

KEY INFORMATION

Ward Lochee

Proposal

Erection of foodstore, cafe and petrol filling station with associated car parking, landscaping and infrastructure, including access roads

Address

Former NCR (Scotland) Ltd
Kingsway West
Dundee

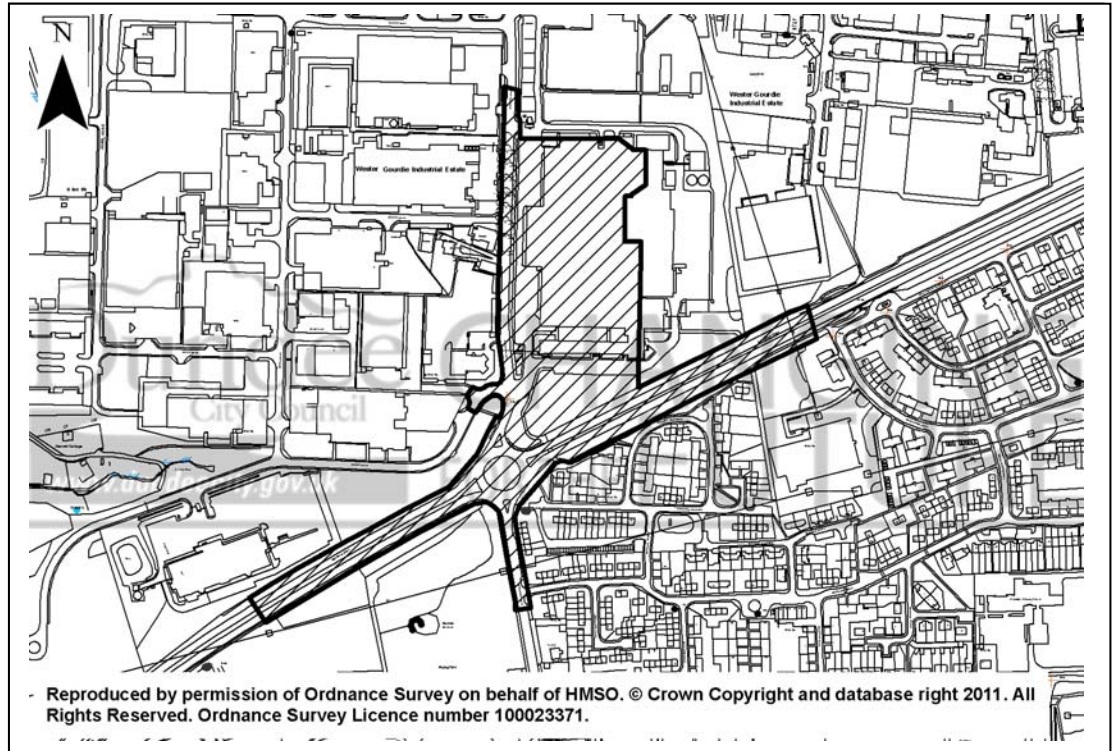
Applicant

ASDA Stores Ltd and
MacDonald Estates Group
Plc c/o Hargest and Wallace
Planning Ltd
PO Box 28822
Edinburgh EH14 9AX

Agent

Hargest and Wallace
Planning Ltd
PO Box 28822
Edinburgh EH14 9AX

Registered 10 Dec 2010



Proposed Foodstore on Former NCR Factory Site

The erection of a foodstore, cafe, petrol filling station with associated car parking, landscaping and infrastructure including access roads is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The proposal is considered to be contrary to the Development Plan. There are material considerations of sufficient weight to justify support of the proposed development. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application seeks full planning permission to erect a food store, petrol filling station and associated facilities on part of the site of the former NCR complex located at the Kingsway West/Myrekirk Road junction. The proposals also involve alterations to the adjacent Trunk Road roundabout.
- The proposal raises a number of Structure Plan and Local Plan policy issues. Of particular relevance to the determination of this application are the policies that relate to Employment Land and the Location of New Retail Developments.
- One objection to the application has been received with the main concerns expressed being that the proposals are contrary to development plan policies.
- The proposals are not consistent with the requirements of certain relevant policies of the development plan. It is considered that there are other material considerations of such a weight to justify a departure from the Development Plan and approve this application.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks full planning permission for the erection of a food store, cafe and petrol filling station with associated car parking, landscaping and infrastructure including access roads. The application site measures approximately 6.68 ha (16.5 acres) and would involve the demolition of the existing building and the provision of a store of 4,880m² net floor area, 8,295m² gross internal floor area. There would be approximately 570 car parking spaces located to the south of the proposed store on the Kingsway West frontage. A petrol filling station is proposed to be located the west side of the site.

The principal access into the site is proposed to be taken from Myrekirk Road to the west at a location approximately 200 metres north of Myrekirk Road/Kingsway West junction. Service vehicles would access the site from a second junction with Myrekirk Road located in the north west corner of the application site.

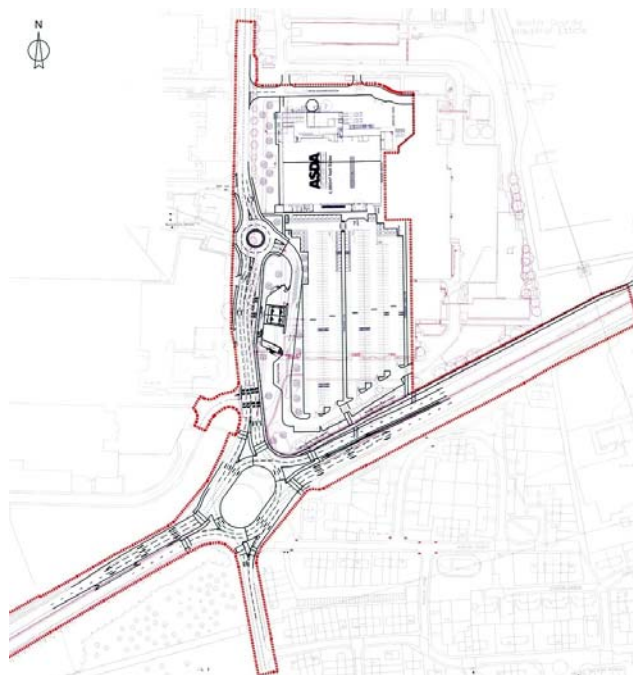
The proposals also involve significant improvements to the Myrekirk Road/Kingsway West junction including altering the size and shape of the roundabout and the introduction of traffic lights. Also proposed are the up-grading of the pedestrian underpass across Kingsway West, the provision of footpaths and cycle ways and improvements to adjacent roadways.

The indicative masterplan submitted to accompany the current application indicates that vehicular access to this land can be achieved using the second of the two access roads provided in the application.

The submitted proposals also include landscape plans that advise of the retention of a number of the cherry trees that currently bound the south and west edges of the site. The planting of new trees, shrubs, hedging and grass within the site is also proposed. A central landscaped pedestrian walkway is also proposed down the centre of the car parking area to provide a visual break and attractive setting.

The application seeks permission for a retail unit of over 5,000 square metres gross floor space, the proposals fall

within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly the applicant was required to undertake statutory pre-application consultation with the local community and incorporate the findings into the proposed development. This is evidenced in the Pre-application Consultation Report submitted as part of this application. In accordance with the Discretionary Scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.



The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 stipulates that major planning applications should be accompanied by a Design and Access Statement and Pre-application consultation Report. The applicant has complied with this requirement and in addition has submitted a great deal of supporting information with the application.

The proposal does not undermine the core land use and environmental strategies of the Development Plan or the viability of Dundee as a regional centre. In this respect the application is not considered to be significantly contrary to the Development Plan.

SITE DESCRIPTION

The site is located on the edge of Wester Gourdie Industrial Estate on

the north east side of the junction of Myrekirk Road and Kingsway West. The application site forms part of a larger industrial site that accommodated the former NCR factory complex. A significant proportion of the former NCR site is outwith the application site. The applicants have advised that there are no proposals for specific uses within the remainder of the former NCR site at this current time.

The existing building accommodates a one/two storey south facing brick frontage used for administration purposes. To the rear of this is the former production/manufacturing area of the complex. The main access into

the site is from the mini roundabout on Myrekirk Road to the west that leads to the car parking area located on the south side of the building. The service access is located on the north side of the site.

A landscape area is evident on the Kingsway frontage and protected cherry trees are evident on the south and west boundaries of the site.

The surrounding area is predominantly industrial in character with the exception of several uses including car dealerships, a children's nursery and a single residential property. An established residential area (Charleston) is located to the

south of the site on the south side of Kingsway West.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

- 1 Employment Policy 1: Employment Land Supply - this policy makes provision for an effective 5 year supply of employment land and indicates a requirement for maintaining at least 110 ha of land for employment use within the city.
- 2 Employment Policy 2: Existing Employment Areas - this policy indicates that land for employment use will be safeguarded and promoted at a range of locations throughout the city including Kingsway West.

