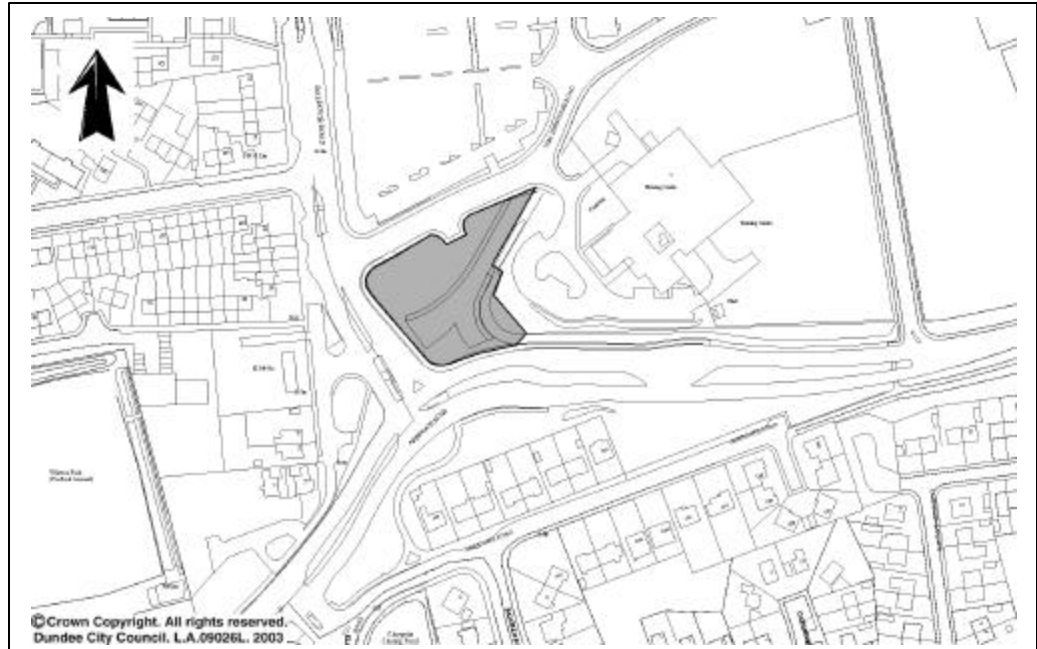


**KEY INFORMATION****Ward** Balgillo**Proposal**

Erection of restaurant with Drive through facility

**Address**Land to East of Baldovie Road  
And South of Tom Johnston Road  
Dundee**Applicant**YUM Restaurants  
International  
c/o Development Planning Partnership  
The Hatrick  
144 St Vincent Street  
Glasgow  
G2 5LQ**Agent**Development Planning Partnership  
The Hatrick  
144 St Vincent Street  
Glasgow  
G2 5LQ**Registered** 15 Dec 2003**Case Officer** G Reid

## Fast Food Restaurant Proposed at Baldovie Road

The erection of a restaurant with drive through facility is **RECOMMENDED FOR APPROVAL** subject to **Conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed alterations to the design of the building and the layout of the site are considered to be acceptable in terms of the policies of the development plan.

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

**SUMMARY OF REPORT**

- Planning permission is sought for amendments to the design and layout of the proposed Fast Food Restaurant with drive thru' facility at Tom Johnston Road, Dundee.
- Planning permission was granted for a Fast Food Restaurant with drive thru' facility at Tom Johnston Road along with the Sainsbury's Foodstore and Industrial Units. This planning permission is valid and the current planning application has been submitted to seek a revision to the design of the fast food unit and layout of the site.
- The proposals raises issues for consideration in terms of the Natural Environment and Built Environment Policies of the Dundee Local Plan 1998 and Wildlife Corridor Policy WC01 of the Dundee Urban Nature Conservation Subject Local Plan 1995.
- The applicant carried out the statutory notification of neighbours and no objections to the proposed development were received.
- The proposed changes to the design and layout are considered to be an improvement on the previously approved development.
- The proposals are considered to be in accordance with Natural Environment Policy ENV5 and Built Environment Policies BE1 and BE3 of the Dundee Local Plan 1998 and Wildlife Corridor Policy WC01 of the Dundee Urban Nature Conservation Subject Local Plan 1995. There are no material considerations that would justify refusal of the proposed development.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for amendments to the design and layout of the proposed Fast Food Restaurant with drive thru' facility at Tom Johnston Road, Dundee.

