

Retail and Gym Development at the Stack

KEY INFORMATION

Ward Lochee

Address

Former Unit 3
The Stack Leisure Park
Harefield Road

Applicant

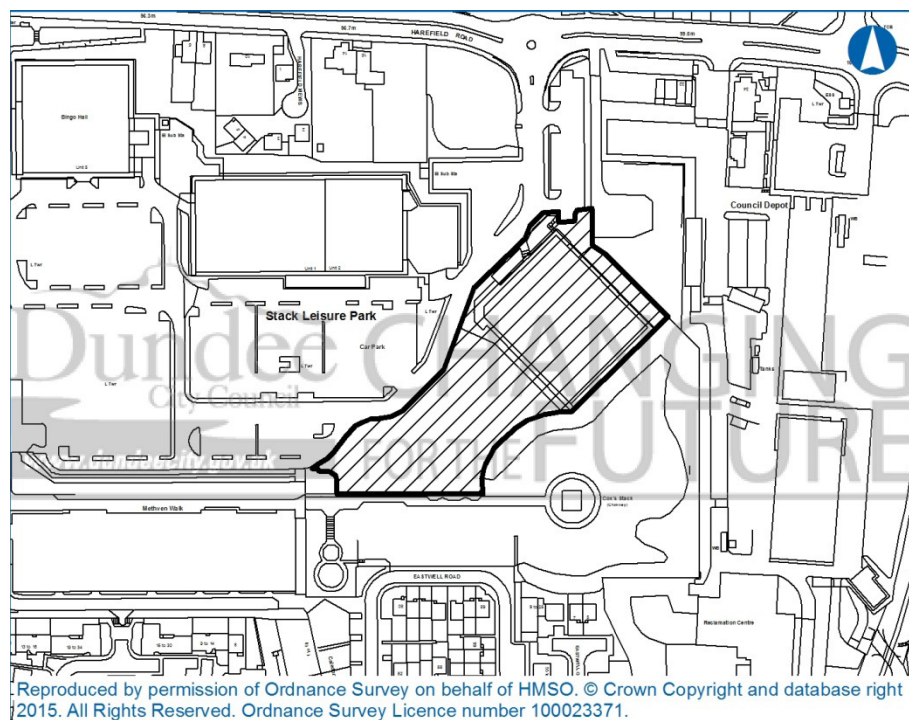
Sports Direct/T J Morris Ltd
T J Morris c/o Bennett
82 Rodney Street
Liverpool L1 9AR

