

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 27 AUGUST 2001

REPORT ON: APPLICATION FOR ROADSIDE DEVELOPMENT INCLUDING CARAVAN PARKING, TOURIST CENTRE, FAST FOOD RESTAURANT, MOTOR ACCESSORIES CENTRE, DRIVE THRU RESTAURANT, MOTORING ORGANISATION FACILITY AND PETROL FILLING STATION AND 60 BEDROOM HOTEL AND RESTAURANT AT LAND TO THE EAST OF LINLATHEN HOUSE LODGE, ARBROATH ROAD, BROUGHTY FERRY (APPLICATION 01/25176/D)

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 511-2001

1 PURPOSE OF REPORT

- 1.1 Application 01/25176/D for the above development has been appealed by the applicants to the Scottish Executive before the Committee has had an opportunity to consider the application. This report seeks to obtain the views of the Committee on the merits of the proposal and how the matter should be dealt with at the appeal.

2 RECOMMENDATIONS

- 2.1 It is recommended that if the Committee were given the opportunity to determine this application that the development should be refused on the grounds that it:
- a Contravenes Retailing Policies 1 and 4A of the Structure Plan and Policy S20 of the Local Plan on out of centre retailing;
 - b Contravenes Polices RD1-15 of the Local Plan which allocate the site as falling outwith the urban area and set out limited opportunities for rural development;
 - c Contravenes Polices Env 5 and OS1 of the Local Plan and WC01 of the Urban Nature Conservation Subject Local Plan by reason of the felling of mature trees and in the absence of any proposals to enhance the nature conservation value of the area.
 - d Results in the provision of urban related facilities which are designed for car based trips and remote from the existing built up area, contrary to the Council's Local Transport Strategy;
 - e Does not adequately demonstrate that the Transport Impacts of the development are satisfactory and that the proposed dualling of the A92 will not be jeopardised;
 - f Makes no provision for the screening of the development on a site in an open countryside location and in the absence of existing defensible boundaries to the north, east and west.

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 The Council's Agenda 21 policies seek to ensure that the diversity of nature is valued and protected (key theme 3), that local needs are met locally (key theme 4) and that access to facilities, services, goods and people is not achieved at the expense of the environment (key theme 7). It is considered that the proposed development, by providing a range of urban

facilities in an area allocated as open countryside in the adopted Local Plan and remote from existing housing areas will lead to additional journeys by car and will run contrary to the thrust of the Agenda 21 policies seeking to protect the environment and to ensure access to facilities.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 Equal opportunities policies cannot be taken into account by the determination of a planning application. However, it is considered that as the proposed development is accessible primarily to those with a car it will not assist in the promotion of equal opportunities for all.

6 BACKGROUND

- 6.1 Application 01/25176/D for outline planning permission for a roadside development comprising caravan parking, tourist centre, fast food restaurant, motor accessory centre, drive thru restaurant, video drive thru, petrol filling station and car wash and 60 bedroomed hotel and restaurant was registered on the 4 April 2001.
- 6.2 The site comprises 2.4 hectares of ground on the east side of the access road to Linlathen Nursing Home. The site currently comprises farmland and some woodland and although it currently has no access to the A92 Arbroath Road, the application proposes a new junction on the A92 with a right turning lane into the application site. The application also proposes to link the existing access to Linlathen Nursing Home into this new junction.
- 6.3 A total of 245 car parking spaces are proposed for the development and the layout submitted indicates the various uses arranged around a large parking area. The only substantial area not dedicated to development or car parking is a small picnic area to the north of the site. A copy of this layout is attached as Appendix 1.
- 6.4 Neighbour notification was carried out and the development was advertised as contravening the Tayside Structure Plan 1993, Dundee Local Plan 1998 and Dundee Urban Nature Conservation Subject Local Plan 1995 and was also advertised as a bad neighbour development.
- 6.5 In the course of the application, the applicants revised their proposals to delete the video shop and replace it with an AA/RAC/Greenflag facility and also to extend the boundaries of the application site to include the road proposals. Neighbour notification was once again carried out and the Council was notified as owner part of the site incorporating the access proposals. A copy of the revised plan is attached as Appendix 2.
- 6.6 The applicants justify their proposals on the basis that they are fulfilling the requirements of Policy MV13 of the Dundee Local Plan 1998. The preamble to this policy notes that planning consent had been granted for a roadside services development at Claypotts (the site currently being developed by Sainsburys) and states that any demand for a roadside services development on the A92 will be directed to the north side of the Arbroath Road and as close as possible to Claypotts. It adds that if the already approved site does not proceed before expiry of this consent in 1998, an alternative may be identified at this general location. The applicants state that they are fulfilling this requirement and that the proposed development will create around 200 jobs locally and provide a much needed facility as well as generating significant returns to the local economy. They state that whilst there are already some hotel and restaurant facilities on the A92, when the A92 is dualled theirs will be the only site that can be directly accessed by both east and west bound traffic. They note that the A92 is designated as a tourist route and that they will provide the first of such facilities on that route north of the Tay Bridge. In terms of the petrol filling station they consider that the proposed Sainsbury facility at Claypotts will not be easily accessible from the A92. They state that the shop or visitors' centre will provide local produce and that the caravan parking facility will allow caravans to stop during the day but not overnight. They suggest that the video drive thru,

