

**KEY INFORMATION**

**Ward** Pitkerro

**Proposal**

Proposed foodstore and petrol filling station with associated car parking and road alterations to create new access to the development site. Demolition of existing residential apartment block.

**Address**

Linlathen High School  
Ballochmyle Drive  
Dundee

**Applicant**

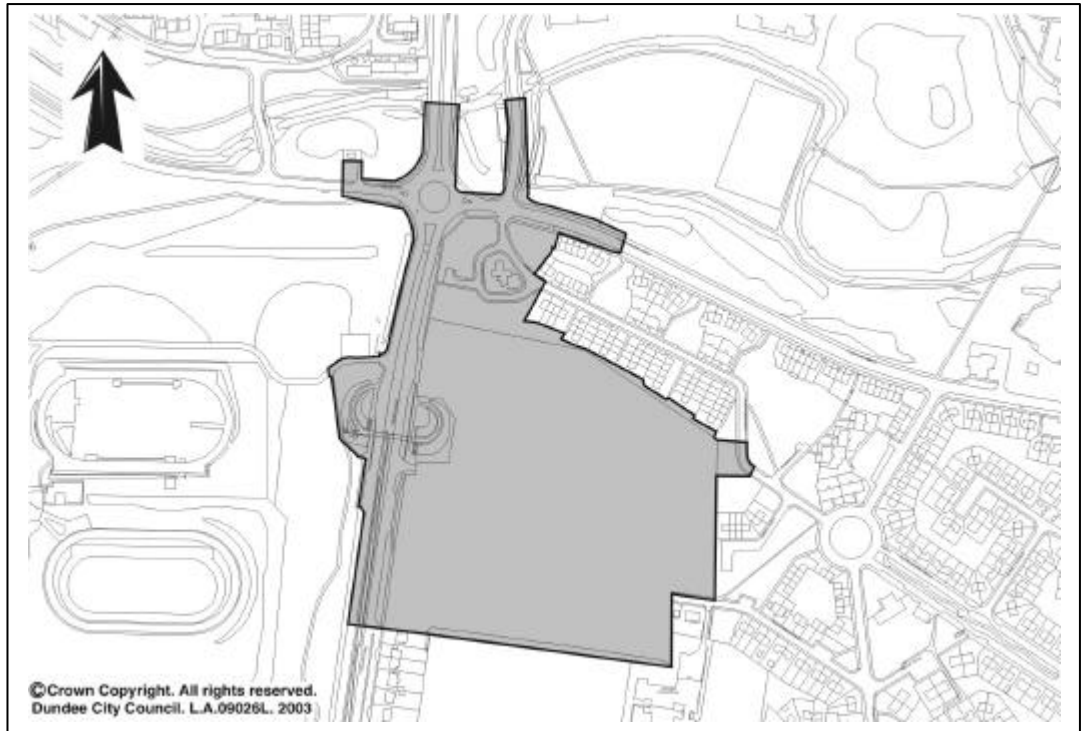
Wm Morrison Supermarkets  
Plc  
Property & Development  
Dept  
Hillmore House, Gain Lane  
Bradford BD3 7DL

**Agent**

GVA Grimley  
149 St Vincent Street  
Glasgow G2 5NW

**Registered** 21 June 2006

**Case Officer** S Johnson



# Proposed Morrison's Superstore at Former Linlathen High School

A proposed foodstore and petrol filling station is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposed development is in accordance with the provisions of the development plan.

