other than the car. Specific measures are outlined within the Policy. The applicants have included measures to encourage convenient access by means other than the car. These include pedestrian links into the existing footpaths from the surrounding residential areas. Provisions for cyclists is also accommodated within the scheme. As indicated above a condition covering the provision for public transport within the site will be required to allow for the augmentation of existing facilities. The proposal is considered to be in accordance with Policy 48.

Policy 66: Open Space Network. As indicated above only a small part of the application site is located within an area allocated for open space. Policy 66 allows for the redevelopment of open space on allocated sites. The proposal is therefore considered to be in accordance with Policy 66 and the approved Pre Inquiry Changes to Policy 66 for the reasons already outline above

Transport Assessment

The applicants submitted a Transport Assessment in support of the proposed development. The Transport Assessment was carried out to establish the impact of the proposed development on the surrounding road network. The Transport Assessment displays that there will be additional congestion within the peak hours studied. It is considered that within the urban setting such levels of congestion are not unexpected. The conclusions of the Transport Assessment are considered to be acceptable.

The proposed development affects the Kingsway Trunk Road and accordingly the Scottish Executive Enterprise Transport and Life Long Learning Department- Network Management Division were consulted. As yet they have provided no

comments on the Transport Assessment.

National Planning Policy Guideline 8 (Revised 1998)

National Planning Policy Guideline 8 (Revised 1998) Town Centres and Retailing. The guidance within NPPG8 advises that when determining applications for food shopping a sequential approach should be adopted. This approach advises that first preference should be for town centre sites, followed by edge of centre sites, and only then by out of centre sites in locations that are, or can be made, easily accessible by a choice of means of transport. In dealing with new major retail developments NPPG8 advises that they should be initially assessed as to whether they are consistent with the development plan. Where they are not consistent with the development plan, the developer must demonstrate why an exception to policy should be made and the proposal should be rigorously assessed by the planning authority against the criteria set out in NPPG8 and refused if all the criteria are not met. Paragraph 45 of NPPG8 sets out the criteria for assessing this type of development. The application site is not identified by the adopted Local Plan 1998 but is identified in the Finalised Local Plan Review.

The criteria set out in paragraph 45 generally reflects the criteria set out in Local Plan Policy S20. For the reasons set out above it is considered that the proposal is also in accordance with the guidance set out in Paragraph 45 of NPPG8.

National Planning Policy Guideline NPPG11

National Planning Policy Guideline NPPG11 Sport, Physical Recreation and Open Space advises Councils to meet the sporting and recreational needs of residents, tourists and visitors, while safeguarding the quality of the natural and cultural heritage. In addition, NPPG11 establishes that the redevelopment of playing fields and sports pitches is acceptable where there is no loss of amenity and alternative provision of equal community benefit and accessibility is made available. The proposed development would result in the loss of only a small area of open space and the relocation of a kickabout area. Given the existing provision of open

space in the surrounding area it is considered that the proposal is in accordance with the guidance set out in NPPG11.

National Planning Policy Guideline 17

National Planning Policy Guideline 17: Transport and Planning. The guidance in NPPG17 advises that retail developments should be sited where there is a choice of transport and that they should not be dependent predominantly on access by car. The guidance emphasises that new retail facilities should be located on sites which are convenient for walk in trade and public transport routes.

The applicants have provided measures to allow for pedestrian and cycle links from the surrounding area into the application site. As indicated above a condition covering the provision for public transport within the site will be required to allow for the augmentation of existing facilities.

It is considered that the proposed development is consistent with the guidance of NPPG17.

The proposed development attracted 4 individual letters raising objections. The main concerns raised by objectors are addressed in the following:

- 1 "The proposed development would result in an increase of traffic on the surrounding roads and exacerbate existing congestion problems". The applicants have submitted a Transport Assessment in support of the application. The TA has assessed the impact of the proposed development on the surrounding road network. The TA concludes that subject to the provision of the new grade separated junction the proposed development can be accommodated within the surrounding road network.
- 2 "There is no need for an additional petrol filling station within this section of Forfar Road". The petrol filling station forms an integral part of the applicant's development and is an expected facility as part of a modern foodstore. It is considered that the issue of need for another petrol filling station is not a reason for refusal of the application.

