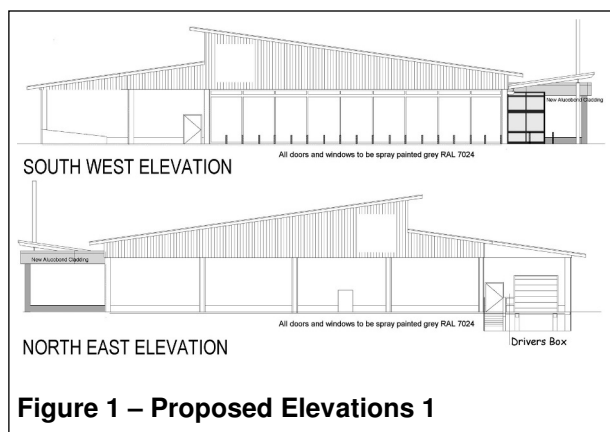
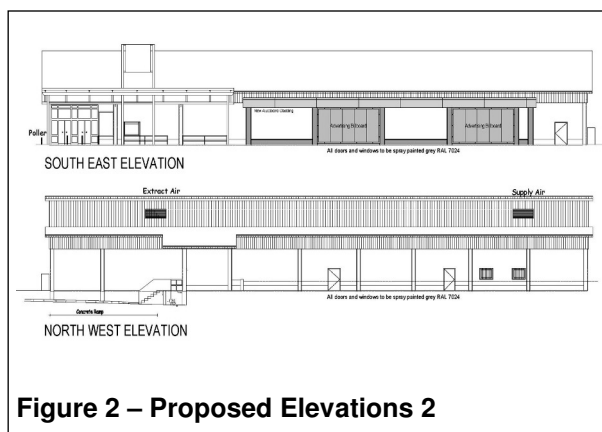




## 1 DESCRIPTION OF PROPOSAL



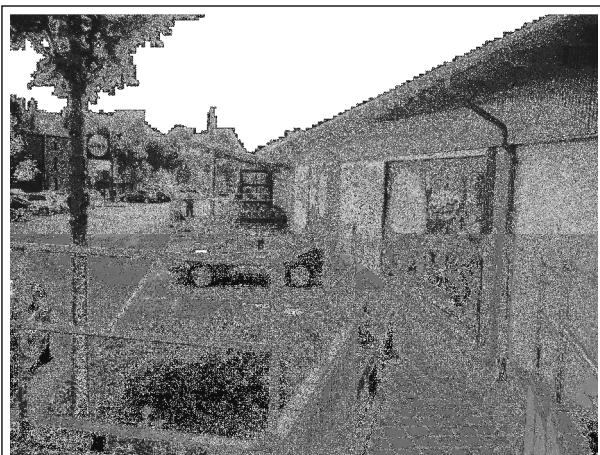
**Figure 1 – Proposed Elevations 1**



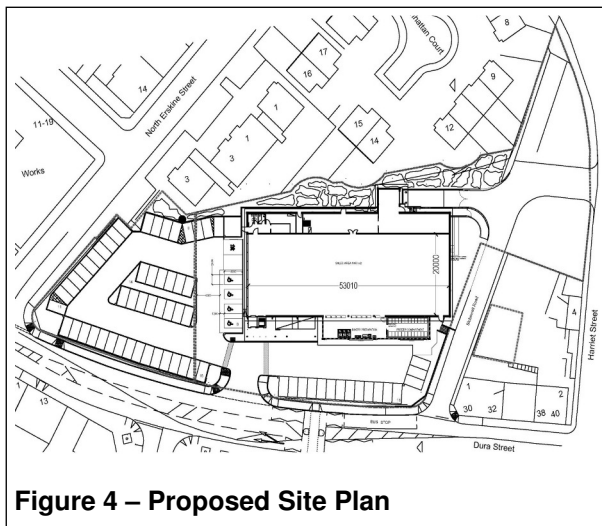
**Figure 2 – Proposed Elevations 2**

- 1.1 The application seeks planning permission for the erection of an extension to an existing Class 1 retail unit to accommodate a bakery and freezer compartment. The extension would be located to the south eastern elevation, it is proposed with a footprint of approximately 160m<sup>2</sup> and to a maximum height of approximately 4.2 metres. External finishes are proposed as aluminium cladding, colour not specified, with all doors and windows to be painted grey. Proposals for 14 additional car parking spaces to the north of the store adjacent to Harriet Street have been removed from plans, the extension would result in the removal of 7 disabled parking bays; it is proposed to relocate 4 of these bays to the south west elevation, allowing a total of 69 spaces.
- 1.2 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee at the request of an elected member.