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.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of a food superstore, petrol filling station, car parking, landscaping, formation of access and ancillary works at the former Linlathen High School site, Forfar Road, Dundee.
- It is considered that the proposed development raises issues for consideration in terms of the Policies of the Dundee and Angus Structure Plan 2001-2016 and the Policies of the Dundee Local Plan Review 2005. In addition, it is considered that the proposed development raises issues for consideration in terms of the guidance set out SPP 8 and SPP 17.
- 8 individual letters, 93 standard letters and a petition with 42 signatures were received raising objections to the proposed development. These raised issues relating to the increase in traffic congestion, impact on existing shopping facilities, noise and light spillage and the need for a petrol filling station.
- It is considered that the proposed development is acceptable in terms of the Policies of the Dundee and Angus Structure Plan 2001-2016 and the Policies of the Dundee Local Plan Review 2005. In addition, it is considered that the proposed development is acceptable in terms of the guidance set out SPP 8 and SPP17. Finally, it is considered that the concerns raised by objectors are not of sufficient weight to warrant refusal of the application in this instance.
- 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.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a food superstore, petrol filling station, car parking, landscaping, formation of access and ancillary works at the former Linlathen High School site, Forfar Road, Dundee.

The applicant is WM Morrison Supermarkets Plc who will also be the operator of the proposed food superstore.

The proposed store is to have a gross floor area of 8,175 square metres and a net sales floor area of 3,909 sq. metres. Of this 3,400 sq metres is for convenience goods and 509 sq. metres for comparison goods.

The proposal is to have a total of 597 car parking spaces including 13 parent/child and 36 disabled spaces.

A new access is to be formed into the site from Fountainbleau Drive and an additional access from Honeygreen Road. The new access from Fountainbleau Drive will provide access and egress for both customer and service vehicles and the Honeygreen Road access will be for customers only. Public transport will be able to access the site with facilities including bus shelters provided within the site.

The proposal also links into existing pedestrian and cycle routes from the surrounding residential areas.

The application includes the upgrading of the Forfar Road/Kingsway and Forfar Road /Fountainbleau Drive/Claverhouse Road junctions. This will involve the installation of traffic signals at both these junctions.

The applicants have submitted supporting information in the form of a Planning Policy and Retail Statement, a Transport Assessment, a Travel Plan, a Noise Assessment, an Air Quality Assessment, a Site Investigation Report, a Design Statement and a Drainage Statement.

## SITE DESCRIPTION

The application site is primarily located to the east of Forfar Road but includes small areas of land within Caird Park. The application site extends to approximately 8.4 hectares

and is mainly vacant land. The majority of the site was previously occupied by the former Linlathen High School. Part of the site to the north is occupied by a block of flats which will be required to be demolished. There are mature trees along the western boundary of the site.

To the north and east of the application site are residential properties. To the west is Caird Park including open space and sports facilities. To the south is Mossgiel Primary School, a sports ground and residential properties.



## 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. This Policy states that in keeping with the sequential approach to site selection for new retail developments, proposals for new or expanded out of centre retail developments in excess of 1000sq metres will only be acceptable where it can be established that:

- no suitable site is available, in the first instance, within and thereafter on the edge of city, town or district centres;
- Individually or cumulatively it would not prejudice the vitality and viability of existing city, town or district centres;
- The proposal would address a deficiency in shopping provision which, cannot be met within or on the edge of the above centres;

- The site is readily accessible by modes of transport other than the car;
- The proposal is consistent with other Structure Plan policies.

### Dundee Local Plan Review 2005

The following policies are of relevance:

#### Policy 48: Accessibility Of Out Of Centre Retail Developments

Proposals for major out of centre retail developments will require to incorporate measures to encourage convenient access by means other than the car. The following specific measures will be sought:

- a bus access involving weather protected stances incorporating timetable information and linked to the pedestrian route network within the site; and
- b segregated, weather protected, pedestrian routes linked to the City's wider footpath network; and
- c weather protected cycle storage facilities accessed via segregated cycle routes linked to the City's wider cycle route network.

Where appropriate the provision of free home delivery services will be encouraged.

The incorporation of these measures into existing developments will also be encouraged and pursued.

#### Policy 49: New Out Of Centre Foodstores

The City Council supports the principle of new foodstore provision at the former Linlathen High School site as a means of improving foodstore provision in the north of the City. The store will be restricted to a total sales floorspace not exceeding 4000 square metres.

The City Council will investigate whether there is a case for extending the existing foodstore at the site of the former B & Q unit at South Road, and if such a case can be established, will consider how this can be implemented

Proposals for the sites will require to demonstrate:

- a That they will not undermine the vitality and viability of the City Centre and District Centres; and
- b Compliance with Policy 48 and other relevant Local Plan policies; and
- c Commitment by the developers to facilitating on and off-site measures to resolve access and traffic issues associated with the development.