3 Town Centres and Retailing Policy 4: Out of Centre Retailing - this policy states that in keeping with the sequential approach to site selection for new retail developments, proposals for new or expanded out of centre retail developments in excess of 1,000m² will only be acceptable where it can be established that:

- no suitable site is available, in the first instance, within and thereafter on the edge of city, town or district centres;
- individually or cumulatively it would not prejudice the vitality and viability of existing city, town or district centres;
- the proposal would address a deficiency in shopping provision which cannot be met within or on the edge of the above centres;
- the site is readily accessible by modes of transport other than the car; and
- the proposal is consistent with other Structure Plan policies.

4 Transport Policy 1: Strategic Transport Links - this policy states that the Councils will work in partnership with other organisations to maintain and improve strategic transport infrastructure within the Structure Plan area.

5 Transport Policy 4: Development Location - this policy requires that new development should, as a minimum, require to demonstrate that they satisfy the following criteria:

- provide safe, convenient and attractive facilities for pedestrian, cycle and public transport access;
- provide or use walking and cycle routes which are or can be linked into established and planned networks;

- are accessible to or can be made accessible to the existing or proposed public transport networks; and



View From Myrekirk Road



View to External Entrance Lobby



View To Canopy

- are located where local road network capacity is available.

Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where necessary and Travel Plans will be implemented through appropriate planning conditions and/or other agreements.

6 Environmental Resources Policy 4: Flooding and Development.

This policy limits development in areas of risk from flooding and requires new development to incorporate SUDS for surface water disposal.

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 citywide 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.

Policy 45: Location of New Retail Developments - the City Centre and District Centres will be the locations of first choice for new or expanded retail developments not already identified in the Local Plan. Proposals for retail developments outwith these locations will only be acceptable 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 or District Centres;
- individually or cumulatively it would not prejudice the vitality and viability of the City Centre or District Centres;
- the proposal would address a deficiency in shopping provision which cannot be met within or on the edge of these centres;
- the site is readily accessible by modes of transport other than the car;
- the proposal is consistent with other Local Plan policies.

Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where necessary. Travel Plans will be implemented through appropriate planning and/or other agreements.

Policy 48: Accessibility Of Out Of Centre Retail Developments -

proposals for major out of centre retail developments will require to incorporate measures to encourage convenient access by means other than the car. The following specific measures will be sought:

- a bus access involving weather protected stances incorporating timetable information and linked to the pedestrian route network within the site;
- b segregated, weather protected, pedestrian routes linked to the City's wider footpath network; and
- c weather protected cycle storage facilities accessed via segregated cycle routes linked to the City's wider cycle route network.

Where appropriate the provision of free home delivery services will be encouraged.

The incorporation of these measures into existing developments will also be encouraged and pursued

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;

- b involving the Dundee Public Art Programme at every opportunity in future environmental improvements and building developments;



- c encouraging and developing the role of the artist within private sector developments;
- 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;
- 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 72: Trees And Urban Woodland - new developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based

material to document existing planting within the application site, as well as new planting and maintenance arrangements. The Council will promote Tree Preservation Orders to protect individual trees or entire planting schemes where expedient to do so.

The Council and its partners will pilot local urban woodland projects within suburban communities to provide sustainable land use treatment for vacant or underused land. Temporary urban woodland projects will be based on a "minimum cost, rapid impact, site recovery" approach with interpretative signage, so not to preclude future development. Public access will be discouraged within these areas. In addition, peripheral vacant sites with little or no development value will be targeted by the Council and its partners for permanent urban woodland schemes.

The Council will also support advance planting on key development sites, enhanced tree planting within Greater Camperdown Country Park and the City Parks, as well as the creation of new community forests on the urban fringe in conjunction with neighbouring authorities.

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 1,000 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 81: Pedestrians - all developments should consider ease and safety of pedestrian access as a priority over all other modes. In particular, the implementation of measures designed to improve pedestrian safety, including footpath/footway provision and improvements, upgrading of street lighting, provision of improved crossing points, construction of suitable traffic calming measures, and the reduction of speeds to 20mph or less in residential areas where appropriate will be encouraged. In addition, the Council will welcome proposals for facilities which will promote increased pedestrian activity on and around development locations. The establishment and use of paths and access routes for both recreation and commuting purposes is encouraged.

Policy 82: Cycling Facilities - Dundee City Council will support the provision of both on and off- road facilities for cyclists. In particular it will:

- a continue to promote and improve recreational cycling opportunities with emphasis on enhancing the existing open space network, the

Green Circular, National Cycle Network and North Sea Cycle Route as opportunities arise;

- b require measures to improve and protect conditions for cyclists in the design of all new or upgraded roads;
- c support the development of strategic cycle routes, for commuting and recreational needs;
- d promote the development of green access corridors and other secondary routes linking into the main and strategic network, particularly links with schools, transport infrastructure, workplaces and leisure facilities; and
- e require the provision of appropriate cycle paths and cycle parking facilities in development proposals.

Policy 86: Road Network - Dundee City Council will:

- a promote the establishment of walking, cycling and public transport priority measures on or adjacent to all arterial routes;
- b in conjunction with Angus Council, implement the upgrading of the A92 eastwards from Claypotts junction to improve road safety;
- c in conjunction with the Scottish Executive, promote through the development process the upgrading of the Kingsway junctions at Swallow and Myrekirk Road to assist development in the west of Dundee and bring forward improvements to the operation of the remaining trunk road network within Dundee to permit the effective movement of public transport, pedestrians and cyclists;
- d not permit development on the East and West Arterial routes where this would prejudice the potential future upgrading of these routes; and
- e implement the improvement of the North West Arterial for the benefit of public transport, pedestrians and cyclists.

TAYplan Strategic Development Plan

The Strategic Development Plan for the TAYplan area is under preparation and currently at the Proposed Plan stage. The Proposed Plan has been out for consultation and the period for making representations to it is now complete. On completion of the consideration of the representations the Proposed Plan will be sent to Scottish Ministers for approval. The Strategic Development Plan sets out the long term spatial strategy, vision, policies and proposals to guide development in the TAYplan area for the next 20 years. When approved by Scottish Ministers the TAYplan Strategic Development Plan will replace the Dundee & Angus Structure Plan 2001--2016. The Proposed Plan includes policies on Town Centres which are in line with Scottish Planning Policy and maintain the general thrust and direction of the Policies contained within the current Development Plan.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following is of relevance:

The Scottish Planning Policy document is the statement of the Scottish Government's policy on nationally important land use planning matters. This document contains specific subject policies in relation to the following topics relevant to the determination of this application:

Economic Development - in summary, this section of the SPP identifies that, amongst other things, planning should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. It also goes on to state that planning system should support economic development in all areas by:

- taking account of the economic benefits of proposed development in development plans and development management decisions,

- promoting development in sustainable locations, particularly in terms of accessibility,
- promoting regeneration and the full and appropriate use of land, buildings and infrastructure,
- supporting development which will provide new employment opportunities and enhance local competitiveness, and
- promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

Town Centres and Retailing - this section advises that when determining applications for food shopping a sequential approach should be adopted. In dealing with new major retail developments it advises that they should be initially assessed as to whether they are consistent with the Development Plan. Out-of-centre locations should only be considered when:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable,
- development of the scale proposed is appropriate, and
- there will be no significant adverse effect on the vitality and viability of existing centres.

Transport - this section promotes sustainable development in appropriate locations and seeks to ensure that development is well located in terms of public transport and pedestrian and cycle routes.

Planning Advice Note 51: Planning, Environmental Protection and Regulation. The central purpose of this PAN is to support the existing policy on the role of the planning system in relation to the environmental regimes.

Planning Advice Note 75: Planning for Transport. This offers guidance on policy contained in SPP17 (Planning for Transport) above

Planning Advice Note 84: Reducing Carbon Emissions in New Development and SPP6 Renewable Energy.

Non Statutory Statements of Council Policy

The following is of relevance: Planning Advice: Air Quality and Land Use Planning (January 2007).

SUSTAINABILITY ISSUES

The proposal involves the re-use of a brownfield site located within the Wester Gourdie Industrial Estate. There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Proposals were submitted as an outline planning application to this Council on 22 July 2009. Planning permission in principle was granted on 18 January 2010 (09/00427/OUT). This application established the principle of developing the site as a foodstore and petrol filling station, illustrating a layout, means of access and amendments to the road network.

However, the decision has been subject to a legal challenge which is outstanding at the time of writing this report. The challenge was initially based on the arguments that the Council failed to interpret the sequential test properly and secondly, to have regard to a material consideration, namely the Lochee Physical Regeneration Framework. The Council has been successful in defending the decision before a Lord Ordinary and the Inner House of the Court of Session. Tesco Stores Ltd has appealed the Inner House judgement to the Supreme Court and a hearing has been set down for 27/28 March 2012. The appeal now only relates to the argument that the Council failed to interpret the sequential test properly.

The Councils senior counsel has advised that the Council has reasonable (better than 50:50) prospects of being successful before the Supreme Court.

An associated application for the Approval of Matters Specified in Conditions of the above application was submitted on 25 October 2010 for approval of 17 of the conditions attached to 09/00427/OUT and was approved at the Development Management Committee on 20 June 2011.

Subsequently, a further application for the Approval of Matters Specified in Conditions (11/00198/APPCON) of the above planning permission in principle was submitted on 21st April 2011 seeking approval in relation to Conditions 31 and 32 of 09/00427/OUT which was also approved at the Development Management Committee on 20 June 2011.

