

KEY INFORMATION

Ward Lochee

Proposal

Mixed use development comprising class 4 business use, wholesale cash and carry use, trade counter use, car showroom use, autocare (motor vehicle maintenance) use, public house, restaurant and hotel use with car parking, access, environmental improvements and other associated works.

Address

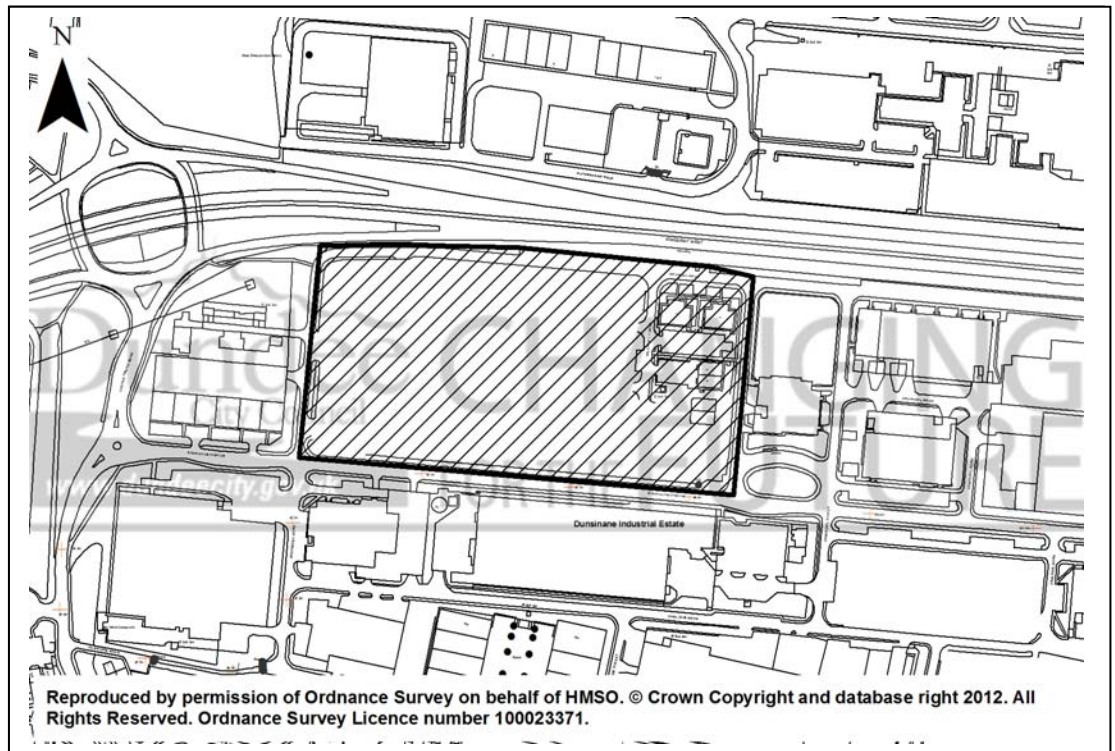
Former Valentine Works
Kinnoull Road
Dunsinane Industrial Estate

Applicant

Gladman Developments Ltd
(FAO Mrs Catherine Wood)
2 Eliburn Office Park,
Eliburn
Livingston EH54 6GR

Registered 19 June 2012

Case Officer P Frickleton



Mixed Use Development Proposed at Dunsinane

Mixed use development comprising class 4 business use, wholesale cash and carry use, trade counter use, car showroom use, autocare (motor vehicle maintenance) use, public house, restaurant and hotel use with car parking, access, environmental improvements and other associated works is **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