Where appropriate, the opportunity to rationalise existing foodstore provision through the removal of outdated and poorly located foodstores will be pursued. Development proposals will require to be supported by Transport Assessments and Travel Plans. Travel Plans will be implemented through appropriate planning conditions and/or other agreements.

**Policy 55: Urban Design**

For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

**Policy 56: Public Art**

The City Council will continue to support Public Art through the adopted Public Art Strategy and the Percent for Public Art Policy by:

- a implementing the “Percent for Public Art” policy where all new development in Dundee with construction costs of £1,000,000 or over will be required to allocate at least 1% of the construction costs for the inclusion of an art project/s in a publicly accessible/visible place or places within their development. The implementation of the policy will be delivered through the

development control process by the imposition of appropriate conditions on planning permission and the conclusion of legal agreements; and

- b involving the Dundee Public Art Programme at every opportunity in future environmental improvements and building developments; and
- c encouraging and developing the role of the artist within private sector developments; and
- d promoting the development of the community arts in residential areas; and
- e identifying sites through Development Briefs where public art would make a contribution to the streetscape, City image or local environment.

**Policy 79: Contaminated Land**

When considering development proposals involving sites where the presence of contamination is suspected, the City Council will require applicants to :

- a submit the results of site investigations which assess the nature and extent of any contamination which may be present; and
- b where contamination is found to be present, notify the authority of the remediation measures proposed to render the site fit for its intended use including all receptors.

Appropriate conditions and/or legal agreements may be applied to ensure that such measures are implemented to the satisfaction of the Council.

Alternatives to the uses permitted by the Local Plan may be supported on contaminated sites in instances where evidence can be presented to establish that the severity of contamination is such that the site cannot be economically developed for its allocated use. In such instances the City Council will require to be satisfied that:

- clear evidence has been provided to establish the nature and extent of the contamination present;
- an economic appraisal has been provided which demonstrates that development based on the Local Plan allocation is not

economically feasible due to the remediation requirement;

- justification for the proposed alternative to the Local Plan allocation is supported by economic and market appraisals which include the assessment of other potential options; and
- the proposed alternative use can be justified in relation to other policies.

Scottish Planning Policies, Planning Advice Notes and Circulars.

The following are of relevance:

Scottish Planning Policy 8: Town Centres and Retailing. The guidance within SPP8 advises that when determining applications for food shopping a sequential approach should be adopted. In dealing with new major retail developments SPP8 advises that they should be initially assessed as to whether they are consistent with the development plan. Where they are not consistent with the development plan, the developer must demonstrate why an exception to policy should be made.

Scottish Planning Policy 17: Planning for Transport. This Policy promotes sustainable development in appropriate locations and seeks to ensure that development is well located in terms of public transport and pedestrian and cycle routes.

Planning Advice Note 75: Planning for Transport. This offers guidance on policy contained in SPP 17 (Planning for Transport) above.

Non Statutory Statements of Council Policy

There are no non statutory policy statements of relevance:

**LOCAL AGENDA 21**

Key Theme 7 is of relevance and 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. It is considered that the proposed development achieves the aims of this Key Theme.

## SITE HISTORY

Planning Application (in Outline) 99/24089/D Erection of Foodstore with associated car parking at Former Linlathen High School site for Cala Management Ltd., Forfar Road, Dundee. Pending Consideration.

Planning Application 03/00968/FUL: Foodstore and petrol filling station with associated car parking, servicing and roads alterations to create new access at Forfar Road. Called in by Scottish Ministers 06/05/04. Withdrawn on 14/01/05 prior to determination.

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 27 June 2006 under section 34 of the 1997 Act as a potential bad neighbour.