The applicant is Yum Restaurants who will operate of the proposed restaurant as Kentucky Fried Chicken.

The proposal is to have a gross floor area of 242 sq. metres and a total of 32 car parking spaces including 2 disabled spaces. In addition, 2 grill waiting bays are included.

A new access is to be formed from Tom Johnston Road which will accommodate both customers and service vehicles.

The site is to be landscaped in accordance with the Ambassador Route Design Guidance.

## SITE DESCRIPTION

The application site is located to the south of Tom Johnston Road and is to the north east of the junction of Arbroath Road with Baldovie Road. The application site extends to approximately 0.37 hectares and is vacant land. The site includes the now stopped up section of Tom Johnston Road.

To the north of the application site is Sainsbury's Foodstore. To the west of the site is Baldovie Road with residential properties beyond. To the south is the junction at Claypotts. To the east is the former Hydro Electric Training Centre now occupied by Castlecroft Developments.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The are no policies are of relevance to the consideration of this application.

### Dundee Local Plan 1998

The following policies are of relevance:

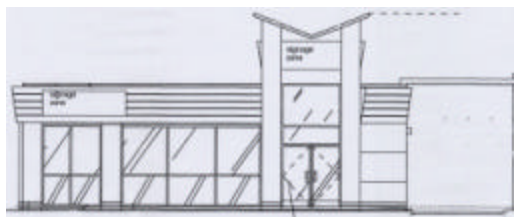
Employment Uses Policy EU2 Prime Industrial Estates. This policy seeks that the Council will encourage the establishment and retention of industrial and business uses as defined by Classes 4, 5 and 6 of the Uses

Classes Order 1997 and wholesaling of a type that does not generate large amounts of customer traffic.

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 the scale and type of development and characteristics of the wildlife corridor.

Built Environment Policy BE1: Design Quality. This policy advises that the Councils expects the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping.

Built Environment Policy BE3: Use of Materials. This policy seeks to encourage the appropriate and imaginative use of materials, where they are in harmony with the character of the surrounding area.



### 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 the scale and type of development and characteristics of the wildlife corridor.

### Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 1 Vibrant and Sustainable Communities: This policy seeks to promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing

areas. In addition, new development should be in accordance with other policies in the plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

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

There are no policies of relevance to the consideration of this application.

### Non Statutory Statements of Council Policy

There are no policy statements of relevance to the consideration 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

Planning Application (in Outline) 99/24269/D Erection of Foodstore, Petrol Filling Station, Industrial Units and Fast Food Restaurant at Land to east of Baldovie Road, Broughty Ferry, Dundee. Approved subject to Section 75 Agreement and condition on 28 November 2000.

Planning Application 00/25016/D: Approval of Reserved matters of application 99/24269/D at Land to east of Baldovie Road, Broughty Ferry, Dundee. Approved on 28 March 2001.

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 29 December 2003 as a potential departure to the development plan and on the 23 December 2003 as a potential bad neighbour.

No objections to the proposed development were received.

## CONSULTATIONS

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.

As indicated in the "Site History" Section planning permission was granted for the erection of a Fast Food Restaurant with Drive Thru' facility as part of the planning permission granted to Sainsbury's. The foodstore and industrial units have already been built and are now occupied. Planning permission therefore exists for a Fast Food Restaurant with Drive Thru' facility on the application site. The current planning application has been submitted to seek a revision to the design of the unit and layout of the site. The proposal does not alter the approved access from Tom Johnston Road. The effect of a Fast Food Restaurant with Drive Thru' facility on the surrounding road network was assessed in the consideration of the previous applications and catered for in the improvements to the Claypotts junction. The principle of a Fast Food Restaurant with Drive Thru' has already been established through the previously granted planning permission. The main areas of consideration in the determination of this current application are where the revised design of the building and the layout of the site are acceptable

### The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

It is considered that the proposed development does not raise any new issues for consideration in terms of Employment Uses Policy EU2 Prime Industrial Estates.

