

KEY INFORMATION

Ward Lochee West

Proposal

Demolition of existing buildings and erection of 1,286m² (Sales Area) foodstore, ancillary accommodation storage and associated car park

Address

71 South Road
Dundee
DD2 3EG

Applicant

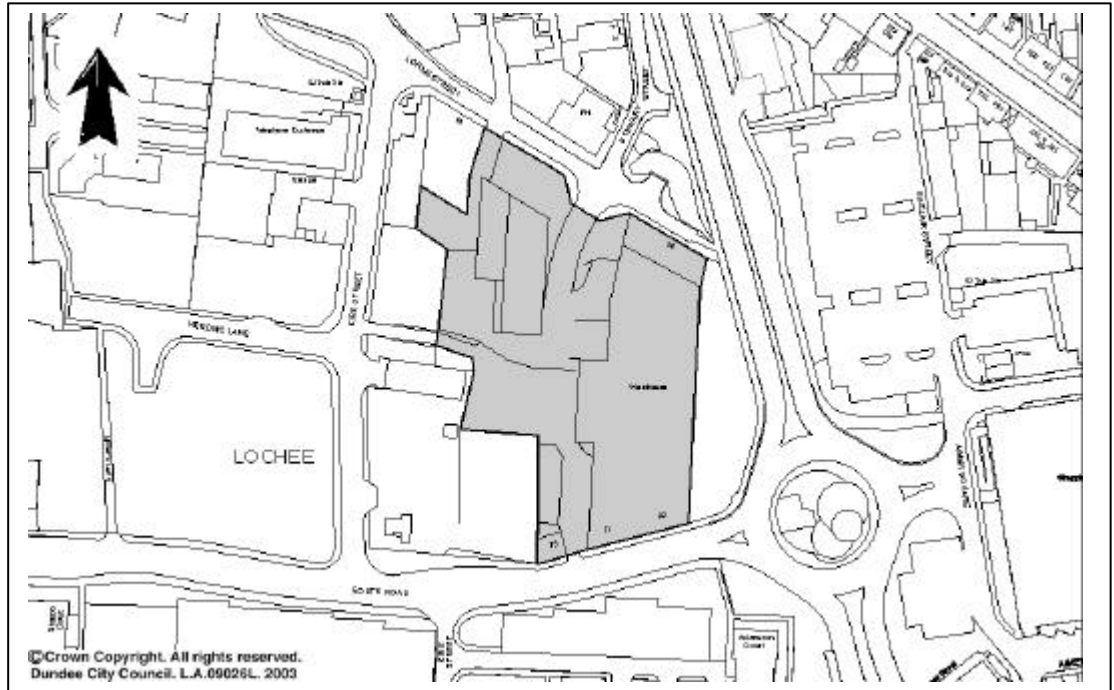
Lidl UK GmbH
Tailend Farm
Deans Road
Livingston EH54 8SE

Agent

Hendry & Legge Architects
8 Albert Place
Aberdeen AB25 1RG

Registered 15 Mar 2005

Case Officer Gordon Reid



Proposed New Lidl Store in South Road

The demolition of existing buildings and erection of foodstore is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

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

The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a class 1 foodstore, car parking, landscaping, means of access, servicing and additional works at 71 South Road, Dundee.
- The proposal raises issues for consideration in terms of the Retailing Policies of the Dundee & Angus Structure Plan 2001-2016 and Policy 26, Policy 38 and Policy 45 of the Dundee Local Plan Review 2005.
- Objections were received from a member of the public, the owners of the Highgate Centre in Lochee and the Dundee Civic Trust. The main concerns were that the proposal would have an adverse affect on the vitality and viability of Lochee District Shopping Centre. A single letter of support was received from the owners of the site.
- It is considered that the proposed foodstore is not in accordance with the Retailing Policies of the Dundee & Angus Structure Plan 2001-2016 and Policy 26, Policy 38 and Policy 45 of the Dundee Local Plan Review 2005. There are no material considerations that would justify a departure from the policies of the development plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a class 1 foodstore, car parking, landscaping, means of access, servicing and additional works at 71 South Road, Dundee.

The proposal includes a foodstore of 1,286 sq. metres gross sales area and 117 customer car parking spaces. The applicant is Lidl who will also be the operator of the proposed store.

Access for both customers and service vehicles is to be taken from South Road.

The applicant's submitted a Planning Policy and Retail Impact Statement, a Transport Statement and a Green Travel Plan in support of their application. The Policy statement argues that the proposal is acceptable in terms of the retailing policies of the development plan and would have no significant adverse impact on the existing shopping provision in the area. The Transport Assessment concludes that the proposal can be accommodated within the existing road network without any detriment.

The applicant's also submitted a supporting letter setting out the response to a public information event carried out on the 1 April 2005 at the application site (Parrot Pine Premises). Attached to the letter was a copy of a Visitors Book which recorded comments from people attending the event. The book contained 267 entries most of which made favourable comments. A copy of this is available in the Members Lounges.