Agent

Ian Gallacher
GVA James Barr
206 St Vincent Street
Glasgow G2 5SG

Registered 16 March 2015

Case Officer A Ballantine



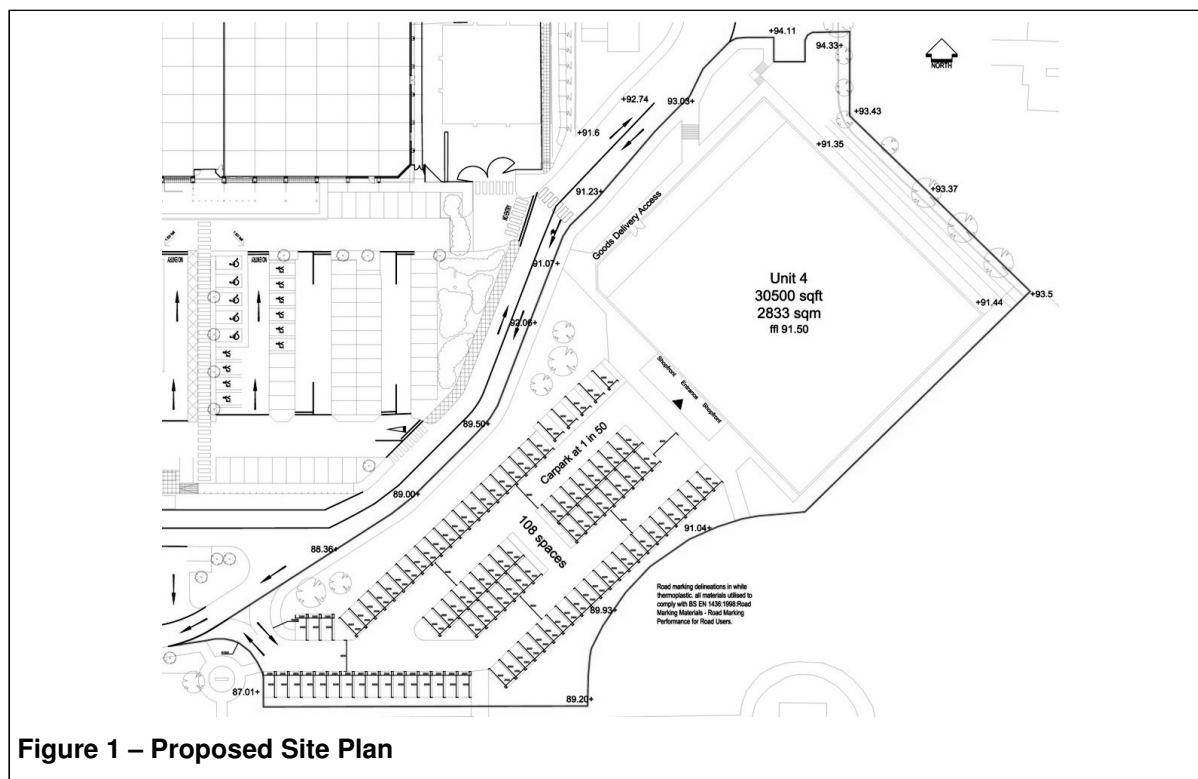
SUMMARY OF REPORT

- Planning permission is sought for “Part Change of Use of Vacant Class 11 Unit to Ground Floor Class 1 Retail and Mezzanine Level Class 11 Gym, with Associated Ancillary Uses, Access, Landscaping, Car Parking, Servicing and Other Associated Development.”
- The Application includes a Planning Policy and Retail Statement and Transport Statement.
- The Application fails to comply with Policy 7 of the TAYplan Strategic Development Plan (2012-32) and Policies 22 and 24 of the Dundee Local Development Plan 2014 as the proposal fails to suitably justify siting a retail proposal of this nature in this location.
- Scottish Water has been consulted on the application and no comments have been received.
- The statutory neighbour notification procedures have been undertaken and no public comments have been received.
- The Application has been placed on the agenda for the Development Management Committee meeting at the request of an elected member.
- More details can be found at <http://idoxwam.dundeeecity.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NL3IP8GCFZ100>.

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL



- 1.1 Planning permission is sought for a part change of use of the existing vacant Class 11 unit (former Unit 3) to ground floor Class 1 retail and mezzanine level Class 11 gym, with associated ancillary uses, access, car parking, servicing and other associated development. The proposal includes the formation of mezzanine accommodation, with 2,787m² of Class 1 Retail use on the ground floor and 2,787m² of Class 11 Leisure use on the upper floor, including other small-scale ancillary uses such as storage and office accommodation, etc. The proposed sales floor area on the ground floor is 2,445m² and the leisure use on the mezzanine is 2,747m², including aerobics, spin studio, general gymnasium and free weights accommodation. The proposed retail element will principally consist the sale of sports goods including the sale of sporting clothing and footwear, as well as a limited element of fashion clothing. The proposal will be accessed via the existing entrance to the south-west of the unit. Proposed external alterations comprise: installing new double doors to match the existing and bricking up existing external doors; installing 2 new external fire escape stairs; removing the existing entrance canopy; replacing existing louvres with brickwork to match the existing; and the installation of a new curtain wall to match the existing. In addition, the application includes the formation of 108 car parking spaces on the vacant ground to the south west of the existing building. The proposed car park will be accessed to the south-west corner of the site, taking access from the main road running through The Stack leisure park. In terms of servicing arrangements, a goods delivery access adjoins the north-west elevation of the existing building.
- 1.2 The applicant has submitted a Planning Policy and Retail Statement, a Transport Statement and a Drainage Plan in support of the application.