RECOMMENDATION

The proposed development fails to comply with the relevant policies of the Development Plan. There are no material considerations of sufficient strength to justify approval of this application contrary to the provisions of the Plan. The application is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- The application seeks planning permission in principle for a mixed use development, comprising class 4 business space, wholesale cash and carry use, trade counter use, car showroom use, autocare (motor vehicle maintenance) use, public house, restaurant and hotel use with car parking, access, environmental improvements and other associated works on the former Valentine's card factory.
- The proposal falls to be considered under Policy 2 (Shaping Better Quality Spaces) and Policy 3 (Managing TAYplan's Assets) of the TAYplan Strategic Development Plan 2012-2032 and Policy 24 (Principal Economic Development Areas), Policy 25 (Dunsinane Revitalisation), Policy 27 (Ancillary Services within Economic Development Areas) and Policy 30 (Visitor Accommodation) of the Dundee Local Plan Review 2005.
- The use of this frontage site for class 4 business use, car showrooms and wholesaling is considered to be in accordance with the relevant land use policies of the Development Plan. Whilst it is believed that the development will improve the environmental quality of the site and enhance the general setting and appearance of the industrial estate, the hotel and restaurant/public house element of the development are contrary to the provisions of Policies 24, 25 and 30 of the Dundee Local Plan Review 2005.
- Numerous request have been made to the applicant, both at the pre-application stage and throughout the duration of the application, requesting that the hotel and restaurant/public house facilities be withdrawn from the development. Unfortunately the applicant confirmed their intentions not to propose any changes to the content of the plan as they believe the hotel development to be the key to enabling the whole development financially.
- The Council has followed the statutory neighbour notification procedures stipulated by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and the application was advertised in the local press. No representations were received.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks planning permission in principle for a mixed use development, comprising class 4 business space, wholesale cash and carry use, trade counter use, car showroom use, autocare (motor vehicle maintenance) use, public house, restaurant and hotel use with car parking, access, environmental improvements and other associated works on the site of the former Valentine's card factory.

The application is being promoted by the site owners Gladman Developments Ltd who bought the 4 ha site in 2007. The site was home to the Valentine's greeting card factory, built in 1937 and which closed in 1994. Since then, albeit several planning applications have been submitted to redevelop the site, it remains largely vacant. The land has been allocated for development since the factory closure and benefits from extant planning permission secured by Gladman across the whole site for business use.

The total floor space proposed on site is 14,510m² GIA compared to the extant permission which allows 16,436m² GIA.

The development proposes 4,046m² GIA class 4 business space at the eastern end of the site, this is in addition to the 1,778m² GIA of class 4 office space that has already been built speculatively by Gladman on site.

A mix of additional uses are proposed to include two car showrooms (one at 929m² GFA (790m² NIA each), one at 697m² GFA (592m² NIA)), a car showroom/trade counter use (at 929m² GFA (790m² NIA), a cash and carry unit (1,858m² GFA, 1,579m² NIA), an autocare unit (for vehicle maintenance) (557m² GFA, 474m² NIA) and a hotel/restaurant/pub of 3,716m² (2685m² NIA - assumed to have between 80 and 100 beds). These additional uses will total 8,686m² GFA.

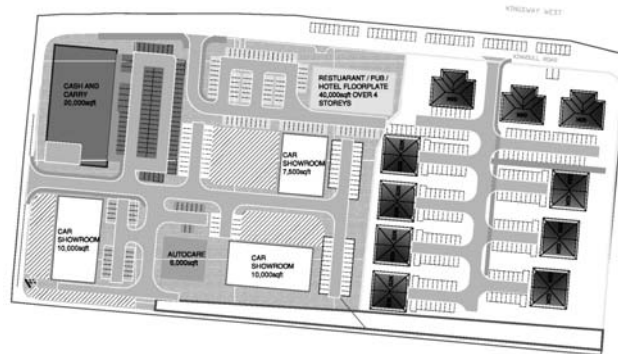
The total number of car parking spaces proposed is 499.

Access will be able to be taken from all sides of the development for cyclists and pedestrians. A second vehicular access will be taken from Kinnoull Road (in conjunction with the

existing access) and an altered access from Broomhill Road.