## 2 SITE DESCRIPTION



**Figure 3 – Location Plan**



**Figure 4 – Proposed Site Plan**

- 2.1 The application site relates to the existing Lidl store situated on Dura Street, located within Inner City Dundee as per the Adopted Dundee Local Development Plan (2014) and to the north east of the city centre. The application site measures approximately 4,870m<sup>2</sup> and the existing store has a footprint of approximately 1,440m<sup>2</sup>; the store is finished in grey painted metal cladding with cream rendered panels, with a monopitch roof. There are mature trees within the application site boundary and current parking provision for 66 vehicles with an additional 7 disabled parking bays.

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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 7: High Quality Design  
Policy 24: Location of New Retail Developments  
Policy 38: Trees and Urban Woodland  
Policy 45: Land Contamination  
Policy 57: Car Parking

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

PAN 33: Development of Contaminated Land (2000)

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 Planning application 05/00857/FUL was approved by Committee and granted conditional permission for the erection of the Class 1 retail store at the site, with access, parking and associated facilities, in January 2006. Various approvals for signage and fencing etc, have been allowed following the erection of the store.

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### 5 PUBLIC PARTICIPATION

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5.1 The statutory neighbour notification procedure has been undertaken and the planning application was advertised in the Dundee Evening Telegraph. No letters of objection have been received from neighbours.

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### 6 CONSULTATIONS

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6.1 **The Head of Environmental Management** – has recommended that additional plans be submitted to include a location plan illustrating existing trees, a tree protection plan and a landscape plan to indicate replacement planting or new trees.

6.2 **The Head of Environmental Management** – recommends that a watching brief is undertaken during any groundworks and excavations, which should be conditioned to be undertaken by suitably qualified person. With the removal of the additional car parking spaces from the plans, no development is proposed which would take place outside the area of the 2006 site investigation, however considering the historical industrial use of the site and the heterogeneous nature of possible contamination, in the event of any suspicious material being encountered expert advice should be sought.

6.3 **Stobswell Community Forum** – has raised an objection to the application in relation to the former proposals for additional car parking spaces. Concerns are held regarding potential road safety issues and the removal of trees within the site adjacent to the car parking area

## 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 7: High Quality Design** – advises that development must contribute positively to the quality of the surrounding built and natural environment. All proposals should consider and respect site topography, contribute to a sense of identity, complement surroundings and respect the existing street scene.
- 7.3 In this instance, it is considered that the proposed alterations to the retail unit would be acceptable; the extension would be no higher than the existing roof ridgeline, and a condition is proposed to require the prior approval of any external finishes where they are not specified to ensure that they would correspond to those existing.
- 7.4 **With the addition of a planning condition, the proposal satisfies Policy 7.**
- 7.5 **Policy 24: Location of New Retail Developments** - states that proposals for new or expanded retail developments will only be acceptable where it can be established that no suitable sites are available within the City Centre, District Centres, edge of centre or Commercial Centres as identified within the Local Plan, where the development would not prejudice the vitality or viability of the centres, the proposals would address a deficiency in shopping provision which cannot be met within or at the edge of these centres and the site is readily accessible.
- 7.6 In this case, the application seeks a small extension to an existing store which is not considered to be of a large enough scale so as to warrant a sequential test, and it is not considered that the vitality or viability of any of the centres would be prejudiced as a result of the bakery offering at the Dura Street store. As an existing store, accessibility has already been demonstrated.
- 7.7 **The proposal satisfies Policy 24.**
- 7.8 **Policy 38: Trees and Urban Woodland** - requires that new development must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscape scheme.
- 7.9 An amended landscaping plan illustrates a small area adjacent to the development site where existing vegetation, tarmacked areas and redundant street furniture is to be removed, the proposals now require the potential removal of only one tree; thick bark mulch and low level plants are proposed. A planning condition is proposed to any permission granted to ascertain whether it is required to remove the tree and to require replacement planting should the removal of the tree prove to be necessary.
- 7.10 **With the addition of a planning condition, the proposal satisfies Policy 38.**