SITE DESCRIPTION

The application site is located to the north side of South Road and to the west of the Lochee By-pass. There are various commercial buildings within the site which were occupied by Parrot Pine. To the east of the site is Lochee By-pass and Lochee District Centre beyond, to the south by South Road with residential properties beyond and to the north and west by other commercial uses.

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.

Town Centres and Retailing Policy 2: District Centres.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 26: General Economic Development Areas.

Policy 38: District Centres

Policy 45: Location of New Retail Developments.



Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 8 (Revised 1998): Town Centres and Retailing.

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 to the consideration of this application. This theme 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. Given the location of the proposed

development it is considered that it does not fulfil the aims of this Key Theme.

SITE HISTORY

Pre-application discussions with the applicants were carried regarding a proposed foodstore on this site. They were advised that the proposal was contrary to the proposals of the development plan and therefore unlikely to be supported.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 4 April 2005 as a potential departure to the development plan. Objections to the proposal were received from an individual member of the public, Dundee Civic Trust and County Properties (Northern) Ltd (Owners of the Highgate Centre). The main grounds of objection were:

- 1 That the proposed development would draw trade from Lochee District Shopping Centre and have a detrimental affect on it's vitality and viability.
- 2 That the proposed development is contrary to NPPG8, The Dundee and Angus Structure Plan, the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review.
- 3 That the proposal should occupy the vacant foodstore unit in Lochee District Centre.
- 4 That the proposal would fail to meet the requirements of the sequential test.

A letter of support was received from the owners of the site endorsing the benefits to local residents of the proposals by Lidl.

Copies of the letters of objection and support are available in the Members Lounges and the concerns raised are addressed in the "Observations" section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that he had no objection to the proposal subject to conditions covering control of delivery times, noise levels from plant and machinery and the addressing of potential contamination within the site.

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 applicant's submitted a Planning Policy and Retail Impact Statement in support of their application. The Policy statement argues that the proposal is acceptable in terms of the retailing policies of the development plan and would have no significant adverse impact on the existing shopping provision in the area.

The following assesses the proposal against the provisions of the development plan and takes into account the applicant's supporting planning policy and retail impact statement.

The proposal is for a Class 1 foodstore in an out of centre location and as such raises issues for consideration in terms of Town Centres and Retailing Policy 4 Out of Centre Retailing of the Structure Plan 2001-2016 and Policy 45 of the Dundee Local Plan Review 2005. Both these policies set out criteria for the consideration of new out of centre retail developments. The criteria reflect the guidance set out in paragraph 45 of NPPG8.

TC&RP 4 sets out 5 criteria for the assessment of developments in excess of 1000 sq. metres gross floor area.

The first of these is that no suitable site is available, in the first instance, within and thereafter on the edge of city, town or district centre. The application site is in an out of centre location. The nearest district centre is at Lochee. Within the district centre at Lochee there is a vacant Class 1 retail unit of 3,408 sq. metres. This was formerly occupied by a Somerfield Foodstore. This property is available and has permission for food retailing. The applicant has however ruled out alternative sites including the vacant store in Lochee District Centre on the grounds that given the format and operational requirements of store they are proposing it could not be accommodated. It is considered that there is an available unit within the existing District Centre and that the applicants have failed to demonstrate why this unit is not suitable.

The second criteria is that individually or cumulatively it would not prejudice the vitality and viability of existing city, town or district centres. Lochee is the nearest district centre to the application site. The proposed store would draw trade from Lochee District Centre to an out of centre store. The applicant's have submitted a retail assessment in support of their proposal. The assessment highlights that there would be no significant increase in available convenience expenditure up to 2008. As such all trade to the new store would be drawn from existing centres. The applicant's assessment states that no centre would suffer a significant impact from the proposal. It is considered however that the level of trade diversion would have a detrimental affect on the viability and vitality of Lochee District Centre and undermine the opportunity for the re-occupation of the existing food retail unit in the centre.

The third criteria for consideration is, that the proposal would address a deficiency in shopping provision, which cannot be met within or on the edge of the above centres. Lochee District Centre has a Tesco Superstore within it at the Stack Leisure Park. Therefore the centre is well served by modern foodstore provision. With the closure of the Somerfield store in Lochee there has however been a reduction in choice for residents in the surrounding area. It is considered that

there is no deficiency in terms of floorspace for major food retailing (in excess of 1000 sq. metres) in the Lochee area. In addition, there is scope to increase choice for food retailing given the availability of the vacant retail unit at the Highgate Centre which is within the district centre.

The fourth criteria is that the site is readily accessible by modes of transport other than the car. The site given its location would be accessible by both foot and the car. However, it would not have as good access by various means of transport as the vacant unit in the district centre.

The fifth criteria is that the proposal is consistent with other Structure Plan Policies. The proposal raises issues of concern in terms of Town Centres and Retailing Policy 2 as outlined below and therefore fails to meet this criteria.