- 3 "The proposed petrol filling station would have a detrimental affect on the residential amenity of adjoining neighbours due to disturbance from noise and light spillage". The applicants have responded to concerns of adjacent neighbours by increasing the landscaping screen around the petrol filling station. The lighting has been designed so not to have a detrimental affect on neighbours. In terms of noise given the proximity of Forfar Road it is considered that no significant adverse affect would be experienced by residents.
- 4 "The proposed development would result in the disturbance of neighbours due to noise particularly from deliveries if it is a 24 hours operation and other plant and machinery". The Head of Environmental Health and Trading Standards advised that on the basis of the restricted hours of servicing and conditions covering noise from plant and machinery he had no objection to the proposed development. On this basis it is considered that the proposal is acceptable in terms of noise.
- 5 "The proposed development would result in the loss of a part of open space in Caird Park". It is concluded that given the availability of alternative open space in the area the loss of the area subject to this application would not be significant.

Objections to the Finalised Dundee Local Plan Review

There is no reason why this application cannot be determined prior to the forthcoming Inquiry into the Finalised Dundee Local Plan Review. All that is required is that the effect of the proposed development on the policies and proposals of the Finalised Dundee Local Plan Review should be considered before the application is decided. Provided the Council take into account all materials considerations, it is not incompetent to grant planning permission which pre-empt objections to the Finalised Local Plan which are due to be heard at a forthcoming Local Plan Inquiry.

Members will recall that objections were made to Policy 49 New Out of

Centre Food stores (which relates to foodstore sites at Linlathen and South Road). Report 578-2003 Finalised Dundee Local Plan Review -Response to Objections and Proposed Changes was considered and approved by Members at The Planning and Transportation Committee on the 29 August 2003. In terms of the objections to Policy 49 Members having considered them resolved to make no changes to the terms of the Policy.

The objections to Policy 49 were raised from various parties and two have, in terms of the Linlathen site, put forward alternative sites at Camperdown Leisure Park and Kings Cross Road. They argue that these sites are more appropriate than the two sites (ie Linlathen and South Road) identified by the Plan. The site at Camperdown Leisure Park has a planning application submitted for a food superstore and is at an early stage of consideration. The site at Kings Cross Road does not have any current planning application relating to it. In response to the objections the Council stated that the sites at Linlathen and South Road represent the best opportunity for improving the distribution of food retailing.

The proposed development has been assessed against the policies and proposals of the development plan (ie the Approved Dundee and Angus Structure Plan and the Adopted Dundee Local Plan 1998) and is considered to be acceptable. All other material considerations have been taken into account. It is concluded that none of these are of sufficient weight to warrant refusal of the application. The recommendation of approval of the application does not therefore rely on the allocation of the site in Policy 49 of the Finalised Dundee Local Plan Review. Therefore, while the Finalised Dundee Local Plan Review is a material consideration the weight given to Policy 49 in the determination of the planning application does not provide the justification for approval.

It is concluded from the foregoing that there are no material considerations that would justify the refusal of the planning application.

Design

The applicants have submitted a Design Statement in support of the

application. The proposed store has been designed to be sympathetic in scale and massing to the surrounding residential areas. The formal language of the walls and roof and the use of traditional materials invoke a synergy with Scottish vernacular architecture and the modern materials and detailing to glazed walkways, fascias etc provide a contemporary slant.

It is considered that the proposed building is of an acceptable standard of design and that the landscaping proposed will link the proposal into the existing area.

It is considered that the inclusion of public art within the design of the proposed development is important. The Councils percent for art strategy seeks to deliver the implementation of this through appropriate conditions on planning permission. The applicants have submitted an initial Public Art Plan. The pursuit of the details for the public art can be covered through an appropriately worded condition.

CONCLUSION

It is considered that the proposed development is acceptable in terms of the Policies of the Dundee and Angus Structure Plan 2001-2016, the Policies of the Dundee Local Plan 1998, the Policies of the Urban Nature Conservation Subject Local Plan 1995 and the Policies (including the approved Pre-Inquiry Changes) of the Finalised Dundee Local Plan Review. In addition, it is considered that the proposed development is in accordance with the guidance set out NPPG 8, NPPG11 and NPPG17. Finally, it is considered that the concerns raised by objectors are not of sufficient weight as to warrant refusal of the application in this instance.

