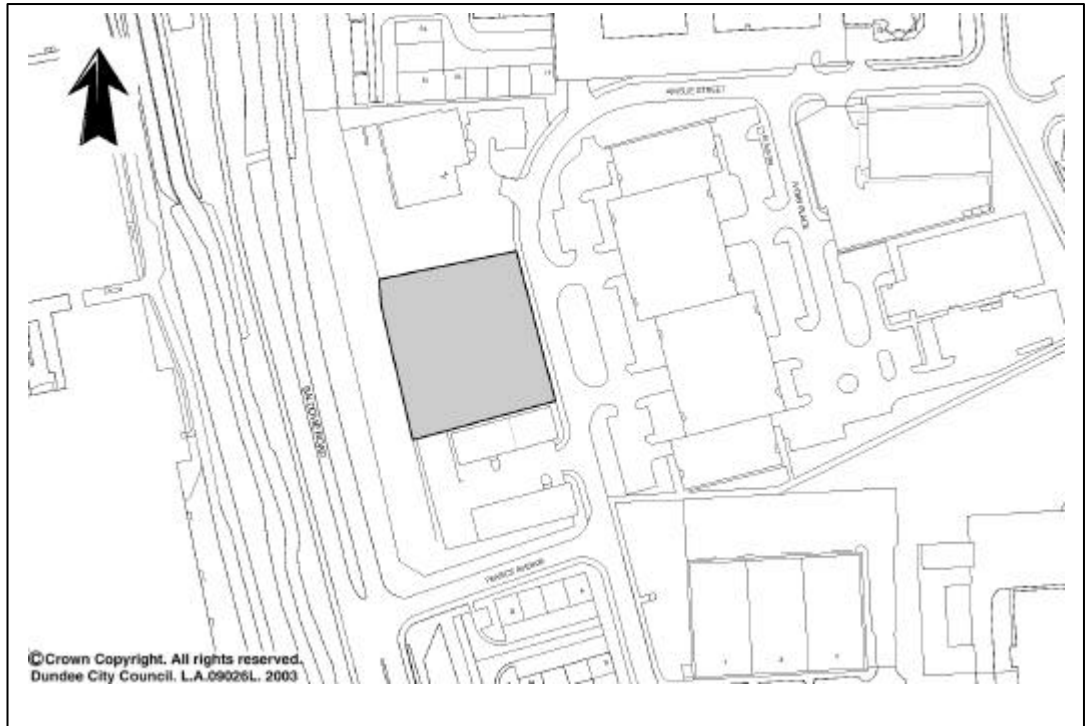


KEY INFORMATION**Ward** Balgillo**Proposal**

Erection of retail Unit and Warehouse

AddressLand to West of Ainslie Street
West Pitkerro Industrial Estate
Dundee**Applicant**Gillies
172/180 Brook Street
Broughty Ferry
Dundee**Agent**B S Design
4 Grove Road
Broughty Ferry
Dundee
DD5 1JL**Registered** 17 January 2005**Case Officer** G S Reid

Proposed New Carpet Warehouse in West Pitkerro

The Erection of a retail unit and warehouse is **RECOMMENDED FOR APPROVAL SUBJECT TO A SECTION 75 AGREEMENT**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the warehouse element is in accordance with the policies of the development plan. In addition, it is considered that there are sufficient material considerations to justify the approval of the retail unit contrary to the policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions and the completion of a Section 75 Agreement.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a retail unit and warehouse at land to west of Ainslie Street, West Pitkerro Industrial Estate, Dundee.
- The proposal raises issues for consideration in terms of the Employment policies of the Dundee and Angus Structure Plan, the Employment and Retailing Policies of the Dundee Local Plan 1998 and Policies 24 and 45 of the Finalised Dundee Local Plan Review.
- The applicants (Gillies) have advised that they need to expand their existing furniture storage warehouse at Ainslie Street to facilitate the expansion of their retail stores. To achieve this they wish to extend into the area currently used for the storage of carpets and the unit occupied by Carpet King. The current proposal therefore seeks to accommodate the displaced carpet warehouse and Carpet King Retail Unit into a new build development on the west side of Ainslie Street.
- No objections were received to the proposed development.
- It is considered that the proposed carpet warehouse element of the proposal is in accordance with the employment and retailing policies of both the Dundee and Angus Structure Plan and the Dundee Local Plan 1998. It is also considered that it is in accordance with Policy 24 of the Finalised Dundee Local Plan Review. In addition, it is considered that there are sufficient material considerations to justify the approval of the retail unit element (subject to conditions and a legal agreement) as a departure to the employment and retailing policies of both the Dundee and Angus Structure Plan and the Dundee Local Plan 1998 and Policy 24 and Policy 45 of the Finalised Dundee Local Plan Review.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a retail unit and warehouse at land to west of Ainslie Street, West Pitkerro Industrial Estate, Dundee.

