

Two New Retail Units Proposed at Kingsway West Retail Park

KEY INFORMATION

Ward Lochee

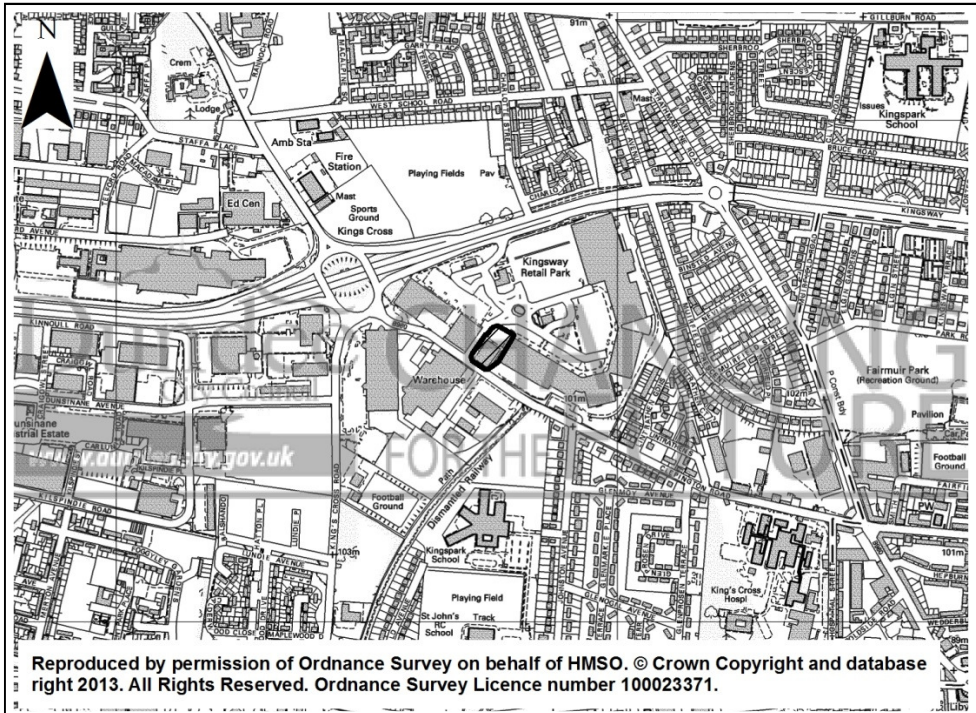
Address
Unit A5 Kingsway West Retail Park
467 Clepington Road, Dundee

Applicant
Ravenside Investments Ltd
c/o Agent

Agent
GVA
Quayside House
127 Fountainbridge
Edinburgh EH3 9QG

Registered 11 July 2013

Case Officer Paul Macari



SUMMARY OF REPORT

- This application seeks planning permission for the demolition of the existing Pagazzi retail unit and erection of 2 new retail units with mezzanine floor space and associated changes to car park at Kingsway West Retail Park, Dundee.
- Policy 7 (Town Centres) of TAYplan Strategic Development Plan and Policies 45 (Location of New Retail Development), 47 (Retail Parks - Goods Range Restrictions), 55 (Urban Design), 75 (Sustainable Drainage Systems) and 79 (Contaminated Land) of the Dundee Local Plan Review 2005 are relevant to the outcome of this application.
- One letter of support has been received from Dundee and Angus Chamber of Commerce.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MPEXI4GC04Q00>.

RECOMMENDATION

The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, the application is recommended for APPROVAL subject to conditions and the completion of a planning obligation.

1 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission to demolish the existing Pagazzi retail warehouse building and erect 2 new retail units with mezzanine floor space in its place and alter the layout of the existing car park.

1.2 The proposed retail warehouse buildings (Units 4A and 4B) will have a cumulative footprint that is significantly larger than the existing retail warehouse occupying the site. Consequently the buildings will occupy a more central position on the application site reducing the level of customer car parking by 26 spaces.

1.3 Unit 4A will have ground floor area of 1,254m² and a mezzanine floor area of 697 m². Unit 4B will have a ground floor area of 464m² and a mezzanine floor area of 232 m². This is below the normal minimum size for a retail warehouse.