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 the scale and type of development and characteristics of the wildlife corridor. The proposal includes a revision to the layout, the position of the building and the landscaping. It is considered that the applicants have made adequate provision for maintaining the integrity of the wildlife corridor in the revised site layout and associated landscaping.

### 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.

The main issues for consideration in terms of this application are the changes being made to the design and layout of the proposals approved by the permissions set out in the "Site History" section. Built Environment Policies BE1 and BE3 seek to achieve the highest standards of composition and design and the appropriate and imaginative use of materials. The proposed development relocates the position of the building on the site from a north south direction to an east west direction. The main entrance is to be located on the south west corner with the main customer areas facing west and north. The relocation of the building provides a focal point on the most prominent corner of the building and a better relationship to the surrounding road network. The repositioning of the building is considered to provide for an improvement to that previously approved. The building originally approved was for a standard style of fast food restaurant with Drive thru'. The revised proposals seek to provide for a more contemporary style taking into account the industrial nature of many of the surrounding buildings. It

is considered that the orientation and design of the new building is acceptable. The landscaping has drawn on the Ambassador Routes Design Guide and provides for a formal but simple setting for the building. Trees are included in formal lines set in grass along the south and west boundaries with more informal groupings to the east and north. It is considered that the proposed landscaping will complement and provide an appropriate setting for the building.

The proposed changes to the design and layout are considered to be an improvement on the previously approved development and are in accordance with Built Environment Policies BE1 and BE3 of the Dundee Local Plan 1998.

### Other Material Considerations

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

#### Finalised Dundee Local Plan Review

Policy 1 Vibrant and Sustainable Communities: This policy seeks to promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. In addition, new development should be in accordance with other policies in the plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. As permission already exists for a Fast Food Restaurant with Drive Thru' it is considered that the proposals raise no new issues for consideration in terms of this policy.

The application site is located within an area where flooding occurs. In the determination of the previous applications the potential impact on flooding was investigated and mitigation measures approved. The Sainsbury's Foodstore and industrial units have been built in accordance with these measures. In order to ensure that the proposed development also takes into account the issues of flooding a condition will need to be attached to permission, if granted, to approve the details of drainage of the site.

It is concluded from the foregoing that there are no material considerations to

justify the refusal of this planning application.

## Design

As already outlined above the proposed store is designed to create a modern architectural image to complement the recently built Sainsbury Foodstore and Industrial Units. The design incorporates quality materials to enhance a simple, yet effective design which, will sit well on this high profile site. The landscaping setting of the site is based on the guidance contained within the Ambassador Route Design Guide and provides an acceptable boundary to the proposed restaurant.

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.

## CONCLUSION

It is considered that the proposed development does not raise any new issues for consideration in terms of Employment Uses Policy EU2 of the Dundee Local Plan 1998. The proposals is also considered to be in accordance with Natural Environment Policy ENV5 and Built Environment Policies BE1 and BE3 of the Dundee Local Plan 1998 and Wildlife Corridor Policy WC01 of the Dundee Urban Nature Conservation Subject Local Plan 1995. In addition, it is considered that there are no material considerations that would justify refusal of the proposed development.

## 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 Details of the proposed drainage of 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.

- 3 That a detailed landscaping scheme and maintenance schedule including timescales 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.
- 4 That details for the provision of cycle parking 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.
- 5 That all deliveries shall be limited to only the non trading hours of the fast food restaurant.
- 6 Details of the retaining wall and associated car barrier 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.
- 7 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.
- 8 Details of the extent of the fascia panel to the building shall be submitted to the Council prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 9 That the footway on the northern boundary be extended to the east up to the newly formed junction into the application site.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the site can be properly drained without having

a detrimental affect on surrounding area.

- 3 To ensure a satisfactory standard of appearance of development.
- 4 To ensure that appropriate provision is made for cyclists.
- 5 To ensure that there is no conflict between delivery vehicles and customers within the car park/service areas.
- 6 To ensure a satisfactory standard of appearance of the proposed development.
- 7 To ensure a satisfactory standard of appearance of the proposed development.
- 8 To ensure a satisfactory standard of appearance of the development.
- 9 In the interests of pedestrian safety.