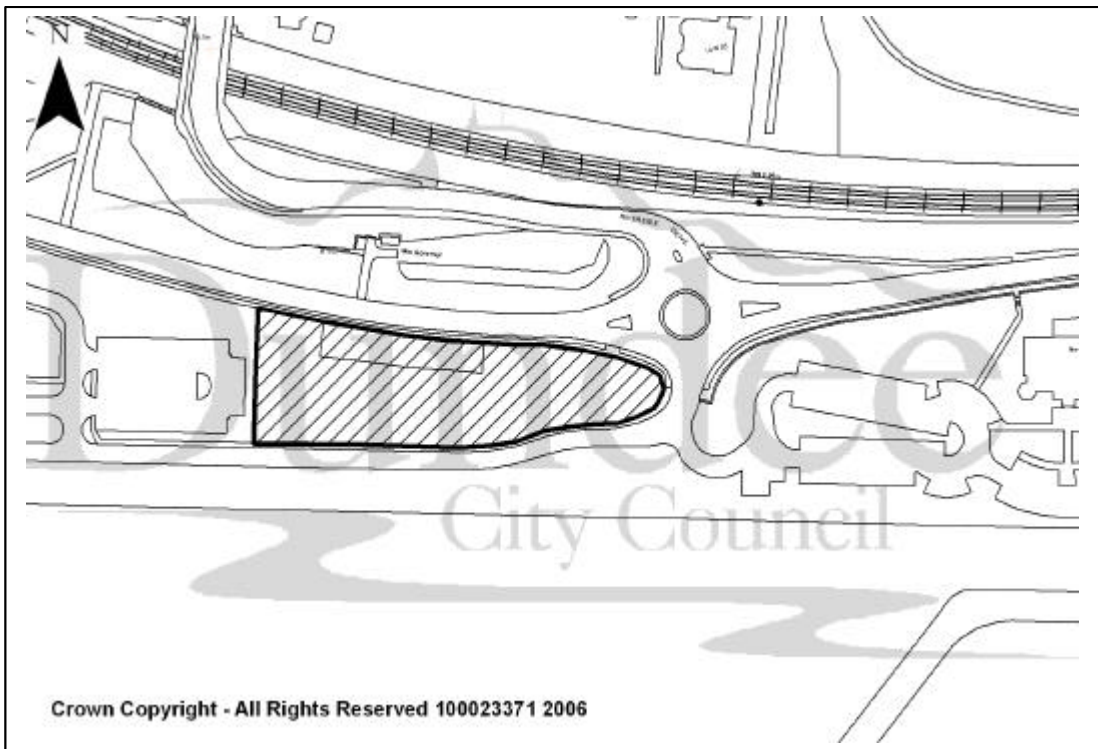


KEY INFORMATION**Ward** Riverside**Proposal**

Erection of 60 bed hotel with restaurant and formation of car park

AddressLand South of Riverside Avenue
Riverside Avenue
Dundee**Applicant**Hanna and Strachan Ltd
69 St Vincent Street
Glasgow
G2 5TF**Agent**AIM Architecture Interiors
Media
Castle Chambers
26 Castle Street
Dundee DD1 3AF**Registered** 23 Nov 2006**Case Officer** D Gordon

Proposed New Hotel at Riverside

The erection of a hotel with restaurant and formation of car park is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation.

RECOMMENDATION

The proposal to provide a hotel and restaurant on a site located on the south side of Riverside Avenue is considered to be contrary to the relevant development plan policies for such a use in this location. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to erect a hotel and restaurant on a site located on the south side of Riverside Avenue. The facility will provide 60 bedrooms, a rooftop restaurant and associated off street car parking and landscaping.
- The proposal raises a number of development plan issues relating to the provision of such facilities outwith the city centre. The application was advertised in the local press as being contrary to Policy 24 (Principle Economic Development Areas) of the Dundee Local Plan Review 2005.
- Two letters in support of the application have been received. The applicants have submitted Design and Policy Statements in support of the application.
- It is considered that the proposed development fails to comply with a number of Structure and Local Plan policies that relate to the provision of such facilities within the city. The applicants have failed to submit sufficient justification for the Council to set aside the relevant policies and approve a new hotel and restaurant in the location proposed.

