

KEY INFORMATION

Ward Barnhill

Proposal

Demolition of existing sales building and erection of new sales building with additional car parking spaces

Address

14A Dalhousie Road
Broughty Ferry
DUNDEE DD5 2SQ

Applicant

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Agent

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Registered 27 Sept 2004

Case Officer G S Reid



The Demolition of an existing sales building and the erection of a new sales building with additional car parking spaces is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be contrary to the policies of the development plan.

The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a new sales building, additional car parking and replacement underground tanks at Brochtay Service Station, 14A Dalhousie Road, Broughty Ferry, and Dundee. The new sales building is to accommodate a Tesco Express Store and the Filling Station is to still be operated by Esso.
- The applicants submitted a previous planning application (04/00158/FUL) for this proposal in March 2004 which was subsequently refused by the Development Quality Committee on 25 May 2004. The current proposals have reduced the floor area of the proposed shop unit.
- The amended proposal still raises issues for consideration in terms of the Retailing and Natural Environment Policies of the Dundee Local Plan 1998, the Policies of the Urban Nature Conservation Subject Local Plan 1995 and Policy 44 of the Finalised Dundee Local Plan Review.
- Letters of objection were received from residents in the surrounding area raising concerns with regards to the impact on existing shopping provision, the increase in traffic and pedestrian safety concerns and the lack of on-site car parking.
- It is considered that the amended development is not in accordance with the Retailing Policies of the Dundee Local Plan 1998 and Policy 44 of the Finalised Dundee Local Plan Review. In addition, it is considered that the concerns raised by objectors add weight to the recommendation that the application should be refused.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a new sales building and shop with additional car parking spaces at Brochtay Service Station, 14A Dalhousie Road, Broughty Ferry, Dundee.

The applicant intends to demolish the existing sales building and ancillary buildings to the rear and replace them with a new sales building. The existing sales building has a floor area of approximately 91 sq. metres. The proposed replacement sales/shop building is to have a floor area of approximately 250 sq. metres.

The new sales/shop is to be operated by Tesco stores as a Tesco Express and the petrol filling station is to be operated by Esso.

Other proposed alterations include additional parking spaces to the east and west, the relocation of the air and water point and the reduction of the canopy over the pumps. The existing underground tanks are also to be replaced. The existing car wash is to remain unchanged and the access and egress from Dalhousie Road is also to remain the same.

The applicants have submitted a planning policy statement in support of their proposal. A copy of the statement is available in the Members Lounges.

The applicants submitted a previous planning application (04/00158/FUL) for this proposal in March 2004, which, was subsequently refused by the Development Quality Committee on 25 May 2004.

SITE DESCRIPTION

The application site is located on the south side of Dalhousie Road and is opposite the junction with the Abercromby Street. The site extends to approximately 0.28 hectares and is occupied by an Esso Petrol filling Station. There is a sales building to the centre of the site and a car wash to the east. There are two vacant buildings to the rear which were former workshops. There is a separate access and egress to the site both from Dalhousie Road. The surrounding uses are primarily residential. There is also a church to the north east and the former railway line to the south east.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

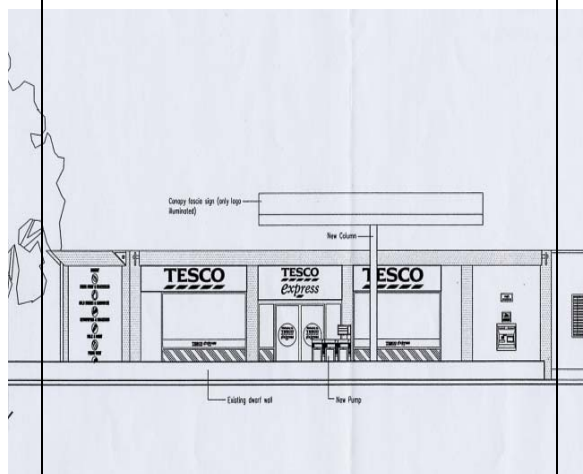
There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

Retailing Policy S19: In areas where provision is low, new corner shops up to a gross floorspace of 250 sq. metres will be acceptable in suitable locations which are not within easy walking distance of a district or local centre.

Retailing Policy S23 Petrol Filling Station Shops. Proposals for sales kiosks in petrol filling stations of greater than 100sq. metres gross floorspace (Payment area, display area



and storage area) will require:

- a to satisfy the aspects of Policy 19 which relate to new corner shops, and;
- b to provide dedicated customer car parking to Council Standards and clearly marked pedestrian routes to the kiosk.