The applicant has submitted the following documents to accompany the application drawings:

- A statutory pre-application consultation report
- Air Quality Assessment
- Archaeology Report
- Drainage Statement
- Ecology Report
- Environmental Statement
- Final Planning Statement
- GVA RGA Hotel Report
- Traffic Statement



- Travel Plan Statement
- Office Market Report
- Socio-economic Assessment

As the area of the application site exceeds 2 hectares 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. This is evidenced in the Pre-application Consultation Report submitted as part of this application. In addition the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 also stipulate that major planning applications should be accompanied by a Design and Access Statement. The applicant has complied with this requirement.

In accordance with the Discretionary Scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.

The proposals do 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 under consideration is located in the north-west corner of the Dunsinane Industrial Estate on the former Valentine's card factory site. The site comprises approximately four hectares of level derelict land that has lain vacant for a number of years. The exception is the land at the eastern end of the site where 1,378m² NIA of speculative class 4 space has been erected.

The site is bounded by Kinnoull Road to the north east, by Dunsinane Avenue to the south and Broomhill Road to the west. The site has a prominent frontage onto Kingsway West to the north.

The surrounding area is predominantly in industrial and business use.

POLICY BACKGROUND

TAYplan Strategic Development Plan 2012-2032

The following policies are of relevance:

Policy 2: Shaping Better Quality Spaces.

Policy 3: Managing TAYplan's Assets.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 24: Principal Economic Development Areas.

Policy 25: Dunsinane Revitalisation.

Policy 27: Ancillary Services within Economic Development Areas.

Policy 30: Visitor Accommodation.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

The Scottish Planning Policy - February 2010.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Lochee Physical Regeneration Framework - December 2007.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

The following proposals relate to the application site and are noted as follows:

94/20243/D - Outline Consent for Superstore - Application Called In and Refused 21 March 1996

99/24059/D - Outline Consent for Superstore - Application Invalid

03/00596/OUT - Regeneration of Estate to Provide Mixed Use Development - Application Withdrawn 13 October 2003

03/00708/OUT - Regeneration of Estate for Mixed Use Development - Application Withdrawn 7 February 2005

08/00076/FUL - Erection of 26 (2 and 3 storey) office pavilions plus infrastructure work - Approved subject to conditions 17 June 2008.

08/00805/FUL - Erection of 22 (2 and 3 storey) office pavilions plus associated infrastructure works - Approved subject to conditions 16 March 2009

Environmental Impact Assessment (Scotland) Regulations 2011:

A screening opinion was submitted to Dundee City Council on 1 June 2012. The opinion of the Council is that the development is not likely to have "significant effect" on the environment by virtue of its nature, size or location" and is therefore not considered to be EIA development under the terms of either the Environmental Impact Assessment (Scotland) Regulations 2011. A screening opinion was issued by the Director, under delegated powers, confirming that an EIA is not required.

PUBLIC PARTICIPATION

The applicant has demonstrated through the submitted pre-application Consultation Report that the requirements of Section 35 A-C of The Town and 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 the local community including Traders Association; Residents Groups and the City's Communities Officer.

A public consultation event was held on 19 April 2012 at the West District Housing Office in Lochee from 11:00 to 20:00 hrs. The event was advertised in the Evening Telegraph on 12 April 2012 and a mailshot was dispatched to all 61 neighbouring Dunsinane businesses informing them of the exhibition. The newspaper advertisement identified the dedicated webpage details that had been set up for the development as well as an email address for further information. The web page contains all exhibition drawings and boards together with an on-line exhibition questionnaire, email contact details and draft supporting information.

