

KEY INFORMATION**Ward** Lochee East**Proposal**

Reconfiguration and part-redevelopment of existing leisure park, to form extension to Lochee town centre, including new units for non-food retail and restaurant use, and associated servicing, car parking & landscape works.

Address

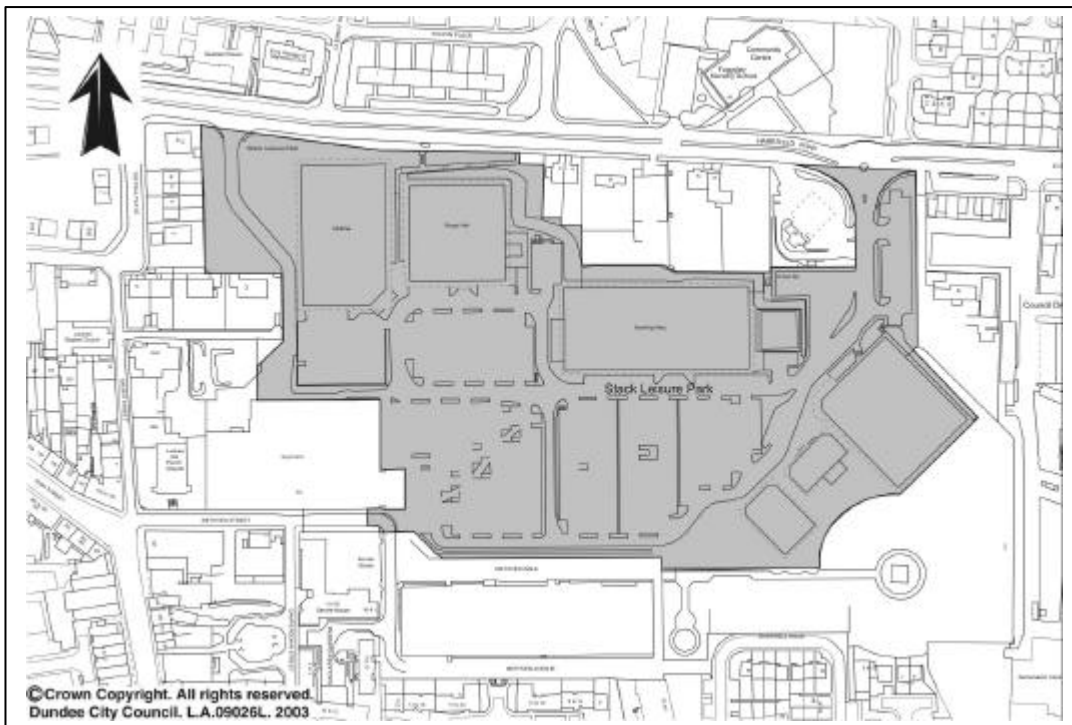
The Stack Leisure Park
Harefield Road, Dundee

Applicant

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Registered 24 Oct 2005**Case Officer** D Gordon

New Uses Proposed for Stack Leisure Park

The reconfiguration and part-redevelopment of existing leisure park, to form extension to Lochee town centre, including new units for non-food retail and restaurant use, and associated servicing, car parking and landscape works is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is considered to be in accordance with the land-use policies of the development plan. The scheme involves the re-configuration of a brownfield site and has the potential to increase the attraction of the Park which currently accommodates a significant amount of vacant floorspace.

The development is recommended for **APPROVAL** with conditions

SUMMARY OF REPORT

- Planning permission is sought for the re-configuration of the Stack Leisure Park including the demolition of the cinema building, the bowling alley and a restaurant and the erection of 3 non food retail units, a leisure unit and a new restaurant.
- The proposal raises issues under policy 41 of the Dundee Local Plan Review 2005 (Lochee District - The Stack Leisure Park).
- The applicants have submitted a Design Statement, Retail Statement, Noise Impact Assessment, a Transport Impact Assessment and a Preliminary Investigation of Potentially Contaminated Land Report in support of their application.
- Seven objections to the proposals have been received from surrounding occupiers. The main issues raised relate to provision of retail floor space, use of the site, design of the new units and car parking provision.
- The proposals are considered to be in accordance with the relevant development plan policies and that there are no material considerations, including the issues raised by the objectors, that are of sufficient weight to justify refusal of the application.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks permission to reconfigure and part-redevelop the Stack Leisure Park.