In response to this 8 individual letters, 93 standard letters and a petition with 42 signatures were received raising objections to the proposed development. The main concerns raised by objectors were that:

- 1 Forfar Road is already unable to cope with the volume of heavy goods vehicles at peak periods. To add traffic lights will only divert even more traffic along Claverhouse Road past Mill O Mains and through housing areas in Kirkton.
- 2 Dundee is already overprovided for with regards to supermarkets and additional stores will impact detrimentally on existing shopping provision.
- 3 Fintry has a vibrant shopping community and there is a danger of this developing into a ghost town as has happened in other areas of Dundee to the detriment of the elderly and residents without transport at a time when emphasis is on reducing car use.
- 4 The proposed access onto Honeygreen Road will result in problems of traffic congestion, pedestrian and traffic safety and exacerbate the lack of on street parking and should be deleted from the scheme.

- 5 The proposals should include traffic calming measures on Fountainbleau Drive.
- 6 There is no need for an additional petrol filling station within this section of Forfar Road.
- 7 The proposed petrol filling station would have a detrimental affect on the residential amenity of adjoining neighbours due to disturbance from noise, smells and light spillage.
- 8 The proposed development would result in the disturbance of neighbours due to noise particularly from deliveries, if it is a 24 hours operation, and from other plant and machinery.

Copies of all of the letters and the petition are available in the Members' Lounges and the issues raised are addressed in the "Observations Section" of this Report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards advised as follows:

### Noise

No objection in principle subject to conditions being imposed to cover delivery times to the store and petrol filling station, restrictions of the noise levels from mechanical plant and machinery and the operational times of the jet wash.

### Contaminated Land

No objection subject to the imposition of a condition seeking the implementation of the recommendations of the submitted Site Investigation Report by Woolgar Hunter.

### Air Quality

There are some concerns regarding the content of the Air Quality Assessment consequently a condition will be attached requiring the submission of the agreed revised Air Quality Assessment and the implementation of its recommendations.

The Forestry Officer (Contract Services) advised that the applicants should carry out a detailed tree survey of existing trees and provide a method statement for the protection of trees during development where all trees

should be protected as per BS:5837:2005.

The Scottish Executive Enterprise, Transport and Lifelong Learning Department advised that they are supportive of the proposed development but wish planning conditions to be imposed to ensure that traffic using the trunk road is not adversely affected. These conditions were not available at the time of writing this report but will be notified to Development Quality Committee at its meeting on the 25 September 2006.

Sportscotland advised that they had no objection to the proposed development.

Scottish Water advised they had no objection in principle to the proposed development.

SEPA advised that they had no objection in principle to the proposed development.

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.

### Retail Planning Policies

The application under consideration is for the development of a food superstore and petrol filling station in an out of centre location. The majority of the application site is on an area allocated by Policy P49 of the adopted Dundee Local Plan Review 2005 for food retailing.

### Dundee and Angus Structure Plan

The relevant Structure Plan Policy is Town Centres and Retailing Policy 4. This Policy sets out criteria for the

consideration of new out of centre retail developments.

As indicated above the application site is allocated for food retailing by Policy 49 of the Dundee Local Plan Review. In allocating the site for a food store the Council assessed it against Policy TCRP4 of the Structure Plan and considered it to be in accordance with provisions of that Policy. The Local Plan Inquiry Reporter in supporting the allocation of the site accepted that a food store accorded with Policy TCRP4 of the Structure Plan.

The previous Planning Application (03/00968/FUL) for a foodstore at this site submitted by Morrisons was considered to be in accordance with the provisions of Policy TCRP4 of the Structure Plan and Members, at the Development Quality Committee on the 23 February 2004, were minded to approve the application. The application was referred for approval by the Scottish Ministers. However this application was subsequently withdrawn prior to final determination due to the failure to resolve the formation of a new access onto the Trunk Road.

It is considered that there have been no material changes in circumstance since the previous application was determined. Therefore it is considered that the current proposal does not raise any new issues for consideration in terms of Policy TCRP4 of the Structure Plan. The application is considered to be in accordance with Policy TCRP4 of the Structure Plan.