The exhibition attracted 13 attendees over the day and 9 questionnaires were completed. The comments received can be summarised as follows:

- 100% of participants support the development;
- Hotel is a must for travellers;
- Modern business premise will improve the city on a main thoroughfare;
- Excellent job opportunities for Dundee;
- Completes an empty site;
- Variety;
- Fills a derelict site and jobs;
- Improves the view from the Kingsway;
- Access for westbound commuters to food and drink facilities as well as the hotel;
- Ensure public transport is available;

- Unsure about hotel provision due to similar proposals within the City;
- Less and less room for manufacturing in Dundee;
- Greater emphasis needed on leisure facilities;
- This area is long overdue redevelopment with a mixed type of business.

In addition to the consultation event 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 advertised in the local press under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. No letters of objection have been received.

CONSULTATIONS

Scottish Environment Protection Agency (SEPA)

SEPA have no objection to this application.

Transport Scotland

The Director of Transport Scotland has stipulated several conditions that should be attached to any permission that the Council may give.

The first condition relates to the provision and maintenance of a barrier along the boundary of the site with the trunk road. The second condition states that no part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, in consultation with Transport Scotland TRBO. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Environmental Protection

The Head of Environmental Protection has advised as follows:

Contaminated Land - The applicants have submitted a review and summation of works that were previously undertaken on site in association with planning application 08/00076/FUL, with recommendations on how these apply to the current proposals. As such, the Head of Environmental Protection has requested that, should the Committee be minded to approve the application, a condition be added to the consent requesting that before any unit is occupied, the remediation requirements previously agreed in association with planning application 08/00076/FUL and proposed in the submitted review and summation of works 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 the Council for approval.

Air Quality - With regard to the "Construction Phase Assessment" the Head of Environmental Protection has no objection subject to a condition being added to the consent requiring that the recommendations set out in "Table 17 Fugitive Dust Mitigation Measures" of the assessment are fully implemented.

The "Operational Phase Traffic Exhaust Emissions Assessment" only considers the developments in terms of traffic exhaust emissions. Should future development of the site include individual developments with other sources of pollution these will require to be addressed through future planning applications.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with 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 in principle for a mixed use development on the former Valentine's factory site. The application site measures approximately 4 hectares.

TAYplan Strategic Development Plan 2012 - 2032

The newly approved 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.

As specified above the Policies relevant to the assessment of this application are:

Policy 2 (Shaping Better Quality Places) - this policy requires new development to be fit for place, supporting more sustainable ways of life for people and businesses. The relevant section of this Policy is:

Policy 2C requires the integration of transport and land use to reduce the need to travel and improve accessibility by foot, cycle and public transport; make best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and off site infrastructure.

A Traffic Modelling Addendum to the 2008 Transport Assessment was submitted as part of the application. The report concluded that changes to the proposed development content would potentially result in a lesser impact on the surrounding roads network than if the 2008 consented development were to be built out fully. Overall the weekday PM peak modelling analysis has shown that the proposed development related traffic would not result in significant increases to vehicle journey times or significant queuing on the surrounding road network.

A Travel Plan was submitted and approved as part of the approved office development (08/00076/FUL). This plan has been revised to take the proposed mixed use development into account. The Final Travel Plan will focus on the employment aspect of the site, with targets being set across the whole development to include the

offices already constructed. Targets for modal shifts will be considered when setting targets in the Final Travel Plan.

Measures to encourage sustainable travel patterns are incorporated into the design of the development and are to be in place from the outset to ensure that they are most effective. The site layout plan provides details of cycle parking and car parking, both in accordance with their respective guidelines.

The proposals comply with the requirements of Policy 2C.

Policy 3 (Managing TAYplan's Assets) - this policy requires Local Authorities to identify and safeguard at least 5 years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements. The policy also safeguards areas identified for class 4 office type uses in principal settlements.

Dunsinane is a key employment location and makes a significant contribution to the overall economic land supply of the city. If higher value uses are permitted then it would be on the provision that the proposed uses help stimulate the regeneration of Dunsinane to significantly enhance the attraction of this location for economic development purposes. Whilst the class 4 business use, car showrooms and wholesaling are considered to be acceptable the hotel and restaurant/public house will result in the loss of allocated land from employment use. However the scale of loss is not considered to be of strategic importance given the current supply of employment land.

