

# Retail and Hot Food Development

## KEY INFORMATION

**Ward** North East

### Address

Whitfield Labour Club  
Lothian Crescent  
Dundee

### Applicant

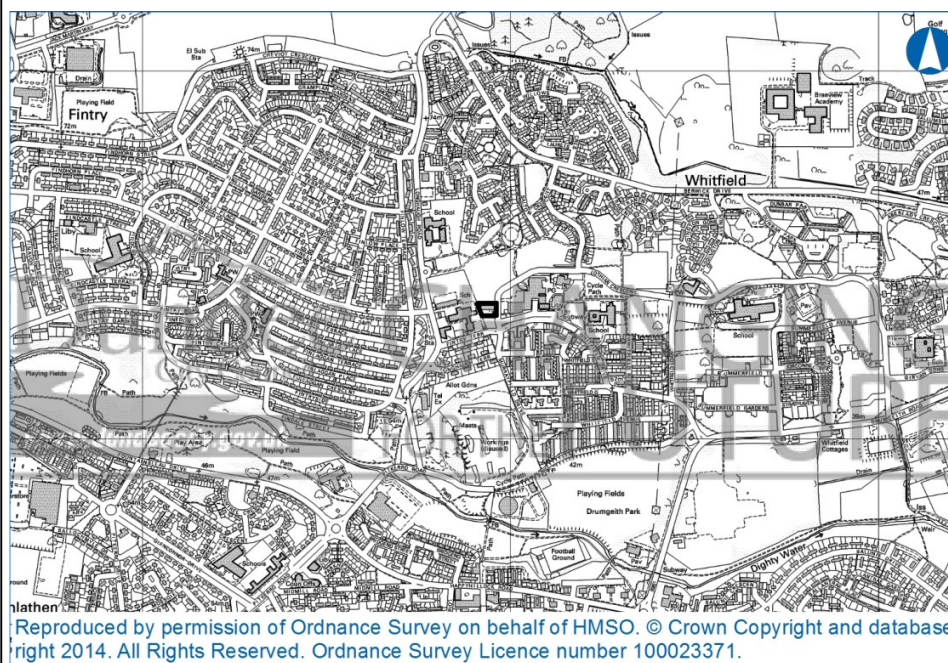
Park Investments (Dundee) Ltd  
31 Hawkhill  
Dundee DD1 5DH

### Agent

Mr Peter Inglis  
Peter Inglis Architect  
Prospect III Gemini Crescent  
Dundee DD2 1SW

**Registered** 2 Sep 2014

**Case Officer** S Johnson



## SUMMARY OF REPORT

- This application seeks planning permission for a change of use from licensed social club to convenience store, post office and hot food takeaway.
- The Post Office Limited is not supportive of the post office element of this proposal.
- The statutory neighbour notification was carried out and one letter of support has been received from the Whitfield Development Group.
- A request has been made by a Local Member that the application be reported to Development Management Committee for determination.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NAX2ZOGCKSD00>.

## RECOMMENDATION

The applicant has failed to demonstrate that there is a need for this type of development at this location and the proposal fails to satisfy the requirements of the Development Plan. There are no material considerations that would justify approval of planning permission. Therefore, it is recommended that this application be REFUSED.

# 1 DESCRIPTION OF PROPOSAL

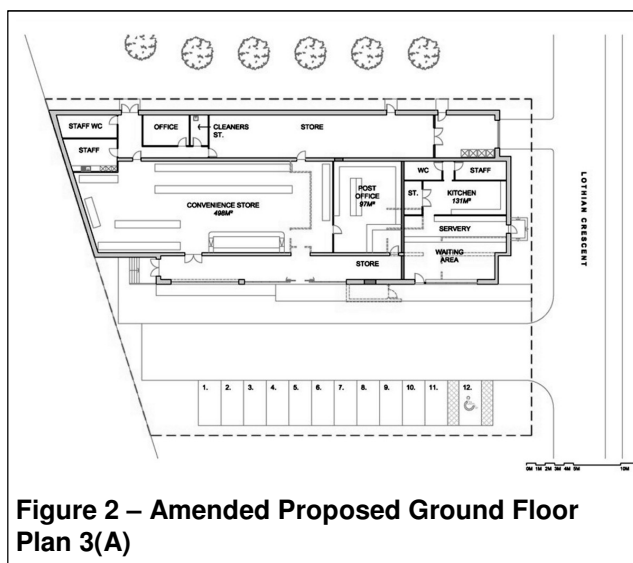


**Figure 1 – Location Plan**

1.1 It is proposed to change the existing licensed social club to a convenience store, post office and hot food takeaway. The convenience store gross floor area will measure 498m<sup>2</sup>, the integral post office area would measure 97m<sup>2</sup> and the hot food takeaway would measure 135m<sup>2</sup>.

1.2 The hot food takeaway would be a fish and chip shop and would operate independently of the convenience store.

1.3 The convenience store would be serviced from the existing service access at the north-east corner of the building.



**Figure 2 – Amended Proposed Ground Floor Plan 3(A)**

1.4 The existing building has a car park. A bicycle rack would be provided. There is a bus stop directly opposite the site entrance.

