

KEY INFORMATION**Ward** Craigiebank**Proposal**

Approval of reserved matters for the erection of retail unit and office (outline permission 03/00270/FUL refers)

Address

Former Filling Station
140 Arbroath Road
Dundee
DD4 7PU

Applicant

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Dundee

Agent

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Registered 14 Nov 2003**Case Officer** C Walker

Proposed Commercial Development in Arbroath Road

The reserved matters for the erection of retail unit and office are **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The details of the proposed development accord with the policies of the adopted and finalised Local Plans on the protection of residential amenity. The application is therefore recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- The approval of reserved matters (based on a recent grant of outline planning permission) is sought to erect 2 units on the site, a 120 sq. metres shop and a 180 sq. metres Class 2 office.
- Occupiers of the proposed units have not been identified although it is anticipated that the types of user would be similar to those normally provided in local shop parades and the units are likely to trade at normal retail opening hours.
- The site is allocated as part of an existing residential area and Policy H1 permits development that does not adversely affect residential amenity. Policy 1 of the Finalised Plan contains similar wording.
- Statutory neighbour notification was carried out and no public comment was received.
- In this case the principle of the development has been established and the proposal complies with the requirements in Policy H1 of the development plan relating to design and layout.

DESCRIPTION OF PROPOSAL

The approval of reserved matters (based on a recent grant of outline planning permission) is sought to erect 2 units on the site, a 120 sq. metres shop and a 180 sq. metres Class 2 office. The layout indicates the 2 units set back in the site with a parking area of 11 spaces to the west of the proposed buildings, a further 2 to the south of the buildings and in and out access points at locations similar to those of the former petrol filling station on the site. The proposed units have brick walls and tiled roofs with shopfronts facing south to the Arbroath Road.

Occupiers of the proposed units have not been identified although it is anticipated that the types of user would be similar to those normally provided in local shop parades. Class 2 offices are defined as financial, professional and other services (including use as a betting office) which is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public. The applicants state that the units are likely to trade at normal retail opening hours.

This application has been put before the Committee at the request of the Local Member.

SITE DESCRIPTION

The site comprises the former ESSO petrol filling station to the south of the Safeway store on Arbroath Road. As a former petrol filling station there may be issues regarding contamination of the ground. It is currently enclosed by a timber fence with advertisement hoardings on the Arbroath Road frontage. It has in and out access points and the westmost access is currently used as one of 2 exits from the Safeway car park (the principal exit is immediately to the east of the application site).

To the south, on the opposite side of the Arbroath Road, are 2 storey 4 in a block flats. To the east is a parade of shops, those closest to the site being in a 2 storey building with a butchers and florists at ground floor and flats above. To the north east are the rear gardens of houses at Montgomerie Avenue.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

The site is allocated as part of an existing residential area and Policy H1 permits development that does not adversely affect residential amenity.

As this is an application for the approval of reserved matters for this development where the principle of a retail and office use has already been established, the retailing and office policies in the adopted Local Plan are not relevant to the determination of the application.



Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

In the Finalised Plan the site also falls within a residential area where Policy 1 promotes vibrant and sustainable communities and seeks to ensure that new development does not adversely impact on residential amenity.

Scottish Planning Policies, Planning Advice Notes and Circulars

PAN 33 "Development of Contaminated Land" October 2000 is relevant as the former use of the site is one associated with potential contamination. PAN 33 states that the development control system should ensure that land is suitable for the proposed new use.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

LOCAL AGENDA 21

The application site is in an accessible location and the proposed development involves the reuse of previously developed land. The development is therefore considered to be sustainable.

SITE HISTORY

Outline planning permission was granted for this development in May 2003 - application ref. no 03/00270/FUL refers. The conditions attached to that consent are the standard conditions on time limits and reserved matters with an additional condition relating to potential contamination.

An application for planning permission for a hot food takeaway and an office at this site was withdrawn by the applicants in November 2003 - application ref. no 03/00691/FUL refers.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and no public comment was received.

CONSULTATIONS

No adverse comment on the development was received from statutory consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy H1 permits development that does not adversely affect residential amenity. In this case the principle of the development has been established so that only those provisions of Policy H1 relating to the reserved matters can be considered. These relate to the siting, design and external appearance of the buildings, the means of access and the landscaping of the site.

In particular other matters such as the principle of the development and the nature or likely hours of operation of the uses cannot be revisited in the context of this application for the approval of reserved matters.

The design and siting of the proposed units are well thought out. Attractive open shopfronts are presented to the Arbroath Road and the finishing materials and pitched roofs provide a better quality of design than that normally associated with shop units. Existing access points are proposed to serve the development and the landscaping is in the form of 2 street trees.

It is concluded from the foregoing that the proposal complies with the requirements in Policy H1 of the development plan relating to design and layout.

Other Material Considerations

The other material consideration to be taken into account is Policy 1 of the Finalised Plan. This policy is written in terms similar to Policy H1 of the adopted Local Plan and the development is fully compliant with this policy.

This material consideration weighs in favour of the grant of planning permission.

With regard to issues relating to contaminated land, a planning condition can be imposed to ensure that whatever remediation measures necessary for the proposed use are undertaken prior to the development of the site.

It is therefore recommended that planning permission be granted with conditions.

Design

The design and siting of the proposed units are well thought out. Attractive open shopfronts are presented to the Arbroath Road and the finishing materials and pitched roofs provide a better quality of design than that normally associated with shop units.

CONCLUSION

The details of the proposed development accord with the policies of the adopted and finalised Local Plans on the protection of residential amenity.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development for which permission is hereby granted must be begun not later than the expiration of 2 years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Details of any proposed boundary enclosures shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 The proposed new trees shall comprise 2 Fastigate Hornbeams with a minimum size of 25-30 cm girth planted in accordance with BS4043 within six months of the

first use of the building. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted in terms of this condition.

- 5 Development shall not begin until a scheme to deal with any contamination on the site has been submitted to and approved in writing by the Council. This scheme shall be fully implemented as approved by the Council before either of the units is occupied

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure a satisfactory standard of appearance of the development.
- 4 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 5 In order to ensure that any contamination on the site is adequately dealt with.