The proposals involve:

- a Demolition of the existing vacant cinema and the removal of 73 curtilage car parking spaces located on the south side of the building. The site is to be developed for 2 No. non-food retail units of 1395 sq.m and 930 sq.m.. A new service yard is to be located on the north side of the new units.
- b Demolition of the bowling alley building (Megabowl) and the adjacent vacant restaurant building located immediately to the east (Fatty Arbuckles). The site is to be developed for 1 No. non-food retail unit of 2320 sq.m. and a new leisure unit of 1390 sq.m. A new service access is to be provided on the east side of these new units and a new trucking route on the north side.
- c Phased environmental improvements are proposed for Methven Street including the upgrading of the pavements and improvements to the roadway.
- d A new restaurant unit is to be erected on the east side of the main access road that leads into the Park from Harefield Road to the north. The new unit will result in the loss of approximately 31 car parking spaces.
- e Additional car parking, new taxi rank and associated landscaping works are also proposed as part of the submitted development.

The new buildings are to be pitched roof in design with the finishing materials being masonry block and metal cladding (walls) and grey metal roof panels.

The remainder of the existing buildings on the site ie the retail store (Tesco's), the former vacant night club building and the two adjacent vacant restaurant buildings (Buzz and Busters) are to be retained.

SITE DESCRIPTION

The site (the Stack Leisure Park) is located on the south side of Harefield Road approximately 120 metres to the west of its junction with Kings Cross Road. The site accommodates a number of commercial / leisure / retail buildings, the majority of which are currently vacant.

The main public access is achieved from Harefield Road at the east end of the site. A service access road for the Tesco's store is taken from Harefield Road at the west end of the site. The existing buildings are clustered around a large central car parking area that serves the entire site. These buildings are predominantly finished in brick with decorative panels.



The surrounding area accommodates a variety of uses including residential flats to the south (converted mill building), City Council Depot to the east, residential to the north and residential/commercial/retail to the west.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Town Centres and Retailing Policy 2: District Centres.

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

Dundee Local Plan Review 2005

The following policy is of relevance:

Policy 41: Lochee District Centre-The Stack Leisure Park. This policy advises that the Stack continues to be allocated for leisure purposes. Other uses will be supported including the possibility of a non food retail development which could act as a catalyst for the redevelopment of the site and bring potentially beneficial spin-off for the District Centre. This would need to be linked to a developer

contribution towards the environmental improvement of the District Centre and the provision of strong pedestrian linkages to Lochee High Street.

Any retail element would need to be accompanied by an assessment of its impact on the Lochee District Centre. Retail development would be restricted to retail warehouse units trading in household goods, both as defined in the Plan and would need to be accompanied by an assessment of the retail impact on the Lochee District Centre.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following is of relevance:

National Planning Policy Guidance 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

The development will result in the partial redevelopment of a brownfield site and is therefore considered to be sustainable and consequently consistent with the aims of Local Agenda 21.

SITE HISTORY

The Park has been the subject of a number of planning applications for development in recent years. None are of direct relevance to the proposal now under consideration.

A planning application for the reconfiguration and part re-development of the park was withdrawn on 27 October 2005 (05/00148/FUL refers)

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. Seven objections to the proposed development have been received from surrounding occupiers. The main issues raised relate to:

- 1 That the proposed provision of retail floorspace is contrary to the Local Plan policies for the Park
- 2 The proposed development will impact on the environmental quality of the local area by virtue of overshadowing and increased noise from new businesses / service vehicles and further development works.
- 3 The new units are inappropriate in appearance
- 4 Provision of new taxi rank within the Park (impact on residential amenity).
- 5 Reduction in car parking provision within the Park
- 6 That the site should be redeveloped for residential purposes.

Copies of these objections can be viewed in the Members Lounges. It is intended to comment on the above issues raised in the 'Observations' Section of this report below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has requested that, due to the historical nature of the site (former works), an appropriate condition relating to any contamination and remediation works be attached to any permission granted. The applicants have submitted Preliminary Investigation of Potentially Contaminated Land Report and this is currently being considered by the Council.

The Head of Environmental Health and Trading Standards has also requested that, in the interests of visual amenity, conditions relating to delivery times and restrictions on noise from all mechanical and electrical services be attached to any consent granted. The applicants have submitted a Noise Impact Assessment to accompany their application and this is currently being considered by this Council.

