

KEY INFORMATION**Ward** Stobswell**Proposal**

Erection of a Class 1 retail unit, means of access, car parking, landscaping, servicing and additional works and facilities

Address

Land to the North of Dura Street
Dundee

Applicant

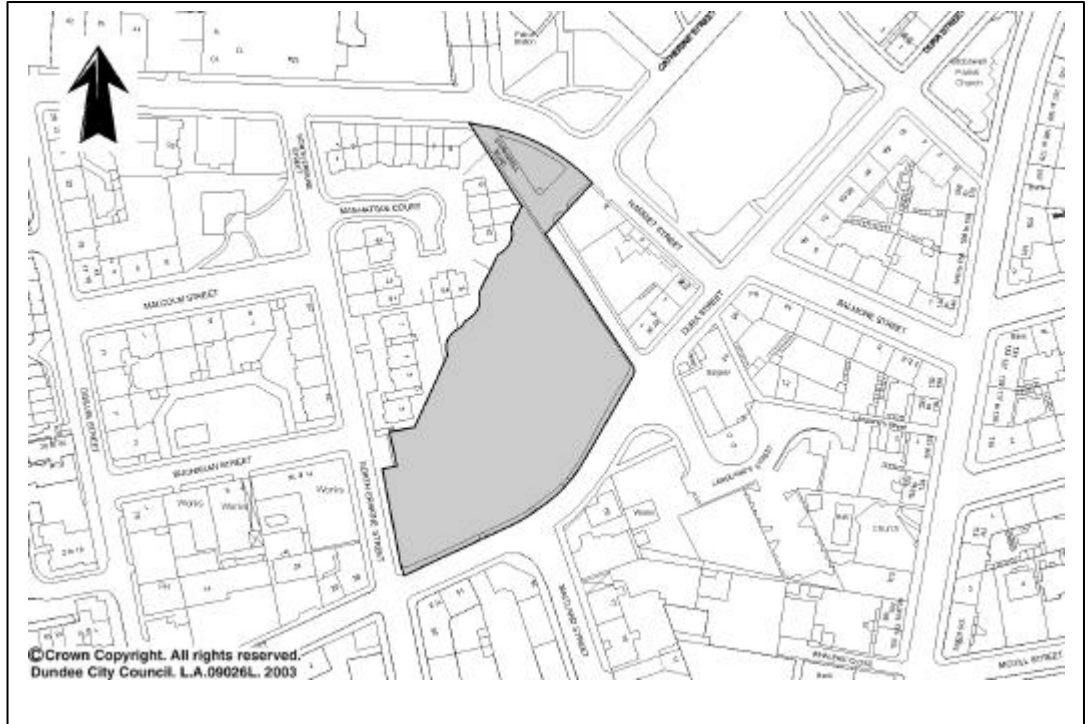
Lidl UK GMBH
Tailend Farm, Deans Road
Deans Industrial Estate
Livingston EH54 8SE

Agent

Smith Design Associates
16 Lynedoch Crescent
GLASGOW G3 6EQ

Registered 5 October 2005

Case Officer G S Reid



Further Application for Proposed Supermarket in Dura Street

The erection of a retail unit is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be in accordance with the policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a class 1 foodstore, car parking, landscaping, means of access, servicing and additional works at Land at Dura Street, Dundee.
- A similar application was refused by the Development Quality Committee at its meeting on the 23 May 2005. The applicants have appealed that decision to Scottish Ministers. The current application has been submitted to try and address the concerns that resulted in the refusal of the previous proposal.
- The proposal raises issues for consideration in terms of the Retailing Policies of the Dundee & Angus Structure Plan 2001-2016 and Policy 50 of the Dundee Local Plan Review 2005. In addition the proposal raises issues for consideration in terms of the Development Framework of the Stobswell Neighbourhood Regeneration Strategy.
- In response to the application 38 standard letters and a letter from Dundee Civic Trust objecting to the proposal were received. The main concerns related to design, noise, traffic, road safety, retailing in Albert Street and the loss of open space
- It is considered that the proposed foodstore is in accordance with the Retailing Policies of the Dundee & Angus Structure Plan 2001-2016 and Policy 50 of the Dundee Local Plan Review 2005. In addition, it is considered that the proposal is in accordance with the Development Framework of the Stobswell Neighbourhood Regeneration Strategy. There are no material considerations that would justify a departure from the policies of the development plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a class 1 foodstore, car parking, landscaping, means of access, servicing and additional works at Land at Dura Street, Dundee.

