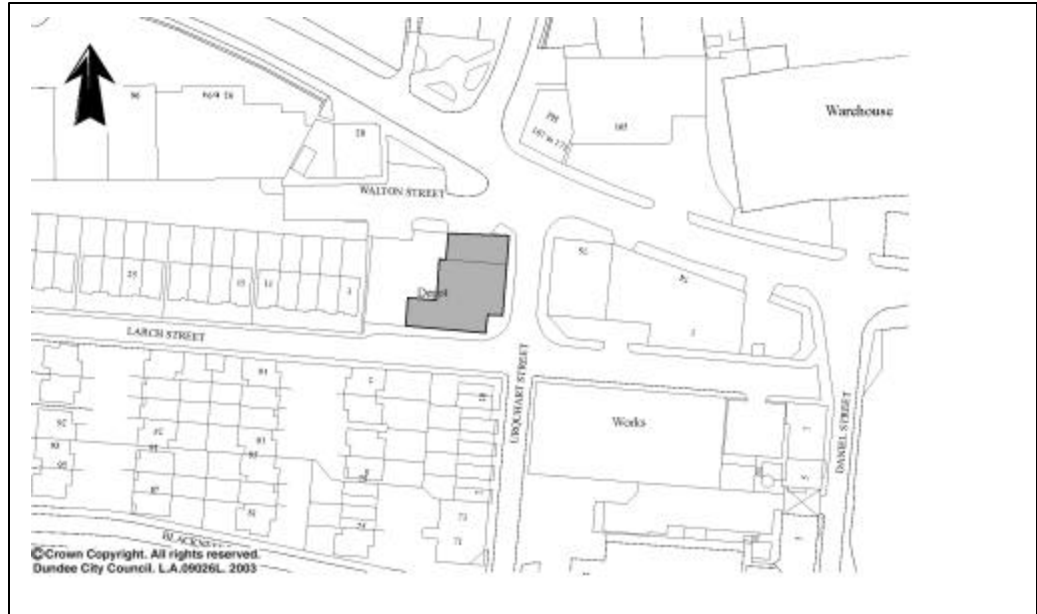


KEY INFORMATION**Ward** Logie**Proposal**

Change of use from car repair workshop (Class 5) to licensed grocers (Class 1)

Address8 Walton Street
Dundee
DD1 5BL**Applicant**Mr Monsif Ali
47 Broom Grove
Dunfermline
KY11 8QZ**Agent**ARKTX Chartered Architects
20 Lammerton Terrace
Dundee
DD4 7BL**Registered** 10 Feb 2004**Case Officer** R Anderson

Proposal for Licensed Grocers in Walton Street

The change of use from car repair workshop (Class 5) to licensed grocers (Class 1) is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is contrary to the terms of Policy S19 and S20 of the Dundee Local Plan 1998 in addition to Policy 43 and 45 of the Finalised Local Plan Review 2003. There are no material considerations which warrant overturning policy in this case. Accordingly REFUSAL of the application is recommended.

SUMMARY OF REPORT

- An application for the change of use of a car repair workshop (Class 5) to a licensed grocer (Class 1) has been received. It involves creating approximately 350m² (gross) of retail floorspace and providing 5 car parking spaces to the front of the building.
- One objection letter has been received. The main issues arising relate to the application being contrary local plan policy S19 and S20. The application has been advertised as contrary to the latter policy.
- It is considered that the proposal is contrary to both of these policies as provision of local retail units has been/ is being secured as part of a wider retail development. The policies relate to allowing certain sized units (250m² gross) in areas where there is a dearth of such uses and fulfilling a number of associated criteria. In this case there is/will not be a dearth of such uses and the proposed unit is clearly in excess of the maximum sized unit allowed. It also fails several of the criteria attached to S20. Material considerations such as an adjacent site planning brief, NPPG 8 and the Finalised Local Plan Review Policies 43 and 45 support a refusal in this case.