DESCRIPTION OF PROPOSAL

The application seeks permission to erect a 60 bedroom hotel with restaurant and the formation of associated off-street car parking and landscaping.

The proposal comprises of two main elements:

- 1 The Hotel Tower. This is located at the east end of the site. This feature will be 4 storeys in height and will accommodate at ground floor level the main entrance into the facility and hotel foyer, associated kitchen and toilets facilities and various associated ancillary uses. At first floor level it is proposed to provide conference facilities and bedrooms. Second floor provides further bedrooms, meeting room and toilet facilities. The top floor is entirely occupied by a rooftop restaurant offering 270 degree panoramic views across the River to the south.
- 2 The accommodation wing to the west side of the above hotel tower is elevated above the existing ground level of the site by a single storey. This allows for car parking to be located beneath the structure. This element of the building sweeps westwards from the tower and provides a strong horizontal building form that is enhanced by the provision of angled windows. The design of this accommodation wing is based on the spitfire aircraft that has a fluted exhaust which is repetitive along the nose of the plane.

The building will be finished in horizontal timber cladding and white rainscreen cladding (walls) and single ply membrane and zinc standing seam roofs.

Access into the site is to be taken from the existing access road located on the south side of the site. Associated off street car parking, in addition to the spaces to be provided below the accommodation wing, is to be located on the north side of the site with a total of 92 spaces being proposed. Associated landscaping is proposed for the north and east sides of the site.

SITE DESCRIPTION

The site under consideration is located on the south side of Riverside Avenue, to the west of The Marmalade Pot Restaurant and to the east of existing office buildings (Scottish Water). Further to the north lies Riverside Drive, the main east coast railway and residential properties located within the grounds of "Vernonholme". The south section of the site is delineated by an access road leading to the west and by airport land.



The site orientates in an east to west direction, is low lying and has been formed from made-up material with varying depths of top soil. The north side accommodates banking that is landscaped with trees/shrubs and which partially screens the site from Riverside Avenue to the north. Due to its location, the site offers clear views over the Tay Estuary to the south.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Employment Policy 1: Employment Land Supply.

Employment Policy 5: Leisure and Tourism. This policy seeks to support proposals that contribute to the sensitive development of the range and quality of tourism and visitor attractions, including inter alia, three or four star hotels with conference facilities in Dundee city centre.

Town Centres and Retailing Policy 3: Dundee Central Area. This policy reinforces Dundee Central Area's role as one of Scotland's key centres providing a focus for retailing and

related activity by, amongst other things, directing to the central area complementary leisure and commercial uses capable of contributing to its vitality and viability.

Town Centres and Retailing Policy 5: Leisure and Commercial Uses. A sequential approach will be applied in relation to site selection for leisure and commercial uses capable of contributing to the vitality and viability of city and district centres. New free standing out of centre proposals involving these uses will only be accepted where it can be established that:

- no suitable site is available, in the first instance, within and thereafter on the edge of the city centre
- the site is readily accessible by modes of transport other than car and
- the proposal is consistent with other Structure Plan policies.

Environmental Resources Policy 4: Flooding and Development.

Land will only be permitted for development purposes within areas at risk from flooding where it can be demonstrated that there are no suitable alternatives, the intended development can be protected in an environmentally sensitive way without giving rise to problems elsewhere and without comprising other policies in the Plan.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 21: Economic Development Land Supply

In accordance with the Dundee and Angus Structure Plan, the Council will maintain a supply of at least 110 hectares serviceable, effective and marketable land for economic development. The supply is to be safeguarded for uses within Classes 4 "Business", 5 "General Industry" and 6 "Storage and Distribution".