If Tesco Stores Ltd is successful in its appeal, the effect would be that the Council's decision and the planning permission would be quashed. The fact that the decision of the Council in relation to the Planning Permission in Principle, dated 18th January 2010 is under challenge and the advice on the prospects of success are considerations which support attaching no weight to the earlier decisions made by the Council.

Accordingly, the assessment of the present application in this report is based on no weight being attached to the previous decisions made by the Council.

PUBLIC PARTICIPATION

The applicant has demonstrated through the submitted pre-application Consultation Report that the requirements of Section 35 A-C of the Town & Country Planning (Scotland) Act 1997 and Paragraph 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 have been met. The applicants have consulted with members of the local community including the local Community Council.

A public open day was held featuring plans and images of the proposed development was held in the Craigowan Shelter, Craigowan Road, Dundee on the 21 August 2010. The Exhibition was advertised in the Dundee Courier and Dundee Evening Telegraph on Tay FM and posters at the Community Centre.

Over 100 local residents attended the exhibition as were able to ask questions and express their views on the proposals.

Other events and measures were also undertaken by the applicants including attendance at the Charleston Gala Day. Copies of the development plans were on display and ASDA representatives were available to answer questions

about the proposals; a public feedback questionnaire was produced to provide details of the development proposals and invite comments from the local community. Copies of the questionnaire were available at the Public exhibition and further copies were distributed by the Charleston Tenants and Residents Association and the Dundee West Communities Association.

Meetings with key stakeholders and the Charleston Tenants and Resident Association were also held to provide details of the proposed developments and answer any queries raised.

In addition to the consultation events organised and administered by the applicant, the Council has also followed the statutory neighbour notification procedures stipulated by Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

The application was also advertised in the local press under the terms of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. One objection was received which raised the following:

- concerns with regard to additional retailing being proposed outwith the city, district and commercial centres;
- if additional retail floor space in Dundee is required, it should be directed towards existing retail areas in order to negate any adverse impact upon the vitality and viability of the city centre, district centre or commercial centres;
- should the City Council consider the site appropriate for food retail development, the consideration of a non food comparison retail should be restricted;
- should the Council recommend approval of the current planning application, a condition should be attached restricting the sale of comparison goods sold at the site.

Members will have access to this letter and it is intended to comment on the content of this in the Observations Section of the report.

CONSULTATIONS

Transport Scotland, Trunk Roads Network Management - the Director does not advise against the granting of permission for the proposals and has advised that certain conditions should be attached to any permission the Council may give.

The Head of the Council's Environmental Protection has advised as follows:

Contaminated Land - no objection subject to the imposition of condition restricting the commencement of development until the further investigation and risk assessment proposed in the submitted Stage 1 Desk Study and the partial Stage 2 Site Investigation Study are completed and a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. In addition a condition is requested that requires verification of the full implementation of the remediation strategy is submitted to and approved in writing prior to the first occupation of any unit on the site.

Air Quality - the applicants have prepared and submitted an Air Quality Assessment to accompany their application. Environmental Protection have reviewed the Air Quality Assessment submitted in support of the application, including the Addendums to the report.

The applicants have carried out an assessment of the air quality impacts of the proposed supermarket at 127 receptor locations close to roads that are likely to experience an increase in traffic as a result of the development.

Of the 127 receptors studied 74 are estimated to receive an "imperceptible" rise in Nitrogen Dioxide (NO₂) concentrations, with 50 receiving a "small" increase, and 3 receptors a "medium" increase. All of the resulting concentrations at receptors are predicted to be below the annual mean air quality standard for nitrogen dioxide (40 µg/m³). The significance of the increases are classed as "negligible" at 125 locations. At 2 locations (Receptors 58 and 100) to the south east of the Kingsway / Myrekirk roundabout the "medium" increase in NO₂ concentrations "with development" is classed as "moderate adverse" because the predicted

concentrations rise to "just below" the NO2 annual mean air quality standard.

In relation to fine particulate matter (PM10) 108 receptors are estimated to receive an "imperceptible" rise in PM10 concentrations with the remaining 19 receiving a "small" increase. Of these 19, the annual mean air quality standard for PM10 is predicted to be breached at 2 receptor locations (Receptors 58 and 100) to the south-east of the Kingsway / Myrekirk roundabout as a result of the development. All 19 "small" increases in PM10 concentrations are classed as "slight adverse" impacts.

PAN 51 refers to the National Society for Clean Air (NSCA) Document "Development Control : Planning for Air Quality (2006) as an example of best practice guidance for planners on how to deal with planning applications with air quality issues. This document has since been updated by the Environmental Protection UK (new name for NSCA) document "Development Control: Planning for Air Quality" (2010). According to Figure 1 on page 23 of the EPUK guidance, if a development "leads to a breach" of an air quality objective, as is predicted here, then it is judged to be a high priority consideration in planning terms.

The whole of Dundee has been declared an Air Quality Management Area (AQMA) for Nitrogen Dioxide and PM10 (Annual mean standards). Paragraph 4.16 of the EPUK guidance advises that:

"not all planning applications for developments inside or adjacent to AQMAs should be refused, even if the development would result in a deterioration of local air quality, as such an approach could sterilise development. The declaration of an AQMA therefore does not mean that there will be a complete ban on development within that area. Rather, it means that greater weight must be given to the consideration of air quality impacts and their mitigation."

Table 7 of the EPUK guidance (page 22) gives recommendations for how to deal with applications where air quality is judged to be a high priority consideration. These recommendations include:

"Ensure that measures to minimise "high priority" impacts are appropriate in the proposal. Recommend

strengthening the measures if appropriate. Consideration may also be given to compensation/offsetting."

The applicants consider that:

"the revised layout of the carriageway which increases the available lanes at the roundabout from 2 to 3 delivers traffic management benefits across the roundabout by:

- allowing a more free flowing left turn to Myrekirk Road (southbound)
- allowing a more free flow through movement across the roundabout
- providing a specific right turning lane across the roundabout for access to the proposed ASDA store
- reducing the start-stop movement of traffic across two lanes through the provision of 3 lanes.

It is intended to comment on the content of these comments in the Observations Section of the report.

Noise - 2 conditions have been recommended by The Head of Environmental Protection relating to the restriction of servicing and deliveries. These relate to the implementation of the submitted Noise Report and the noise from mechanical and electrical services. They are considered to be acceptable to attach to any grant of permission.

OBSERVATIONS

Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

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 application under consideration is for planning permission to develop a food store, cafe and petrol filling station, associated car parking, landscaping and infrastructure (including access roads) at the former NCR site located to the north east of the junction of Myrekirk Road and A90 (T) Kingsway West. The

application site measures approximately 6.68 ha (16.5 acres).

The proposals also involve improvements to the Myrekirk Road/Kingsway West junction including altering the size and shape of the roundabout and the introduction of traffic lights. Also proposed are the up-grading of the pedestrian underpass across Kingsway West, the provision of footpaths and cycle ways and improvements to adjacent roadways.

A significant proportion of the NCR site is located outwith the application site. The indicative masterplan submitted with the application indicates that vehicular access to this land can be achieved using the second of the two access roads identified in the planning application. The applicants advise that there are no proposals for specific uses within this area at the current time.

The applicants have submitted the following documents to accompany the application drawings:

- Drainage SUDS and Flooding Assessment;
- Air Quality Assessment and Addendum;
- CCTV Statement;
- Demolition Method Statement;
- Community Consultation Statement;
- Dundee Economic Impact Assessment;
- Travel Plan;
- Tree Report;
- Archaeology Watching Brief Report;
- Noise Impact Assessment;
- Planning Statement Traffic Management;
- Planning and Retail Statement;
- Report on the Condition of Pedestrian Underpass and recommendations for upgrading; and
- Design and Access Statement.

Dundee and Angus Structure Plan 2001 - 2016

Employment Policy 1: Employment Land Supply - this policy makes

provision for an effective 5 year supply of employment land with the allocation of new land for employment. The policy indicates at least 110 hectares of marketable land is required to ensure that there is an effective five year supply within the City.

The Employment Land Audit (June 2009) highlights that there was sufficient marketable land available to meet the requirements of Employment Policy 1 of the Structure Plan. Given the current supply of land, it is considered that the loss of this site (6.68 hectares) to a non business use would not significantly undermine the provision of maintaining an effective 5 year supply of marketable employment land within the City.

Employment Policy 2: Existing Employment Areas - this policy requires the Council to safeguard and promote land for employment use (Classes 4, 5 and 6 of the Use Classes Order) at existing employment sites throughout the city including Kingsway West. The loss of the site to a retail use is considered to be contrary to this policy.

An Employment Land Report has been submitted to accompany and support this application. This Report considered the effect that the loss of an existing industrial facility and land within the estate would have on the supply of accommodation and employment land. The applicants' agents advise that property evidence set out in this Employment Land Report indicates clearly that there is no reasonable prospect of the site being either re-occupied for a new single user, converted into smaller units or redeveloped for new employment purposes. They further advise that the development of the proposed store will improve future development prospects through the clearance of the existing buildings from the site and through the provision of an access road that will serve the remaining parts of the site. These infrastructure improvements will provide improved access which will benefit all businesses in the Wester Gourdie Industrial Estate.