DESCRIPTION OF PROPOSAL

It is proposed to change the use of the above premises from a car repair workshop (Class 5) to a licensed grocers shop (Class1). The current premises comprise a flat roofed industrial building, with the main part made up of workshop floorspace, but also including a sales area and ancillary offices. The retail floorspace will amount to some 348m². The southern elevation of the shop is to be fully glazed containing the main doorway entrance and an ATM machine. The property will provide five dedicated parking spaces to an area in front of the northern elevation.

SITE DESCRIPTION

The site is located on the corner of Brook Street and Urquhart Street. It is currently in use as a car workshop with associated sales area. Formed mainly from glazing and brick, the flat roofed building is surrounded to the north by housing, to the east and west by industrial uses and to the south by a public house.

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:

S19 - Corner Shopping

S20 - Out Of Shopping

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 43 - Areas of Poor and Inadequate Local Shopping Provision.

Policy 45 - Location of New Retail Developments.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following guidance is of relevance to the application:

NPPG 8 – Retailing.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Larch Street and Brook Street Site



Planning Brief - Approved August 1998.

LOCAL AGENDA 21

Key Theme 4 indicates that local needs are met locally.

Key Theme 7 indicates that access to facilities, services, goods and people are not achieved at the expense of the environment and are accessible to all.

The proposal does not contradict any of these key themes.

SITE HISTORY

89/14652/D - Change Of Use From Part Of Vacant Garage To Light Industrial Use - Approved 13.11.1989.

89/14651/D - Change of Use from Part of Vacant Garage to Wholesale Cash and Carry - Approved 11.12.1989.

49/19179/D - Change of Use from Vacant Premises to Car Sales Showroom with Repairs Facility - Approved 12.03.1994.

Related Development - D24323 - Erection of Houses, Flats and 2 Retail Units - Approved March 2000.

PUBLIC PARTICIPATION

The proposal was advertised as potentially contrary to Local Plan Policy S20. One letter of objection has been received. The main issues arising are that the proposal is contrary to the terms of policy S20 of the Dundee Local Plan 1998 and policy 43 of the Finalised Local Plan Review 2003. These issues will be discussed in the "Observations" section of this report.

CONSULTATIONS

No adverse comments have been received.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- 1 whether the proposals are consistent with the provisions of the development plan; and if not
- 2 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 S19 - Corner Shopping is designed to ensure that in areas of low provision of "corner" or local shops such services are planned for. In the area of the proposal ie Blackness there is currently a dearth of such services, which are within easy distance of the application site. However at present and over the past three years there has been extensive housing development all around the application site. In excess of 150 residential units has already been completed or are currently under construction. The majority of these units were consented

as part of application D24323 referred to above. This consent also included the provision of two retail units both within close proximity of the application site. Although these units are not currently in retail use they are either under construction or occupied by site offices and form an integral part of the overall development. Retail provision has been secured in this area.

The policy also indicates a ceiling of 250m² gross floorspace and the current proposal is approximately 350m². This is clearly contrary to the policy. If this proposal were granted the overall provision for "local shopping" would amount to 870m². The two shops already consented in this area are some 300m apart and sit at diagonally opposite ends of the development site (The corner of Edward Street/Brook Street and the corner of Urquhart Street/Blackness Road). The application site sits in the middle of both of these units and is 65m from one of them. The policy indicates that groups of shops within under serviced areas should not exceed 350m² gross floorspace. Although the units in question do not constitute a group they are a concentration of such units in a close area and are clearly in excess of the floorspace indicated in policy S19. This further supports the view that local retailing has been provided for adequately in this area.