2 SITE DESCRIPTION

- 2.1 The application site is a vacant unit that was previously in use as a nightclub, known as “The Venue”. The unit has been vacant for approximately 10 years. The unit itself is a large rectangular building finished in brick with decorative panels, a corrugated metal roof and a large entrance canopy to the front, with delivery access to the side.
- 2.2 The unit is contained within The Stack leisure park, which is undergoing re-development as a mixed used leisure and retail park, with potential for new residential accommodation as well. The existing buildings are clustered around a large central car parking area that serves the entire site. Currently, the following units are trading and operating at The Stack: Home Bargains, Aldi, Gala Bingo, and The Range. There are 2 former restaurant units which were recently demolished to the south of the application unit and this vacant area of ground forms part of the application site. The leisure park is accessed from Harefield Road to the north and there are pedestrian links connecting the site to the surrounding area, including along Methven Street to the Lochee District Centre.
- 2.3 The surrounding area accommodates a variety of uses including residential flats to the south (converted mill building), City Council Depot to the east, residential to the north and residential/commercial/retail to the west. The site is contained within the Lochee Conservation Area and there are a number of listed buildings within the vicinity.



Figure 2 – North West Elevation of Unit

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 DEVELOPMENT PLAN

Policy 5: Visitor Accommodation

Policy 7: High Quality Design

Policy 22: The Stack

Policy 24: Location of New Retail Developments

Policy 42: Sustainable Drainage Systems

Policy 45: Land Contamination

Policy 47: Environmental Protection

Policy 50: Development in Conservation Areas

Policy 54: Active Travel

Policy 55: Accessibility of New Developments

Policy 57: Car Parking

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Scottish Planning Policy – Promoting Town Centres and Supporting Business and Employment.

- 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 05/00915/FUL - application for planning permission for “Reconfiguration and part redevelopment of existing leisure park, to form extension to Lochee town centre, including new units for non-food retail and restaurant use, and associated servicing, car parking and landscape works”. This application was approved subject to conditions but was not implemented.
- 4.2 12/00374/FULL - application for planning permission for “Change of Use from Leisure to Class 1 Retail plus sub-division of the vacant former Megabowl unit. Associated alterations internally and externally to the building plus alterations to the car park and external works”. This application was approved subject to conditions and Home Bargains now occupy one of the units.
- 4.3 12/00783/FULL - application for planning permission (under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to “remove Condition No 6 of Consent ref 12/00374/FULL to Permit open Class 1 Retail Use suitable for Food Retail” at the former Megabowl Unit. This application was approved subject to conditions and the other sub-divided unit is now occupied by Aldi.

5 PUBLIC PARTICIPATION

- 5.1 The application was subject to the relevant statutory neighbour notification procedures and no public comments were received.

6 CONSULTATIONS

- 6.1 **Contaminated Land Officer** – the Council's Contaminated Land Officer requested the submission of a preliminary site investigation report to assess any potentially contaminated land. A site investigation has been submitted and agreed, and the Council's Contaminated Land Officer has requested the imposition of two conditions in the event of planning permission being granted.
- 6.2 **Environmental Protection** – the Council's Environmental Protection Division requested the imposition of three conditions in the event of planning permission being granted relating to the control of noise levels associated with mechanical and electrical equipment, delivery hours and music levels associated with the proposal
- 6.3 **Scottish Water** – Scottish Water was consulted on the proposals and no comments were received during the statutory consultation period.

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 2012-2032

- 7.2 **Policy 7: Town Centres** – requires comparison retail developments to be focused within the town and commercial centres as specified in the hierarchy of comparison retail centres.
- 7.3 As will be assessed in greater detail below under Policy 24 of the Dundee Local Development Plan 2014, the proposal has been assessed against the retail sequential test and it is considered that the proposal by virtue of its location, scale and range of goods proposed should be located within the Regional Centre, which is Dundee City Centre.
- 7.4 **The proposal therefore fails to comply with Policy 7 of TAYplan Strategic Development Plan.**