1.4 The buildings will be of a modern double volume design similar to the existing retail warehouses to the north. Unit 4A will have glazed commercial frontages on its north eastern (front) and north western elevations with the remaining elevations finished in grey cladding. Unit 4B will have a glazed commercial frontage on its north eastern (front) elevation with the remaining elevations finished in grey cladding. The buildings will have sloping roofs. To the rear the existing service yard serving the Pagazzi retail warehouse will be adapted to serve the proposed retail warehouse buildings.

1.5 In accordance with the Council's scheme of delegation this application is being reported to the Development Management Committee at the request of the Director of City Development.

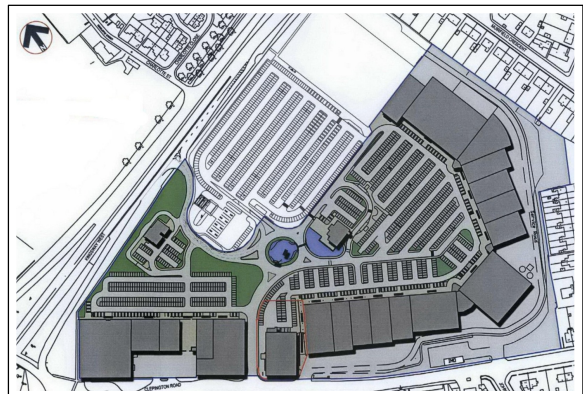


Figure 1 – Location Plan

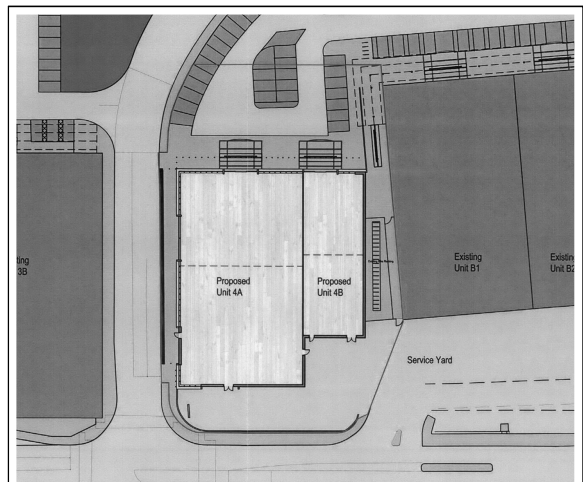


Figure 2 – Site Layout Plan

2 SITE DESCRIPTION

2.1 The application site is located mid-way along the western boundary of Kingsway West Retail Park. The site takes the form of a single storey retail warehouse building with glazed frontage on the eastern elevation. The site has a service yard to the west (rear) of the building and a large customer car parking area to the east. The car park is accessed from the main road through the retail park. To the north the site



Figure 3 – Photo Looking West

is bound by a terrace of large retail warehouses with service yards to the west and car parking to the east. To the south the site is bound by the secondary entrance/exit to the retail Park via Clepington Road.

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032
Policy 7: Town Centres

DUNDEE LOCAL PLAN REVIEW 2005

Policy 45: Location of New Retail Development
Policy 47: Retail Parks - Goods Range Restrictions
Policy 55: Urban Design
Policy 75: Sustainable Drainage Systems
Policy 79: Contaminated Land

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design
Policy 23: Goods Range Restrictions
Policy 24: Location of New Retail Developments
Policy 29: Low and Zero Carbon Technology in New Development
Policy 42: Sustainable Drainage Systems
Policy 45: Contaminated Land
Policy 47: Environmental Protection

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Scottish Planning Policy 2010
Draft Scottish Planning Policy 2013

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.



Figure 4 – Photo Looking South

4 SITE HISTORY

- 4.1 The Council is currently considering 3 applications for Kingsway West Retail Park.
- 4.2 Planning application ref: 13/00402/FULL seeks planning permission for external alterations to elevations, formation of an external sales and display area and associated works at Unit A3 Kingsway West Retail Park.
- 4.3 Application ref: 13/00403/MDPO seeks consent to discharge planning obligations registered on 26 June 1987, 12 October 1990, 15 August 1996, 2 April 1997 and 18 September 2002 and enter into a replacement planning obligation. The planning obligations referred to above restrict the range of goods that can be sold from Kingsway West Retail Park and the minimum floor area of the retail units. The purpose of application ref: 13/00403/MDPO is to

consolidate the five existing planning obligations into one planning obligation for the whole of Kingsway West Retail Park.

- 4.4 Application ref: 13/00404/MDPO seeks consent to modify the Legal Agreement associated with planning application reference D/12001 to permit clothing and footwear to be sold from not more than 1,300m² of the sales area of units A3 and A4 of Kingsway West Retail Park. That application relates to the occupation of Units A3 and A4 by Next Home and Garden. As detailed in the applicant's planning statement the Next Home and Garden model involves retailing clothes and footwear which are goods that are restricted from being sold at Kingsway West Retail Park.

5 PUBLIC PARTICIPATION

- 5.1 The Council has followed the statutory neighbour notification procedures. This application has also been advertised as a departure to the Development Plan.
- 5.2 One letter of support has been received from Dundee and Angus Chamber of Commerce.
- 5.3 Members will already have access to the letter of support and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

- 6.1 **The Head of Environmental Protection** – has recommended that issues of noise from M&E Plant and machinery and site contamination are addressed by conditions should the Committee be minded to approve planning permission.

7 DETERMINING ISSUES

- 7.1 **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 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.

TAYPLAN STRATEGIC DEVELOPMENT PLAN

- 7.2 **Policy 7: Town Centres** – outlines the hierarchy of comparison retail centres in the Strategic Development Plan Area. Policy 7 stipulates that in order to protect the vitality and viability of Town and Local Centres, planning decisions should be based on the justification of planning proposals in combination with the sequential approach in the Scottish Planning Policy and other local considerations as appropriate. In this instance as the application site forms part of Kingsway West Retail Park which is an established commercial centre there is no requirement for the applicant to follow the sequential approach to site selection as detailed within the Scottish Planning Policy. However, the proposal must satisfy the requirements of the adopted Local Plan to comply with the requirements of Policy 7.

DUNDEE LOCAL PLAN REVIEW 2005

- 7.3 **Policy 47: Retail Parks - Goods Range Restrictions** reaffirms the Local Plan strategy to safeguard the vitality and viability of Dundee City Centre and associated District Centres by restricting the sale of certain goods ranges from Kingsway East, Kingsway West and Dock Street Retail Parks through legal agreements and planning conditions. The following range of goods is currently restricted from sale within Kingsway East and West Retail Parks:
- a a food and groceries;
 - b clothing and footwear;
 - c jewellery, silverware, watches and clocks;
 - d toys and sports goods; and
 - e electrical goods.
- 7.4 This planning application does not in itself seek to amend the range of goods restrictions set out in Policy 47 and the development does not therefore conflict with this aspect of the policy.
- 7.5 There are currently restrictions imposed by Section 75 planning obligations governing the minimum unit size and range of goods which can be retailed at this location. The applicant will need to modify the existing agreements or conclude a new agreement to permit the sale of any restricted goods or the formation of an undersized unit at this location should the Committee be minded to grant planning permission.
- 7.6 **The proposal satisfies Policy 47.**
- 7.7 **Policy 45: Location of New Retail Developments** – this seeks to preserve the City Centre and District Centres as the first choice for new or expanded retail developments. Proposals for retail developments outwith these locations will only be acceptable where it can be established that:
- a No suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres.
- 7.8 In accordance with the requirements of the Draft Scottish Planning Policy and Policy 7 of TAYplan there is no requirement for the applicant to demonstrate sequentially that there are no available sites within or on the edge of the City Centre or District Centres as Kingsway West Retail Park is an established commercial centre with the proposals being wholly compliant with the goods range restrictions stipulated by Policy 47. Criteria (a) is therefore not relevant to the proposed development.
- b Individually or cumulatively it would not prejudice the vitality and viability of the City Centre or District Centres.
- 7.9 The proposals do not seek to alter the goods range restrictions stipulated by Policy 47 of the adopted Local Plan. The proposed development will therefore not prejudice the vitality and viability of the City Centre or surrounding District Centres.
- c The proposal would address a deficiency in shopping provision which cannot be met within or on the edge of these centres; and