which has since been deleted, would serve both the local community and commuters but also tourists as well. They state that the mini motor accessories unit would be a scaled down version of larger motor accessory units and would serve the travelling public. They suggest that the access arrangements are satisfactory and that the site has defensible boundaries set in a mature landscape backdrop.

- 6.7 A total of 16 objections were received to the proposed development, principally from residents of the housing estate on the south side of the A92 but also from Broughty Ferry Community Council and the Cyclists Touring Club. The grounds of objection are that the proposed development contravenes retailing policies in both the Structure and Local Plan and Open Countryside and Nature Conservation Policies in both the Dundee Local Plan 1998 and the Urban Nature Conservation Subject Local Plan. The letters of objection suggest that the proposed development simply duplicates the facilities which have already been provided at Panmurefield Village and the Ethiebeaton leisure development and that are soon to be provided on the Sainsburys development. The letters of objection state that the development could affect the viability of similar facilities in Broughty Ferry and Campfield Square local shopping centres and would serve to generate further traffic on an already busy road. Concerns with regards to access for non car users to the site are voiced as well as possible problems with increased traffic, noise and pollution. Finally, it is suggested that the development of this area of open countryside would detract from the Ambassador Route into the city.
- 6.8 In terms of consultations received to date, the Director of Environmental & Consumer Protection suggests that noise generated from the development should be restricted to ensure that there is no adverse impact on the residential amenities of the cottage to the south west of the application site. SEPA have asked that sustainable urban drainage be utilised at this site and state that the potential for flooding needs to be examined. Finally, Angus Council have expressed concerns about the proliferation of potential access points onto the A92 and that once the road was dualled an additional junction could not be provided at this location.

7 POLICY FRAMEWORK

- 7.1 The following development plan policies are relevant to the current application:
- a Retailing Policies 1 and 4A of the Tayside Structure Plan 1993 and Policy S20 of the Dundee Local Plan 1998 seek to restrict out of centre retailing and to protect the viability of existing centres. It is considered that the retailing elements of the proposed development contravene these policies. Although the video shop aspect of the proposed development has been substituted, it is still proposed to provide a motor accessories shop and a general shop.
 - b Policies RD2-13 of the Dundee Local Plan 1998 allocate most of the site as open countryside and Policy OS1 allocates the balance as existing open space. Policies ENV4 and ENV5 of the same plan allocates ground alongside the Dighty as part of a wildlife site and as a wildlife corridor. Although the rural development policies of the plan are specifically targeted at housing development, it is considered that the provision of what are essentially urban related facilities in an area allocated as open countryside contravenes these policies of the plan.
 - c Policy SP1 and Policy WC01 of the Dundee Urban Nature Conservation Subject Local Plan 1995, which are also linked to Policies ENV4 and ENV5 and OS1 of the Dundee Local Plan 1998, seek to protect nature conservation at this site. The development of the site may have adverse impacts on nature conservation although full details of the extent of tree felling at the northern part of the site are not clear.
 - d Policy MV13 previously referred to supports the provision of roadside services on the north side of the Arbroath Road as close as possible to Claypotts. It states that if the

already approved site does not proceed before the expiry of its consent then an alternative location be identified at this general location.