Policy S20 outlines the criteria that other retail proposals, (outwith the enabling policies mentioned in the plan, of which S19 is one) are to be considered against. Of the criteria mentioned it is considered that the proposal would not provide significant improvement in the distribution and accessibility of shopping provision in this area (as this has already been provided for as outlined above); although the site is not in or adjacent to an existing centre it is considered that in terms of the sequential test there are other suitable sites in this local area (again as outlined above); the site at present is in use as a car repair/valet business and therefore is not considered to be derelict or vacant land; although the site is located some 70m south of Blackness Road, where there is a regular and frequent bus service, the shop already provided for at the corner of Urquhart Street and Blackness Road is better located in this regard. Taking account of the above the proposal does not meet all of the

criteria associated with policy S20 and is therefore contrary to it.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

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

NPPG 8 - Indicates that although planning authorities should not interfere in competing businesses, they should prevent situations where competition will deny access to retail outlets in areas of deficiency (para.17). It further suggests that local plans should outline relevant criteria to ensure that such uses are evenly spread and serve all sectors of the community effectively (para.89). It is considered that the above local plan policy achieves this and allows for objective assessment in line with national guidance.

Finalised Local Plan Review 2003

Policy 43 - Areas of Poor and Inadequate Local Shopping Provision:

This policy follows on from policy S19 of the 1998 Local Plan. However it does put the onus on demonstrating that in any given area the provision of retailing is low and there is proven need. Although at present it could be argued that there is a shortage of such units serving the Blackness area any assessment would have to take account of the consent granted in 2000 and the units which are under construction. The applicants have undertaken no such assessment and no justification has been put forward supporting the proposal in light of current developments. It is considered that the current proposal does not satisfactorily demonstrate need and therefore is contrary to the policy. In addition to this the policy indicates a ceiling of 250m² for such units and as has been shown the proposed unit is significantly in excess of this figure.

Policy 45 - Location of New Retail Development:

Similar considerations are given to this policy as policy S20 above.

The Larch Street and Brook Street Site Planning Brief:

The Council approved this planning brief in 1998. Although the site is not

included in the area covered by it, the brief incorporates two retail units of up to 250m² each. It further indicates that these units are only permissible under local plan policy if developed at the extremities of the site. As this is currently the case the terms of the brief have been adhered to and adequate provision for "local" retail units is being achieved. Although the proposal would not be contrary to the terms of the brief it does demonstrate that it would represent an over provision of such units in this area.

The Points Raised by the objectors:

The council supports the point raised by the objector that the proposal is contrary to existing and proposed local plan policy. An assessment as to how the proposal does not conform to policy has been provided above.

It is concluded from the foregoing that the material considerations weigh against the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

At present the building does not make a positive contribution to the streetscape, being of a brick wall and flat roof appearance. The majority of changes are internal ensuring no significant improvements to the building will take place. The continued use of external metal shutters on the front elevation (southern) detracts further from the building's appearance.

CONCLUSION

It is concluded that the proposal is contrary to the terms of Policy S19 of the Dundee Local Plan 1998 in so far as the gross floorspace of the unit is in excess of 250m² and the unit is proposed in an area where provision for local shops has/is being met. It is also contrary to Policy S20, as it does not fulfil all the associated criteria. The proposal is not supported under the terms of NPPG 8, the Dundee Local Plan review 2003 and the terms of the council approved planning brief for the surrounding area. In this respect there are no material reasons to overturn policy in this case and therefore refusal of the application is recommended.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reasons

- 1 The proposal is contrary to policy S19 of the Dundee Local Plan 1998 as it represents the development of a local retail unit with a gross floorspace in excess of 250m², in an area where the provision of such units is not low, as alternatives in the immediate vicinity have been secured.
- 2 That the proposal is contrary to policy S20 of the Dundee Local Plan 1998 as it does not provide for significant improvements in the distribution of local shopping provision, there are alternative suitable sites available in the local area, it does not represent the reuse of vacant or derelict land and it is not as well located in relation to public transport as alternative retail sites provided.
- 3 The proposal is contrary to policy 43 and 45 of the Finalised Local Plan Review 2003 as the development is in excess of 250m² gross floorspace and no justification has been put forward by the applicants demonstrating a need for such a use in relation to an assessment of local provision. In addition the proposal does not address a local shopping deficiency, there are other suitable retail sites available in the local area and it is not as readily available by public transport as other units already provided.