

New Shop at Fintry Road

KEY INFORMATION

Ward North East

Address

The Old Police Station
Fintry Road
Dundee

Applicant

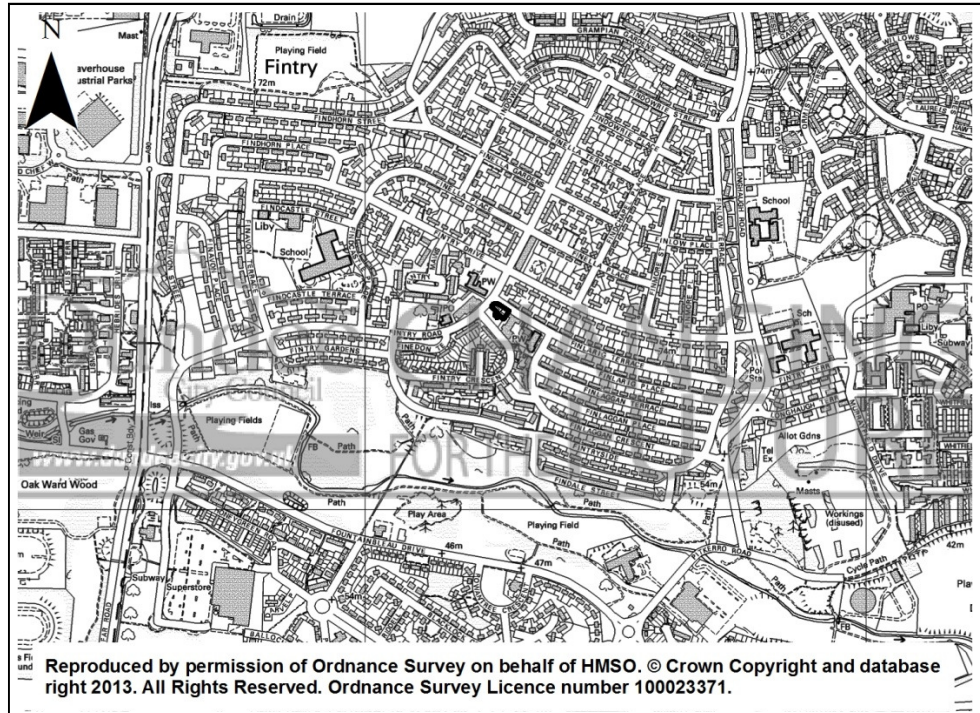
Seafeld Estates Ltd
3 Old Hawkhill
Dundee DD1 5EU

Agent

Mark Walker Architects
276B Blackness Road
Dundee DD2 1RZ

Registered 6 Dec 2013

Case Officer Eve Young



SUMMARY OF REPORT

- Planning permission is sought to construct a single storey shop, with a floor area of 72m², adjoining the Coral Bookmakers the junction of Fintry Road and Finlarig Terrace. The site which is also under the ownership of the applicant can accommodate 6 parking spaces.
- The Fintry Community Council and 3 local residents objected on the grounds of increased traffic and parking affecting the safety of residents particularly the elderly.
- As a result of a local safety campaign, bollards will be erected on this corner in March 2014 to prevent unauthorised parking.
- Outline planning permission was granted, on appeal, in 2008 for the development of a shop on this site but the permission has lapsed.
- In accordance with the Scheme of Delegation, this application is reported to the Development Management Committee for determination as an objection has been lodged by the Community Council.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MXE1N2GCGZC00>.

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought to construct a single storey extension to an existing building which lies to the south east of the junction of Fintry Road and Finlarig Terrace. The existing building is the former Police Station and houses the Coral Bookmakers. It is single storey with a red tiled roof and brick faced frontage.
- 1.2 The proposed extension has a floor area of 72m² and is to be used as a shop with pedestrian access to its north side (towards the junction corner). It will not exceed the height of the existing building.
- 1.3 The site layout shows that the site can accommodate 6 parking spaces in total to serve the bookmakers, dentists and the proposed shop unit.