The Planning and Retail Statement submitted to accompany the application goes on to advise that it considers there will be a number of benefits arising from the proposed development. One of the suggested benefits is that the development will bring into productive use a prominent

vacant site which is highly visible from the A90(T). In a similar way to the claims in the Employment Land Report it considers that this is a key location and that ensuring that the site is in beneficial and productive use will support the overall image of the city.

The document goes on to say that in contrast, without the proposed development, there is no realistic prospect of the site being redeveloped or reoccupied for business or industrial use when other more attractive and marketable sites are readily available and that the result of this is that the site is expected to remain vacant and the condition of the building and site will deteriorate further undermining the image of the City.

It is considered that the site is unlikely to be redeveloped for business uses in the short term and that its redevelopment would improve future development prospects for the remainder of the NCR site. In addition, it is accepted that the infrastructure improvements will provide improved access which will benefit all businesses in the Wester Gourdie Industrial Estate.

Dundee Local Plan Review 2005

Policy 21: Economic Development Land Supply.

The policy reiterates the requirements of Employment Policy 1 of the Structure Plan above. It has been concluded that the loss of this site to non business/industrial use would not significantly undermine the provision of an effective supply of marketable employment land within the city.

Policy 24: Principal Economic Development Areas - this policy advises that sites located within Principal Economic Development Areas are of city wide significance and should be safeguarded for industrial and business uses. As such this policy seeks to resist uses outwith Classes 4 (Business), 5 (Industrial) and 6 (Storage and Distribution) of the Use Classes Order 1997. The Policy does set out exceptions as defined by Policy 27 (Ancillary Services within Economic Development Areas) of the Plan.

The submitted Planning and Retail Statement states that there is no realistic prospect of the site being occupied or developed. It considered that the proposed development will

assist in supporting the long term development potential of the remainder of the NCR through the removal of old manufacturing buildings and through the provision of vehicular access into the site.

The application site forms part of the Wester Gourdie Principal Economic Development Area and is one of a number of well located and long established economic development areas that are considered to remain well suited for their purpose. Despite the points raised by the applicant above, the use of the site for a Class 1 retail food store would be contrary to the provisions of Policy 24 including the exceptions as defined in Policy 27 of the Plan.

Further justification in this regard is raised in the submitted Retail Impact Assessment outlined above in the consideration of Employment Policy 2 of the Structure Plan and the response to this justification is also set out above and is considered to apply to Policy 24 (Principal Economic Development Areas).

Retailing Policies

Dundee and Angus Structure Plan 2001 - 2016

Town Centres and Retailing Policy 4: Out of Centre Retailing - the proposal involves an out of centre foodstore with a gross floorspace of 8,295m² and as such, it requires to be considered against the policy's assessment criteria for major new out of centre retail developments. The proposal is considered below in relation to each of these criteria.

Site Availability - it must be demonstrated, in the first instance, that no suitable site is available for the development either within the city/district centres or, thereafter on the edge of these centres. The Planning and Retail Statement submitted on behalf of the applicants indicates that the principal market to be served by the proposals is the western sector of the City. While noting that the Lochee District Centre lies within the primary catchment area for the proposal, the statement examines the potential site opportunities in and on the edge of that centre and also at the Hilltown and Perth Road District Centres.

The applicants make reference to Scottish Planning Policy (SPP)(2010) document which states, amongst other

things, that the sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location. The Planning and Retail Statement also draws attention to the fact that SPP states that if it is considered that a proposed development is contrary to the provisions of the development plan, planning authorities should ensure that, amongst other things, the sequential approach to the site selection has been used.

The applicants have indicated that the proposed food store is targeted at serving the main food shopping in the west of Dundee. They consider that for a food store to be viable in this market, it would need to be able to compete with other major food stores that are also serving that market. In this instance that would refer to the existing food store on South Road, Dundee.

The Planning and Retail Statement considers it to be a significant factor that the food store previously occupying a site at Methven Street, Lochee has been closed. The Statement considers that it is likely that this reflects that this smaller store (ca 4,800m² GFA) is unable to compete with the larger food stores in the market sector.

Having regard to the flexible approach sought by the SPP, the Planning and Retail Statement considers that the minimum size of store that is capable of serving the main food shopping requirement in the west of the city, as well as being able to be viable in light of the competition from larger food stores in the city, is a store of 6,000m² GFA with a total site area in the region of 2.5 ha - 3.0 ha.

The applicants in their Planning and Retail statement set out their assessment of potential sites within or on the edge of the district centres within this catchment. This includes the assessment of the former food store site at Methven Street, Lochee. It is concluded by the applicants that the store is significantly smaller than that required to meet the target market of main food shopping trips in a viable manner and is significantly less than the 6,000m² GFA identified as a minimum size of store to serve this market area. In addition, the site could

not provide a sufficient level of car parking and is located on the edge of the catchment area of West Dundee.

The Planning and Retail Statement goes on to advise that other sites were examined both that are located within the Lochee District Centre and at the Stack Leisure Park. It was concluded by the applicants that that none of these were of sufficient size to accommodate the proposed development even at the minimum level of 2.5 to 3.0 ha.

Furthermore, the Planning and Retail Statement assessed sites within the Hilltown and Perth Road District Centres. It was concluded that there were no sites available in these areas capable of accommodating the proposed food store even at the minimum level of 2.5 to 3.0 ha.

In assessing other sites the applicant has considered sites between 2.5 and 3 ha which would be capable of meeting their functional requirements. This is significantly smaller than the size of the total site area for the proposed application which is 6.68 ha and it is considered that the current application proposals fit within the site area compactly. In considering sites between 2.5 and 3 ha the applicant has sought to demonstrate a flexible and realistic approach to site selection as required by SPP.

Taking into account the case put forward by the applicant, it is considered that a flexible approach has been adopted by the applicant in assessing all other available sites within and adjacent to existing centres within the catchment area of West Dundee. In light of this, it is accepted that there are no sequentially preferable sites available for this development even at the minimum level of 2.5 to 3.0 ha.

Impact on Existing Centres - the policy requires that proposals for new out of centre retail developments do not prejudice the vitality and viability of existing city, town or district centres. The Planning and Retail Statement submitted to accompany this application includes an assessment of the retail impact which could be associated with the proposal. Amongst other things, this takes account of the findings from the Dundee City Retail Study and the TAYplan Retail Framework and a household survey undertaken on behalf of the applicants.

The Planning and Retail Statement also includes health checks covering the relevant shopping centres. The assessment estimates the trade diversion from competing retail destinations and proceeds from this to consider the retail impacts on key centres including the City Centre, and the Hilltown, Lochee and Perth Road District Centres.

The Planning and Retail Statement advises that the majority of the turnover of the new store would be diverted from the existing major out of centre food stores throughout the city. The remainder of the turnover of the new store would be diverted from the city centre and the district centres at Lochee and Perth Road. The assessment concludes that while the proposed new store would have an adverse impact on existing freestanding superstores it would not affect the viability of any of these stores. Furthermore it concludes that, on the basis of the figures submitted for consideration, the development would not adversely affect the vitality and viability of the city centre or any of the district centres.

In light of the above it is concluded that while not every aspect of the submitted Planning and Retail Statement is necessarily accepted, the broad findings appear to be realistic. It is accepted that the proposal is unlikely to affect the viability of any of the existing out of centre foodstores. Although the assessment indicates that the development will not harm the vitality and viability of the City and District Centres, it is concluded that it will divert from them expenditure which could otherwise have enhanced their vitality and viability. In addition and while the overall impact on Lochee does not appear to be large, this includes a significant impact on its already reduced food shopping turnover. In light of this it is considered that the proposed development is likely to have a detrimental affect on the future vitality and viability of Lochee District Shopping Centre. However, it is intended to attach conditions to any permission granted that restricts the size of the store, limits the type of goods for sale from the premises and prohibits the provision of concessionary units within the building in order to minimise this potential impact on Lochee.

Deficiency in Shopping Provision - an important criterion of this policy is the requirement to demonstrate that the proposal would address a deficiency in shopping provision that would not be met by new provision within or on the edge of a city, town or district centre. In a Dundee context, this means in effect that it must be established that a new out of centre retailing proposal will overcome shortcomings in, for example, the availability and accessibility of a particular type of retailing in that part of the city.

The Planning and Retail Statement submitted by the applicant examines whether there are quantitative retail deficiencies. It is based on an assessment of actual expenditure levels rather than notional 'average' sales levels and no account is taken of potential turnover in existing vacant retail units that have extant permissions for convenience retailing. This includes the vacant Tesco store at Methven Street. The Planning and Retail Statement advises that sales densities indicate that existing shops sales densities are at comparatively high levels. From the analysis on this matter contained within the Planning and Retail Statement it was concluded by the applicant that there is no significant quantitative retail deficiency or 'need' for a food store in the primary catchment area identified for the proposed development.

However, the applicants have concluded through the findings in their Planning and Retail Statement that the proposed development would address qualitative retail deficiencies in the west of Dundee. The applicants also argue that the development would be well located to serve any proposed new housing areas identified for the expansion of west Dundee.