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.5 **Policy 5: Tourism and Leisure Developments** – requires proposals for major leisure uses to be directed firstly towards the City Centre and the District Centres followed by the existing leisure parks at Douglasfield and Camperdown and to The Stack to support its redevelopment.
- 7.6 The application proposes the installation of a mezzanine floor at the former nightclub, “The Venue”, providing 2,787m² (gross internal area) floorspace to be used as a Sports Direct gym, including a general gymnasium area as well as free weights, spin studio and aerobics accommodation. The unit is contained within The Stack Leisure Park and the policy supports leisure uses of the scale proposed within this designated area.
- 7.7 **The proposal is therefore in accordance with this Policy.**
- 7.8 **Policy 7: High Quality Design** – requires all development proposals to be of a high quality design and to positively contribute to the surrounding built and natural environment. The 5 design criteria contained within the Policy must also be adhered to.
- 7.9 The application will re-use the existing building and involves the following external alterations: installing new double doors to match the existing and bricking up existing external doors; installing 2 new external fire escape stairs; removing the existing entrance canopy; replacing existing louvres with brickwork to match the existing; and the installation of a new curtain wall to match the existing. The proposed external works to the building are not considered to be significant in the context of the surrounding area and are to modernise the main façade(s) of the building, including removing the dated entrance canopy. The proposed works are therefore considered to be acceptable in principle. In the event that members are minded to grant planning permission, it is recommended to impose a condition to control all new and replacement finishing materials to ensure that these are in keeping with the existing building and the surrounding Conservation Area.

- 7.10 The proposal also includes the formation of a new parking area to the south-west of the existing building. The area of ground proposed for the car park is currently vacant following the demolition of the 2 restaurant units. The proposal to form car parking on this area of ground is considered to be acceptable in principle. In the event that members are minded to grant planning permission, it is recommended to impose a condition to control all finishing materials associated with the car park to ensure that it respects the visual amenity of the surrounding area. In addition, it is also recommended to impose a condition to request the submission of a landscaping plan in order to ensure that the external areas surrounding the building are finished to a high standard that befits the area's Conservation Area status.
- 7.11 **With the imposition of the above conditions, it is considered that the proposal complies with Policy 7.**
- 7.12 **Policy 22: The Stack** – is supportive of mixed use developments including housing, retail and leisure. Any development within the Stack will need to demonstrate that it will complement the role of Lochee District Centre and strengthen the pedestrian link to it along Methven Street. Any retail development in the Stack will need to ensure that it is complementary to the District Centre. Any development on this site will be considered on the basis of an agreed Masterplan prepared by the owners.
- 7.13 The proposal involves the creation of a mixed use leisure and retail unit to be situated within the eastmost building within The Stack leisure park. As identified in the Stack Masterplan (2013) prepared by the owners of the site, this unit has been zoned for leisure use only and therefore the gym element of the proposal is acceptable. The retail element of the proposal however does not accord with the Masterplan as the application site is not zoned for this particular use. Other units within the park have been zoned for retail use and these are now largely occupied for this particular use, including the Range, Aldi and Home Bargains stores. The Masterplan has been prepared to deliver a mixed used development including leisure, retail and residential, with the aim of providing complementary retail and commercial uses to the existing uses associated with Lochee District Centre. The addition of further retailing outwith the zoned areas would undermine the agreed strategy for the re-development of The Stack and is therefore not considered to be an acceptable use at this location in terms of the scale and nature of the retailing proposed. The proposed retailing element of the proposal raises concerns given the site's location on the edge of the District Centre. Whilst it is unlikely that the retail element will compete against existing retailers in the Lochee District Centre, it may limit the opportunity of future retailers selling a similar range of goods locating in the District Centre and therefore may not be complementary to Lochee High Street which is the sequentially preferable location for retailers selling these range of goods. As such, the principle of a retail proposal of this scale and nature for this particular unit is not considered to be appropriate.
- 7.14 In addition, the proposal has failed to demonstrate how it will strengthen the pedestrian link along Methven Street to Lochee High Street. This site is located to the far east of the park and the applicant is required to demonstrate how this proposal will improve this link. Currently, the full extent of the complementary works at Methven Street have not been completed as agreed and required under previous planning permissions granted.
- 7.15 **Overall, the proposal fails to comply with Policy 22.**
- 7.16 **Policy 24: Location of New Retail Developments** – proposals for new or expanded retail developments, not already identified in the Local Development Plan, will only be acceptable where it can be established that 4 criteria are satisfied.