- 7.11 **Policy 45 Land Contamination** - requires that development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.12 In this case, the terms of Policy 45 were met as part of the original planning permission for the retail store, however given the historical industrial use of the site and the heterogeneous nature of possible contamination, it is recommended that a watching brief is undertaken during excavation of the site and a report submitted for prior approval before the commencement of any construction. Appropriate planning conditions are recommended.
- 7.13 **With the addition of conditions, the proposal satisfies the terms of Policy 45.**
- 7.14 **Policy 57: Car Parking** - advises that development all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards (Streets Ahead) and that car parks provided exclusively for employees should incorporate the provision of infrastructure to install charging points for electric vehicles.
- 7.15 The application has been amended to remove the staff parking element to the north of the existing store from the proposals, a condition is proposed to ensure that the relocation of the disabled parking bays would comply with Streets Ahead, and it is considered in this case that there would be sufficient parking provision for the existing store and the bakery extension.
- 7.16 **The proposal satisfies Policy 57.**
- 7.17 **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:

### **A - VIEWS OF OBJECTORS**

- 7.18 The concerns presented within a letter of objection received from Stobswell Community Forum are allayed as updated plans have been submitted which remove the proposals for staff car parking to the north of the application site; issues raised were in relation to road safety and the removal of trees adjacent to Harriet Street, no concerns were held with regard to the erection of the bakery extension. One tree may require to be removed, however it is not an established tree and it is proposed to condition any replanting required.
- 7.19 The concerns of the objectors are not supported.

### **B - PAN 33 DEVELOPMENT OF CONTAMINATED LAND 2000**

- 7.20 This stresses the need to ensure that land is made suitable for the proposed new use and that this is the responsibility of the Planning Authority. PAN33 advocates that issues of contaminated land should be pursued through the planning process where planning permission is granted for the redevelopment of contaminated land. Applicants are encouraged to include suitable remediation measures as part of their proposals which can be controlled through the imposition of suitable conditions. The imposition of conditions requiring a watching brief during excavation works and to ensure that suitable remediation measures would be applied if necessary would alleviate any concerns in relation to ground contamination.

- 7.21 In this instance the proposal conditions accord with the requirements of PAN 33.
- 7.22 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

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## **8 CONCLUSION**

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- 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.

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## **9 RECOMMENDATION**

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- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Construction shall not commence until a watching brief has been fulfilled and reported on during any phase of earthworks or excavations that are carried out prior to construction. This shall be carried out and reported upon by a suitably qualified person and is to include a visual and olfactory inspection for the presence of any potentially contaminated material. If suspected contamination is encountered, expert advice must be sought and an appropriate risk assessment and if necessary remediation strategy should be submitted for written approval by the planning authority.
  - 2 Before the extension hereby approved is brought into use, any measures required to decontaminate the site shall be fully implemented and verification submitted for approval in writing by the planning authority.
  - 3 All trees existing on the site at the date of this decision shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with Dundee Council as Planning Authority. Should the removal of a tree prove necessary, details for replacement planting shall be submitted for the prior approval of Dundee City Council as Planning Authority before the tree is removed.
  - 4 BEFORE ANY WORK STARTS ON SITE, details of the specification and colour of the proposed external finishes shall be submitted for approval in writing by this Planning Authority.
  - 5 The relocation of the off-street disabled parking spaces shall be provided in accordance with the current Dundee City Council's adopted guidance on road standards (Streets Ahead) and thereafter maintained and kept available as such.

### **REASONS**

- 1 To evaluate the risk from any potential contamination and ensure that any proposed remediation strategy is suitable.
- 2 To provide verification that remediation has been carried out to Dundee City Council's satisfaction.
- 3 In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during (demolition) construction works and to ensure replacement planting.

- 4 In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.
- 5 To ensure adequate provision of off-street car parking.