The retail unit is to have a gross floor area of 372 sq. metres with the warehouse having a gross floor area 613 sq metres.

The applicants have submitted supporting information in relation to the application.

The applicants have advised that they need to expand the furniture storage warehouse at Ainslie Street to facilitate the expansion of their retail stores. To achieve this they wish to extend into the area currently used for the storage of carpets and the retail unit occupied by Carpet King. The current proposal therefore seeks to accommodate the displaced carpet warehouse and retail unit in a new build development on the west side of Ainslie Street. Carpet King are part of the Gillies operation.

SITE DESCRIPTION

The application site is located to the west of Ainslie Street and is to the north of the junction with Pearce Avenue. The site is flat in nature and extends to approximately 0.35 hectares. There are no buildings on the site. To the west of the site is landscaping and Baldovie Road, to the north are the premises of Scottish Courage, to the east and south are other industrial/commercial units. The applicants existing retail and warehouse premises are located on the east side of Ainslie Street. These premises contain the main distribution warehouse for the Gillies operation and the existing Carpet King Retail unit. The existing Carpet King Unit has a gross floor area of approximately 372 sq. metres and the carpet warehouse has a gross floor area of 372 sq. metres.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Employment Policy 2: Existing Employment Areas.

Dundee Local Plan 1998

The following policies are of relevance:

Employment Uses Policy EU2: Prime Industrial Estates.

Retailing Policy S20: Out of Centre Shopping.

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:

Policy 24: Principal Economic Development Areas.

Policy 45: Location of New Retail Developments.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 8 (Revised 1998): Town Centres and Retailing.

Non-Statutory Statements of Council Policy

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

LOCAL AGENDA 21

Key Theme 7 is of relevance to the consideration of this application. This theme seeks to ensure that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. Given the proposal is for the re-location of the proposed development it is considered that it is acceptable in terms the aims of this Key Theme.

SITE HISTORY

There is no site history of relevance to the consideration of this application.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the proposal was advertised in the "Dundee Courier and Advertiser" on the 1 February 2005 as a potential departure to the development plan. No objections were received to the proposed development.

CONSULTATIONS

No adverse comments were received from any of the 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.

The application has two main elements to it. The first of these is the erection of a new carpet warehouse and the second element is the erection of a new retail unit for Carpet King. These are proposed to accommodate the displaced carpet warehouse and Carpet King Retail Unit which are to be changed into additional storage for the existing furniture warehouse at Ainslie Street.

The application site is located within West Pitkerro Industrial Estate, which is covered by Employment Uses Policy EU2 Prime Industrial Estates of the Dundee Local Plan 1998. This policy seeks to encourage the establishment and retention of industrial and business uses as defined by Classes 4, 5 and 11 of the Use Classes Order 1989 and wholesaling of a type that does not generate large amounts of customer traffic. In addition, the Structure Plan through Employment Policy 2 Existing Employment Areas seeks to safeguard and promote the existing site at West Pitkerro Industrial Estate for employment uses. The Structure Plan definition of "employment uses" excludes retail uses. The carpet warehouse element of the proposal does not raise any issues of concern in terms of Policy EU2 of the Local Plan and Policy 2 of the Structure Plan. However, the retail element of the proposal is contrary to the provisions of both Policies.

The retail unit is relatively small (at 372 sq. metres) and would not fall within the definition of a retail warehouse unit. The unit is located in an out of centre location and as such Policy S20 of the Local Plan applies. This policy sets out the criteria for the consideration of new out of centre retail proposals. The criteria reflect the guidance set out in paragraph 45 of NPPG8. Given the nature of goods to be sold and the location proposed the retail unit would not meet the criteria and therefore would not be in accordance with Retailing Policy S20 of the Local Plan.