Policy 24: Principal Economic Development Areas

Principal Economic Development Areas are of City-wide significance and as such will be safeguarded for industrial and business use. Uses outwith Classes 4 "Business", 5 "General Industry" and 6 "Storage and

Distribution” will be resisted. Exceptions where defined in Policy 27 (Ancillary Services within Economic Development Areas), will only be considered favourably where it can be demonstrated that the development will enhance the attractiveness of the area for further industrial and business investment.

27: Ancillary Services Within Economic Development Area. Within Economic Development Areas, appropriate ancillary services which can be demonstrated to meet the needs of employees and complement existing businesses will be supported where they satisfy the following criteria:

- a access and parking arrangements must be suitable for both pedestrians and vehicles;
- b where necessary appropriate attention should be given to landscaping and boundary treatment;
- c depending on the nature of the operation, noise impact and air quality studies may be required on submission of an application; and
- d the use is in accordance with other Plan policies.

Policy 30: Visitor Accommodation. The Council will support the provision of a range of high quality visitor accommodation and conference facilities in and close to the City Centre, where they are consistent with the Central Waterfront Masterplan. Additional visitor accommodation will be encouraged within central Broughty Ferry to improve the attractiveness of this location for tourism.

There will be a presumption against additional out of centre hotel accommodation on or close to major routes through the City.

Policy 46: Commercial Developments. Proposals for new freestanding out of centre commercial developments involving uses other than leisure and retail and geared to visiting members of the public will only be accepted where it can be established that:

- a no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres; and
- b the site is readily accessible by modes of transport other than the car; and

- c the proposal is consistent with other Local Plan policies.

Policy 55: Urban Design. For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

Policy 56: Public Art. The City Council will continue to support Public Art through the adopted Public Art Strategy and the Percent for Public Art Policy by:

- a implementing the “Percent for Public Art” policy where all new development in Dundee with construction costs of £1,000,000 or over will be required to allocate at least 1% of the construction costs for the inclusion of an art project/s in a publicly accessible/visible place or places within their development. The implementation of the policy will be delivered through the development control process by the imposition of appropriate conditions on planning permission and the conclusion of legal agreements; and
- b involving the Dundee Public Art Programme at every opportunity in future environmental improvements and building developments; and
- c encouraging and developing the role of the artist within private sector developments; and
- d promoting the development of the community arts in residential areas; and
- e identifying sites through Development Briefs where public art would make a contribution to

the streetscape, City image or local environment.

Policy 57: Visual Impact On Major Routes. The City Council in association with other agencies will seek to further the implementation of the major routes concept, subject to finance being available, where the objectives will be to:

- a improve the image of Dundee; and
- b create a memorable image on arrival to Dundee that will have an imposing presence both day and night; and
- c improve the quality of the environment. In relation to visual amenity, highly visible primary frontages, and certainly those within 25 metres of the kerb line (depending on local circumstances) will be required to abide by the guidelines within the Ambassador Route Design Guide.

Policy 76: Flood Risk. There will be a general presumption against development in high risk areas as identified by the Council in conjunction with the Dundee Flood Appraisal Group based on a 0.5% or greater annual probability of flooding (equivalent to a 1 in 200 year flood or greater). This includes essential civil infrastructure and proposals affecting previously undeveloped land. High risk areas within the existing built up area may only be considered suitable for commercial, industrial and housing proposals that satisfy the Insurance Template where applicants can demonstrate to the satisfaction of the Council that:

- a Sufficient flood defences already exist, are under construction or are planned as part of the development strategy of the Dundee and Angus Structure Plan 2002.
- b Those flood defences will be maintained for the lifetime of the development and will not increase the probability of flooding elsewhere; and
- c The proposals are consistent with other policies in the Plan.

There will be a general presumption in favour of development in low to medium risk areas with a 1 in 1000 to 1 in 200 year annual probability of

flooding, other than for essential civil infrastructure projects. Proposals must incorporate mitigation measures without giving rise to flooding or related problems elsewhere and without compromising policies elsewhere in the Plan. This includes housing proposals that do not satisfy the Insurance Template. However, the provision of flood prevention or protection structures will not normally be supported.