The sale of food or drink for consumption on the premises or of hot food for consumption off the premises will not be considered as ancillary to use as a petrol filling station. All retailing from the site will be required to cease when use as a petrol filling station ceases.

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.

The Natural Environment Policy ENV 8 Wildlife Sites: advises that any development likely to damage the wildlife sites identified on the proposals map will not normally be permitted.

Dundee Urban Nature Conservation Subject Local Plan 1995

The following policies are of relevance:

Site Protection Policy SP1: where development proposals are likely to destroy or adversely affect sites of importance for nature conservation the category of the site will determine the outcome of the application.

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 44 Petrol Filling Station Shops. This policy advises that proposals for the establishment within petrol filling stations of sales areas in excess of 100sq. metres gross will be considered in relation to:

- a their impact on the viability and distribution of existing local shopping provision; and
- b their acceptability on road safety grounds.

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 does not achieve the aims of this Key Theme.

SITE HISTORY

The applicants submitted a previous planning application 04/00158/FUL for this proposal in March 2004 which, was subsequently refused by the Development Quality Committee on 25 May 2004.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 11 October 2004 as a potential departure to the development plan.

Three letters of objection were received to the application raising issues of concern with regards to the proposed development. The main issues raised were that:

- 1 there is already adequate provision of shopping facilities in the area.

- 2 That the proposal would result in an increase in movements into and out of the petrol filling station and will increase traffic and pedestrian safety issues at the junction of Abercromby Street and Dalhousie Road.
- 3 There is no provision for pedestrian access into the new sales building.
- 4 Inadequate provision of car parking spaces within the site to serve the development.

Copies of the letters of objection are 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 a ground investigation survey should be carried out during the removal of the underground tanks and lines to demonstrate that there has been no contamination of the site during the period of the operation of the petrol filling station.

In addition, he advised that deliveries to the site should be restricted to between 0700 to 2200 Monday to Saturday and to between 0900 to 2000 on Sundays. Finally, he advised that a condition should be attached to limit the total noise from all mechanical and electrical equipment to NR35 at 1 metre from the nearest residential property.

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.

The applicants submitted a previous planning application (04/00158/FUL) for this proposal in March 2004, which, was subsequently refused by the Development Quality Committee on 25 May 2004. The only change is that the current proposals have reduced the floor area of the proposed shop unit.

The applicants have submitted a planning policy statement in support of their proposal. They highlight that the store size has been reduced from 295 sq metres to 250 sq. metres and that it is not a new store but an extension to an existing shop. They highlight that this is only an increase 159 sq. metres. In terms of turnover they estimate that the new store would have a turnover of approximately £1.8 million per annum compared to the current level of £0.4 million. They conclude that the proposed store is therefore acceptable in terms of the Retailing Policies of the development plan.

The statement also highlights the improvements to the petrol filling station operation and environment and the resultant benefits for customers. The improvements to the petrol filling station facilities are welcomed and do not raise any significant issues of concern in terms of the policies of the development plan.

The main issue for consideration in this amended application is still the introduction of a new enlarged sales building of 250 sq. metres to be operated by Tesco as an Express store.

The introduction of a Tesco Express store even though it has been reduced in size raises issues for consideration in terms of the Retailing Policies of the Local Plan. Retailing Policy 23 Petrol Filling Station Shops sets out the criteria for the consideration of such developments. Criteria (a) requires proposals to satisfy the aspect of Retailing Policy S19 which relate to new corner shops. Policy S19 advises that in areas where provision is low, new corner shops up to a gross floorspace of 250 sq. metres will be acceptable in suitable locations which are not within easy walking distance of a district or local centre.

The proposed Tesco Express store is to be 250 sq. metres in gross floor area. Given the existing sales kiosk is 91 sq. metres the proposal would result in a

shop of nearly three times the floor area. More importantly it is considered that the area in question is not one where the provision of shopping facilities is low. For example to the west is Broughty Ferry District Shopping Centre, to the east is Monifieth District Shopping Centre and to the north west is Campfield Square Shopping Centre. In addition, there is already a small convenience store to the east. The proposal for a Tesco Express store is considered not to be in accordance with Policy S19 and therefore criteria (a) of Policy S23 of the Local Plan.