The Council's Forestry Officer has requested that additional details relating to the proposed new landscaping be submitted for consideration.

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 proposal under consideration is for 4645 sq. metres gross floor area of non-food retail warehousing. The proposal is located outwith an existing centre and as such raises issues for consideration in terms of Town Centres and Retailing Policies 2 and 4 of the Structure Plan 2001-2016 and the guidance in NPPG8. In addition the proposal raises issues for consideration in terms of Policy 41 of the Dundee Local Plan Review 2005.

The applicants have submitted a supporting statement covering Planning and Retail Issues. This statement concludes that the proposal is consistent with the general retail policies of the Structure Plan and local plan and specifically the aspirations of the local plan in relation to the Stack Leisure Park. In addition, it concludes that the proposal is in accordance with the guidance set out in NPPG8.

The Dundee Local Plan Review through Policy 41 seeks to encourage non-food retailing on part of the Stack Leisure Park. In doing so it accepts that the location is acceptable in terms of the sequential test but highlights the need to ensure that it does not undermine the established Lochee District Shopping Centre and should have the potential to increase the attraction of the centre as a whole.

The principle of non-food retailing at the Stack Leisure Park has been accepted through the consideration and adoption of Policy 41 of the Dundee Local Plan Review. The main issues for consideration therefore are whether the format, scale and range of goods of the proposed development are acceptable.

The applicants have carried out a retail assessment to establish the potential impact the proposal could have on the district centre. They highlight that the range of goods and the format being applied for are in line with those set out by Policy 41 namely, retail warehouses trading in household goods. They then argue that the floor area of 4645 sq. metres being applied for can be accommodated without any detrimental affect to the vitality and viability of the District Shopping Centre.

They conclude that given the format, floor area and range of goods and location of the units within the Park ie as close as possible to the High Street, the proposal would not have a detrimental impact on the district shopping centre. They also argue that the proposal would strengthen the attractiveness of the centre as a whole.

It is considered that the format and range of goods are in accordance with the requirements of Policy 41 of the Local Plan. In addition, it is considered that the level of floor area applied for would not have a detrimental affect on the vitality and viability of Lochee District Shopping Centre.

Given the requirement to ensure the retailing at the Stack Leisure Park does not have a detrimental impact on the District Centre and to allow the Council to control future changes it is considered that the range of goods and unit sizes/occupation should be subject to a Section 75 Agreement. In addition, to ensure that any future increases in floor area including mezzanines are controlled a condition should be imposed setting the total gross floor area to be approved.

In addition to the above, Policy 41 also requires that any proposals for an alternative use for the site ie non food retail , will require to be accompanied by a developer contribution towards the environmental improvement of the District Centre and the provision of strong pedestrian linkages to Lochee High Street. It is considered that, due to the limited scale of the proposals, it would be unreasonable to insist on significant environmental improvements being carried out to the District Centre. However, the applicants have submitted proposed environmental improvements to Methven Street, which include new surfacing and improved street lighting.

These proposals are to be carried out in a phased manner. In order to secure these improvements, it is intended to make these works the subject of a Section 75 Agreement.

In conclusion it is considered that the proposal is in accordance with of Town Centres & Retailing Policies 2 and 4 of the Structure Plan, Policy 41 of the Local Plan and the guidance in NPPG8

With regard to the design of the new buildings, the applicants have submitted a Design Statement to accompany their proposals. This Statement advises of the reasoning behind the design and siting of the proposed new units to be located within the Park. The applicants conclude that the existing units most closely associated with Cox's Stack are to be retained, with their distinctive brickwork which reflects the brick detailing of the chimney, and which has become a feature of the area and its historic connection with the Mill that once occupied the site. With the use of quality contemporary materials, combined with careful detailing and an innovative design approach the proposed development endeavours to architecturally compliment the surrounding buildings, to become a practical addition to the existing park and a catalyst for the regeneration of both the Park and the surrounding area. It is considered that the proposed new units are acceptable in design.

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

Other Material Considerations

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

Objections

Seven objections from surrounding occupiers have been submitted.