#### **Dundee Local Plan Review**

Policy 49 of the Local Plan advises that the City Council supports the principle of new foodstore provision at the former Linlathen High School site as a means of improving foodstore provision in the north of the City. The store will be restricted to a total sales floorspace not exceeding 4000 square metres. The Policy also advises that proposals for the site will require to demonstrate:

- a That they will not undermine the vitality and viability of the City Centre and District Centres; and
- b Compliance with Policy 48 and other relevant Local Plan policies; and
- c Commitment by the developers to facilitating on and off-site measures to resolve access and

traffic issues associated with the development.

The application proposal is for a food store with a total sales floorspace of approximately 3,909 sq metres. The proposal therefore is in accordance with the size criterion set out in Policy 49.

Criterion (a) of Policy 49 seeks to ensure that proposals would not undermine the vitality and viability of the City Centre and District Centres. The proposed store would have a sales area of 3,909 sq metres. Of this 3,400 sq metres is for convenience goods and 509 sq metres for comparison goods.

The applicants have submitted a Retail Assessment in support of their application, which examines the impact of the proposed food store on existing shopping provision. The assessment focuses on the impact of the food (convenience) element of the store. Given the amount of comparison floor area proposed it was considered that its impact on existing shopping would be negligible and as such the applicants were not asked to assess this element.

The assessment indicates that the proposed foodstore would draw its trade from existing retailers and primarily the other major food superstores within the City. The report concludes that while some stores would be affected more than others in terms of the loss of trade no store would be affected to such an extent that would lead to its closure. In addition, the report concludes that the trade drawn from existing centres would not be such as to significantly affect their viability or vitality. In light of this it is considered that the proposed store would not prejudice the vitality and viability of existing shopping centres.

In terms of criterion (b) it is considered that the proposal is in accordance with Policy 48 and the other relevant Local Plan policies.

In terms of criterion (c) the applicants have submitted proposals to address both on and off site access and traffic issues associated with the development. This includes improvements to the junctions at Forfar Road/Kingsway and Forfar Road/Fountainbleau Drive/Claverhouse Road.

Policy 48 (Accessibility of Out of Centre Retail Developments) is

relevant to the consideration of the application. This Policy advises that proposals for major out of centre retail developments will require to incorporate measures to encourage convenient access by means other than the car. Specific measures are outlined within the Policy. The applicants have included measures to encourage convenient access by means other than the car. These include pedestrian links into the existing footpaths from the surrounding residential areas. Provisions for cyclists is also accommodated within the scheme. As indicated above a condition covering the provision for public transport within the site will be required to allow for the augmentation of existing facilities. The proposal is considered to be in accordance with Policy 48.

Policy 55: Urban Design is relevant and seeks that all new developments place emphasis on design quality and that the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. In addition, all development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

The applicants have submitted a Design Statement in support of the application. The proposed store has been designed to be sympathetic in scale and massing to the surrounding residential areas. The formal language of the walls and roof and the use of traditional materials invoke a synergy with Scottish vernacular architecture and the modern materials and detailing to glazed walkways, fascias etc provide a contemporary slant.

The western boundary of the site has been subject to landscaping treatment in accordance with the Ambassador Routes Design Guide. This has included the formation of a substantial feature wall on both sides of Forfar Road. The applicants have indicated that their proposals may affect this wall and require some realignment of it. Given the significance of this feature to the visual quality of the area a condition should be attached requiring a method statement setting out any proposed changes to the wall and associated landscaping for approval by the Council before any development works commence.

It is considered that the proposed building is of an acceptable standard of design and that the landscaping proposed will link the proposal into the existing area.

It is considered that subject to a condition covering works to the feature wall and landscaping the layout and design of the proposal is acceptable in terms of Policy 55.

Policy 56 advises that the City Council will continue to support Public Art through the adopted Public Art Strategy and the Percent for Public Art Policy.

The applicants have agreed to the imposition of a condition requiring the provision of a percent for public art as part of the development. The proposal subject to a condition is considered to be acceptable in terms of Policy 56.