A Flood Impact Assessment will require to be submitted to accompany all development proposals in high and medium to low risk areas.

Development in little or no risk areas where the annual probability of flooding is less than 1 in 1000 will be generally supported.

Policy 79: Contaminated Land. When considering development proposals involving sites where the presence of contamination is suspected, the City Council will require applicants to :

- a submit the results of site investigations which assess the nature and extent of any contamination which may be present; and
- b where contamination is found to be present, notify the authority of the remediation measures proposed to render the site fit for its intended use including all receptors.

Appropriate conditions and/or legal agreements may be applied to ensure that such measures are implemented to the satisfaction of the Council.

Alternatives to the uses permitted by the Local Plan may be supported on contaminated sites in instances where evidence can be presented to establish that the severity of contamination is such that the site cannot be economically developed for its allocated use. In such instances the City Council will require to be satisfied that:

- clear evidence has been provided to establish the nature and extent of the contamination present;
- an economic appraisal has been provided which demonstrates that development based on the Local Plan allocation is not economically feasible due to the remediation requirement;

- justification for the proposed alternative to the Local Plan allocation is supported by economic and market appraisals which include the assessment of other potential options; and
- the proposed alternative use can be justified in relation to other policies of the Local Plan.

Policy 80: Waste Management Facilities. The City Council supports the policy of self-sufficiency for waste management within the Tayside Waste Plan Area. Development proposals for waste management facilities in Dundee will only be supported where they:

- a are in accordance with the Development Strategy and BPEO as set out by the Tayside Area Waste Plan;
- b accord with the proximity principle;
- c avoid air, noise, land, surface water and groundwater pollution;
- d avoid areas of flood risk and potential sea level rise;
- e minimise impact on the natural, historic and built environment;
- f safeguard the amenity of surrounding areas; and
- g minimise effects of traffic on the road network. Where appropriate and as prescribed in the appropriate Regulations, development proposals will require to be accompanied by an Environmental Statement and Transport Assessment.

Proposals for waste management facilities which satisfy the above criteria will be acceptable within General Economic Development Areas provided they also meet the Policy 26 criteria relating to other uses of a wider industrial nature.

Key existing waste management sites will be safeguarded for future waste management use and , where appropriate, for expansion, in keeping with the requirements of the Tayside Area Waste Plan.

Proposals for new housing and commercial developments will be required to make appropriate on-site provision to accommodate recycling facilities. This will include provision for the separate collection of recyclates within the curtilages of individual houses.

Policy 89: Airport Facilities. Dundee City Council recognises the importance of Dundee Airport and as such will support proposals for its improvement where these are necessary to enhance the range and quality of service offered. This needs balanced in order to maintain residential amenity and environmental quality.

The City Council makes provision within the Local Plan to protect the safeguarded surfaces surrounding the airport. There will be a presumption against built development within 1250 metres of both runway ends and within 90 metres either side of the extended runway centre line where this could compromise airport safety and operations.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 1: The Planning System.

Scottish Planning Policy 2: Economic Development.

Scottish Planning Policy 8: Town Centres & Retailing.

Scottish Planning Policy 17: Planning for Transport.

Planning Advice Note 33: Development on Contaminated Land

Planning Advice Note 56: Planning and Noise

Planning Advice Note 57: Planning for Transport

A Policy Statement for Scotland - Designing Places.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide.

SUSTAINABILITY ISSUES

The proposal involves the use of a reclaimed site. The application raises no concerns, at this time, in relation to the Council's sustainability policies.

SITE HISTORY

There are no recent planning applications for the development of this site that are of relevance to the determination of this application.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants. In addition, the proposal was advertised in the local press as a 'bad neighbour' development (Section 34) and also as development contrary to Policy 24 (Principal Economic Development Area) of the Dundee Local Plan Review 2005.

There have been no objections submitted to the proposals. However, the development has attracted 2 letters of support.