It is considered that the proposed mixed use development complies with the requirements of the Strategic Development Plan 2012-2032.

Dundee Local Plan Review 2005

The location and nature of the proposed development are subject to initial consideration under Policy 25 (Dunsinane Revitalisation) of the Dundee Local Plan Review 2005. This policy advises that, amongst other things that in certain identified areas within the Estate, higher value economic development uses will be supported. Any higher value uses should conform to the wider development plan policy background

of keeping Dunsinane primarily for business and employment type uses. Certain wider categories of use such as car showrooms and wholesaling may be permitted; however, Class 1 Retailing will not generally be acceptable.

While the application site is contained within such an identified area the proposed Class 4 Office use is not considered to be covered by such a higher value classification. Consequently, the proposed office use falls to be determined under the general terms of Policy 24 (Principal Economic Development Areas) of the Local Plan. This policy safeguards the principal economic development areas of the city 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.

Whilst the business units, car showroom and wholesale elements of the proposals are considered to be acceptable under Policies 24 and 25 of the Plan there is no policy support for the inclusion of the hotel and restaurant/public house facility. A case could be raised that a smaller restaurant would fall under policy 27 (Ancillary Services within Economic Development Areas) however the scale of the development and its relationship to the hotel facility would suggest that it is not of an appropriate scale as to be aimed primarily at serving the local businesses, nor complementing them. The proposals therefore fail to comply with Policies 24, 25 and 27 of the Development Plan.

Policy 30 (Visitor Accommodation) of the Local Plan supports the provision of a range of high quality visitor accommodation and conference facilities in and close to the city centre, where they are consistent with the Central Waterfront Masterplan. The Kingsway and other routes through the city are already well served by a number of hotels, and therefore, so as not to inhibit the provision of new accommodation in more central locations there is a general presumption against additional accommodation along or close to

major routes through the city. The proposed hotel fails against the locational requirements of policy 30.

The use of this site for Class 4 Business Use; car showrooms and wholesaling is considered to be in accordance with the relevant land use policies of the Development Plan, however, the hotel and restaurant/public house element of the development are contrary to the provisions of the plan. Therefore it is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

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

a 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 the 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 Planning Authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans, including opportunities for mixed use development, to meet anticipated requirements and a variety of size and quality requirements. Marketable land should meet business requirements, be serviced or serviceable within 5 years, be accessible by walking; cycling and public transport, and have a secure planning status.

It is considered that the proposed development would achieve several aims of the Economic Development section of the SPP by providing a use which would stimulate the regeneration of the area, provide new employment opportunities and promote development in a sustainable location.

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.

As discussed under Policy 2C of the Strategic Development Plan a Traffic Modelling Addendum to the 2008 Transport Assessment was submitted as part of the application. The applicant's have also submitted an Interim Travel Plan (ITP) for the site and have appointed a Travel Plan Co-ordinator. It will be the responsibility of the travel plan co-ordinator to ensure as appropriate that the Travel Plan is implemented for this part of Dundee Business Park and in accordance with the ITP. Hard measures will be included in the construction of the development and softer measures will be decided after staff surveys have shown which measures would achieve the objectives of the plan.

The proposal has already been assessed against Policy 2 (Shaping Better Quality Places) and Policy 3 (Managing TAYplan's Assets) of the Strategic Development Plan and Policies 24, 25, 27 and 30 of the Dundee Local Plan Review 2005. Whilst

the class 4 Business Use; car showrooms and wholesaling are considered to be acceptable the hotel

and restaurant/public house element of the development are contrary to the provisions of the plan. However despite this it is considered that the proposal in terms of sustainable transport and its impact on the local road network is acceptable in terms of the guidance contained within SPP in relation to Transport.

b Lochee Physical Regeneration Framework (December 2007)

The Lochee Physical Regeneration Framework document was approved by the Council in December 2007 and sets out a long term strategy to guide investment in Lochee over the decade. The employment in Lochee area is centred on four distinct zones one of which being Dunsinane Business Area which makes a significant contribution to the overall economic land supply for the city. In line with the Dundee Local Plan Review the Framework intends to stimulate and promote appropriate development in this area, thus enhancing employment opportunities in the Lochee area.