Taking the above into consideration, the Council considers that against the background of a generous overall supply of food shopping floorspace and the improved distribution of major food retailing resulting from, amongst other things, the completion of Morrison's (Forfar Road) and Tesco (South Road) stores, the city benefits from good provision for this type of retailing. Furthermore, given the existing availability of major foodstores and District Centres serving the western sector of the city, it is considered that there is no deficiency to be addressed at this time.

Accessible by Modes of Transport (other than by car) - accessibility issues have been assessed in detail in the Transport Assessment that has been submitted to accompany this application. This Assessment has demonstrated that the site is accessible by a choice of transport modes other than by private car.

In light of the above it is concluded that the proposals conflict with criterion b) and c) above of Town Centres and Retailing Policy 4 (Out of Centre Retailing) of the Structure Plan.

Dundee Local Plan Review 2005

Policy 45 (Location of New Retail Developments) - this policy reiterates the requirements set out in the Structure Plan's Town Centre and Retailing Policy 4 above. In this respect, the proposals are considered to conflict with the terms of Policy 45.

Transportation Policies

Dundee and Angus Structure Plan 2001 - 2016

Transport Policy 1: Strategic Transport Links - this policy states that the Council's will work in partnership with other organisations to maintain and improve strategic transport infrastructure within the Structure Plan area. The proposed development is located adjacent Kingsway West A90 (T) which forms part of the strategic road network. Improvements to the junction of Myrekirk/Kingsway West are proposed which will not only result in acceptable access to the development site but will result in wider improvements which will support access to South Road and Wester Gourdie Industrial Estate. The proposal does not conflict with the terms of this Policy.

Transport Policy 4: Development Location - this policy requires that new development should, as a minimum, satisfy certain criteria. The applicants advise that the information provided in the submitted Transportation Assessment and the Planning Statement demonstrate that the proposed development:

- 1 will occupy a highly accessible site achieved by a combination of major infrastructure improvements, existing and extension of bus services and the implementation of the travel plan;

- 2 will result in the provision of an accessible site in terms of pedestrian, cycle and public transport access;
- 3 will utilise existing walking and cycle routes which link into established/planned networks and will enhance linkages to nearby residential areas; and
- 4 will enhance the public transport provision in the vicinity of the application site.

The above conclusions have been considered and accepted.

It is intended to attach conditions to any permission granted that would ensure certain improvements to the scheme are carried out before certain 'trigger points' in the construction process in order to ensure that the future access arrangements for the site are to the standard required by this Authority. Taking this into account it is concluded that scheme does not conflict with the terms of Transportation Policy 4.

Dundee Local Plan Review 2005

Policy 48 (Accessibility of Out of Centre Retail Developments) - accessibility issues have been assessed in detail in the Transport Assessment that has been submitted to accompany this application. This Assessment has demonstrated that the site is accessible by a choice of transport modes other than by private car. In addition, the TA also assesses proposed links to existing footpaths and cycle ways in the area. Details have been submitted regarding, amongst other things, bus service details, pedestrian crossing details and footway/cycleway details prior to the opening of the store. The provisions in this regard are considered to be acceptable and are in compliance with the above Policy requirements.

Policy 55 (Urban Design) - this policy emphasises the importance of design quality and a Design Statement has been submitted in support of this application. The applicants have submitted detailed elevations and layouts for the food store and associated proposals. The massing of the nearby industrial units has been used as a guide for the height of the new store so as to ensure the building sits well within its architectural context. The design materials have been chosen to include an aluminium standing seam roof, grey curtain

walling system and white composite wall cladding. Vertically laid timber cladding is to be used on the main facades. The use of timber cladding helps to soften the appearance of the building and their positioning on the west and east gables helps to break up the visual appearance of the large building. Information regarding the finish to the timber has been submitted to indicate that it can be painted or stained. Discussion with the applicant regarding the weathering of the cladding suggests that the cladding shall be finished in a light stain finish which shall be the subject of a condition to seek confirmation of the exact specifications and colour.

The majority of existing landscaping and trees on site are to be retained. There is a low level wall and fence to the southern boundary which incorporates protected cherry trees. Plans indicate that an area of landscaping to the west boundary shall be introduced to provide a visual buffer. In addition to this a central pedestrian walk way is to be provided in the centre of the car park area which will be strengthened by the use of tree planting along it. It is considered that this will help to break up the expanse of the car park area and provide visual interest.

It is considered that the scale, massing, finishing materials and landscaping proposed are of an acceptable standard and shall not detract from the nearby Ambassador Route formed by the Kingsway dual carriageway. The types and colour palette of materials shall help to create a positive image of the city.

Policy 56 (Public Art) - this policy advises that the Council will continue to support Public Art provision through the adopted Public Art Strategy and the Percent for Public Art.

Discussions between the applicants/agents and the local community have taken place on this matter. A briefing note has been provided from the applicants/agents to outline the methods of how public art shall be delivered. The applicants/agents have advised that a 'Working Group' shall be established comprised of their own representatives, members of the Communities Association and a Council officer. Thereafter, it is likely that a design competition would be

held to generate high quality designs. The information that has been submitted is considered to be of an acceptable level and quality such as to comply with the relevant Local Plan requirements. A condition shall be attached to any grant of permission requiring, amongst other things, details of the design of the final art works and siting.

The proposal subject to a condition is considered to be acceptable in terms of Policy 56.

Policy 57 (Visual Impact on Major Routes) - this policy identifies the importance of the visual image of the city and improving the quality of the environment. The application site is highly visible from Kingsway West to the south. The site currently accommodates an aging industrial building set in a landscape setting on its south elevation. The proposed demolition of the existing building and the redevelopment of the area presents an opportunity to improve the appearance of this prominent corner site. The acceptability of the future development of this prominent frontage site is assessed in the consideration of Policy 55 (Urban Design) above.

Policy 72 (Trees and Urban Woodland) - this policy seeks to have regard to healthy mature trees and, where appropriate, require tree planting and landscaping schemes to accompany development proposals which should include a supporting justification and map based material. The application site accommodates a number of trees that are the subject of a Tree Preservation Order. The Tree Report that accompanies this application has carried out a review of the condition of these trees and has made various recommendations including replacement planting which would be implemented as part of a landscaping scheme for the proposed development. A detailed landscape scheme has been submitted to accompany the application. The proposals involve the removal of a number of protected trees which is inconsistent with the general aspiration of the policy to protect and retain trees through sensitive site layouts. However, the removal of the identified trees is not considered to be critical to the visual importance of the trees in this location. In order to enhance the remaining landscape features on the site it is intended to provide a tree

lined walkway in the centre of the car parking area to help break up the visual expanse and provide interest. The landscaping details provided are considered to be acceptable and in accordance with Policy 72 of the Dundee Local Plan Review 2005.

In the event of the grant of permission, it is recommended that a condition be attached that would require the implementation of an approved landscaping scheme within a certain period of the opening of the store to the public.

Policy 76 (Flood Risk) - this policy provides a general presumption against development in areas of significant flood risk. The applicants have submitted a Drainage SUDS and Flooding Assessment to accompany their application. It has been confirmed that the application site is not in an area of significant flood risk. The proposal is considered acceptable in terms of Policy 76.

Policy 79 (Contaminated Land) - in sites with suspected contaminated land this policy requires applicants to provide details of site investigations assessing the extent of contamination and identify appropriate remediation measures. A Stage 1 Site Investigation has been undertaken and submitted in support of the application. This identifies that there is a significant risk of contamination on the site and makes a number of recommendations for additional action. A partial Stage 2 Site Investigation Study has also been submitted to accompany the application.

The Council's Head of Environmental Protection has reviewed the contents of the above documents and has requested that certain conditions be attached to any permission granted that requires, prior to the commencement of development, the further investigation and risk assessment proposed are completed and that a remediation strategy to deal with contamination on the site is submitted to and approved by the planning authority. It is also requested that before the unit is occupied the remediation strategy shall be fully implemented and a verification report demonstrating that the objectives of remediation strategy have been achieved submitted to and approved in writing by the planning authority. The proposal, subject to appropriate

conditions, is considered acceptable in terms of Policy 79.

Policy 81 (Pedestrians) - this policy requires consideration of the ease and safety of pedestrians as a priority over other forms of transport. As discussed, the applicants have submitted a Transport Assessment which identifies improvements to pedestrian accessibility and safety both within the main part of the site and also through the proposed improvements to the junction of Kingsway West and Myrekirk Road. The proposals are considered to be consistent with the aims of this Policy 81.

Policy 82 (Cycle Facilities) - this policy primarily considers the actions of the Council in support of cyclists. The policy also requires the provision of appropriate cycle paths and cycle parking facilities in the development proposals. The submitted proposals make provision for cyclists including cycle parking for both staff and customers. The proposed improvement to the junction of Kingsway West and Myrekirk Road will also enhance cyclists' safety. In addition, the applicants provided a report on the condition of a pedestrian underpass beneath the A90 Kingsway West which requires to be upgraded to allow for safe and convenient pedestrian access to the site. The report has put forward a schedule of remedial works including lighting, repainting and landscaping works. It is considered that these works are acceptable and will contribute to the accessibility of the development for pedestrians.