Policy 79: Contaminated Land is relevant and advises that when considering development proposals involving sites where the presence of contamination is suspected, the City Council will require applicants to:

- a submit the results of site investigations which assess the nature and extent of any contamination which may be present; and
- b where contamination is found to be present, notify the authority of the remediation measures proposed to render the site fit for its intended use including all receptors.

Appropriate conditions and/or legal agreements may be applied to ensure that such measures are implemented to the satisfaction of the Council.

The Head of Environmental Health and Trading Standards advised that he had no objection to the proposed development subject to the imposition of a condition seeking the implementation of the recommendations of the submitted Site Investigation Report.

It is considered that the proposed development is in accordance with the policies and proposals of the Dundee and Angus Structure Plan and the Dundee Local Plan Review.

## Other Material Considerations

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

### National Guidance

Scottish Planning Policy 8: Town Centres and Retailing.

This guidance was only published in August 2006. The applicants assessed the proposal against NPPG 8 Town Centres and Retailing which was the relevant guidance at the time of submission of the application. The guidance set out in SPP8 is not dissimilar to that of NPPG8 in assessing food stores applications. In addition, it is considered that the guidance is still consistent with the Retailing Policies of both the Structure Plan and the Local Plan. As such it is considered that the proposed development is in accordance with the guidance in SPP8

### Scottish Planning Policy 17: Planning for Transport.

This Policy promotes sustainable development in appropriate locations and seeks to ensure that development is well located in terms of public transport and pedestrian and cycle routes. Planning Advice Note 75 Planning for Transport offers guidance on the policy contained in SPP 17 (Planning for Transport) above.

The applicants have submitted a Transport Assessment (TA) in support of the proposed development. The TA concludes that although there will be an increase in traffic as a result of the development it can be accommodated within the existing local road network. In particular the TA highlights that traffic will increase in Honeygreen Road. It is considered that whilst traffic will impact onto the surrounding local road network it can be accommodated without an unacceptable level of detriment.

The proposals have already been assessed against Policy 48 of the Local Plan and found to be acceptable again subject to conditions. It is therefore considered that the proposal in terms of its impact on the local road network is acceptable in terms of the guidance contained within SPP17 and PAN 75.

### Trunk Road: Transport Assessment

The proposed development affects the Kingsway Trunk Road and accordingly the Scottish Executive Enterprise Transport and Life Long Learning Department- Network Management Division were consulted. They have advised that they are supportive of the proposed development but wish

planning conditions to be imposed to ensure that traffic using the trunk road is not adversely affected.

## Objections

8 individual letters, 93 standard letters and a petition with 42 signatures were received raising objections to the proposed development. The main concerns raised by objectors were that:

- 1 "Forfar Road is already unable to cope with the volume of heavy goods vehicles at peak periods. To add traffic lights will only divert even more traffic along Claverhouse Road past Mill O Mains and through housing areas in Kirkton." The applicants have submitted a Transport Assessment in support of the application. The TA has assessed the impact of the proposed development on the surrounding road network. The TA concludes that subject to the improvements of the junctions at Forfar Road/Kingsway and Forfar Road/Fountainbleau Drive/Claverhouse Road the proposed development can be accommodated within the surrounding road network.
- 2 "Dundee is already overprovided with regards to supermarkets and additional stores will impact detrimentally on existing shopping provision." The need for a modern foodstore for this area is identified by the Local Plan and this site is allocated for a foodstore. The applicants have demonstrated through their Retail Assessment that there would be no significant detrimental affect on existing shopping provision
- 3 "Fintry has a vibrant shopping community and there is a danger of this developing into a ghost town as has happened in other areas of Dundee to the detriment of the elderly and residents without transport at a time when emphasis is on reducing car use." As indicated above the Local Plan has identified a need for a modern food superstore to serve this area. It is considered that a store can be accommodated without any significant detriment to existing shopping.
- 4 "The proposed access onto Honeygreen Road will result in problems of traffic congestion, pedestrian and traffic safety and

exacerbate the lack of on street parking and should be deleted from the scheme." It is considered that the access to the store from Honeygreen Road is suitable. The access will be for customers only with service vehicles entering from the other access on Fountainbleau Drive. As such it is considered that it will not give rise to any significant increase in congestion, parking or safety problems.