- 1 Business Tourism Manager, Dundee & Angus Convention Bureau. This letter advises that, in terms of Business Tourism, support is offered for such a facility being located in close proximity to the city centre. It is further advised that the strongest and growing market is the Association and Academic sectors and in order to increase the number and size of conferences attracted to Dundee and Angus more budget to mid-range hotel accommodation with five star restaurants within a 5 mile radius of the city centre is required
- 2 Dundee Civic Trust has advised that the quality and design of the proposed hotel and restaurant is impressive and strong support is offered. However, the use of timber as a finishing material for such a significant building in this location is questioned.

Copies of these letters are available for inspection in the Members Lounges. The issues raised will be discussed in the 'Observations' section of this report below.

CONSULTATIONS

No adverse comments have been received from any of the statutory consultees.

The Councils Head of Environmental Health and Trading Standards has advised that, due to the infill nature of

the site, a condition relating to the remediation of any potential contamination on the site should be attached to any permission granted. In this respect, the applicants have submitted a Phase 1 Geo-Environmental Desk Study to accompany their application and this is currently being considered.

The Director of Economic Development has advised that pre-application discussions with the applicants' agents have indicated that the proposed development will not compromise the airport. However, certain conditions relating to such matters as lighting and waste food management should be attached to any permission granted.

Scottish Environment Protection Agency has advised that the site appears to be outside the edge of the coastal inundation map. They have advised that it may be possible to assess flooding by considering site levels to ordnance datum in line with their guidance. The applicants have advised that it is their considered opinion that no Flood Impact Assessment is required in this instance.

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 proposal under consideration involves the provision of a hotel and restaurant facility on a site located in the west of the city on the south side of Riverside Avenue.

The site is identified in the Dundee Local Plan Review 2005 as a Principal Economic Development Area where the Council will safeguard the use land for industrial and business purposes. Uses outwith Classes 4 (Business), 5 (General Industry) and 6 (Storage and Distribution) will be resisted.

Exceptions are defined in the Plan and will only be considered favourably where it can be demonstrated that the development will enhance the attractiveness of the area for further industrial and business investment. Policy 21 (Economic Development Land Supply) and Policy 27 (Ancillary Services within Economic Development Areas) are also of related relevance.

With regard to the principle of the use for hotel and restaurant purposes, it is considered that these uses do not fall within the appropriate Use Classes as specified by Policy 24 above. It is further considered that the proposed use does not fulfil the Council's requirement for any exceptions to the above classes to enhance the attractiveness of the area for further industrial and business investment. Consequently, the proposals are considered to be contrary to Policies 21, 24 and 27 of the Plan.

Scottish Planning Policy 8: Town Centres and Retailing sets out the Governments policy guidance on town centres, retailing and non-retail developments which have a role in contributing to economic health and enhancement. Although hotels and restaurants are not specifically mentioned the policy does extend to commercial and leisure facilities. This SPP advises that authorities should adopt a sequential approach to selecting sites for various key city centre uses. First preference should be for city centre sites, where suitable sites or buildings are available, followed by edge-of-centre, and only then by out-of-centre sites in locations that, or can, be made readily accessible by a choice of means of transport. This approach should apply to various uses including attractions and facilities that are usually found in city centres.

Structure Plan Employment Policy 5 (Leisure and Tourism), and Town Centres and Retailing Policies 3 (Dundee Central Area) and 5 (Leisure and Commercial Uses) reflect the aspirations of SPP 8 above and seek to reinforce Dundee Central Area's role as one of Scotland's key centres providing a focus for retailing and related activity by, amongst other things, directing to the central area complementary leisure and commercial uses capable of contributing to its vitality and viability. Town Centres and Retailing Policy 5 above confirms the appropriateness of

a sequential approach in relation to site selection for leisure and commercial uses with new free standing out-of-centre proposals involving these uses only being acceptable where certain criteria can be met. Policies 30 (Visitor Attractions) and 46 (Commercial Developments) of the Dundee Local Plan Review 2005 reinforce this approach.