The proposal includes a foodstore of 1,258 sq. metres gross floor area and 82 customer car parking spaces. The applicant is Lidl who will also be the operator of the proposed store.

The newly formed access from Dura Street is to be used for customers and a separate service access is to be taken from Harriet Street.

The applicant's have submitted a letter in support of their application. They advise that since the refusal of their previous application (04/00792/FUL) by the Development Quality Committee on the 23 May 2005 they have made material variations in response to the concerns raised.

The changes to the proposal include a revision to the design of the building. The applicants highlight that the new store is of a unique design for Lidl with stylised elevations including a dual pitched roof. The new roof design includes a lower pitch than the previous design and reduces the height by nearly 1 metre. The benefit from this height reduction will be seen at the loading bay area. The height of the roof of the service area will be reduced and as such no shadow will be cast on the neighbours to the north.

The applicant's submitted a Planning Policy and Retail Impact Statement in support of their application. The Policy and Retail Impact statement argues that the proposal is acceptable in terms of the retailing policies of the development plan and other material considerations including National Planning Guidance. In addition it concludes that the proposal would have no significant adverse impact on the viability and vitality of the existing shopping provision in the area.

A Transport Statement has been submitted in support of the application. The statement argues that the development will not have a detrimental impact on the adjacent road junctions and concludes that the proposed development will integrate

well with the local roads network providing adequate facilities for pedestrians and cyclists as well as those travelling by public transport and private car.

The applicant's have submitted a Design Statement in support of their application. The statement advises that the overall purpose of the design is to provide ease of access to and from the site and to create a welcoming and pleasant environment.

In the supporting information the applicant's advise that there will only be one delivery a day to the store. This delivery is the only one to the store as



the vehicle carries all the products required by the store and as a result there is no separate milk or bread deliveries. In addition, the same vehicle collects the stores refuse and materials for recycling back at the main distribution centre in Livingston. Therefore there will be no refuse collection lorries visiting the store.

In addition, to the above the applicants have advised that the condenser fans which Lidl had previously offered to relocate have been moved to the Stobswell Road elevation.

The applicants have advised that they have continued to liaise with local groups and representatives regarding their proposals and carried out a course of public information events.

SITE DESCRIPTION

The application site is located to the north of Dura Street, to the east of North Erskine Street, to the west of the Harriet Street and Stobswell Road and to the south of Manhattan Court. The site extends to approximately 0.676 hectares, is flat in nature and was formerly occupied by buildings related to Stobswell Works. There are no buildings or structures within the

application site. To the north of the site are residential properties and to the south, west and east are a mixture of uses including some residential.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Town Centres and Retailing Policy 4: Out of Centre Retailing.

Dundee Local Plan Review 2005

The following policy is of relevance:

Policy 50: Provision of New Supermarket in Dura Street

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 8 (Revised 1998):

Town Centres and Retailing.

The following are of relevance:

Report 655/1999: Albert Street Study (Approved on 25 October 1999).

Report 591-2004 Stobswell Regeneration Strategy and Development Framework (Approved 20 September 2004).

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 location of the proposed development it is considered that it achieves the aims of this Key Theme.

SITE HISTORY

Planning Application 04/00792/FUL: Erection of a Class 1 Retail Unit, means of access, car parking, landscaping, servicing and additional works & facilities at land at Dura Street. Refused by Development Quality Committee on 23 May 2005.