5 "The proposals should include traffic calming measures on Fountainbleau Drive." It is considered that there is no justification for traffic calming measures on Fountainbleau Drive as a result of the development.

6 "There is no need for an additional petrol filling station within this section of Forfar Road." The petrol filling station forms an integral part of the applicant's development and is an expected facility as part of a modern foodstore. It is considered that the issue of need for another petrol filling station is not a reason for refusal of the application.

7 "The proposed petrol filling station would have a detrimental affect on the residential amenity of adjoining neighbours due to disturbance from noise, smells and light spillage." The applicants have responded to concerns raised to the original application and have moved the petrol filling station further north away from residential properties. As a result any potential impact from light spillage has been reduced. In terms of noise, given the proximity of Forfar Road, it is considered that no significant adverse affect would be experienced by residents.

8 "The proposed development would result in the disturbance of neighbours due to noise particularly from deliveries, if it is a 24 hours operation, and from other plant and machinery." The Head of Environmental Health and Trading Standards advised that on the basis of the restricted hours of servicing and conditions covering noise from plant and machinery he had no objection to the proposed development. On

this basis it is considered that the proposal is acceptable in terms of noise.

### **Air Quality**

Due to the concerns regarding the Air Quality Assessment it is considered that a revised Air Quality Assessment is required to address these concerns. Therefore a condition will be attached to ensure the submission of the agreed revised Air Quality Assessment and the implementation of its recommendations.

It is concluded from the foregoing that there are no material considerations that would justify the refusal of the planning application.

### **DESIGN**

The applicants have submitted a Design Statement in support of the application. The proposed store has been designed to be sympathetic in scale and massing to the surrounding residential areas. The formal language of the walls and roof and the use of traditional materials invoke a synergy with Scottish vernacular architecture and the modern materials and detailing to glazed walkways, fascias etc provide a contemporary slant.

It is considered that the proposed building is of an acceptable standard of design and that the landscaping proposed will link the proposal into the existing area.

### **CONCLUSION**

It is considered that the proposed development is in accordance with the policies and proposals of the Dundee and Angus Structure Plan 2001-2016 and the Dundee Local Plan Review 2005. In addition, it is considered that the proposal is in accordance with the guidance contained within SPP8 Town Centres and Retailing and SPP17 Planning for Transport. There are no material considerations that would justify departing from the provision of the development plan in this instance.

### **RECOMMENDATIONS**

#### **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 given the level of objection that has been raised to the proposed development.

### **Recommendation 2**

Recommended for APPROVAL 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 15% 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; and (h) recreational and other miscellaneous goods.
- 3 That the proposed foodstore shall have a gross floor area not in excess of 8,175 sq. metres and a net sales area of not more than 3,909 sq. metres.
- 4 The times for the delivery of goods by HGV's or other service vehicles to the store shall be agreed in writing with the Council prior to the commencement of development and if approved the deliveries to the store shall be operated only in full accordance with the agreed times.
- 5 Bulk fuel tanker deliveries to the petrol filling station and the use of the car wash shall only be between 0700 and 2300 hours Monday - Saturday and 0900 and 2300 hours on Sunday.
- 6 All mechanical and electrical plant shall not exceed NR35 as measured 1 metre from the façade of any residential accommodation.
- 7 The use of a compactor shall be limited to between 0800 to 2000

hours Monday to Saturday and 0900 to 2000 on Sundays.

8 The testing of all standby generators shall only take place between 0900 to 2000 hours Monday to Saturday.

9 No part of the development shall commence trading until all of the approved on-site and off-site road improvements have been completed to the satisfaction of the Council.

This shall include:

a All works required for the proposed traffic signal junctions at Forfar Road/Kingsway and Forfar Road/Claverhouse Road/Fountainbleau Drive, which must be designed and built to Dundee City Council and Scottish Executive specifications.

b Connection between the traffic signals referred to in (a) above and Dundee City Council's Urban Traffic Control system.

c The provision of CCTV to Dundee City Council specifications at locations to be agreed as part of the detailed design which must be functioning prior to the traffic signal junctions becoming operational.

d Pedestrian crossings on Honeygreen Road and Glenconnor Drive.