In conclusion it is considered that the proposal does not meet the criteria of Town Centres & Retailing Policy 4 of the Structure Plan.

Town Centres and Retailing Policy 2: District Centres seeks to support Dundee's district centres as a focus for new retail development and to promote traffic and environmental measures to enhance their vitality and viability. It is considered that to allow for a new foodstore in an out of centre location where an existing food unit is vacant would undermine the centres role as a focus for new retail development. The proposal is considered to be contrary to TC&RP 2

Dundee Local Plan Review 2005

The application site is located within an area covered by Policy 26 General Economic Development Areas. This policy seeks to support proposals for Class 4, 5 and 6 developments. It clearly states that Class 1 retail uses will not be permitted unless in accordance with other policies in the local plan. The proposal is for a Class 1 foodstore and as such is clearly outwith the range of acceptable uses within general economic development areas. It is considered that the proposal is contrary to Policy 24.

Policy 38: District Centres seeks to encourage new retail and other shopping developments which would contribute to the vitality and viability of the district centres. As outlined above it is considered that to approve

the current out of centre proposal would undermine the opportunity of attracting another foodstore to the vacant unit in the district centre. The store would also draw trade out of the centre to the detriment of its vitality and viability. As such it is considered that the proposal is not in accordance with Policy 38.

Policy 45 Location of New Retail Developments sets out criteria for the consideration of new out of centre retail developments. The criteria reflect those of TC&RP 4 of the Structure Plan. For the reasons outlined above it is considered that the proposal is not in accordance with Policy 45.

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:

Objections to the proposal were received from a individual member of the public, Dundee Civic Trust and County Properties (Northern) Ltd (Owners of the Highgate Centre).

- 1 "That the proposed development would have a detrimental affect on the vitality and viability of Lochee District Shopping Centre." As outlined above it is considered that the proposal would have a detrimental affect on the vitality and viability of Lochee District Shopping Centre.
- 2 "That the proposed development is contrary to NPPG8, The Dundee and Angus Structure Plan, the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review." It is considered that the proposal is contrary to these for the reasons outlined above.
- 3 "The proposal should occupy the vacant foodstore unit in Lochee District Centre." It is considered that the vacant foodstore premises do provide an opportunity for a foodstore to locate within the district centre.
- 4 " The proposal would fail to meet the requirements of the sequential test." It is considered that the proposal does not meet the requirements of the sequential

test for the reasons outlined above.

The applicants submitted a Transport Assessment in support of their proposal. The Transport Assessment concludes that the proposal can be accommodated within the existing road network without any detriment. It is considered that subject to conditions covering improvements to sight lines from the existing junction on South Road the proposal could be accommodated within the existing road network.

The applicant's also submitted a supporting letter setting out the response to a public information event carried out on the 1 April 2005 at the application site (Parrot Pine Premises). Attached to the letter was a copy of a Visitors Book which recorded comments from people attending the event. The book contained 267 entries most of which made favourable comments regarding the proposal. Whilst this is noted only a single letter of support was received to the application. This was from the current owners of the site. The comments in the visitors book highlight that there would be support for a Lidl foodstore in the area. This does not however overcome the policy concerns regarding the location of the proposed development.

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

Design

The design of the building is not of an acceptable quality and would not be supported.

CONCLUSION

It is considered that the proposed foodstore is not in accordance with the Retailing Policies of the Dundee & Angus Structure Plan 2001-2016 and Policy 26, Policy 38 and Policy 45 of the Dundee Local Plan Review 2005. There are no material considerations that would justify a departure from the policies of the development plan.

RECOMMENDATION

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

Reasons

- 1 The proposal is contrary to Town Centres and Retailing Policy 4 (Out of Centre Retailing) of the Dundee & Angus Structure Plan 2001-2016 as it fails to meet any of the criteria of the policy. There are no material considerations that would justify departing from the policies of the development plan in this instance.
- 2 The proposal is contrary to Town Centres and Retailing Policy 2 (District Centres) of the Dundee & Angus Structure Plan 2001-2016 as it would fail to support the vitality and viability of Lochee District Centre. There are no material considerations that would justify departing from the policies of the development plan in this instance.
- 3 The proposal is contrary to Policy 26 (General Economic Development Areas) of the Dundee Local Plan Review 2005 as it would result in the establishment of a non-conforming retail use within an existing general economic development area. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.
- 4 The proposal is contrary to Policy 45 (Location of New Retail Developments) of the Dundee Local Plan Review 2005 as it fails to meet the criteria of the policy. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.
- 5 The proposal is contrary to Policy 38 (District Centres) of the Dundee Local Plan Review 2005 as it would have a detrimental affect on the vitality and viability of Lochee District Centre. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.

- 6 The proposal is contrary to the guidance of National Planning Policy Guideline 8 (Revised 1998) Town Centres and Retailing as it fails to meet all of the criteria contained in paragraph 45.
- 7 The applicant's have failed to demonstrate that the proposed development could be satisfactorily accessed from South Road.