As discussed in the assessment of the application against the Development plan, in order to stimulate the regeneration of Dunsinane the Local Plan Review proposes to allow some increased flexibility in the range of uses permitted on certain sites within the estate. These sites will be reallocated for higher value uses on the provision that there is substantial reinvestment in the remainder of the estate to significantly enhance the attraction of this location for economic development purposes, thereby reducing the need for additional greenfield allocations. Whilst the class 4 business use, car showrooms and wholesaling are considered to acceptable and comply with the relevant Development Plan policies the hotel and restaurant/public house will result in the loss of allocated land from employment use.

c Supporting Information

The applicants have submitted a considerable amount of supporting information to accompany this proposed development. This includes a Traffic Statement, a Travel Plan statement, an Air Quality Assessment, an Archaeology Report, a Drainage Statement, Ecology Report, Environmental Statement, Final Planning Statement, GVA Hotel Report, Office Market Report and Socio-Economic Assessment. These

issues have been fully assessed in the determination of the application. It is concluded that, with the exception of the GVA Hotel Report and reference to the hotel and restaurant/public house in the Planning Statement, the details submitted for consideration are consistent with the aims and requirements of this Council. The GVA Hotel report has been analysed under section (f) below.

d Economic Benefits

A Socio-Economic Assessment has been submitted in support of this application which assesses and quantifies the socio-economic impacts of the proposed mixed use development. The Assessment was prepared independently by Regeneris Consulting.

The Assessment states that the proposed development has the potential to deliver a range of employment impacts, including temporary construction impacts, direct on-site employment, as well as in direct and induced employment impacts across the Dundee economy.

The total cost of developing the site is estimated to be £18m. According to the consultants the whole development would support around 309 full time construction jobs over its lifetime. The total number of jobs (full time and part time) is estimated to be in excess of 800 taking account of the development itself as well as the catalyst spend considerations in the local area from businesses and local residents.

The applicant's have stressed that the hotel and food/drink element of the proposal is financially crucial for the site's delivery. This element alone will create in the region of 73 construction jobs and 51 full time direct jobs; a significant contribution in overall terms to the Dundee economy. The applicant's believe that these jobs are most likely to be filled by the local "walk to work" employment market bearing in mind the variety and type of work created.

The applicant's refer to the Council's concept of a "Working City" as the first of the priorities identified in City Development's 2012-2012 service plan, with the need to create and retain jobs and capitalise on the City's industrial strengths amongst the objectives specified under this priority.

The creation of additional employment opportunities within the City is considered to be a strong material consideration in the determination of this application.

e Initial Scoping Study for Hotel Development (June 2012)

The applicant's retained GVA RGA to prepare an initial Scoping Study examining the viability, operation and suitability of a hotel at the application site. Their valuation of the market opportunity for the development was positive. The application has been based on the GVA RGA hotel report and seeks between 80 and 100 beds. The report emphasises that the operator of such a hotel is very likely to be a new operator to Dundee and will not compete with such operators that would seek to locate in the City Centre. A facility of the scale proposed is based on current demand, would provide a significant number of local jobs (73 in total) and enable the whole development to come forward financially. According to the applicants without the hotel and restaurant the development is unviable.

The applicant's see the proposed hotel and restaurant/public house facility as complementary to one another especially as there are currently no eating and accommodation facilities on site, neither in the local vicinity nor on this side of the Kingsway West. Such a combined facility therefore meets the aims and objectives of promoting sustainable economic development.