RECOMMENDATION

RECOMMENDATION 1

In terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, if Members are minded to approve the planning application it will be necessary to refer it to the Scottish Ministers due to the Council having a financial interest in the site and that a level of objection has been raised to the proposed development and due to Sportscotland having

maintained an objection tot he loss of land in Caird Park

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 That the sale and display of comparison goods shall be limited to no more than 15% of the net sales area of the store, subject to a limitation that no single group of goods from the following list (a) and (h) inclusive shall occupy more than 50% of the said sales area floor space devoted to the sale of comparison goods, the said listing being as follows: (a) books; (b) clothing and footwear; (c) furniture, floor coverings and household textiles; (d) radio, electrical and other durable goods; (e) hardware and DIY supplies; (f) chemist goods; (g) jewellery, silverware, watches and clocks; and (h) recreational and other miscellaneous goods.
- 3 That the proposed foodstore shall have a gross floor area not in excess of 8,360 sq. metres and a net sales area of not more than 3,716 sq. metres.
- 4 The times for the delivery of goods by HGV's or other service vehicles to the store shall be agreed in writing with the Council prior to the commencement of development and, if approved, the deliveries to the store shall be operated only in full accordance with the agreed times.
- 5 All mechanical and electrical plant shall not exceed NR35 as measured 1 metre from the façade of any residential accommodation.
- 6 The use of a compactor shall be limited to between 0800 to 2000 hours Monday to Saturday and 0900 to 2000 on Sundays.
- 7 The testing of all standby generators shall only take place between 0900 to 2000 hours Monday to Saturday.

- 8 No part of the development shall commence trading until the proposed grade separated junction on Forfar Road has been completed to the satisfaction of the Council.
- 9 The location and design of the facilities for the parking of bicycles 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 The existing trees and shrubs, indicated on the approved plans to be retained, shall not be cut down, grubbed out topped, lopped, uprooted or root pruned without the written consent of the City Council. Any trees or shrubs removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees and shrubs of such size and species as may be directed by the City Council and to the standard as approved by the City Council.
- 11 No development or other operations shall be commenced on this site until adequate steps, which shall have been previously approved by the City Council, have been taken to safeguard, against damage or injury during construction works, all trees on the site, or whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees by affecting their root structure.
- 12 The development hereby permitted shall not commence until the Council has received and approved in writing proposals for the future maintenance of all areas proposed to be landscaped in accordance with this planning permission.
- 13 The development hereby permitted shall not commence until the Council has received and approved detailed proposals for the design and location of public art features in accordance with its policy on Percent for Public Art.
- 14 Revised details of the surfacing and landscaping of all car parking and pedestrian areas shall be submitted to the Council for approval before development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 15 A revised landscaping plan including the details of compliance with the Ambassadors Route Design Guide 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 Details of the revised recycling facilities shall be submitted to the Council for approval prior to the commencement of the development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 17 That details of the provision of facilities for the accommodation of public transport within the site 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.
- 18 Revised details of the clock tower, service yard walls and recess panels 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 A drainage assessment (foul and surface water) including the provision for SUDS 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 accordance with such approved details.
- 20 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 using such approved materials.
- 21 The revised design of the petrol filling station building 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 accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To conform with the approved shopping policies of the development plan.
- 3 To conform with the approved shopping policies of the development plan.
- 4 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 5 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 6 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 7 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 8 In the interests of vehicular and pedestrian safety.
- 9 To ensure that adequate and satisfactory cycle facilities are provided within the site.
- 10 To protect those landscape features which area of significant amenity value to the area and which would ensure a

satisfactory standard of appearance of the development.

- 11 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 12 In the interests of the appearance of the development.
- 13 In the interests of the appearance of the development.
- 14 To ensure a satisfactory standard of appearance of the development.
- 15 To ensure a satisfactory standard of appearance of the proposed development.
- 16 To ensure that an appropriate modern recycling facility for waste materials is accommodated within the proposed development.
- 17 To ensure that adequate provision is made for public transport within the site.
- 18 To ensure a satisfactory standard of appearance of the proposed development.
- 19 To ensure that the site can be adequately drained.
- 20 To ensure a satisfactory standard of appearance of the proposed development.
- 21 To ensure a satisfactory standard of appearance of the proposed development.