This decision has now been appealed to Scottish Ministers.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours.

In response 38 standard letters of objection were received to the proposed development.

The main concerns from the objectors with regards to the proposed development were:

- 1 Risk to local Clepington Primary School children and other vulnerable road users due to the location of the access and egress points for delivery vehicles and the increase in traffic in the surrounding streets.
- 2 Further risk of accidents and congestion due to additional right turning traffic on Dura Street to and from the customer car park entrance/exit.
- 3 Stobswell is already served by a supermarket in the heart of its main shopping area. This proposal would undermine the existing store and to the detriment of the regeneration plans for this area.
- 4 The appearance of the building is not in keeping with the surrounding area and is too large for the site.
- 5 The proposed loading bay is in close proximity to residential properties and will adversely affect the amenity of residents due to disturbance from vehicle noise and loss of security.
- 6 The proposal will result in the loss of an area of open space within the area.
- 7 The proposed development would have an adverse affect on the amenity of adjoining residents by virtue of loss of the existing open aspect and associated security of adjacent homes.

Dundee Civic Trust advised that they objected to the proposal. The concerns were that the positioning of the building within the site is unrelated to the traditional street scene and its elevation onto Dura Street has little visual interest. In addition, they were

concerned with the level and location of the car parking provision.

Copies of the letters of objection are available in the Members' Lounges and the concerns raised are addressed in the "Observations" section of this report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that he had no objection subject to conditions restricting the servicing of the store to 0700 to 2100 hours Monday to Saturday and 0900 to 1800 hours on Sundays, the use of any compactor to 0900 to 1800 hours and a noise level for mechanical and electrical plant not exceeding NR35 1 metre from the facade of the nearest residential accommodation.

In addition, he advised that a standard contaminated land condition should be attached to permission if granted.

No adverse comments were received from any of the other 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 Development Quality Committee at its meeting on the 23 May 2005 refused planning permission for a similar proposal.

Dundee and Angus Structure Plan 2001-2016

The application site is located on an area of vacant land on the north side of Dura Street.

The proposal is for a Class 1 foodstore 1,258 sq. metres gross floor area and is not located within an existing centre

and as such raises issues for consideration in terms of Town Centres and Retailing Policy 4 Out of Centre Retailing of the Structure Plan 2001-2016. TCRP 4 sets out criteria for the consideration of new out of centre retail developments. The criteria reflect the guidance set out in paragraph 45 of NPPG8. TC&RP 4 sets out 5 criteria for the assessment of developments in excess of 1000 sq. metres gross floor area.

The first of these is that no suitable site is available, in the first instance, within and thereafter on the edge of city, town or district centre. The application site is located on the north side of Dura Street and is considered to be in an edge of centre location in relation to Albert Street District Centre. In carrying out the Albert Street Study it was concluded that there was no site within Albert Street District Centre of a sufficient size to accommodate a modern foodstore of sufficient size to improve the shopping facilities in the area. It is considered that the proposal is acceptable in terms of this criterion.

The second criteria is that individually or cumulatively it would not prejudice the vitality and viability of existing city, town or district centres. The site is located within an edge of centre location and is within easy walking distance of Albert Street District Shopping Centre. It is considered that the store would both function as part of the district centre and strengthen its role in serving residents in the area. Therefore it is considered that it would not have a detrimental affect on the vitality and viability of Albert Street District Centre.

The third criteria for consideration is, that the proposal would address a deficiency in shopping provision, which cannot be met within or on the edge of the above centres. The Albert Street study identified the need for a modern foodstore to provide for residents in the area and to support Albert Street as a District Centre. In addition, the Study concluded that there were no suitable sites within the district centre to accommodate a new foodstore. The study therefore identified the application site in Dura Street. This site is allocated in Dundee Local Plan Review 2005 through Policy 50 for a foodstore. The proposal would therefore meet an identified deficiency at Albert Street District Centre.