Despite the arguments put forward by the applicants, it is not considered that Policy MV13 supports the development they propose. In the first instance the development at the SET site referred to in the preamble to that policy comprised only a travel lodge with restaurant, fast food outlet and petrol filling station. Although this consent was never implemented, the Sainsburys consent that is currently being implemented includes both a petrol filling station and a fast food outlet. Although the applicants contend that these facilities do not have a satisfactory access from the A92, it is the case that when this road is dualled no roadside facility will have a direct access. The only component of the roadside facilities envisaged in Policy MV13 that will not be provided on that site is a travel lodge with restaurant. However since then a travel lodge and restaurant has been provided at Panmurefield Village on the south side of the A92 and a similar facility has also been provided on the north side of the A92 within Angus Council area. Again, although the applicants suggest that these facilities do not have direct access to the A92 when it is dualled, neither will their site. Even if it were to be contended that the requirements of Policy MV13 had not been satisfied to date, then the policies suggest that any facilities should be on the north side of the Arbroath Road as close as possible to Claypotts. The application site does not fulfil these criteria because it lies further to the east of the identified built up area. The applicants argue that the area between their site and Claypotts cannot be developed because it is allocated for alternative purposes under Policy EU2 of the Dundee Local Plan 1998. However, their site is also allocated for a different purpose, being open countryside under the provisions of the same plan.

- e Tourism, Recreation and Sport Policies 1 and 2 of the Tayside Structure Plan 1993 and Policies LT2, 5 and 15 of the Dundee Local Plan 1998 support the development of tourism and the provision of facilities although Policy LT15 points out that these developments should not conflict with other relevant policies of the Local Plan. Whilst it is not doubted that the provision of some of the facilities on this site would benefit tourism, it is not considered that these benefits are such as to over-ride the other policies in the Plan.

8 OBSERVATIONS

- 8.1 As it is considered that the proposed development contravenes the Development Plan policy relating to retailing and development of open countryside, it remains to be seen whether there are any material planning considerations that would justify a departure from the Local Plan.
- 8.2 The applicants have placed considerable emphasis on the benefits of the proposed development to the tourist industry and the fact that it will create a number of jobs.
- 8.3 The substance of the applicants case effectively is that the development will benefit the city, it is primarily geared towards tourists and is supported by Policy MV13. However, although the A92 is designated as tourist route, only a very small proportion of the traffic using the road comprises tourists and the vast majority of traffic comprises commuters to Dundee. Surveys carried out on the route in June in 1998 suggested that only 1% of journeys were being undertaken by people going to holiday accommodation. Whilst this figure doesn't necessarily include all tourist traffic, it indicates that the A92 does not carry a significant amount of such traffic. In these circumstances it is considered that the provision of facilities such as shops, motor accessory units, restaurants and the AA facility will primarily serve the residential population on the south side of the A92 as well as commuters entering the city. It is questioned whether such a development would have significant benefits for the tourist industry as opposed to simply serving to take trade away from existing facilities within the city and particularly at the nearest local centres in Campfield Square and Broughty Ferry.

- 8.4 It is considered that to permit this development would simply provide out of centre facilities for the existing urban population thus leading to increased car trips and the situation where facilities were only available to those with access to a car. Such a development would run contrary to the Council's Agenda 21 policies and Local Transport Strategy. In the first instance it is considered that this type of facility should be directed to the existing built up area as identified in the adopted Local Plan and preferably within existing district and local centres.

9 OTHER CONSIDERATIONS

- 9.1 Apart from the principle of establishing the proposed development on the application site there are a number of details with regards to the application which are unsatisfactory.
- 9.2 In the first instance, the proposed development involves the fairly intensive development of the application site. From the plans submitted (Appendices 1 and 2), it is clear that although the site is located in an area of open countryside, very little concession is made for open space within the application site. Although a small portion of ground to the north of the site is indicated as a picnic area, no details have been provided as to how the existing trees at this location would be retained especially since some of them are incorporated within areas of hardstanding and parking. No ground has been retained within the application site to screen the development on any side.
- 9.3 The application site as defined contains no defensible boundaries to the north, east or west. This is of particular concern due to the lack of any screening proposals on the application site and the fact that the proposed development could lead to further extensions to the east or north east.
- 9.4 Angus Council remain concerned about the impact of the proposed development on the A92. Although the applicants have indicated that they would tie the proposed development into the dualled A92 with a new access off the roundabout at Balgillo Road East, the full details and impact of the development upon the A92 would need to be examined. Due to the extent of the development and the traffic generated by it, the Council asked that a Transport Impact Assessment should be provided. Although the applicants indicated that this would be done, the proposed development was appealed without having submitted this document. It is a matter of concern that the full transport impact of the proposed development has not been assessed and the approval of this application without this information would not be advisable.

10 CONCLUSION

- 10.1 It is considered that the proposed development contravenes the policies of the Development Plan, would lead to the unnecessary additional car generated trips to a peripheral location to the detriment of existing centres and could potentially lead to unacceptable traffic impacts. It is not considered that any of the justifications put forward by the applicants are such that would justify the overturning of Development Plan policies.