It is concluded from the foregoing that whilst the carpet warehouse element of the proposal complies with the provisions of the development plan the retail element would not.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Finalised Dundee Local Plan Review

Policy 24 Principal Economic Development Areas designates the site as a principal economic development area. These are areas recognised as being of citywide significance for economic development and are therefore safeguarded for industrial and business uses falling within classes 4, 5 and 6 of the Use Classes Order. As outlined above, it is considered that whilst the carpet warehouse element is an acceptable use the retail unit use is not. Policy 27 provides support for exceptions to Policy 24. However, this applies to uses ancillary to the primary function of these areas and is not applicable to retail developments geared to serving a wider catchment. It is considered that the retail element proposal is contrary to Policy 24.

Policy 45 Location of New Retail Developments sets out criteria for the consideration of new out of centre retail developments. The criteria reflect those of Retailing Policy S20 of the Dundee Local Plan 1998. For the reasons outlined above it is considered that the proposal is not in accordance with Policy 45.

National Planning Policy Guideline 8 (Revised 1998) Town Centres and Retailing sets out in paragraph 45 the guidance for the consideration of retail proposals not identified in development plans. Given the nature of goods to be sold and the location proposed it is considered that the retail unit element of the proposal would not be in accordance with the guidance set out in NPPG8.

The applicants have advised that they need to expand the furniture storage warehouse at Ainslie Street to facilitate the expansion of their retail stores. To achieve this they wish to extend into the area currently used for the storage of carpets and the unit occupied by Carpet King. The current proposal therefore seeks to accommodate the displaced carpet warehouse and retail unit in a new build development on the west side of Ainslie Street.

The applicants in their supporting letter acknowledge that the proposed retail unit would be contrary to the provisions of the development plan. However, they highlight that they already have a retail unit of the same size which trades under the name of Carpet King on the east side of Ainslie

Street. This unit was established during the time when the Estate was allocated as an Enterprise Zone. As part of the Enterprise Zone status a small allowance for retail was permitted. The Carpet King unit took up that allowance and has traded as carpet sales since that time.

In order to address the policy concerns the applicants propose to transfer the existing retail use to the new building and discontinue the retail use at the existing Carpet King Unit. As a result there would be no increase in the permitted retail floor area within the industrial estate as a result of this development.

It is considered that a new retail use within West Pitkerro Industrial Estate would be contrary to the policies of the development plan and recommended for refusal. However the current proposal is somewhat unusual in that it involves the relocation of an existing retail use to a new unit of the same gross floor area. It is considered that given the proposal would not result in an increase in the retail floor area and is for the same range of goods there are sufficient material considerations to warrant approval of the application contrary to the provisions of the development plan. This would be on the grounds that the existing permission is extinguished at the time when the new store opens for business and the new unit is of the same gross floor area and limited in the range of goods to carpets only, and other flooring materials.

In order to achieve the extinguishing of the existing permission a legal agreement with the applicants will need to be signed prior to the issuing of planning permission.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The design of the units is considered to be of a good quality and have incorporated varied mono-pitched roofs to the two buildings.

CONCLUSION

It is considered that the proposed carpet warehouse element of the proposal is in accordance with the employment and retailing policies of both the Dundee and Angus Structure Plan and the Dundee Local Plan 1998. It is also considered that it is in accordance with Policy 24 of the Finalised Dundee Local Plan Review. In addition, it is considered that there are sufficient material considerations to justify the approval of the retail unit element (subject to conditions and a legal agreement) as a departure to the employment and retailing policies of both the Dundee and Angus Structure Plan and the Dundee Local Plan 1998 and Policy 24 and Policy 45 of the Finalised Dundee Local Plan Review.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and parties with appropriate interests in the land has been recorded. The agreement will relate the existing unit occupied by Carpet King at Ainslie Street and will exclude Class 1 retail uses at the unit.

Recommendation 2

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 Samples of all finishing materials shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out using only the approved finishing materials.
- 3 That the proposed retail unit shall have a gross floor area not in excess of 372 sq metres.
- 4 The use of the retail unit hereby permitted shall be limited to the sale of carpets and other flooring materials.
- 5 A detailed scheme of landscaping shall be submitted

to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.

- 6 Details of the drainage arrangements for the site shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 7 That there shall be no allowance for the retail of carpets or other flooring materials from the warehouse element of the proposal.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the visual appearance of the proposed development is to an acceptable quality.
- 3 To conform with the approved shopping policies of the development plan.
- 4 To conform with the approved shopping policies of the development plan.
- 5 To ensure that the visual appearance of the proposed development is to an acceptable quality.
- 6 To ensure that the site can be adequately drained.
- 7 To conform with the approved employment and shopping policies of the development plan.