As discussed under Policy 30 of the Dundee Local Plan Review 2005 the proposed hotel development by virtue of location is considered to have a detrimental impact on the City Centre and Central Waterfront Masterplan. It is vital that the City provides a range of accommodation to meet the needs of tourists and business visitors, this is particularly important in the more central areas of the City where potential exists to achieve greatest economic benefit from visitors to the city in terms of shops, restaurants and other visitor facilities and attractions. The Kingsway and other routes through the City are currently well served by a number of hotels. Within a relatively short distance of the application site are the Premier Inn at Camperdown Leisure Park (78 bedrooms), Park House Hotel on Coupar Angus Road (11 bedrooms) and Travel Lodge Strathmore Avenue

(68 bedrooms), all of which provide eating and accommodation facilities.

The contention that a hotel is needed for the west bound traffic on the Kingsway cannot be justified; the configuration of the Kingsway and local road network is such that it makes sites to either side of the Kingsway easily accessible despite which direction you are travelling in.

The application is being determined as a whole and the individual operators for each element of the development or their calibre is not a material consideration in the determination of the application; it is the use classes that are being considered and not the individual business operators.

While the report is substantial in content it fails to provide specific supporting information to qualify the statements that are offered for consideration. In this respect it is considered that the applicants have not fully justified the merits of their case.

The applicants have put forward a substantial development that could assist in the regeneration of this visually important site and make a positive contribution to the revitalisation of Dunsinane Industrial Estate. However, the proposed hotel and restaurant/public house facilities proposed are considered to be contrary to the adopted development plan policies relating to the location of such facilities within the city. Whilst it is agreed that the development will create much needed additional employment in the city, the applicant's have failed to justify, through various detailed submissions, why these adopted policies should be set aside and the development approved contrary to policy.

Numerous request have been made to the applicant, both at the pre-application stage and throughout the duration of the application, requesting that the hotel and restaurant/public house facilities be withdrawn from the development. Unfortunately the applicant confirmed their intentions not to propose any changes to the content of the plan as they believe the hotel development to be the key to enabling the whole development financially.

It is concluded that the material planning considerations are not of sufficient weight to suggest that the Development Plan should not be

accorded the priority which the statute has given it.

Design

As this is an application for planning permission in principle there are no details of design at this time. The indicative layout demonstrates a designed "horseshoe" approach similar to that adopted at Kingsway Retail Park ensuring that all higher value uses maximise the visibility benefits from Kingsway. Sustainable travel patterns are to be incorporated into the design of the development are to be in place from the outset to ensure that they are most effective. The site layout provides details of cycle parking and car parking which are both in accordance with their respective guidelines.

CONCLUSION

The use of this frontage site for class 4 business use, car showrooms and wholesaling is considered to be in accordance with the relevant land use policies of the Development Plan. Whilst it is believed that the development will improve the environmental quality of the site and enhance the general setting and appearance of the industrial estate, the hotel and restaurant/public house element of the development are contrary to Policies 24, 25 and 30 of the Dundee Local Plan Review 2005. It is therefore concluded that whilst the material planning considerations generally weigh in favour of the proposed development they are not of sufficient weight to suggest that the Development Plan should not be accorded the priority which the statute has given it.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:-

- 1 The proposed hotel and restaurant/public house developments fail to comply with the industrial and business uses set out in Policy 24 (Principal Economic Development Areas) of the Dundee Local Plan Review 2005 and are of too great a scale to be covered by the exception for ancillary services in Policy 27. There are no material considerations that would justify a departure to the provisions of

the development plan in this instance.

- 2 The proposed hotel and restaurant/public house development fail to comply with the higher value economic development uses set out in Policy 25 (Dunsinane Revitalisation) of the Dundee Local Plan Review 2005. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.
- 3 The proposed hotel development by virtue of location will have a detrimental impact on the City Centre and Central Waterfront Masterplan. The proposed hotel is contrary to Policy 30 (Visitor Accommodation) of the Dundee Local Plan Review 2005. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.