The fourth criteria is that the site is readily accessible by modes of transport other than the car. The site is in close proximity to existing bus routes in Dura Street and Albert Street. The site is also easily accessible on foot from the surrounding area. A new pedestrian crossing has been formed adjacent to the site as part of the improvements to this part of Dura Street. This has improved access to the site. Therefore the site is considered to be readily accessible by modes of transport other than the car.

The fifth criteria is that the proposal is consistent with other Structure Plan Policies. It is considered that the proposal is consistent with the other Structure plan policies.

In conclusion it is considered that the amended proposal meets all of the criteria of Town Centres & Retailing Policy 4 of the Structure Plan.

Dundee Local Plan Review 2005

Policy 50 of the Plan supports the development of a new food and convenience goods supermarket in Dura Street with a gross floor area not exceeding 1,300 sq. metres to serve the Albert Street area. The allocation in Dura Street identified on the proposals map is the site subject to the current planning application by Lidl. The application by Lidl is for a food and convenience goods supermarket of 1,258 sq. metres gross floor area. The proposal is considered to be in accordance with Policy 50 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the amended proposal complies with the provisions of the development plan.

Other Material Considerations

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

Report 655/1999 Albert Street Study (approved 25 October 1999) set out proposals to tackle the decline in the Albert Street shopping centre. The Reports recommended the investigation of the potential to develop a new supermarket in Dura Street. An area of search was outlined and included the current application site. The Stobswell Neighbourhood Regeneration Strategy was approved by Committee on 20 September 2004. The strategy sets out the Stobswell Development Framework for 2002 -

2008. The Framework includes the proposals for the development of a supermarket on the application site. The proposal is therefore considered to be in accordance with the Albert Street Study and the Stobswell Neighbourhood Regeneration Strategy.

The main concerns from the objectors were that:

- 1 "Risk to local Clepington Primary School children and other vulnerable road users due to the location of the access and egress points for delivery vehicles and the increase in traffic in the surrounding streets." As already indicated there will only be a single delivery a day to the store. The applicants have agreed to condition the delivery time in agreement with the Council. The delivery time can be set to ensure that it is outwith the times for children travelling to school. The proposal would therefore raise no concerns of conflict with the adjacent primary school. The proposal is for a modest size food supermarket rather than a food superstore. The proposal is to have approximately 82 customer car parking spaces. The customer access is to be from Dura Street. The store is also aimed at serving the same catchment as Albert Street district shopping centre. Given the size and location of the store it is considered that it would not generate significant levels of additional car journeys in the surrounding area. As such it would not lead to a significant increase in traffic in the surrounding area.
- 2 "Further risk of accidents and congestion due to additional right turning traffic on Dura Street to and from the customer car park entrance/exit." It is considered that given the recent improvements to this section of Dura Street and that a new access has been formed to serve this site no issues of traffic safety or movement in this part of Dura Street would arise as a consequence of the proposal.
- 3 "Stobswell is already served by a supermarket in the heart of its main shopping area. This

proposal would undermine the existing store and to the detriment of the regeneration plans for this area." It is considered that the proposal will provide residents in the area with a modern food supermarket and allow for the opportunity for linked shopping trips. As such it is considered that the proposal will help to maintain and improve the viability and vitality of Albert Street District Centre. It is considered that the proposal would not push traffic back onto Albert Street but encourage shoppers to undertake linked trips with the district centre by walking from the store car park to the centre. In addition, given the likely levels of traffic generated by the store it is considered that it would not result in congestion on Dura Street and therefore force traffic onto Albert Street.

- 4 "The appearance of the building is not in keeping with the surrounding area and is too large for the site." Given the improvements to the design of the building and layout of the site it is considered that the proposal will enhance the visual appearance of the area.
- 5 "The proposed loading bay is in close proximity to residential properties and will adversely affect the amenity of residents due to disturbance from vehicle noise and loss of security." As indicated above there will only be a single delivery a day to the store with the timing of this agreed with the Council. Given this low level of activity it is considered that the proposal would not have detrimental affect on the amenity of residents by virtue of pollution and noise.
- 6 "The proposal will result in the loss of an area of open space within the area." This site was previously occupied by commercial buildings. The buildings were cleared and the land reserved for the previously proposed NE Arterial route. This area was therefore never proposed to be open space for the surrounding area. The loss is not considered to be significant

in terms of the provision of open space in the area.