It is considered that the applicants have not fully demonstrated that a sequential approach has been applied to this proposal and no details of a site selection approach have been offered in support of this application. It is the case that there are currently undeveloped sites within the city centre that hold valid planning consents for new hotel accommodation (Marketgait/Nethergate junction, West Marketgait and Gellatly Street). It is considered that the applicants have not fully addressed and discharged this matter. In this respect, the proposal is considered to be contrary to Scottish Planning Policy 8: Town Centres and Retailing, Structure Plan Town Centres and Retailing Policies 3 and 5 and Dundee Local Plan Review 2005 Policies 30 and 46.

With regard to the proposed design of the new hotel and restaurant, it is considered that the applicants' agents have put forward a highly innovative design for consideration. The agents have submitted an informative Design Statement to accompany their application and have advised that the fuselage of the common spitfire and the elegance of the aeroplane wing were influential in the aesthetics of the hotel. The 'vented' bedroom wing is complimented by a tower feature to the east not dissimilar to that of an airport control tower all in homage to the hotel's neighbour.

The building would prove to be a quality landmark feature in this prominent gateway location. The quality of the design is evident and the scheme has been clearly well thought through. In this respect, it is considered that the proposals are in accordance with the requirements of policy 55 (Urban Design) of the Dundee Local Plan Review 2005.

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:

1 Supporting Policy Statement from the Applicants

The applicants have advised, through the submission of a substantial supporting Policy Statement, that it is their conclusion through the interpretation of the relevant policies of the development plan that the proposed use is appropriate for the site. This document raises a considerable amount of policy related issues and is summarised by the applicants as follows:

- If a sequential approach to the proposed development is applied, as required by Structure Plan Policy 5: Town Centres and Retailing, in accordance with NPPG 8 taking into account SPP8 (Town Centres and Retailing) then the following conclusion can be reached:
- Affect on Development Plan Strategy for Town Centres:- the development fills a gap in the tourist market providing a mid range hotel facility. It is not designed to compete directly with the other types of hotels and restaurants in the City but be complementary to the business and tourist aspirations of Dundee. Although lying within a Principle Economic Development Area, the importance of which is debatable, the proposal can be regarded as an Ancillary Service supporting the Airport and Business Community at the west end of the city. This accords with the Development Plan's Economic Strategy.
- Affect on vitality/viability on town centre: - as a consequence of the conclusions above, the development can co-exist with other city centre and/or out-of-centre uses without undermining the vitality and viability of the city.
- Qualitative / quantitative deficiencies:- filling the gap in the hotel market tackles the deficiencies both in qualitative and quantitative terms at a time when other suitable sites are unavailable in the city centre to meet the market demands at the

west end of the city. Despite the lack of public transport to serve this sector of the city solutions are put forward to allow a choice of transportation options in accord with the Governments Integrated Transport Policy.

- Integrated transport policy and public transport: - in the absence of any bus route near to this site (and the airport) the site has been made accessible by the ability to "park and ride" to the city centre (mini bus); airport transfer by mini bus; use of cycle route and cycle hire within the hotel; ability to walk; and public transport incentives to visitors. Discussions continue; with bus operators and the Council to establish if there is an opportunity to extend the bus network and establish a bus route in this part of the city; and with taxi operators to establish dedicated services for the hotel and restaurant
- High Standard of Design: - a high standard of design, layout and finish as well as landscaping of the site contributes positively to the physical environment. The Design Statement sets out the Design Concept and Design Solution to demonstrate this.
- Not threaten or conflict with other important policy objectives: - although the proposal lies within a Principle Economic Development Area this Statement has demonstrated the difficulty in marketing the land: the precedent already set for the establishment of a use outwith Classes 4, 5 and 6; a restaurant which could be regarded as an ancillary service; and the perceived lack of importance of this former Enterprise Zone, as part of the Employment Land Supply, as a consequence of the foregoing, compounded by Scottish Water's intention to relocate.
- Adverse effects on local amenity: the proposals will not affect amenity, to the contrary they will enhance amenity by providing much needed facilities in the tourist/business market, creating a landmark building on one of the principle gateways into the city. Any visual impact and potential adverse effects on local amenity

will be avoided through the use of good design, layout; the use of materials, landscaping and the site topography.