It is intended to attach a condition to any permission granted that requires, prior to the commencement of trade from the store, a footway/cycleway must be provided (in accordance with a scheme approved by the Council) to the north of Kingsway linking in with the existing footways and underpass. The proposals are considered to be acceptable, subject to appropriate conditions, in terms of Policy 82.

Policy 86 (Road Network) - this policy is concerned with actions of the Council in terms of improvements to or protection of the road network. This policy identifies, amongst other things, a need to improve the junction of Kingsway West/Myrekirk Road to assist development in the west side of the city. The application under consideration will secure these

improvements. In this respect, the proposal is considered to be consistent with this aspect of Policy 86.

Conclusions

It is concluded from the above that the proposal is considered acceptable, subject to the imposition of appropriate conditions in certain instances, in terms of Structure Plan Transport Policies 1 and 4 and Dundee Local Plan Policies 21, 48, 55, 56, 57, 72, 76, 79, 81, 82 and 86.

It is also concluded that the proposed development fails to comply with the requirements of Structure Plan Employment Policy 2 and Town Centre and Retailing Policy 4 and Dundee Local Plan Policies 24 and 45 that relate to employment land and retailing.

In light of the above, it is concluded that the proposal does not fully comply with the provisions of the development plan.

Other Material Considerations

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

Statements of Policy and Government Advice

Scottish Planning Policy document - this SPP is a statement of Scottish Government policy on land use planning and contains, amongst other things, concise subject planning policies, including the implications for development planning and development management.

Economic development - in summary, this section of the SPP identifies that, amongst other things, planning should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. It also goes on to state that planning system should support economic development in all areas by:

- taking account of the economic benefits of proposed development in development plans and development management decisions;

- promoting development in sustainable locations, particularly in terms of accessibility;
- promoting regeneration and the full and appropriate use of land, buildings and infrastructure;
- supporting development which will provide new employment opportunities and enhance local competitiveness, and
- promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

The SPP notes that retailing (and other sectors) makes a significant contribution to economic development. It also states that where existing long standing allocations have not been developed or where business uses such as manufacturing fall out of use and are in locations considered to be no longer appropriate or marketable for their original purpose, the sites should be reallocated and redeveloped for other purposes.

It is considered that the proposed development would achieve several of the aims of the Transport section of the SPP by providing a use which would support the wider economy of the city, by providing a productive use for part of the site for which there is only a potentially limited prospect of future Class 4, 5 or 6 developments, reducing the cost of the development of the remainder of the former NCR site through the removal of aging buildings and providing a new access into the site that would improve the overall accessibility for existing businesses within the remainder of the estate.

Town Centres and Retailing - this section advises that when determining applications for food shopping a sequential approach should be adopted. In dealing with new major retail developments it advises that they should be initially assessed as to whether they are consistent with the development plan. Out-of-centre locations should only be considered when:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable,
- development of the scale proposed is appropriate, and

- there will be no significant adverse effect on the vitality and viability of existing centres.

The policies of the Development Plan are considered to be in accordance with the guidance set out in SPP. The proposal has been considered against the retailing policies of the development plan, as set out above, and it is considered that no further issues are raised in terms of SPP.

Transport - this section promotes sustainable development in appropriate locations and seeks to ensure that development is well located in terms of public transport and pedestrian and cycle routes.

The applicants have submitted a Transport Assessment (TA) in support of the proposed development which includes, amongst other things, improvements to the Kingsway West/Myrekirk Road roundabout. The TA concludes that the proposed infrastructure improvements to the A90(T) Kingsway West/Myrekirk Road roundabout to a traffic signal controlled junction along with the willingness of Travel Dundee to route bus services to the proposed development will result in the provision of an accessible site in terms of walking, cycling and Public Transport travel with links to surrounding residential catchments. The implementation of a Travel Plan in addition to these measures is likely to result in a successful sustainable development.

The TA also concludes that the upgrade of the junction will offer improvements in terms of safety which could reduce the number of accidents that occur. The upgrade of the junction associated with the development will therefore benefit both the local and trunk road network and the users thereof.

The proposals have already been assessed against Town Centres and Retailing Policy 4, Transport Policy 1 and Transport Policy 4 of the Structure Plan and Policies 45, 48, 81, 82 and 86 of the Dundee Local Plan 2005 and were found to be acceptable subject to certain conditions. It is therefore considered that the proposal in terms of its impact on the local road network is acceptable in terms of the guidance contained within SPP in relation to Transport and PAN 75.

PAN 84: Reducing Carbon Emissions in New Development

A Sustainability Statement has been submitted in support of this application which demonstrates a range of measures that would be able to be included and investigated within the detailed design of the development to achieve betterment on emissions that are identified in the 2007 building regulations. This includes both low - zero carbon technologies and reducing the demand for energy through passive building design measures and materials. The Council is supportive of such an approach which is considered to be consistent with the guidance contained within PAN 84.

Economic Benefits

An Economic Impact Assessment has been submitted in support of this application. The purpose of the report was to highlight the economic benefits which would accrue to the city as a result of the development of the site. The report concludes that the project would have a strong strategic fit within the ambitions of the Dundee Partnership and the economic development plan 2008 - 2011. It is stated that the jobs that will be created will be targeted towards local regeneration areas and will be a major much needed boost to the local employment market. The closure of the NCR factory was a major blow to the economy but the re-development of the site will create more jobs than those which were lost when the factory finally closed. The creation of additional employment opportunities within the city is considered to be a strong material consideration in the determination of this application.

Pollution and Contamination

Air Quality is a material consideration in determining applications for planning permission in principle when the development may give rise to air quality issues.

As discussed under the terms of the consultation advice received from the Environmental Health and Trading Standards Department, the applicants carried out an assessment of the air quality impacts of the proposed supermarket at 127 receptor locations close to roads that are likely to experience an increase in traffic as a result of the development.

In relation to the consultation response from the Environmental Health and Trading Standards Department, and taking due cognisance of the information submitted, it is considered that the layout of the roundabout, provides suitable mitigation of the air quality impacts by enabling smoother traffic flows and more turning options to improve traffic management in the area including at the location close to receptors 58 and 100.

In addition to the above it is considered that additional mitigation measures, such as an electric vehicle charging point should be incorporated into the development scheme. Conditions requiring additional mitigation and post-development air quality monitoring and modelling are therefore considered to be appropriate to attach to any approval of permission.

Policy 70 (Contaminated Land) of the Plan states, amongst other things, that in certain circumstances alternatives to the uses permitted by the Local Plan may be supported on contaminated sites where it is demonstrated that the severity of contamination is such that the site cannot be economically developed for its allocated use. In this respect the applicants argue that it has been demonstrated from market evidence alone that the site could not be developed for Class 4, 5 or 6 uses regardless of the ground conditions. They state that the site investigation has also indicated a high risk of contamination associated with the manufacturing use of the site. They further state that there will be significant additional costs associated with the remediation of the site which will further increase the inability of the site to support employment uses. This is an additional factor to support the development of the site for the proposed retail use.

It is therefore considered that the proposal in terms of environmental control, subject to appropriate conditions being attached to any permission granted, is acceptable in terms of the guidance and good practice advice contained in PAN 51 and the Councils Non Statutory Planning Advice on Air Quality and Land Use Planning.

Suitability of the Site

It is considered that there are no physical impediments (ie liable to

flooding, contamination, ground instability) to the successful development of the site.

Appearance of the Proposed Development in Relation to its Surroundings

The applicants have submitted detailed elevations and layouts for the food store and associated proposals. The massing of the nearby industrial units has been used as a guide for the height of the new store so as to ensure the building sits well within its architectural context. The design materials have been chosen to include an aluminium standing seam roof, grey curtain walling system and white composite wall cladding. Vertically laid timber cladding is to be used on the main facades. The use of timber cladding helps to soften the appearance of the building and their positioning on the west and east gables helps to break up the visual appearance of the large building. Information regarding the finish to the timber has been submitted to indicate that it can be painted or stained. Discussion with the applicant regarding the weathering of the cladding suggests that the cladding shall be finished in a light stain finish which shall be the subject of a condition to seek confirmation of the exact specifications and colour.

The majority of existing landscaping and trees on site are to be retained. There is a low level wall and fence to the southern boundary which incorporates protected cherry trees. Plans indicate that an area of landscaping to the west boundary shall be introduced to provide a visual buffer. In addition to this a central pedestrian walk way is to be provided in the centre of the car park area which will be strengthened by the use of tree planting along it. It is considered that this will help to break up the expanse of the car park area and provide visual interest.

It is considered that the scale, massing, finishing materials and landscaping proposed are of an acceptable standard and shall not detract from the nearby Ambassador Route formed by the Kingsway dual carriageway. The types and colour palette of materials shall help to create a positive image of the city.

Compatibility With Existing Uses

The use of the site for retail purposes is not considered to be significantly prejudicial to the surrounding land uses in terms of any increase in environmental matters such as noise, dust or fumes. It is recognised that the location of the proposed new roundabout on Myrekirk Road and the alterations to the main junction may impact on the adjacent sensitive receptors such as the nearby nursery and nearest residential properties in terms of their impact upon air quality.