7 "The proposed development would have an adverse affect on the amenity of adjoining residents by virtue of loss of the existing open aspect and associated security of adjacent homes." Given the height of the building and its relationship to the houses it is considered that there would be no significant overshadowing of the properties in the surrounding area. The applicants have also submitted a Shadow Survey to address the concerns of the residents. The survey demonstrates that there would be no significant levels of overshadowing of the properties to the north west of the site. The area to the north of the store is to be secured by appropriate fencing. This should make the area more secure than at present.

Dundee Civic Trust advised that they objected to the proposal. The concerns were that the positioning of the building within the site is unrelated to the traditional street scene and its elevation onto Dura Street has little visual interest. In addition, they were concerned with the level and location of the car parking provision. It is considered that the positioning of the building is appropriate for the location and the design of the building is of a good quality. In terms of car parking provision it is considered that its location and numbers are acceptable.

It is concluded from the foregoing that there are no material considerations that would justify a departure to the policies of the development plan. It is therefore recommended that planning permission be approved.

Design

The applicants have amended the design of the store from the previous application. It is considered that the amendments to the design have improved the quality of the design of the building.

CONCLUSION

It is considered that the proposed foodstore is in accordance with the Retailing Policies of the Dundee & Angus Structure Plan 2001-2016 and Policy 50 of the Dundee Local Plan Review 2005. In addition, the

proposal is considered to be in accordance with the Development Framework of the Stobswell Neighbourhood Regeneration Strategy. There are no material considerations that would justify a departure from the policies of the development plan.

RECOMMENDATION

Recommendation 1

In terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997, if Members are minded to approve the planning application it will be necessary to refer it to the Scottish Ministers due to the Council having a financial interest in the site and that a level of objection has been raised to the proposed development.

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 That the sale and display of comparison goods shall be limited to no more than 30% of the net sales area of the store, subject to a limitation that no single group of goods from the following list (a) and (h) inclusive shall occupy more than 50% of the said sales area floor space devoted to the sale of comparison goods, the said listing being as follows:-
 - a Books
 - b Clothing and footwear
 - c furniture, floor coverings and household textiles
 - d radio, electrical and other durable goods
 - e hardware and DIY supplies
 - f chemist goods
 - g jewellery, silverware, watches and clocks
 - h recreational and other miscellaneous goods
- 3 That the proposed foodstore shall have a gross floor area not in excess of 1258 sq metres.

- 4 That a scheme for the investigation of contamination within the site and for its remediation and validation of remediation shall be submitted to the Council for approval prior to the commencement of development and if approved the development shall be carried out only in full accordance with such approved details.
- 5 Details of the delivery times to the store 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 Noise from all mechanical and electrical plant shall not exceed NR35, as measured 1 metre from the façade of the nearest residential property.
- 7 A detailed landscaping scheme including both soft and hard surfacing 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.
- 8 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.
- 9 Details of the security fencing to the rear (Northwest boundary) of the store and the barrier to the service yard 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.
- 10 Details of the finished floor levels of the building and finished levels of the service road 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To conform with the approved shopping policies of the development plan.
- 3 To conform with the approved shopping policies of the development plan.
- 4 To ensure that any potential contaminated land is identified and remediated.
- 5 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 6 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 7 To ensure that the visual appearance of the proposed development is to an acceptable quality.
- 8 To ensure that the visual appearance of the proposed development is to an acceptable quality.
- 9 To ensure that the visual appearance of the proposed development is to an acceptable quality.
- 10 To ensure that there is no significant overshadowing of properties in the surrounding area.