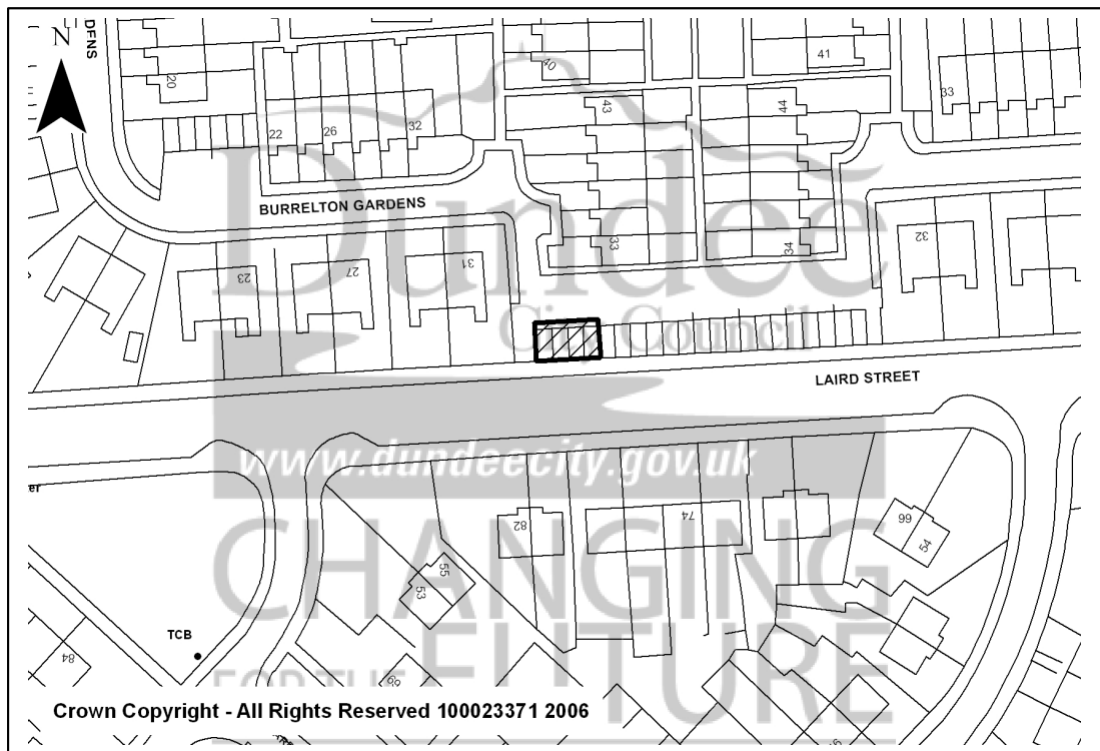


**KEY INFORMATION****Ward** Strathmartine**Proposal**

Demolition of existing lock ups and erection of retail unit

**Address**Lock ups at Burrelton Gardens  
Laird Street  
Dundee**Applicant**Mr D Bruce  
53 Old Glamis Road  
Dundee**Agent**G D Architectural Services  
101 Brook Street  
Monifieth**Registered** 28 June 2007**Case Officer** B Knox

## Proposal to Replace Lock ups with Retail Unit

The demolition of existing lock ups and erection of retail unit is **RECOMMENDED FOR REFUSAL**.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development does not comply with Policies 43 and 45 of the Dundee Local Plan Review 2005. It is considered that the objects submitted are largely supported. Therefore, the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the demolition of four existing lock up garages and the replacement with a small retail unit.
- 122 letters of objection were received to this application and the main valid concerns raised include; parking and access problems; there is no need for this development and concerns regarding the delivery of goods to the shop.
- It is considered that the proposal does not comply with Policies 43 and 45 of the Dundee Local Plan Review 2005 and there are no material considerations that would justify approval of the application.

