

5 PLANNING APPEAL DECISION - 20 NEW CRAIGIE ROAD – TIM HORTONS UK & IRELAND (AN19-2021)

Planning Application Reference 20/00344/FULL sought planning permission for a drive-thru restaurant with associated car parking, landscaping, signage and infrastructure works at 20 New Craigie Road, New Craigie Retail Park, Dundee DD4 7FF. This application by Tim Hortons UK & Ireland was refused by the Planning Committee at its meeting on 9th November, 2020. The Committee refused the application on the following grounds:

- The proposal is contrary to Policy 21: Town Centre First Principle of the Dundee Local Development Plan. The proposal would not protect the vitality and viability of Dundee's City Centre, District Centres, or Commercial Centres; and
- The proposal is contrary to Policy 54 (Safe and Sustainable Transport) of the Dundee Local Development Plan 2019. The proposal would not minimise the need to travel by private car or provide on-site facilities and links for walking and cycling.

Planning appeal reference PPA-180-2061 was submitted and the Reporter appointed by Scottish Ministers issued a decision on 3rd June, 2021. The Reporter's decision is to **ALLOW** the appeal and **GRANT PLANNING PERMISSION** subject to 18 planning conditions.

The Reporter noted that the proposal would not accord overall with the development plan for several reasons. These can be summarised as follows:

That the proposed use is contrary to Local Development Plan Policy 5: General Economic Development Areas and Policy 6: Ancillary Services within Economic Development Areas which seek to protect the city's supply of employment land. The policies do not support this use and that the drive thru use is specifically designed to attract passing trade and does not meet the needs of employees within the General Economic Development Area.

Also as the appeal site is situated outwith the network of centres, it would be contrary to Local Development Plan Policy 21: Town Centre First Principle in the absence of an assessment to demonstrate that there would be no significant adverse impact on the vitality or viability of the hierarchy of centres.

Under other material considerations, the Reporter's notes that his interpretation of planning permission in principle 17/00144/PPPM was that a drive thru such as that subject to the appeal is permitted in principle as part of the coffee shop element of that consent.

The Reporter then concludes that while the proposed development does not accord overall with the relevant provisions of the development plan, granting planning permission is still justified by the established principle in support of the use afforded by the extant planning permission in principle which includes the appeal site.