However, the issue of air quality has been discussed in detail above where it was concluded that with relevant conditions regarding monitoring and mitigation, the amendments to the junction shall be acceptable. It is also considered that the surrounding industrial, commercial and residential uses are unlikely to be prejudicial in terms of environmental controls to the successful operation of the premises as a retail store.

Desirability of Retaining the Existing Use

This site has been the location of a long established industrial use within the city for a considerable number of years. While the site occupies a good location on the Kingsway West frontage there is a potential that, due to the nature of the buildings and size of the site, it may be difficult to attract an appropriate redevelopment of the site for industrial/business purposes in the near future resulting in the creation of a vacant building/site in a prominent location. This would be detrimental to the visual quality of this stretch of Kingsway West.

It is considered that the loss of the site to a retail use will not significantly undermine the provision of maintaining an effective 5 year supply of marketable employment land within the city. The site is occupies a corner location within the industrial estate and its development for a new store would neither compromise the integrity of Wester Gourdie or draw any extraneous traffic through the estate.

Planning Benefits

It is considered that the development will provide improvements to the strategic road network that will assist in free flow of traffic along A90 (T) (Kingsway West).

It is also considered that the proposed development will assist in the redevelopment of the whole of the former NCR site through the provision of enhanced road access and the clearance of buildings from the site. These access improvements would also assist in the development of the High Amenity Economic Development Area at Balgarthno located to the west. These benefits are considered to be a strong material consideration in the determination of this application.

Objections

One objection to the proposals has been received. The main concerns raised are as follows:

- 1 Additional retail should be directed towards existing retail centres in order to negate any adverse impact upon the vitality and viability of the city centre, district centres and commercial centres.
- 2 The proposals are contrary to National policies, Structure Plan and Local Plan policies in terms of the sequential test.
- 3 The proposal could result in unrestricted non food comparison goods being sold from the site when there are existing retail sites unable to do so. In the event of approval a condition should be attached to restrict this.

With regards to points 1 and 2 it is concluded that these matters have been discussed and discharged in consideration of the various development plan policies above.

With regard to point 3), recognition of this matter by the Council is addressed by the suggested imposition of appropriate conditions attached to any permission granted that require restrictions on the gross floor area of the proposed store, restrictions on the sale and display of comparison goods and the prohibition of any concessionary units being provided within the building.

Community Consultation

In accordance with the requirements for all major category of applications, the applicants and agents undertook a Community Consultation exercise in order to seek the views of the public on the proposed development. This is evidenced in the Pre-application

Consultation Report submitted as part of this application.

The consultation process included, amongst other things, A Public Exhibition featuring plans and images of the proposed development which was held in the Craigowan Shelter, Craigowan Road, Dundee on the 21 August 2010.

The Exhibition was advertised in the Dundee Courier and Dundee Evening Telegraph, on Tay FM and posters at the Community Centre and included detailed maps, copies of the application drawings and artist's impressions of the proposed store.

Other measures include the participation in the Charleston Gala Day by the applicants (at the invitation of the Charleston Tenants and Residents Association), with representatives available to answer questions about the proposals and meetings between the applicants and agents and Key Stakeholders which included the local Tenants and Residents Association, the local Communities Association, surrounding businesses, Dundee Civic Trust, Chamber of Commerce and Dundee College.

Commercial Competition

It is considered that the identity of the applicants is not a relevant consideration in the determination of this application for full planning permission and consequently it is concluded that commercial competition is not a material consideration.

TAYPlan Proposed Strategic Development Plan

The proposed Strategic Development Plan is focused on delivering sustainable economic growth for the area through shaping better quality places and responding to climate change, as set out in the vision. The policies and proposals contained within the Plan set out the spatial strategy over the next 20 years of where development should and should not go and how new development should be achieved. The Policies and Proposals set out in the Proposed Plan are in line with the SPP and maintain the general approach to retailing contained within the current Development Plan.

Existing Permission On Site

For the reasons set out in the Site History section of this report, no weight should be attached to the previous decision in relation to this site (09/00427/OUT).

Other Matters

The Planning and Retail Statement submitted in support of the application by the applicant identifies a number of matters that the applicant considers to be material considerations in the determination of the application. It is intended to comment on each of the considerations raised by the applicant below:

- Scottish Planning Policy (SPP) - SPP is considered to be a material consideration in relation to this application and as such has been discussed above. It is considered that there is therefore nothing further to add.
- Planning Advice Notes (PANS) - the Planning and Retail Statement advises that there are a number of PANS that could be considered to be of relevance. However, the applicant considers that the issues raised in a number of PANS have been addressed in their review of the development plan policies. It is considered that there are no specific issues arising from these documents that have not already been addressed in terms of other National and Council policies.
- TAYPlan Main Issues Report - this document was issued for consultation in April 2010 and has now been superseded by The Proposed Strategic Development Plan which has been discussed above.
- TAYPlan Retail Framework 2009 - similarly, this document has been superseded by the issuing of the Proposed Strategic Development Plan which has been discussed above.
- Dundee City Region Retail Study 2006 - this document has been used by the applicants as a source of data for their retail impact assessment. There are no implications for the policies of the Development Plan contained within this document.

- Lochee Physical Regeneration Framework - this document was approved by the Council in December 2007 and sets out a long term strategy to guide investment in Lochee over the next decade. The applicants consider that this document is relevant insofar as it considers the potential for development within the study area and the sensitivity of the area to adverse retail impact.

It is considered that the Lochee Framework is not material to the consideration of this planning application as the application site does not lie within the study area and in any event its basic retail and regeneration objectives are set out in the policies of the Development Plan. These matters are covered in the analysis of the development against the retail and regeneration policies of the Development Plan.

- Dundee Urban Design Guide - this document sets out a framework for urban design in the city. The thrust of this document is embedded within the requirements of Policy 55 of the Dundee Local Plan Review 2005 which the proposed development has been assessed against.
- Dundee Sustainable Development Guide for Construction - the profile and guide are intended to encourage developers to think about a range of issues before finalising their project and submitting it for consideration. The applicant considers they have adopted the objectives of this document. It is considered that the scheme does not put forward an exceptional solution in sustainability terms that would be of sufficient notability to be considered to be a strong material consideration in favour of the application.
- Hilltown Physical Regeneration Framework - the applicant advises that the Planning and Retail Statement does not identify discernable impacts upon Hilltown and consequently there are no implications for the Hilltown Physical Regeneration Framework. It is agreed that there are no issues arising from this document.

- Air Quality and Land Use Planning - this document is of relevance and has been considered in the assessment of the Air Quality Assessment.

Design

The design put forward for the proposed store has already been discussed in relation to the Development Plan. The massing of the nearby industrial units has been used as a guide for the height of the new store so as to ensure the building sits well within its architectural context. The design materials have been chosen to include an aluminium standing seam roof, grey curtain walling system and white composite wall cladding.

The majority of existing landscaping and trees on site are to be retained. There is a low level wall and fence to the southern boundary which incorporates protected cherry trees. Plans indicate that an area of landscaping to the west boundary shall be introduced to provide a visual buffer. In addition to this a central pedestrian walk way is to be provided in the centre of the car park area which will be strengthened by the use of tree planting along it. It is considered that this will help to break up the expanse of the car park area and provide visual interest.

It is considered that the scale, massing, finishing materials and landscaping proposed are of an acceptable standard and shall not detract from the nearby Ambassador Route formed by the Kingsway dual carriageway. The types and colour palette of materials shall help to create a positive image of the city.

CONCLUSION

It is concluded that the proposed development is acceptable in terms of Structure Plan Transportation Policies 1 and 4. It is also considered that the proposals are acceptable in terms of Dundee Local Plan Policies 21, 48, 55, 56, 57, 72, 76, 79, 81, 82 and 86.

It is also concluded that the proposed development is not in accordance with the development plan, particularly with regard to both Structure Plan and Dundee Local Plan Policies that relate to Employment Land and Location of New Retail Developments.

However, it is considered that there are other material considerations of sufficient weight that would justify the setting aside of these policies and offering support for the development subject to certain conditions. These considerations relate particularly to the planning and economic benefits that would arise from the development in terms of improved transportation arrangements for the A90(T) and the adjacent industrial estates and the potential for the creation of additional employment opportunities within the city. It is also considered that the development will allow a potential opportunity to improve the remainder of the adjacent site to the north and east for modern industrial and business uses.