10 The location and design of the lockers for the parking of staff bicycles 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.

11 the existing trees and shrubs, indicated on the approved plans to be retained, shall not be cut down, grubbed out topped, lopped, uprooted or root pruned without the written consent of the City Council. Any trees or shrubs removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees and shrubs of such size and species

as may be directed by the City Council and per standard BS:5837:2005.

12 no development or other operations shall be commenced on this site until adequate steps, which shall have been previously approved by the City Council, have been taken to safeguard, against damage or injury during construction works, all trees on the site, or whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees by affecting their root structure.

13 Details of the future maintenance of all areas proposed to be landscaped 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.

14 Details of the design and location of the proposed public art 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.

15 Revised details of the surfacing and landscaping of all car parking and pedestrian areas shall be submitted to the Council for approval before development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

16 A revised landscaping plan including the details of compliance with the Ambassadors Route Design Guide 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.

17 Details of the provision of facilities for the accommodation of public transport within and outwith the site, including details of bus stop locations and type of stop/shelter both on the surrounding road network and within the development 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 details prior to the store opening.

18 Revised details of the entrance feature to the store and canopy along west elevation 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.

19 A drainage assessment (foul and surface water) including the provision for SUDS 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 accordance with such approved details

20 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 only using such approved materials.

21 The revised design of the petrol filling station building 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 accordance with such approved details

22 That a revised Air Quality Assessment 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 accordance with the approved details.
- 23 That the use of the car wash shall be limited to between 0700 to 2300 hours
- 24 The recommendations of the Development Appraisal Report by Woolgar Hunter shall be fully implemented before any development commences.
- 25 That a method statement setting out any proposed works to the boundary feature wall facing onto Forfar 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.
- 26 That a tree survey of the site be carried out in accordance with BS5837:1991.
- 27 Details of the improvement works to the underpass 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 details.
- 28 A Travel Plan, including recommendations and a timescale for implementation, shall be submitted to Dundee City Council and the Scottish Executive for approval within 6 months of the store opening. The recommendations of the Travel Plan shall be fully implemented in accordance with the approved timescale.
- 29 A Technical Audit and a Road Safety Audit of all road proposals must be carried out by the applicant, submitted and agreed in writing by the Council prior to any road works on site. The recommendations of the Technical Audit and a Road Safety Audit shall be fully implemented in accordance with the approved timescale.

## 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 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 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 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 8 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 9 In the interests of vehicular and pedestrian safety.
- 10 to ensure that adequate and satisfactory cycle facilities are provided within the site for members of staff.
- 11 To protect those landscape features which area of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 12 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development
- 13 In the interests of the appearance of the development.
- 14 To meet the Council's policy requirement for Percent for Public Art.
- 15 To ensure a satisfactory standard of appearance of the development.

- 16 To ensure a satisfactory standard of appearance of the proposed development.
- 17 To ensure that adequate provision is made for public transport within the site.
- 18 To ensure a satisfactory standard of appearance of the proposed development.
- 19 To ensure that the site can be adequately drained.
- 20 To ensure a satisfactory standard of appearance of the proposed development.
- 21 To ensure a satisfactory standard of appearance of the proposed development.
- 22 To ensure that the proposed development does not result in a detrimental impact on air quality in the area.
- 23 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 24 To ensure that the site is fully investigated for any potential contamination and that any contamination that is found is adequately dealt with prior to development.
- 25 to ensure that the visual appearance of this important gateway feature on the Ambassador Route is not detrimentally affected.
- 26 To assess the health of trees within the site and justify and removal or works to existing trees.
- 27 To ensure an adequate and satisfactory standard of improvement in the interest of pedestrian safety.
- 28 In the interests of sustainability and to make provision for access to the development by a range of transport modes.
- 29 In the interests of traffic and pedestrian safety.