

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 29 APRIL 2002

REPORT ON: PLANNING APPLICATION 01/30375/COU – CHANGE OF USE OF HOME IMPROVEMENT AND GARDEN CENTRE TO SUPERMARKET (TO ALLOW FOR THE SALE OF FOOD, OTHER CONVENIENCE AND ANCILLARY NON-FOOD GOODS) AT FORMER B&Q WAREHOUSE UNIT, SOUTH ROAD, DUNDEE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 250-2002

1 PURPOSE OF REPORT

- 1.1 An appeal against non determination of the above planning application has been submitted to the Scottish Executive Inquiry Reporters. The views of the Committee are sought in order to establish its position on the application in advance of a Public Local Inquiry.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Council participates in the forthcoming Public Local Inquiry into the non determination of planning application 01/30375/COU on the basis that had it determined the application it would have refused it for the following reasons:-
- 1 It is contrary to Retailing Policies RP1 and RP7 of the Tayside Structure Plan 1993.
 - 2 It is contrary to Retailing Policies S14, S15, S16 and S20 of the Dundee Local Plan 1998.
 - 3 It would not be in accordance with Town Centre and Retailing Policies 2 and 4 of the Dundee and Angus Structure Plan Finalised Written Statement 2002.
 - 4 It would not be in accordance with the guidance set out in National Planning Policy Guideline 8 Town Centres and Retailing.
 - 5 Insufficient information has been provided by the applicant to demonstrate that the transport impacts of the development are satisfactory.
 - 6 Insufficient information had been provided by the applicant to demonstrate why the development plan policies should be set aside in this instance.

3 FINANCIAL IMPLICATIONS

- 3.1 No financial implications arise for the Council as a direct result of this report.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 Key Theme 7 of the Council's Local Agenda 21 is relevant to the proposal. This key theme seeks to ensure that access to facilities, services, goods and people is not

achieved at the expense of the environment. It is considered that the current proposal would not fully achieve the aims of this key theme.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 Equal opportunities policies cannot be taken into account by the determination of a planning application.

6 BACKGROUND

- 6.1 Planning Application 01/30375/COU for a change of use of home improvement and garden centre to supermarket (to allow for the sale of food, other convenience and ancillary non-food goods) at the former B&Q Warehouse unit, South Road, Dundee, was received on 16 October 2001.
- 6.2 The applicants carried out Neighbour Notification and the proposal was advertised as a departure to the Tayside Structure Plan 1993 and the Dundee Local Plan 1998. The proposal attracted a single letter of objection from a business operating within the surrounding area. The main ground of objection was that the granting of planning permission for the proposed change of use would result in an over provision of such services within the area.
- 6.3 Following the submission of the application, the applicants were requested and agreed to provide a retail impact assessment and traffic assessment in support of their proposal. Neither of these documents were submitted prior to the appeal for non determination by the applicant on the 31 January 2002.

7 PLANNING POLICY FRAMEWORK

- 7.1 The application would have been required to be determined in accordance with the relevant development plan policies. The following retail policies are of direct relevance to the current application:-
- a Retailing Policy RP1 of the Tayside Structure Plan 1993 this Policy seeks to support measures designed to sustain the viability of shopping centres identified as having a long term role in meeting the shopping needs of the community and to resist proposals which would adversely affect their viability.
 - b Retailing Policy RP7 of the Tayside Structure Plan 1993 seeks to ensure that proposals for further large out of centre food stores greater than a 1,000 sq m outwith the city centre and district centres will only be permitted with retail impact assessment where they provide a significant improvement in the distribution of food shopping, particularly in areas of low car ownership. The Policy sets out the range of criteria against which an application should be assessed.
 - c Retailing Policy S14 of the Dundee Local Plan 1998 seeks to ensure that food retailing within the Retail Parks is limited to the existing superstores and that no food retailing be permitted in the South Road retail area.
 - d Retailing Policy S15 of the Dundee Local Plan sets out the ranges of goods which will not be permitted to be sold from any units on the South Road Retail Area.

- e Retailing Policy S16 of the Dundee Local Plan 1998 advises that planning permission will not be granted for units in the retail parks and the South Road retail area to change their use from that permitted in existing planning approvals or Section 50 Agreements.
 - f Retailing Policy S20 of the Dundee Local Plan 1998 advises that new out of centre shopping floor space other than that permitted by the Policies within the Local Plan will not be considered acceptable unless criteria set out in the policy are achieved.
 - g Town Centres and Retailing Policy 2 of the Finalised Dundee and Angus Structure Plan 2002 advises that Dundee's district centres will be supported as a focus for new retail development.
 - h Town Centres and Retailing Policy 4 of the Finalised Dundee and Angus Structure Plan 2002 advises that the sequential approach to site selection for new retail developments should be applied to proposals for new or expanded out of centre retailing developments in excess of a 1,000 sq m gross floor area and that these will only be acceptable where a range of criteria can be met.
 - i National Planning Policy Guideline 8 Town Centres and Retailing sets out the criteria for considering proposals for new retail development which are not in conformity with the development plan.
 - j Report 18/98 Location and Distribution of Food (Convenience Goods) Superstores in Dundee. The Report addressed the provision of major foodstores in Dundee and set out how current and future needs should be met. The Report recommended an approach of rationalisation of food shopping floorspace and redistribution of food superstore provision. Two sites were identified to accommodate the relocation of existing superstore provision.
- 7.2 The application site is located within the existing South Road Retail Area as identified in the Dundee Local Plan 1998. Retailing Policies S14 and S16 apply to this area and seek to restrict it to a Retail Area for non-food retail warehousing and resist changes to other uses.
- 7.3 The applicants have applied for a change of use from a home improvement and garden centre to a supermarket. This proposal would not be in accordance with Retailing Policy S14 which specifically excludes a food use in the South Road Retail Area. In addition, it is also considered to be contrary to Policy S16 as it would involve an unacceptable change of use for this unit. The proposal includes the sale of ancillary non-food goods. The range of non-food goods which many supermarkets sell can include fashion, leisure, personal and luxury goods. These would not fall within those permitted by Policy S15 for the South Road Retail Area. As such the proposal would not accord with Policy S15 of the Local Plan.
- 7.4 The proposal also raises issues of concern with regard to Retail Policies RP1 and RP7 of the Tayside Structure Plan 1993 as it would result in the establishment of a new food supermarket. Report 18/98 identified the need for an approach of rationalisation and redistribution of the existing superstore provision within the City rather than additions to the current overall provision. The current proposal does not

involve any rationalisation or redistribution of the existing retail provision. As the proposal does not involve a rationalisation of the existing retail provision then it is considered that it would have a detrimental impact on the existing retail provision within the City. The proposal is therefore considered to be contrary to Structure Plan Policies RP1 and RP7 as:

- a it would adversely affect the viability of shopping centres identified as having a long term role in meeting the shopping needs of the community;
- b it would not provide a significant improvement in the distribution of food shopping;
- c it would fail to satisfy the criteria to be met by new larger out of centre foodstores.

For these reasons it is considered that the proposal would also be contrary to Local Plan Policy S20.

- 7.5 The proposal raises the same concerns as outlined above with regard to Town Centre and Retail Policies 2 and 4 of Finalised Dundee and Angus Structure Plan. The proposal is also considered not to be in accordance with these policies.
- 7.6 The applicants were advised of the retail policy concerns raised by the proposal and the need to examine the traffic on the existing road network. The requirement for a supporting case justifying the proposal in light of the policy concerns was made clear to the applicants. The applicants agreed to provide a supporting case including a retail impact assessment and traffic assessment.
- 7.7 No retail impact assessment was submitted by the applicant to address the policy issues outlined above. In addition, no traffic assessment setting out the effect of the proposal on the surrounding road network was submitted. As such it has not been possible to assess whether the development can be accommodated by the existing road network.
- 7.8 The applicants appealed against non determination of the application on the 31 January 2002, before any further information was submitted, and prior to the City Council being in a position to make a determination.
- 7.9 Since the appeal this application the applicants have submitted a duplicate application with a supporting statement which includes a retail impact assessment. They have also submitted a separate traffic assessment. This application will come before the Committee for determination in due course.

8 CONCLUSIONS

- 8.1 The purpose of this report is to update the Committee with the circumstances of application 01/30375/COU, to place it in its policy context and to make recommendations as a basis for the Council's case at the forthcoming Public Inquiry.
- 8.2 Consequently, it is considered that insufficient information has been provided by the applicants, given the potential detrimental impact that, the proposed change of use

may have on the existing shopping provision in Dundee, to justify the setting aside of the policies of the development plan in this instance.

9 CONSULTATIONS

9.1 The Chief Executive, Director of Finance, Director of Support Services, Director of Corporate Planning, have been consulted and are in agreement with the contents of this report.

10 BACKGROUND PAPERS

10.1 The documentation submitted in connection with application 01/30375/COU.

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18 April 2002

IGSM/GSR/EH

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