- 7.17 In terms of criterion (1) Policy 22 has identified the potential for retail development within particular units located at The Stack. The application unit has not been identified for retail use.
- 7.18 The proposed range of goods - sportswear, outdoor and fashion are a range of goods that would be directed to the city centre in the first instance. Whilst Sports Direct operates in the city centre there are other vacant premises available which could accommodate a retail proposal of this nature in the city centre. Although this site is an edge of centre location it is considered a retail use of this nature should be directed to the City Centre. In line with Scottish Planning Policy, TAYplan Strategic Development Plan and the National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres, this policy places strong emphasis on the need to protect and enhance the vitality and viability of the town centre. As part of this the policy advocates a sequential approach to new retail developments with first preference being the town centre which in Dundee includes the City Centre and five District Centres. This site is outwith the District Centre and there are suitable sites within the City Centre which are capable of accommodating this proposal. The applicant has also failed to demonstrate that consideration has been given to potential sites within the other District Centres, as required under the sequential test set out within Criterion (1). As such, this proposal is contrary to criterion (1) of the policy.
- 7.19 In terms of criterion (2), it is proposed to change the use of the ground floor from Class 11 (nightclub) to Class 1 Retail (2,787sqm gross internal area). The unit is to be occupied by Sports Direct which currently operates a store within the city centre selling the range of goods proposed for this site. Individually this proposed store is unlikely to significantly impact on the vitality and viability of the existing store and similar stores in the city centre. However, the approval of a retailer of this size selling the range of goods proposed would set a precedent for future retail proposals seeking to relocate outwith the city centre. Such developments would undermine the vibrancy and vitality of the city centre not only by drawing trade from the shopping centres but also drawing popular high street retailers from their current city centre location.
- 7.20 If the application was to be approved, then it may set a precedent for a relaxation to be permitted in other units across both Kingsway West and East Retail Parks. If further retailers of this nature were proposed outwith the existing centres the cumulative impact could impact on the vitality and viability of the city centre, including the potential relocation of flagship retail stores to out of centre locations. Given the current economic climate it is important to ensure that the success of maintaining the well established retailing strategy in the city is maintained and the benefits that this has brought to the City Centre and District Centres is not undermined at this time. Consequently, this proposal is contrary to Criterion (2).
- 7.21 In relation to Criterion (3), it is stated in the Planning Policy and Retail Statement that the proposal would be "meeting a deficiency within an appropriate edge of centre location." It is considered that there is no identified deficiency for this type of retailing that can not be met within the existing centres. Consequently this proposal is contrary to Criterion (3).
- 7.22 As will be assessed in greater detail under the transport policies below, the site is readily accessible by public transport and not just reliant on the car consequently the proposal complies with Criterion (4).
- 7.23 **Overall, the proposal fails to comply with Policy 24 as a result of failing to adhere to Criteria 1, 2 and 3.**
- 7.24 **Policy 42: Sustainable Drainage Systems** – requires all surface water from new development to be treated by a Sustainable Urban Drainage System (SUDS).

- 7.25 A Drainage Plan has been submitted as part of the application and the Council's Engineers Division has considered this information. The Drainage Plan is considered to be acceptable in principle and further information has been requested as part of the application in respect of how the site will be drained sustainably. Whilst at the time of writing the report, the requested information has not been submitted, it is expected that it will be submitted prior to the Committee meeting for further consideration. In the event that members are minded to grant planning permission, it is recommended that conditions be imposed to ensure suitable drainage information is submitted and approved prior to any works commencing on site.
- 7.26 **With the imposition of relevant conditions, the proposal complies with Policy 42.**
- 7.27 **Policy 45: Land Contamination** – requires where there is potential contaminated land that this is adequately addressed to the satisfaction of the Planning Authority.
- 7.28 As requested by the Council's Contaminated Land Officer, a preliminary risk assessment has been submitted which has investigated the potential for contaminated land on site. The findings of the risk assessment have been accepted and the Contaminated Land Officer has requested that in the event of granting planning permission, 2 conditions are imposed to ensure that any potential contaminated land is suitably addressed prior to occupation of the unit.
- 7.29 **With the imposition of relevant conditions, the proposal complies with Policy 45.**
- 7.30 **Policy 47: Environmental Protection** – requires all new development proposals that would generate noise, vibration or light pollution to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.
- 7.31 The application site was previously used as a night club and therefore would have operated during late evening/early morning hours. This would likely have caused some disturbance to the surrounding uses, including residential properties within the locality. The proposed retail and leisure use is not considered to generate similar levels of noise and disturbance in terms of the nature of the use and is therefore considered to be acceptable in this location within the leisure park. In the event of granting planning permission, the Council's Environmental Protection Division have requested the imposition of conditions to control noise-relating activities and equipment associated with the proposed use.
- 7.32 **With the imposition of conditions, the proposal complies with Policy 47.**
- 7.33 **Policy 50: Development in Conservation Area** – requires all development proposals to preserve/enhance the character and appearance of Conservation Areas across the city.
- 7.34 It has already been considered under Policy 7 above that the proposed external alterations and formation of car parking would be acceptable in principle, subject to the imposition of relevant conditions to control the finishing materials and to ensure that these are of a high quality standard. It is considered that the proposed external works would not result in a detrimental impact on the surrounding area and the proposed elevational alterations would in particular enhance the appearance of the unit.
- 7.35 **Overall, the proposal complies with Policy 50, subject to the imposition of relevant conditions.**
- 7.36 **Policy 54: Active Travel** – requires developments to be designed in order to promote active travel and is applied flexibly where the re-use of existing buildings is involved.