## DESCRIPTION OF PROPOSAL

The application seeks planning permission for the replacement of four existing lock ups with a small retail unit measuring approximately 60 square metres. The building would be of flat roof design with render similar to the existing and white framed double glazing units. There would be two points of access to the shop, from the main south elevation and an additional door to the west elevation. No car parking will be provided. It is understood that the type of shop proposed would be a convenience store and newsagent.

## SITE DESCRIPTION

The site is located on Laird Street, forming the rear of Burrelton Gardens, to the north of the city in the St Marys area. Laird Street is a principal route through this area and Burrelton Gardens is a small residential street. The site is currently occupied by lock up garages. There are a mixture of local authority houses and ex local authority houses to the south of the site, with on street parking available immediately in front of these, on the south side of Laird Street. Burrelton Gardens is to the rear of the site and there are a variety of semi detached and terraced houses in this area. There is a semi detached dwelling to the west of the site and the private garden area for this is situated approximately 4 metres away from the edge of the application site.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

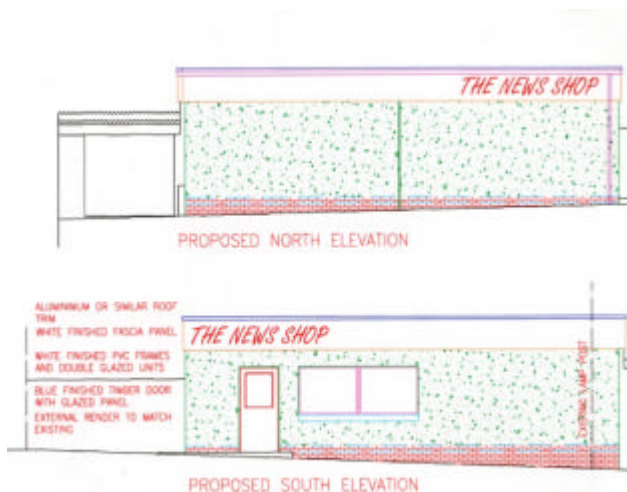
The following is of relevance:

The Structure Plan includes a specific section on 'Town Centres and Retailing' and provides clear aims which the Structure plan endeavours to deliver. One of these aims is to promote city, town and district centres as the locations of first choice for new retail development.

### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 43: Areas of Poor and Inadequate Local Shopping Provision - in areas identified as having poor quality local shopping provision or where there is an inadequate supply of local shops consideration will be given to measures to enhance the availability and quality of local shops. This will



include measures to improve the viability, security and appearance of individual shops and to address issues concerning the shopping environment. In areas where it can be demonstrated that provision is low, and subject to satisfactory demonstration of need, the Council may be prepared to support the provision of a new local shop with maximum gross floorspace of 250m<sup>2</sup>.



The City Council will undertake a study of the quality and availability of local shopping provision and will indicate where the provision of new local shopping floorspace will be encouraged in order to overcome deficiency in quality and availability. It will also investigate potential sources and mechanisms of funding to assist the implementation of these measures.

The City Council will use its Retail Database updates and associated retail surveys to monitor change in the nature and distribution of local shopping in the identified areas of deficiency following the introduction of the policy.

Policy 45: Location of New Retail Developments - the City Centre and District Centres will be the locations of first choice for new or expanded retail developments not already identified in the Local Plan. Proposals for retail developments outwith these locations 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 the City Centre or District Centres; and
- individually or cumulatively it would not prejudice the vitality and viability of the City Centre or District Centres; and
- the proposal would address a deficiency in shopping provision which cannot be met within or on the edge of these centres; and
- the site is readily accessible by modes of transport other than the car; and
- the proposal is consistent with other Local Plan policies.

Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where necessary. Travel Plans will be implemented through appropriate planning and/or other agreements.

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 8: Town Centres and Retailing

### Non Statutory Statements of Council Policy

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

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

There is no site history relevant to the determination of this application.

## PUBLIC PARTICIPATION

The application was advertised as contrary to Policy 45 of the Dundee Local Plan Review 2005 on 25th July 2007.