11 CONSULTATIONS

- 11.1 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.

12 BACKGROUND PAPERS

- 12.1 The documentation submitted in connection with application 01/25176/D.

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Building Quality Manager

17 August 2001

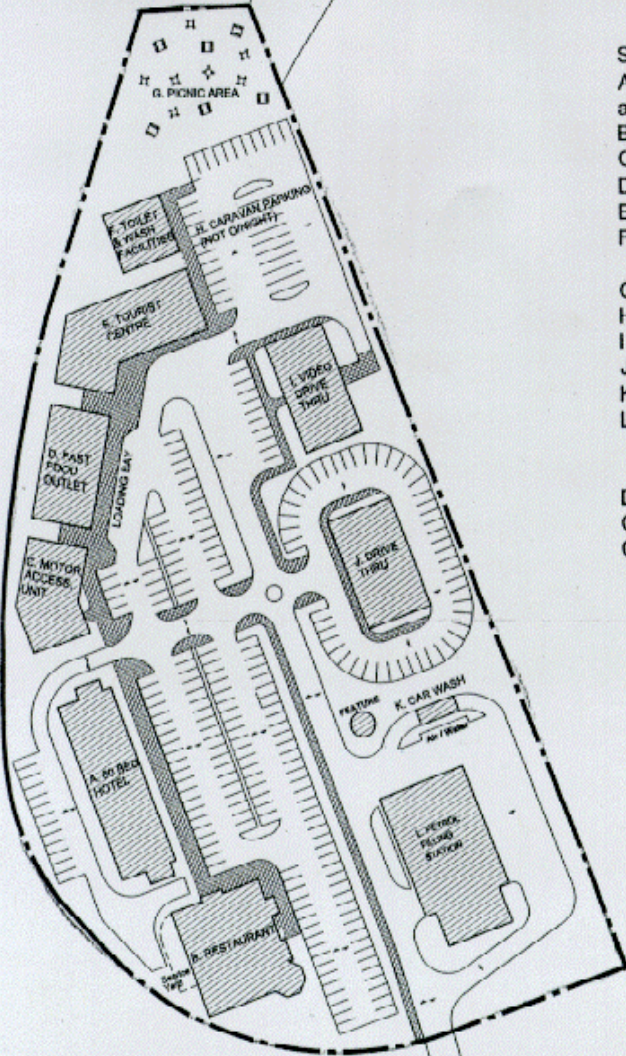
IGSM/CW/RJ

Dundee City Council
Tayside House
Dundee

04 APR 01D25176

This is the certified true copy of the principal plan.
 04 APR 2009 signed. CAGA

Rev	Date	Revision
A	02/04/01	First Issue



- Schedule of Accommodation:
- A Hotel: 60 Bed - 694sq.m - 7 and associated
 - B Bar/Restaurant - 681sq.m -
 - C Motor Accessories Unit - 381
 - D Fast Food Outlet - 420sq.m
 - E Tourist Centre - 615sq.m -
 - F Toilet & Wash/ Laundry/ Sho Dry Cleaning Facilities - 225
 - G Picnic Area
 - H Caravan Parking
 - I Video Drive Thru - 420sq.m
 - J Drive Thru - 440sq.m - 4,8
 - K Car Wash - 80sq.m - 861sq
 - L Petrol Filling Station