- 1 The proposed provision of retail floorspace is contrary to the land use policies for the Park. This matter has been discussed fully above and it has been concluded that the type and amount of retail use proposed are in accordance with the requirements of Policy 41 of the Dundee Local Plan 2005.
- 2 The proposals will adversely impact on the environmental qualities of the surrounding

occupiers (overshadowing/noise). The applicants have submitted information relating to the shadows cast by the proposed new units and the likely impact on adjacent residential properties. It is clear from the studies carried out by the applicants that the new developments will not adversely impact on the occupiers of the surrounding residential properties. With regard to increases in noise associated with the development, it is intended to attach conditions to any consent granted that restricts delivery times to the new units and places a limit on noise generated by any new mechanical or electrical services.

- 3 The new units are inappropriate in appearance. The applicants have submitted a Design Statement to accompany their proposals. It is considered that the appearance of the proposed new units is appropriate in this location.
- 4 Provision of new taxi rank within the site. Discussions with the applicants on the relocation of this rank away from the High Mill flatted development located to the south of the application site have been concluded and an alternative location within the site has now been agreed.
- 5 Reduction of car parking within the site. The applicants have submitted a Transport Impact Assessment which covers the proposed re-configuration and partial redevelopment of the Park. The Assessment states that the plans for the proposed redevelopment at the Stack illustrate a parking provision of approximately 660 spaces. The application of the parking standards as outlined in Scottish Planning Policy 17 (Maximum Parking Standards) illustrates that the maximum allowable would be of the order of 800 spaces (based on 1 space / 14 sq.m. Gross Floor Area for food retail and 1 space/20 sq.m. for non food retail. The provision therefore falls within the maximum threshold.
- 6 That the site should be redeveloped for residential purposes. It is considered that,

for a variety of reasons including Local Plan allocation, that this would not be an appropriate use for this former industrial site.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal 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 proposed new units and the use of contemporary materials is acceptable in this Leisure Park location.

CONCLUSION

The proposed development complies with the relevant policies of the development plan and with national planning guidance and there are no material considerations, including the submitted objections, which would support a decision contrary to those policies. Accordingly, the application is recommended for approval.

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. This agreement will relate to the range of goods which will be allowed to be sold from the retail units (as defined by Policy 41 of the Dundee Local plan Review 2005), no retail unit shall have a gross floor area of less than 929 sq.m and no individual retail unit shall be occupied by more than one retailer. The agreement will also relate to a phased approach to the environmental improvement to Methven Street being carried out in accordance with a scheme that has been agreed in writing with the planning authority.

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 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 The development shall consist of Class 1 non food retailing with a gross floor area not exceeding 4645 square metres.
 - 4 That all deliveries to premises within the application site involving the use of delivery vehicles shall be between 0700 - 2100hrs Monday to Saturday and 0900 - 1600hrs Sunday.
 - 5 Total noise from all mechanical and electrical services shall not exceed NR45 during the day and NR35 during the night, as measured 1m external to the facade of the nearest residential accommodation. For the avoidance of doubt, day time shall be 0700 - 2300hrs and night time shall be 2300 - 0700hrs.
 - 6 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed
 - iii measures to deal with contamination during construction works
 - iv condition of the site on completion of decontamination measures

Before any new unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.
 - 7 That the development shall not begin until scaled details of the proposed new trucking route, and

any associated acoustic barriers, have been submitted to and approved in writing by the planning authority.

- 8 Development shall not begin until a scheme of landscaping has been submitted to and approved in writing by the Council. Details of the scheme shall include:
 - i an indication of existing trees to be retained and removed
 - ii arrangements for the protection, during construction works, of trees to be retained in accordance with BS5837, 2005
 - iii the location of new trees keyed to a schedule of species, plant size and density / numbers
 - iv a programme for the undertaking of the works and arrangements for subsequent maintenance.

For the avoidance of doubt, all landscaping works shall be carried out in accordance with the scheme to be approved in writing by the Council.

- 9 Details of provision for waste recycling facilities within the proposed development site shall be submitted to the Council for approval before any development is commenced. For the avoidance of doubt, the approved scheme shall be operational prior to the first occupation of any of the new units.

Reasons

- 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 In order to conform with the approved shopping policies of the Dundee Local Plan Review 2005.
- 4 In order to protect the local residents from noise from deliveries to the proposed new units.

- 5 To protect local residents from the noise from electrical and mechanical services from the proposed new units.
- 6 In order to ensure that the site is fit for the use proposed.
- 7 To ensure the safe and appropriate use of the proposed route in the interests of traffic safety and residential amenity.
- 8 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 9 To ensure that the site has adequate waste recycling provision in the interests of the amenity of the area.