- Significant environmental effects: - the development proposals will solve environmental problems through ground contamination and noise attenuation; and will not lead to other significant environmental effects
- The applicants further submit that the hotel and restaurant meets the Sequential Approach and that the balance lies in favour of granting planning permission for the proposals. There is considered to be sufficient justification to apply 'flexibility and realism' (SPP8) and set-aside the strict policy requirements set out in the Development Plan and allow a favourable consideration of this proposal. The hotel will not only serve as an 'Ancillary Service' in the Principle Economic Development Area and for the business area beyond but will be a strong and attractive addition to the city's business and tourist industry and will complement the city airport.

While it is considered that the applicants have raised a number of relevant issues above that relate to the appropriateness of the site for a hotel and restaurant use, it is considered that the submitted Policy Statement for the development falls short of justifying the approval of this application contrary to the terms of the Council's development plan policies for this area. While the report is substantial in content it fails to provide specific supporting information to qualify the statements that are offered for consideration. In this respect, it is considered that the applicants have not fully justified the merits of their case. It is considered, amongst other things, that they have failed to submit a detailed sequential approach for the selection of this site for a hotel use and they have not successfully addressed or indeed discharged the issue of the availability of sites in the city centre that currently have valid planning consent for new hotel accommodation. In addition, there has been no survey information submitted on current conference market facilities or hotel bedroom occupancy / availability within the city and there has been little

or no evidence led on how the hotel would improve or enhance the operation aspects of the adjacent airport, a matter on which they have placed considerable emphasis. Consequently, it is concluded that the submitted justification to set aside the Council's adopted policies cannot be supported in this instance.

In addition to the above mentioned Policy Statement, the applicants have submitted a Design Statement, a Noise Impact Assessment, a Phase 1 Geo-Environmental Desk Study and a Transport Statement in support of their application.

2 Other Letters of Support

The two letters submitted in support of the development proposals highlight the quality of the design of the new building and welcome the provision of new hotel and restaurant accommodation for the Business Tourist industry. These matters have been raised and discharged in the consideration of the development plan policies above.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

It is considered that the highly innovative design, appearance, scale and massing of the proposed new facility combine to provide a building that is appropriate for the location and would result in the provision of a significant landmark feature in a prominent location on the Riverside Avenue frontage.

CONCLUSION

The applicants have put forward an innovative and quality design for the hotel and restaurant facilities proposed. However, the proposed uses are considered to be contrary to the adopted development plan policies relating to the location of such facilities within the city. The applicants have failed to justify, through their various detailed submissions, why these adopted policies should be set aside and the development approved contrary to these policies. Consequently, the

application is recommended for refusal.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reason(s):

Reasons

- 1 The applicants have not fully demonstrated that a sequential approach has been applied to the site selection for this facility and as a consequence the proposals are considered to be contrary to the requirements of Structure Plan Town Centres and Retailing Policies 3 and 5 by virtue of the potential adverse impact the proposals would have on the vitality and viability of the city centre. There are no material considerations that would justify the approval of this application contrary to these policies.
- 2 The applicants have not fully demonstrated that a sequential approach has been applied to the site selection for this facility and as a consequence the proposals are considered to be contrary to Policies 30 and 46 of the Dundee Local Plan Review 2005 by virtue of the potential adverse impact the proposals would have on the vitality and viability of the city centre. There are no material considerations that would justify the approval of this application contrary to these policies.
- 3 The use of the site for purposes out with Classes 4, 5 and 6 of the Use Classes Order 1997 in this identified Principle Economic Development Area would be contrary to the requirements of Policies 21 and 24 of the Dundee Local Plan Review 2005. It is further considered that the proposal does not qualify as an appropriate ancillary service use within this area and consequently is contrary Policy 27 of the Local Plan Review. There are no material considerations that would justify the approval of this application contrary to these policies.