- 7.37 The proposal re-uses an existing vacant building within The Stack leisure park. The layout of the leisure park is therefore already pre-determined and the proposal must seek to maximise the potential for promoting active travel within the existing layout.
- 7.38 The applicant has submitted a Transport Statement in support of the application, detailing how the site will be accessed by a variety of motorised and non-motorised means. Whilst the proposal incorporates a new car parking area, the site is well served by existing pedestrian links to the remainder of the leisure park and the surrounding area, including to the west along Methven Street. The site is also well served by public transport with various bus services accessible in close proximity to the unit and there are opportunities to access the site via bicycle. In order to ensure that there is sufficient bicycle parking facilities on site, a landscaping condition is recommended to be imposed in the event of granting planning permission that shall include full details of where bicycles would be safely stored. Overall, the proposal is considered to meet the terms of the Policy.
- 7.39 **The proposal complies with Policy 54, subject to the imposition of a relevant landscaping condition.**
- 7.40 **Policy 55: Accessibility of New Developments** – requires all development proposals that generate travel to be well served by all modes of transport and to comply with a number of criteria.
- 7.41 The applicant has submitted a Transport Statement that details how the proposal will be served by all modes of transport, affording sustainable methods of travel priority over use of private motorised vehicles. As already noted above in the assessment of the proposal against Policy 54, the site is well served by public transport with various bus services in the local area, and there are ample opportunities to access the site on foot and bicycle, with links to the north, west and south of the site, including to Lochee High Street along Methven Street. Overall, the Transport Statement demonstrates that the site would be accessed sustainably and would not rely on private car use.
- 7.42 **The proposal complies with Policy 55.**
- 7.43 **Policy 57: Car Parking** – requires all development proposals to comply with Dundee City Council's adopted guidance on road standards, (Streets Ahead) with the national maximum parking standards and the national minimum disabled parking standards.
- 7.44 The submitted Transport Statement demonstrates that the required parking levels, including disabled parking spaces, is met through the development of the new car parking area. The site also has shared access to the central parking areas elsewhere in the leisure park and these are well served by pedestrian links to the unit, which would provide further parking facilities for use of the site.
- 7.45 **The proposal complies with Policy 57.**
- 7.46 **It is concluded from the foregoing that the proposal does not comply with the provisions of the Local Development Plan.**

STATUTORY DUTY

- 7.47 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997** - Section 64 of the Act requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

- 7.48 These matters have already been considered in the preceding report and the proposal will preserve the character and appearance of the Lochee Conservation Area.
- 7.49 It is concluded from the above assessment that approving the application the Council would discharge the statutory duties in an appropriate manner.