Policy S20 Out of Centre Shopping sets out the criteria for the consideration of new out of centre floorspace. As the proposals is considered not to be acceptable in terms of Policy S19 it is also considered against Policy S20. In terms of Criteria (A) it is considered that given the location of the existing provision of retailing in this area of the City the proposal would not provide for a significant improvement in the distribution and accessibility of shopping provision. In terms of Criteria (B) the applicants have provided no evidence to demonstrate that there is no alternative site available in or adjacent to existing centres. In terms of Criteria (C) it is considered that while the proposals are unlikely to prejudice the vitality and viability of Monifieth or Broughty Ferry District Centres it could have a detrimental affect on the shopping provision at Campfield Square. Campfield Square is an important local centre with a range of retailers serving the immediate catchment area including Dalhousie Road. The applicants have indicated in their supporting statement that the turnover of the shop would increase from £0.4 million to £1.8 million. This would result in £1.4 million being diverted from existing shops in the surrounding areas. It is considered that this could have a significant affect on the vitality and viability of retailers in Campfield Square and other existing local shops. The proposal does not raise any issues with regards to the other criteria of Policy S20. The proposal is considered to be contrary to Retailing Policy S20 of the Dundee Local Plan 1998.

Immediately to the south of the site is a category "B" wildlife site. Natural Environment Policy ENV8 Wildlife

Sites advises that any development likely to damage the wildlife sites identified on the proposals map will not normally be permitted. In addition, Site Protection Policy SP1 of the Dundee Urban Nature Conservation Subject Local Plan 1995 advises that where development proposals are likely to destroy or adversely affect sites of importance for nature conservation the category of the site will determine the outcome of the application.

The proposals do not extend into the wildlife site and do not bring the built up part of the site any closer to the wildlife site. The proposal should therefore have no detrimental impact on the wildlife site.

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:

Policy 44 Petrol Filling Station Shops is relevant and advises that proposals for the establishment within petrol filling stations of sales areas in excess of 100sq. metres gross will be considered in relation to (a) their impact on the viability and distribution of existing local shopping provision; and (b) their acceptability on road safety grounds. As indicated above it is considered that the proposals could detrimentally affect the existing shopping provision at Campfield Square. In addition, it is considered that the proposals do not improve the distribution or accessibility to shopping provision. The proposals are considered to be acceptable in terms of road safety grounds. The proposal is considered to be contrary to Policy 44 of the Finalised Dundee Local Plan Review.

Objections were received to the proposed development from surrounding residents. The concerns raised are addressed as follows:

- 1 "There is already adequate provision of shopping facilities in the area." As outlined above it is considered that the proposals would not result in a significant improvement in the distribution and accessibility of shopping provision.
- 2 "That the proposal would result in an increase in movements into

and out of the petrol filling station and will increase traffic and pedestrian safety issues at the junction of Abercromby Street and Dalhousie Road". The proposed development is considered to be satisfactory in terms of traffic and pedestrian safety.

- 3 "There is no provision for pedestrian access into the new sales building". If the application were to be approved this matter would have to be addressed to ensure that adequate provision is accommodated.
- 4 "Inadequate provision of car parking spaces within the site to serve the development". It is considered that the number of spaces provided is appropriate for the scale of the development.

It is concluded from the foregoing that there are no material considerations such as to justify a departure to the policies of the development plan and it is therefore recommended that planning permission be refused.

Design

The new sales building is of the standard Tesco Express design incorporating Tesco company colours and logos. The design of the building could be improved and would require more detailed attention if the application were to be supported.

CONCLUSION

The proposed development is considered to be contrary to the Retailing Policies of the Dundee Local Plan 1998 and Policy 44 of the Finalised Dundee Local Plan Review. The concerns raised by objectors add weight to the recommendation that the application should be refused.

RECOMMENDATION

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

Reasons

- 1 The proposed development is considered to be contrary to Retailing Policy S23 of the Dundee Local Plan 1998 as it fails to meet criteria (A) given that the existing level of provision of shopping facilities in

the area is not low. There are no material considerations that would justify a departure to the policies of the development plan in this instance.

- 2 The proposed development is considered to be contrary to Retailing Policy S20 of the Dundee Local Plan 1998 as it fails to meet all of the criteria of the policy and in particular Criteria (1) as it would not result in a significant improvement in the distribution and accessibility of shopping provision (2) as it has not been demonstrated that there are no alternative sites within or adjacent to existing centres and, Criteria (3) as it would prejudice the vitality and viability of existing shopping provision. There are no material considerations that would justify departing from the policies of the development plan in this instance.
- 3 The proposed development is considered to be contrary to Policy 44 of the Finalised Dundee Local Plan Review as it would have a detrimental impact on the viability and distribution of existing local shopping provision.