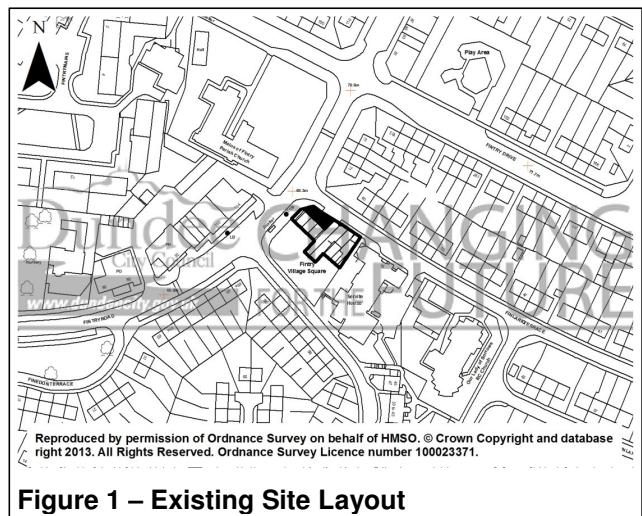


Figure 1 – Existing Site Layout

2 SITE DESCRIPTION

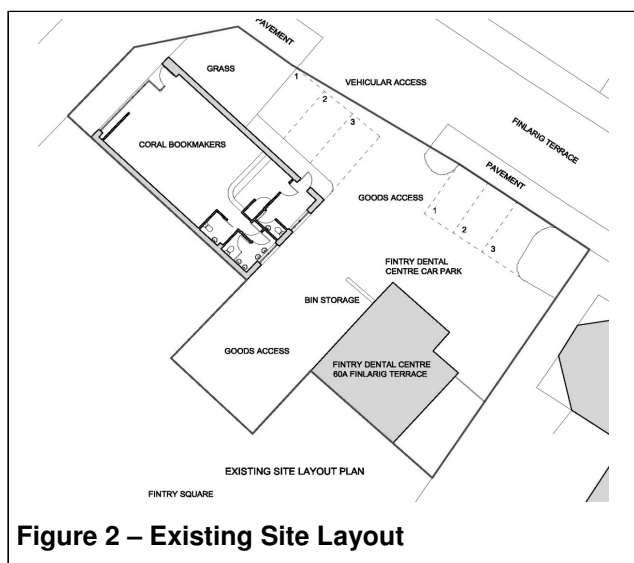


Figure 2 – Existing Site Layout

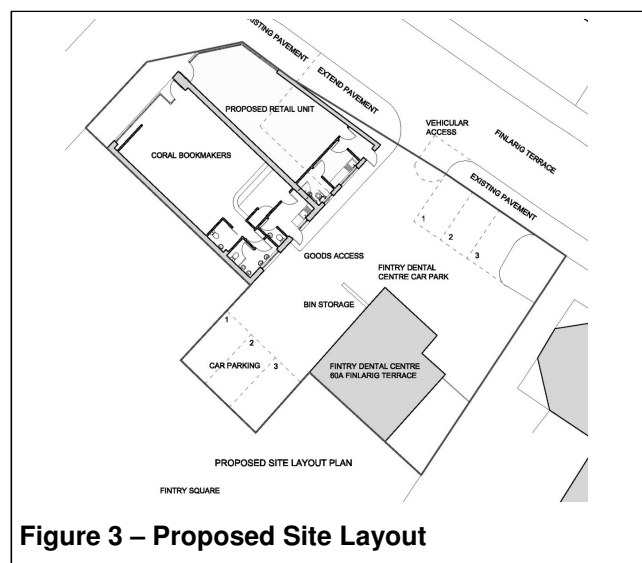


Figure 3 – Proposed Site Layout

- 2.1 The site is currently vacant ground which is used for car parking. To the west and south-west are retailing units forming the part of the local shopping centre for Fintry whilst to the south east is a dental practice. To the north-east and east are residential properties on Finlarig Terrace. A further group of local shops lie less than 100m to the north east. To the south of the existing bookmakers is the Fintry Village Square. There is a bus stop immediately outside the bookmakers.
- 2.2 The submitted site layout shows the existing bookmakers and the dental surgery are within the same ownership and each have 3 off street car parking spaces. There is a goods access and bin store between the 2 existing buildings. There is a very wide vehicle access on to Finlarig Terrace.

3 POLICY BACKGROUND

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

DUNDEE LOCAL DEVELOPMENT PLAN

Policy26: Local Shopping Provision

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

4 SITE HISTORY

4.1 In 1998 Planning permission was granted, on appeal, for the change of use of the former Police Station to a betting shop.

4.2 02/00269/FUL – extension to betting shop refused. Permission was granted on appeal on 19 November 2002.

4.3 02/00522/FUL – extension to shop. Application withdrawn on 16 December 2002.

4.4 08/00323/OUT – outline application for erection of shop refused. Planning permission was granted on appeal on 18 November 2008. This consent was not implemented and has now expired.

5 PUBLIC PARTICIPATION

5.1 The application was notified to 43 neighbouring properties and 3 objections were received. The main point raised by all objectors is that this is a very busy area where there are many shops and services resulting in busy traffic and parking problems which affect residents, particularly the elderly in the nearby housing.

6 CONSULTATIONS

6.1 **Fintry Community Council** – the Community Council objects to the proposed development on the following grounds:

- there is already a traffic and parking problem at this location which will be exacerbated by the proposal;
- the development will lead to the loss of 2 parking spaces at Coral;
- there will be problems with vehicles servicing the proposed unit and endangering pedestrians; and
- Fintry is well served with shops.



Figure 4 – View of Site

- 6.2 **The Head of Environmental Protection** – seeks conditions to control noise output from any mechanical and electrical services and controls on hours and days of deliveries as there are houses in close proximity to the site.