Development Site Area: 5.57ac
 Car Parking: 235cps
 Caravan Parking: 10cps

← TO LINLATHEN ESTATE

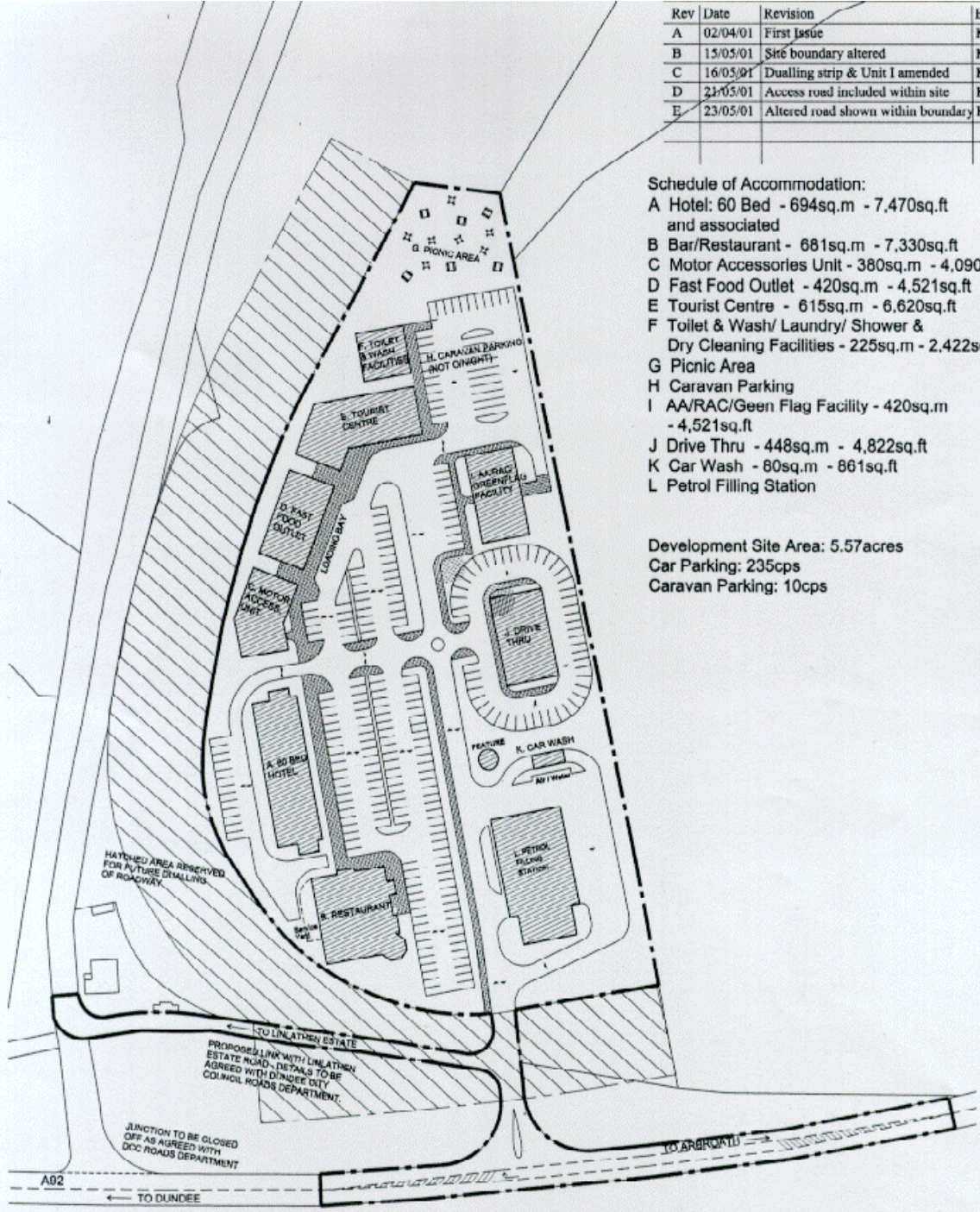
PROPOSED LINK WITH LINLATHEN ESTATE ROAD - DETAILS TO BE AGREED WITH DUNDEE CITY COUNCIL ROADS DEPARTMENT.

JUNCTION TO BE CLOSED OFF AS AGREED WITH DCC ROADS DEPARTMENT

A92 ← TO DUNDEE

TO ARBROATH →

Rev	Date	Revision	By
A	02/04/01	First Issue	KG
B	15/05/01	Site boundary altered	KG
C	16/05/01	Dualling strip & Unit I amended	KG
D	21/05/01	Access road included within site	KG
E	23/05/01	Altered road shown within boundary	KG



- Schedule of Accommodation:
- A Hotel: 60 Bed - 694sq.m - 7,470sq.ft and associated
 - B Bar/Restaurant - 661sq.m - 7,330sq.ft
 - C Motor Accessories Unit - 380sq.m - 4,090sq.ft
 - D Fast Food Outlet - 420sq.m - 4,521sq.ft
 - E Tourist Centre - 615sq.m - 6,620sq.ft
 - F Toilet & Wash/ Laundry/ Shower & Dry Cleaning Facilities - 225sq.m - 2,422sq.ft
 - G Picnic Area
 - H Caravan Parking
 - I AA/RAC/Geen Flag Facility - 420sq.m - 4,521sq.ft
 - J Drive Thru - 448sq.m - 4,822sq.ft
 - K Car Wash - 80sq.m - 861sq.ft
 - L Petrol Filling Station
- Development Site Area: 5.57 acres
 Car Parking: 235cps
 Caravan Parking: 10cps