OTHER MATERIAL CONSIDERATIONS

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

A – TAYPLAN: PROPOSED STRATEGIC DEVELOPMENT PLAN (2015)

- 7.51 TAYplan Proposed Strategic Development Plan (2015) is currently out for consultation and seeking representations on the proposed strategy and subject policies. Policy 5 (Town Centres First) of the Proposed Plan broadly replicates the requirements of Policy 7 (Town Centres) of the existing TAYplan Strategic Development Plan whereby comparison retail developments are sequentially required to be located in the Regional Centre (Dundee City Centre) and the other town centres, which includes the five District Centres (including Lochee) as identified in the Dundee Local Development Plan 2014. The application proposes comparison retail in a location outwith a sequentially preferable centre and therefore fails to comply with this policy of the Proposed TAYplan Strategic Development Plan (2015).

B - SCOTTISH PLANNING POLICY (2014)

- 7.52 Scottish Planning Policy (SPP) is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country, including on subjects such as economic development and town centres.
- 7.53 **Supporting Town Centres** - this section of SPP promotes the use of the retail sequential approach to apply to all new retail developments, which includes the preference for all comparison retail to be located firstly to town centres. Under section 7.3 of SPP, out of centre locations for retail developments shall only be considered appropriate where specific criteria are met. It has already been considered that there are suitable sites available within the city centre which could adequately accommodate the proposal by virtue of its scale and proposed range of goods, the applicant already operates a store within the city centre and therefore there is no requirement to site a store outwith the most sequentially preferable location(s), and the proposal could, in accumulation with other proposals, impact negatively on the vitality and viability on existing centres.
- 7.54 **Overall, it is considered that the proposal fails to comply with this section of SPP.**
- 7.55 **Supporting Business and Employment** - under Section 9.3 of SPP, one of the policy principles is to “give due weight to net economic benefit of proposed development”. As identified in the Planning Policy and Retail Statement, the proposal would involve approximately £5million investment and the creation of 96 jobs (81 direct and 15 indirect) in the local area. This is considered to be a positive aspect of the development and would contribute to the local economy of the Lochee area.
- 7.56 This material consideration weighs in favour of the proposed development.

C - PLANNING POLICY AND RETAIL STATEMENT

- 7.57 The majority of the content of the above statement has already been addressed in the preceding report. The statement clearly highlights the positive elements of the proposal

including the economic impact ie investment and jobs creation, as well as the benefits of bringing a vacant unit back in to use as part of the re-development of The Stack and supporting The Stack and Lochee as a retail and commercial destination. The statement also provides detailed analysis of the relevant policies of the Development Plan. An assessment of the proposal against the Development Plan has been undertaken above, where it was considered that the proposal fails to comply with Policies 22 and 24 by virtue of the scale, nature and range of goods associated with the retail element. In addition, the Statement has highlighted that the applicant has recently signed a 10-year lease for the current City Centre store in the Overgate; however there is no lawful mechanism available to the Council that could bind the applicant to upholding this lease. This is a private lease agreement between the applicant and the owner of the Overgate. The history of the site has also been included as part of the justification for the proposal, citing previous decisions within The Stack as supporting the mixed use development proposed. It is important to note that each case is dealt with on its own merits and in this particular case, the proposal involves a substantial level of comparison goods retailing within an out-of-centre location and within a unit that has been zoned as part of the agreed Masterplan for leisure use only. A Retail analysis has been undertaken for the site, including information on trade diversion and impact considerations. This has demonstrated that there will be a level of trade diversion and impact on existing centres, albeit at a modest level. This discounts the fact however that supporting an out of centre retail unit in this location and for the scale and range of goods proposed would likely set a precedent for similar retailers to relocate outwith existing centres to sequentially less preferable locations which would cumulatively impact on the vitality and viability of the Regional (City) Centre in particular.

- 7.58 The Planning Policy and Retail Statement strongly supports the development proposal and it is considered that there are positive elements to the proposal which would likely benefit the area. That said, the proposal fails to comply with the Development Plan and the potential impact on the vitality and viability of the existing sequentially preferred centres is considered to be of greater weight.
- 7.59 **It is concluded from the foregoing that the material considerations are not sufficiently weighted to support the approval of planning permission.**

8 CONCLUSION

- 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.

9 RECOMMENDATION

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

REASONS

- 1 The proposal fails to comply with Policies 22 and 24 of the Dundee Local Development Plan 2014 and Policy 7 of the TAYplan Strategic Development Plan as the application fails to suitably justify siting a retail proposal of this nature in this location. There are no material considerations of sufficient weight that would support the approval of planning permission.