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.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 26: Local Shopping Provision** – the site is considered to lie within an existing local centre and accordingly the second part of the policy applies to this proposed development. The policy states that, where appropriate, the provision of additional shopping floorspace up to a maximum of 500 metres gross will be supported. The preliminary text to the policy seeks to ensure that new developments will not be of such a scale as to impact on the vitality and viability of existing shopping centres.



Figure 5 – View of Parking Area

- 7.3 The proposed shop unit is very small with a floor area of 72m². It is considered that such a small unit will have a minimal impact on the surrounding local shops and is unlikely to generate any significant additional traffic compared to the existing range of shops and services.
- 7.4 **The proposal satisfies the requirements of Policy 26.**

OTHER MATERIAL CONSIDERATIONS

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

A - VIEWS OF OBJECTORS

- 7.5 As noted above, the objectors' and the Fintry Community Council's primary concern is the existing traffic and parking problems generated by the local shopping and the concern that the loss of parking will exacerbate this situation.

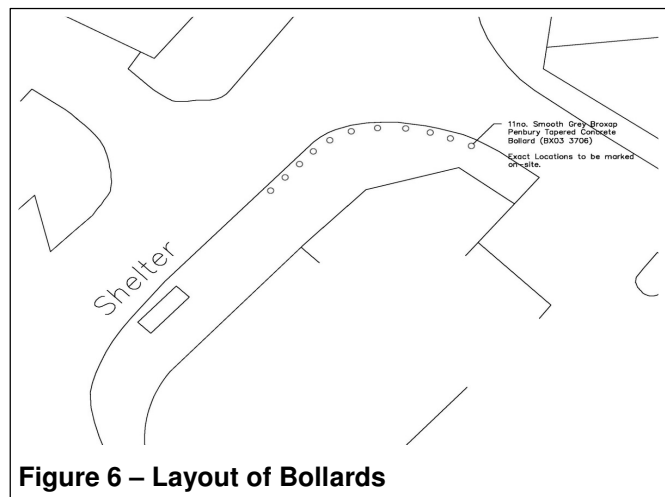


Figure 6 – Layout of Bollards

- 7.6 Members may be aware that, as a result of a local campaign to improve safety, funding has been obtained to install bollards on the corner of Fintry Road and Finlarig Terrace. These works are due to be installed in March 2014. It is likely that the proposed bollards will have a significant impact on the existing parking problems and the dangers perceived by local residents.
- 7.7 Both groups of shops on Fintry Road to the east and west of this site benefit from readily available off-street parking and it is likely that the majority of customers are local with many walking to the shops.
- 7.8 The submitted plans have indicated that the existing 6 parking spaces can still be accommodated within the whole site which is owned by the applicant. Any permission should be subject to conditions to ensure that the parking remains available for use by customers and staff.
- 7.9 The proposed shop unit is 72m² and it is considered unlikely that this small unit would generate sufficient additional traffic and parking to have such a significant impact on the local situation as to justify refusal of the application contrary to the policy in the Dundee Local Development Plan. It is concluded that, subject to compliance with appropriate conditions regarding the details of the access and retention of the parking, the access and parking provision will be sufficient to meet the Council's requirements.
- 7.10 The concerns of the objectors are not supported.

Planning History

- 7.11 As noted in the planning history, an outline application for the erection of a shop on this site was refused by Committee in 2008. Planning permission was granted on appeal on 18 November 2008 and the Reporter considered that the scale and nature of the proposed development would be unlikely to have a sufficient impact on the existing traffic and parking to justify refusal of the application. This consent was not implemented and has now expired.
- 7.12 The appeal decision from 2008 is a strong material consideration in support of the application.
- 7.13 **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 recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 The total noise from the mechanical and electrical services/plant shall not exceed NR45 during daytime and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of any adjacent residential accommodation.

NR45 is applicable for the period 07:00 to 23:00 hours and NR35 is applicable for 23.00 to 07.00 hours.

- 2 All deliveries, including loading, unloading or lay-up shall be between 07.00 to 21.00 hours Monday to Saturday and 09.00 to 16.00 hours on Sunday.
- 3 The proposed vehicle access is to be formed with dropped radius kerbs and the access must be formed and constructed to Dundee City Council standards and specifications. The existing access which is no longer required as part of the proposed development must be made good as a footway, including the provision of full upstand carriageway kerbs and heel kerbs to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site and the access must be formed prior to the first use of the retail unit hereby approved.
- 4 Any hard surface within the curtilage must be made of porous materials or provision must be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage.
- 5 Prior to the first use of the retail unit hereby approved, car parking and manoeuvring areas indicated on the approved drawings shall be provided and thereafter kept available for use by staff and customers at all times.

REASONS

- 1 In order to protect the amenities of the occupants of nearby residential units.
- 2 In order to protect the amenities of the occupants of nearby residential units.
- 3 In the interests of vehicle and pedestrian safety.
- 4 In order to prevent water affecting adjacent adopted highway.
- 5 To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety.