

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 29 APRIL 2002

REPORT ON: PLANNING APPLICATION 01/30374/COU – CHANGE OF USE OF HOME IMPROVEMENT AND GARDEN CENTRE TO NON-FOOD RETAIL UNIT AT FORMER B&Q WAREHOUSE UNIT, SOUTH ROAD, DUNDEE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 258-2002

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 01/30374/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 RP4A of the Tayside Structure Plan 1993.
 - 2 It is contrary to Retailing Policies S15, S16 and S20 of the Dundee Local Plan 1998.
 - 3 It would not be in accordance with the Town Centre and Retailing Policies 2, 3 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 01/30374/COU for a change of use of home improvement and garden centre to non-food retail unit 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. No objections were received to the proposal.
- 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 RP4A of the Tayside Structure Plan 1993 seeks to ensure that proposals for new or expanded out-of-centre retail development would only be acceptable where the range of criteria set out in the policy are achieved.
 - c Retailing Policy S15 of the Dundee Local Plan 1998 sets out the ranges of goods which will not be permitted to be sold from any unit on the Retail Parks and South Road area.
 - d 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.
 - e 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.

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- f 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.
 - g Town Centres and Retailing Policy 3 of the Finalised Dundee and Angus Structure Plan 2002 seeks to reinforce Dundee Central Area's role as one of Scotland's key centres providing a focus for retailing and related activity by supporting further retail development within the central area including the extension of prime shopping area where this can be suitably integrated with the existing shopping area.
 - 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 sought for 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.
- 7.2 The proposal is for an unrestricted Class 1 non-food retail warehouse unit. The Council has operated a Policy approach through the Structure Plan and Local Plan of guiding new non-food retail uses to the City Centre, District Centres and Retail Parks. As part of this approach bulky comparison goods have been directed to the Retail Parks at Kingsway West and East and non bulky comparison goods to the City Centre and District Centres. Structure Plan Policy RP1 seeks to safeguard the viability of existing retail centres. The proposal is for an unrestricted Class 1 non-food retail use. This would allow the goods which are the mainstay of the City Centre or District Centres eg leisure, fashion, personal and luxury goods to be sold within the South Road Retail Area. This would potentially undermine the existing retail provision within the City. The proposal is considered to be contrary to Policy RP1. Policy RP4A sets out the criteria for new or expanded out of centre retail developments. Given the proposal is for an unrestricted Class 1 non-food use it would not meet the criteria of RP4A and is therefore contrary to this Policy. For those reasons the proposal would be contrary to Local Plan Policy S20.
- 7.3 The application site is located within the existing South Road Retail Area as identified in the Dundee Local Plan 1998. Retailing Policies S15 and S16 apply to the South Road Retail Area. Policy S15 sets out the restrictions on goods to be sold from non-food retail warehouse units. The proposal would be contrary to this Policy as the applicants are seeking an unrestricted Class 1 non-food consent. Policy S16 also applies and seeks to prevent units changing their use from that granted planning permission. The current application is for a change of use beyond that granted planning permission and for a range of goods contrary to Policy S15. The proposal is therefore contrary to Policy S16. If the proposals was for a range of goods allowed for under Policy S15 then the change of use would be acceptable in terms of Policy S16.
- 7.4 The proposal raises similar issues of concern with regard to Town Centre and Retail Policies 2, 3, and 4 of the Dundee and Angus Structure Plan Finalised Written Statement. Policy 2 seeks to support and enhance the viability of the District

Centres and Policy 3 seeks to reinforce the role of the Central Area. It is considered that the proposal for an unrestricted Class 1 use would not be in accordance with the aims of these Policies. In addition, Policy 4 sets out the criteria for assessing new or expanded retail developments. Again the proposal does not meet the criteria of this Policy and is considered to be contrary to Policy 4.

- 7.5 Given the nature and location of the proposal it is considered that it would not be in accordance with the guidance contained in NPPG 8.
- 7.6 The applicants were advised of the retail policy concerns raised by the proposal and the need to examine the potential impact of 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 was submitted to demonstrate the impact of the proposal on the surrounding road network. As such it has not been possible to establish whether the proposal can be accommodated on the surrounding 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 that date 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.

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Building Quality Manager

18 April 2002

IGSM/GSR/EH

Dundee City Council
Tayside House
Dundee