It is concluded that the proposal does not undermine the core land use and environmental strategies of the development plan. The planning and economic benefits that would accrue from the proposed development would be important to the future development and viability of the city as a regional centre. These benefits are considered to be of a significant weight and sufficient to set aside the relevant provisions of the development plan.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and, if necessary, a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
 - a the nature, extent and type(s) of contamination on the site;
 - b measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - c measures to deal with contamination during construction works; and

- d verification of the condition of the site on completion of decontamination measures.
- 2 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority"
 - 3 Prior to the commencement of development, full details for the timber finishings to the store elevation shall be submitted to and approved in writing. For the avoidance of doubt the information shall confirm the type, orientation and finish to the timber. The scheme shall thereafter be completed in full accordance with the agreed details.
 - 4 Prior to the occupation of any part of the development the noise mitigation measures detailed in the Acoustic Report by Paul Horsley Acoustics Limited, dated 19 August 2009 shall be implemented in full.
 - 5 That total noise from all mechanical and electrical services shall not exceed NR35 as measured 1 metre external to the facade of the nearest residential property.
 - 6 Prior to the commencement of any development full details of public art provision for the development shall be submitted to and approved in writing by the planning authority. For the avoidance of doubt, the public art provision shall be completed only in full accordance with such approved details prior to the first use of the unit or within such a further period of time that has been agreed in writing with the planning authority.
 - 7 That the sale and display of comparison goods shall be limited to no more than 30% of the net sales area of the store, subject to a limitation that no single group of goods from the following list (a) to (h) inclusive shall occupy more than 50% of the said sales area floor space devoted to the sale of comparison

goods, the said listing being as follows:

- a Books;
 - b Clothing and Footwear;
 - c Furniture, Floor Coverings and Household Textiles;
 - d Radio, Electrical and other Durable Goods;
 - e Hardware and DIY Supplies;
 - f Chemist Goods;
 - g Jewellery, Silverware, Watches and Clocks; and
 - h Recreational and other Miscellaneous Goods.
- 8 That the proposed foodstore shall not have located within it any concessionary units for the use of other businesses.
- 9 Prior to the commencement of trading from the store alterations to Myrekirk Road shall be formed and constructed to Dundee City Council specifications and generally in accordance with Drawing Nos.08-041 FULL_04 G and 1561 S(90)103-1 F (Proposed works sheet 1 of 6). For the avoidance of doubt this incorporates the site access, service access to the rear of the store and widening of Myrekirk Road North and South. Any alterations to the details shown on the drawing shall require to first agreed in writing by the Planning Authority.
- 10 Prior to the commencement of trading from the store a fully linked and operational CCTV system shall be provided at the location shown on Drawing No S (90) 110 Rev D revised and in accordance with a scheme that has been submitted to and agreed in writing by the planning authority in consultation with Tayside Police
- 11 Prior to the commencement of trading from the store the bus services and associated pole and shelter incorporating Real Time Information to Dundee City Council specification shall be implemented and operational in accordance with submitted and agreed details and generally in

accordance with Drawing No. S (90) 103 5G

- 12 Prior to the commencement of trading from the store a Stage 1/2 Road Safety Audit shall be submitted to and approved by the Planning Authority in consultation with Transport Scotland Trunk Road Network Management incorporating all roads, footways and internal site layout.
- 13 Prior to the commencement of trading from the store pedestrian crossing points in the form of dropped kerbs shall be provided to Dundee City Council specification at locations detailed on Drawing No.
- 14 Within one month of commencement of trading from the store or within a further period agreed in writing with the planning authority, a Stage 3 Road Safety Audit shall be submitted to and approved by the Planning Authority in consultation with Transport Scotland Trunk Road Network Management
- 15 Prior to the occupation and trading from the store, a scheme to provide electric vehicle charging points or other forms of mitigation as otherwise agreed in writing shall require to be submitted to and approved in writing by the Council. For the avoidance of doubt the details shall include a timetable for implementation. The development shall thereafter be carried out in complete accordance with the agreed details.
- 16 Prior to occupation of any part of the development, a scheme for post-development air quality monitoring and air dispersion modelling, shall be required to be submitted to and approved in writing by the Council. Air quality monitoring and air dispersion modelling shall thereafter be carried out in complete accordance with the details of the agreed scheme.
- 17 Prior to the commencement of trading from the store alterations to Myrekirk Road shall be formed and constructed to Dundee City Council

specifications and generally in accordance with Drawing Nos S (90) 103-1F, S (90) 103-5G and S (90) 103-6 C.. For the avoidance of doubt this incorporates the site access, service access to the rear of the store and widening of Myrekirk Road North and South.

- 18 Prior to the occupation of any part of the development the modifications to the A90/Myrekirk Road roundabout generally in accordance with AECOM drawing number 60101543 SK_013 and incorporating further pedestrian crossing facilities on the west arm, shall be completed to the satisfaction of the Planning Authority, after consultation with Transport Scotland Trunk Road and Bus Operations.
- 19 The traffic signals associated with the works indicated in Condition 19 shall incorporate either MOVA control, or other approved means of dynamic control and queue detection (eg SCOOT), to the satisfaction of the Planning Authority, in consultation with Transport Scotland Trunk Road and Bus Operations.
- 20 No direct vehicular access to the site from the A90 trunk road shall be permitted during either the construction of operational phase of the development.
- 21 Prior to the commencement of any development on site details of the proposed traffic movement schemes to be implemented during the construction of the development shall be submitted to and approved by the Planning Authority in consultation with Transport Scotland Trunk and Bus Operations.
- 22 Prior to the commencement of development on site proposals for the provision of either new or extended bus services across the A90(T) to the development, including details of operating hours, frequency of services, route and timescale for introduction, shall be submitted to and approved in writing by the planning authority, after consultation with Transport Scotland Trunk Road and Bus Operations.

- 23 Concomitant with the occupation of any part of the development the agreed bus services referred to in Condition 22 shall be introduced.
- 24 Prior to the commence of any development on site a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the planning authority, in consultation with Transport Scotland Trunk Road and Bus Operations. The Travel Plan shall identify measures to be implemented; the system of management, monitoring, review and reporting; and the duration of the plan.
- 25 Prior to the occupation of any part of the development a scheme for the upgrading of the pedestrian underpass beneath the A90 Kingsway West shall be approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland Trunk Road Network Management. Details of all lighting and advertising features within the site shall be submitted to and approved in writing by the planning authority, in consultation with Transport Scotland Trunk Road and Bus Operations.
- 26 Details of all lighting and advertising features within the site shall be submitted to and approved in writing by the planning authority, in consultation with Transport Scotland Trunk Road and Bus Operations.
- 27 Prior to the commencement of any development a fence/barrier of a type approved by the planning authority, after consultation with the Transport Scotland Trunk Road Network Management, shall be provided and maintained along the proposed boundary of the site with the trunk road.
- 28 The foodstore shall have a gross floor area not in excess of 8,295m² and a net sales area of not more than 4,880m².
- 29 Prior to the commencement of any development full details of a

footway/cycleway to the north of the Kingsway linking in with the existing footways and underpass must be provided to the Council in writing for approval. For the avoidance of doubt the scheme must thereafter be implemented in full accordance with the agreed details.

Reasons

- 1 In order to ensure that the site is fit for the use proposed.
- 2 In order to ensure that the site is fit for the use proposed.
- 3 To ensure a satisfactory standard of appearance.
- 4 To protect surrounding occupiers from nuisance resulting from noise associated with the operation of the unit hereby granted permission.
- 5 In order to protect local residents from nuisance resulting from noise associated with the unit hereby granted permission.
- 6 In order to provide for public art in interests of visual amenity and the appearance of the site.
- 7 To conform with the approved shopping policies of the Development Plan.
- 8 To conform with the approved shopping policies of the development plan and to ensure that no adverse impact is effected upon Lochee District Shopping Centre.
- 9 To ensure there are adequate and appropriate accesses to the store; that the local road network has adequate road capacity to cater for the proposed development traffic and to improve journey times along these roads.
- 10 In order to ensure there is adequate control of the proposed traffic signals.
- 11 To be consistent with the requirements of Scottish Planning Policy (SPP); to ensure that there is appropriate infrastructure in place to accommodate the required bus service and to ensure that buses are linked to the Dundee City Council system.
- 12 In order to ensure that there are an adequate and appropriate number of dropped kerb crossing

points to assist pedestrian access to the proposed development.

- 13 In order to ensure that there are an adequate and appropriate number of dropped kerb crossing points to assist pedestrian access to the proposed development.
- 14 To ensure that the layout is laid out taking due cognisance of road safety and to comply with Dundee City Council Road Safety Audit Procedures.
- 15 In order to reduce the predicted pollutant concentration at relevant receptors.
- 16 In order to determine the post-development air quality concentrations (NO₂ and PM₁₀) at relevant receptors.
- 17 To ensure there are adequate and appropriate accesses to the store; that the local road network has adequate road capacity to cater for the proposed development traffic and to improve journey times along these roads.
- 18 To ensure that the junction layout complies with the current agreed standards and that the safety of the traffic on the trunk road is not diminished.
- 19 To ensure that the junction layout complies with the current agreed standards and that the safety of the traffic on the trunk road is not diminished.
- 20 To ensure that the junction layout complies with the current agreed standards and that the safety of the traffic on the trunk road is not diminished.
- 21 To ensure that the junction layout complies with the current agreed standards and that the safety of the traffic on the trunk road is not diminished.
- 22 To be consistent with the requirements of SPP17: Planning for Transport.
- 23 To be consistent with the requirements of SPP17: Planning for Transport.
- 24 To be consistent with the requirements of SPP17: Planning for Transport.
- 25 To be consistent with the requirements of SPP17: Planning for Transport.

- 26 To ensure that there will be no distraction or dazzle to drivers on the trunk road.
- 27 To minimise the risk of pedestrians and vehicles gaining uncontrolled access to the trunk road with the consequential risk of accidents.
- 28 To conform with the approved shopping policies of the Development Plan.
- 29 To ensure that there is an adequate pedestrian/cycle access to the store.