1.5 A number of changes are proposed on the south elevation these include the following: a new main entrance using double sliding doors; additional windows; and a single external door. The existing porch is proposed to be removed as part of the façade improvements.

1.6 A new door opening with external timber door and painted finish is proposed on the north elevation.

1.7 Any signage would be the subject of a separate application. This has not been submitted at the time of writing this report.

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## 2 SITE DESCRIPTION

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- 2.1 The site is located on Lothian Crescent. It is a stand alone site on an elevated position. To the north are some individual trees and a vacant site that which is allocated for housing development in the Dundee Local Development Plan 2014. To the east is the existing Whitfield Shopping centre and the former community centre. This area is also allocated for housing in the Dundee Local Development Plan 2014. To the west is Longhaugh Primary School and to the south is a mixture of residential properties consisting of: single storey units, two storey semi-detached units and a flatted block.

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## 3 POLICY BACKGROUND

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

**DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 24: Location of New Retail Developments

Policy 26: Local Shopping Provision

Policy 28: Public Houses, Restaurants and Hot Food Takeaways Outwith the City Centre

**SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS**

Scottish Planning Policy 2014

**NON STATUTORY STATEMENTS OF COUNCIL POLICY**

Policy

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

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## 4 SITE HISTORY

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- 4.1 There is no history of direct relevance to this application.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The application was the subject of statutory Neighbour Notification. One letter of support was received and one letter from the Post Office Headquarters regarding the creation of a post office were received within the statutory period.
- 5.2 The representations will be considered below.

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## 6 CONSULTATIONS

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- 6.1 **The Head of Environmental Protection** – requested that conditions be attached to control noise output from mechanical and electrical services, the timing of deliveries and the extraction system for the hot food take-away should planning permission is granted.

## 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 24: Location of new Retail Developments** – in order to be acceptable the proposal must meet all of the criteria of Policy 24 as follows:
- 1 “no suitable site is available in the first instance, within the City Centre or District Centres, then edge of centre and then, Commercial Centres identified in the Local Development Plan”.
- 7.3 The applicant has failed to demonstrate that there are no suitable sites available within the City Centre or any district centre to accommodate a development of the size proposed. Given the size of the proposals there are vacant units in existing identified centres able to accommodate the proposed development.
- 7.4 In addition, there are available retail premises of a suitable size in the Whitfield Shopping centre immediately to the east of the application site. There are also vacant retail units within the newly built Crescent building to the north east of the site.
- 7.5 Given the availability of retail units in the Whitfield Shopping centre and in the Crescent there is no requirement to approve additional units in this area.
- 7.6 **Therefore the proposal is contrary to Criterion 1.**
- 2 “individually or cumulatively it would not prejudice the vitality or viability of the City Centre, District Centres or Commercial Centres”.
- 7.7 Given the size and scale of the proposal it would not prejudice the vitality or the viability of the City Centre, any of the District Centres or the Commercial Centres.
- 7.8 It should be noted that the proposal could have a potentially detrimental impact on the Whitfield Shopping Centre, where a grocer and Chinese takeaway are currently trading.
- 7.9 **The proposal complies with Criterion 2.**
- 3 “the proposal would address a deficiency in shopping provision which can not be met within or on the edge of these centres”.
- 7.10 The applicant has failed to provide a retail justification in support of the application. No case has been provided that has identified a deficiency in shopping provision in this area. There is an existing grocer and a separate hot food takeaway trading from within the Whitfield Shopping Centre, with additional space to accommodate further retail uses. Furthermore, there is space available within The Crescent (approximately 655m away) that is currently available for retail development. Given the existing provision there is no deficiency in shopping provision that this proposal would address.

**7.11 The proposal is contrary to Criterion 3.**

4 “the site is readily accessible by modes of transport other than the car”.

7.12 There is a bus stop directly opposite the site entrance. The bus stop is served by Services 33 and 33A which provide frequent services Mondays to Sundays. The Design Statement states that it is anticipated that the majority of people would walk to the store.

7.13 A bicycle rack is proposed.

**7.14 The proposal complies with Criterion 4 of the policy.**

7.15 **It is concluded for the above reasons that the proposed development fails to comply with all of the criteria set out in Policy 24.**

7.16 **Policy 26: Local Shopping Provision** – is supportive of a new shop with a maximum gross floorspace of 250m<sup>2</sup> where it has been demonstrated that the provision is low and the need has been demonstrated.

7.17 As outlined in the consideration of the proposal against Policy 24 the applicants have failed to demonstrate that the proposal would meet a deficiency in provision. It has also been established that there are existing available suitable retail units in the local area. The only statement provided is included in the Design Statement that this location is close to an elderly population and a sheltered housing complex.

7.18 The total floor area for this proposal is 734m<sup>2</sup> with a convenience store of 498m<sup>2</sup>. As the proposed location is not part of a local shopping centre or parade this size of store would not be supported by Policy 26.

7.19 In terms of the provision of a post office as part of this proposal it should be noted that the Post Office Limited have stated: “Post Office Limited have no plans to introduce a Post Office as part of a retail development at the Whitfield Labour Club, Lothian Crescent Dundee and are not associated with Park Investments (Dundee) Ltd.”