- 7.10 The proposed goods range restrictions imposed by existing planning obligations will prevent the new retail warehouses from selling goods which may otherwise be purchased from premises located in local centres, district centres and the City Centre. The purpose of this application, however, is not to address a deficiency in "high street" retailing but rather to address the deficiency in premises selling bulky household goods that exists within Dundee as detailed in Appendix 6 of the TAYplan Retail Framework document prepared by Roderick MacLean and Associates in 2009. The proposed development seeks to exploit the reported expenditure capacity in bulky goods in non-City Centre locations totally £80.2 million.
- d The site is readily accessible by modes of transport other than the car;
- 7.11 The applicant has submitted a detailed transport statement highlighting the accessibility of Kingsway West Retail Park in terms of public transport, private car, pedestrians and cyclists.
- e The proposal is consistent with other Local Plan policies.
- 7.12 The proposal satisfies the requirements of other Local Plan policies relevant to the determination of this application.
- 7.13 **The proposal satisfies Policy 45.**
- 7.14 **Policy 55: Urban Design** – this seeks to ensure that any proposed development is of a high quality design. It should incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.
- 7.15 The proposed retail warehouse buildings are of a high quality contemporary design and finish that will complement the appearance of the existing retail warehouse buildings while also enhancing the visual amenity of Kingsway West Retail Park through the creation of an active street frontage along the secondary entrance/ exit to the retail park from Clepington Road.
- 7.16 While the proposals will result in a loss of customer car parking facilities, the transport statement submitted in support of the proposed development demonstrates that Kingsway West Retail Park is very accessible by a variety of modes of transport including public transport, foot, cycle as well as private car.
- 7.17 Each of the proposed buildings will have level access suitable for push chairs and wheelchairs with customer lifts and stairs providing access to the mezzanine floor levels.
- 7.18 To maintain control over the finish of the proposed development the proposed finishing materials, street furniture and boundary enclosures will be controlled by condition.
- 7.19 **The proposal satisfies Policy 55.**
- 7.20 **Policy 75: Sustainable Drainage Systems** - requires development proposals to be accompanied by a Sustainable Drainage scheme at the time of submitting a planning application. This must be supplemented by a Drainage Impact Assessment that shows the impact of a 1 in 200-year rainstorm event.
- 7.21 The proposed development will not lead to an increase in the existing level of run off as the level of hard standing will not increase as a result of the proposed development. In addition the proposed development will benefit from connection to the existing SUDs system at Kingsway West Retail Park.

- 7.22 **The proposal satisfies Policy 75.**
- 7.23 **Policy 79: Contaminated Land** – this requires development proposals involving sites where the presence of contamination is suspected, to be accompanied by:
- a site investigations which assess the nature and extent of any contamination which may be present; and
 - b where contamination is found to be present, remediation measures proposed to render the site fit for its intended use including all receptors.
- 7.24 A contaminated land risk assessment has been submitted in support of the proposed development. The Head of Environmental Protection is satisfied that issues of site contamination can be addressed by conditions.
- 7.25 **The proposal satisfies Policy 79.**
- 7.26 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

OTHER MATERIAL CONSIDERATIONS

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

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

- 7.27 The proposed Dundee Local Development Plan has been the subject of Examination by Reporters from the Directorate for Planning and Environmental Appeals. Their Report of Examination does not recommend any changes in the allocation of this site or the policies affecting it. A report recommending adoption of the Plan is to be submitted to the October City Development Committee for approval and in these circumstances considerable weight should be given to the Proposed Plan which will shortly become the adopted Local Development Plan for the city.
- 7.28 The retail strategy in the Dundee Local Development Plan is in line with the Scottish Planning Policy, the draft Scottish Planning Policy and the National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres. The approach taken includes a "Town Centres First" presumption for retail development with a "sequential test" to apply it.
- 7.29 Policies 7, 23, 24 and 42 of the Proposed Plan are broadly similar to Policies 45, 47, 55 and 75 of the adopted Local Plan.
- 7.30 Policy 29 - Low and Zero Carbon Technology in New Development requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies. Should the Committee be minded to grant planning permission an appropriate condition will ensure that a Statement is submitted in accordance with the terms of Policy 29.
- 7.31 Policy 47 relates to environmental protection and requires proposals to respect the level of environmental quality afforded to neighbouring properties in relation noise disturbance. The Head of Environmental Protection has requested that noise restrictive conditions form part of the grant of planning permission should the Council be minded to approve this application.

- 7.32 **Therefore, the requirements of the Proposed Dundee Local Development Plan are also satisfied.**

SCOTTISH PLANNING POLICY 2010/ DRAFT SCOTTISH PLANNING POLICY 2013

- 7.33 It is considered that the retailing strategy and policies of the Dundee Local Plan Review 2005 and the proposed Dundee Local Development Plan 2012 are in accordance with the guidance in both the current Scottish Planning Policy and the draft Scottish Planning Policy.
- 7.34 It is noted in the draft Scottish Planning Policy that authorities are advised (paragraph 61-62) that “Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres” and
- 7.35 “Where necessary to protect the role of town centres, plans should specify the function of other centres, for example where retail activity may be restricted to the sale of bulky goods. Plans should indicate whether this type of retailing may be appropriate outwith existing centres and, if so, identify appropriate locations.”
- 7.36 The SPP also advises (para59) that “Development Plans should address any significant changes in the roles and functions of centres over time, where change is supported by the results of a health check.”
- 7.37 It is considered that the maintenance of the role of the retail parks restricted to the sale of bulky goods is supported by the current SPP and in the proposed guidance set in the draft SPP.

SUPPORTING PLANNING STATEMENT

- 7.38 The planning statement submitted in support of the proposed development suggests compliance with the Development Plan in terms of the principle of development and the aesthetics of the built form proposed.

PLANNING OBLIGATION

- 7.39 In line with the existing restrictions in place at Kingsway West Retail Park, the proposed retail units are restricted by virtue of floorspace and range of goods that can be sold from the premises. Should the Committee be minded to grant planning permission the applicants will need to renegotiate these restrictions to allow an undersized unit and the sale of any restricted goods.

LETTER OF SUPPORT

- 7.40 One letter of support has been received from Dundee and Angus Chamber of Commerce. The Chamber of Commerce highlight their support for the proposed development due to the impact on economic growth in the area and job creation.
- 7.41 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be
- 1 Prior to the commencement of work on site, details of the proposed finishing materials of the proposed retail warehouse buildings shall be submitted to the Council for written approval. Thereafter, the buildings shall be finished in the materials approved by this condition.
 - 2 Prior to the commencement of work on site, details of the proposed street furniture and boundary treatments to be installed on site shall be submitted to the Council for written approval. Thereafter, the approved street furniture and boundary treatments shall be installed prior to the occupation of the first retail warehouse building hereby approved.
 - 3 The total noise from all Mechanical and Electrical services shall not exceed NR 35 during the night as measured 1 metre external to the facade of adjacent residential accommodation. For the avoidance of doubt night time shall be 23.00 to 07.00 hrs.
 - 4 Development shall not begin until the investigation and risk assessment proposed in the submitted Preliminary Environmental Risk Assessment September 2013 by Waterman Energy, Environment and Design Ltd 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.
 - 5 Before the buildings hereby approved are 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
 - 6 A Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the proposed Dundee Local Development Plan 2012 shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement
 - 7 The mezzanine level for Unit 4B shall be completed before the unit is open for trading and the unit shall trade at all times with a gross floor area of 696m².

REASONS

- 1 In the interests of safeguarding visual amenity.
- 2 In the interests of safeguarding visual amenity.
- 3 In the interest of safeguarding residential amenity.
- 4 In order to ensure the site is fit for the purpose proposed
- 5 In order to ensure the site is fit for the purpose proposed.
- 6 In the interests of facilitating sustainable development.
- 7 To ensure the provision of an appropriate unit size for this retail warehouse.

Information: to implement this consent you will need to vary the existing Planning Obligations affecting this site either voluntarily with the Council or through the legislative provisions relating to S75 Obligations.