7.20 It should be noted that there are 3 existing branches of the Post Office Limited in the area and as such the Post Office Limited do not consider that an additional branch is required.

7.21 **It is concluded from the above reasons, the proposed development would not be supported by Policy 26.**

7.22 **Policy 28: Public Houses, Restaurants and Hot Food Takeaways Outwith the City Centre** – the sale of hot food raises amenity issues within residential areas. Outwith the District Centre proposals for hot food takeaways will only be supported where:

- 1 The proposal has a gross floor area up to 150m<sup>2</sup> and is more than 30 metres from existing or proposed housing or;
- 2 The proposal has a gross floor area in excess of 150m<sup>2</sup> and is more than 45 metres from existing or proposed housing.

7.23 From the information provided the hot food takeaway element will measure 134.6m<sup>2</sup>. To the north of the site there is an allocated housing site (H15 Site 2, Lothian Crescent, Whitfield) to the east of the site is another allocated housing site (H36, Site 8, Whitfield).

7.24 As there are no proposed site lay-outs for these allocated housing sites it is not possible to measure the distance to any of the residential units from the curtilage of the development site. However, the site boundary for site H15 is less than 2 metres away and the site

boundary for site H36 is 13 metres away from the proposed hot food takeaway. Given the proximity of the proposal to two housing sites it is considered that this proposal for a hot food takeaway would be within 30 metres of this proposed housing. Therefore it is considered that this proposal does not comply with Policy 28.

- 7.25 **It is concluded from the foregoing that the proposal does not comply with the provision of the Development Plan.**

## **OTHER MATERIAL CONSIDERATIONS**

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

- 7.26 **Scottish Planning Policy 2014** - 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.
- 7.27 **Town Centres and Retailing** - this section advises that when determining applications for retailing a sequential approach should be adopted. In dealing with new 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.
- 7.28 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 where it was concluded that the proposals were not in compliance with the requirements of the sequential test, as set out above, and it is considered that no further issues are raised in terms of SPP.
- 7.29 **Letters of Support** - one letter of support from the Whitfield Development Group has been received stating that: "Although the group cannot influence a commercial undertaking it is supportive of a Post Office being included."
- 7.30 In addition, the group have added that they are keen to see a post office as "there is an ageing population in the area and a sheltered housing complex nearby".
- 7.31 This letter of support is based on the presence of a post office as part of this development. As indicated previously the Post Office Limited have no plans to open a branch of the post office as part of this development.
- 7.32 **Design Statement** - the applicant has submitted a Design Statement regarding the proposal. In terms of the physical changes to the building it is stated that: "Additional windows would be required on the south elevation which would give an improved aspect to the street. The porch at the main entrance would be removed as part of the façade improvements. Signage to the building would form another application".
- 7.33 These physical changes are considered appropriate for this simple modern retail unit. The design is appropriate for the location.
- 7.34 The Design Statement also lists policies in the Local Plan and notes Policy 26 and Policy 28 as the two main policies against which the proposal should be assessed against. In terms of

Policy 26 it is stated that the retail store would be less than 500m<sup>2</sup> to comply with policy. As this is not a local shopping centre or a parade of shops this proposal is contrary to Policy 26. In addition, the applicant has not demonstrated that provision is low or there is a need for this development at this location. Consequently, as discussed previously the proposal is contrary to Policy 26.

- 7.35 In relation to the hot food takeaway element and Policy 28, the applicant states the nearest house curtilage is 53m from the curtilage of the development. However, the applicant fails to take into account the two proposed housing sites within 30m of the site. Policy 28 requires that there is more than 30m from existing or proposed housing for proposals with a gross floor area up to 150m<sup>2</sup>.
- 7.36 **The Crescent** - the Crescent has been designed to be the new hub for Whitfield in line with the Whitfield Planning Framework document. As such retail units have been included to address any deficiency in shopping provision. Progress is being made at the Crescent where Boots and a hairdresser are already trading and interest has been shown by a licensed grocer and hot food takeaway. The creation of this convenience store could prejudice this investment.
- 7.37 **It is concluded from the foregoing that the material considerations are not sufficient to support approval of the application contrary to the Development Plan.**

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## 8 CONCLUSION

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- 8.1 The proposal fails to satisfy the requirements of the Development Plan. There are no material considerations that would justify approval of planning permission. Therefore, it is recommended that this application be refused.

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## 9 RECOMMENDATION

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

### REASONS

- 1 The application is not supported by and is contrary to Policy 24 of the Dundee Local Development Plan 2014 as it fails to satisfy the sequential test as set out in the Policy; the site is not "edge of centre"; there is no deficiency in the shopping provision to be addressed and the application fails to comply with other policies in the Plan. There are no material considerations of sufficient weight which would justify a decision contrary to this.
- 2 The application is not supported by and is contrary to Policy 28 of the Dundee Local Development Plan 2014 due to the proximity of the proposed hot food takeaway to two proposed housing sites and the application fails to comply with other policies in the Plan. There are no material considerations of sufficient weight which would justify a decision contrary to this.