Statutory neighbour notification was carried out and 121 letters of objection were received.

The valid concerns raised relate to:

- this is a congested environment where the demand for parking is high;
- there is no need for a retail development in this area;
- there are a variety of shops and facilities within walking distance in addition to larger supermarkets Asda, Tesco and Lidl;
- there are concerns with regards to how deliveries will be carried out if this is to be to rear from Burrelton Gardens then this be dangerous; and
- concerns regarding the high volume of traffic that passes through Laird Street, including three bus routes and what effects the proposal will have on congestion.

## CONSULTATIONS

No adverse comments were received from any of the consultees.

## OBSERVATIONS

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

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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.

Government guidance on town centres and retailing is contained within NPPG 8 Town centres and Retailing (Revised 1998). A fundamental principle of NPPG 8 is that of the sequential approach to site selection for new retail developments and for key town centres uses including commercial leisure and offices. On that basis, town centres should be the first choice for such developments, followed by edge of centre sites and only after this out of centre sites currently or potentially accessible by different means of transport. In this respect, the Structure Plan aims to promote city, town and district centres as the location of first choice for new retail development.

## Dundee Local Plan Review 2005

In line with the above, the council adopts the sequential approach to new shopping developments with first preference being town centres which in Dundee's case are the City Centre and the District Centres.

Policy 45 - location of new retail developments. This policy states that the City Centre and the District Centres will be the locations of first choice for new retail developments. The application site is not located in either of these areas and as such the second part of the policy will be applicable. In terms of criterion 'a' it is considered that similar sites of this nature are likely to be available within the City Centre and/or District Centres and is therefore contrary to this part of the policy.

Criterion "b" of this policy states that proposals must not prejudice the vitality and viability of the City Centres or District Centres. Due to the small floor space proposed (60.15m<sup>2</sup>), it is not considered that the shop proposed would have an adverse effect upon the vitality and viability of the City Centres or District Centres. In this respect, the proposal complies with this part of Policy 45.

Criterion 'd' states that proposals must be readily accessible by modes of transport other than the car. The site is within walking distance of many houses since it is located in a predominantly residential area. In

addition to this, it is located on a local bus route. It is therefore considered that the proposal complies with criterion 'd' of Policy 45.

Criterion 'e' of Policy 45 states that proposals will only be acceptable where they are consistent with other Local Plan Policies. As will be stated below, it is considered that the proposal does not comply with other Local Plan Policies and therefore fails to satisfy criterion 'e' of Policy 45.

Criterion 'c' states that it must be established that the proposal would address a deficiency in shopping provision which cannot be met within or on the edge of these centres in order to be considered acceptable. This criterion is equally applicable to Policy 43 since they both require that the proposal would need to demonstrate a deficiency in shopping provision. It will therefore be considered alongside Policy 43 below.

Policy 43: Areas of poor and inadequate local shopping provision

The main aim of this policy is to ensure that all parts of the City have convenient access to a satisfactory level and quality of local shopping offering groceries and other routine purchases and services.

It further states that in areas where it can be demonstrated that the provision is low, and subject to a satisfactory demonstration of need, the Council may be prepared to support the provision of a new local shop with maximum gross floor space of 250 square metres.

In assessing these proposals against the above Policy and criterion 'c' of Policy 45, the City Council will take account of the quality and availability of local shopping provision. In this respect, the following information is of assistance in the determination of this application. The nearest shop is approximately 277.5 metres walking distance away and is located on St Boswells Terrace. It is a similar type to which is proposed ie a convenience/grocers shop with an estimated floor space of 342 metres squared. In addition to this, there is a small parade of shops located on St Giles Terrace which offer groceries and other routine services and purchases, including a Post Office and a pharmacy. These are approximately 453 metres walking distance from the proposal. In this respect, the applicant

has submitted a supporting letter in which it is stated that the nearest shop is too far for modern man to walk to. It is considered that the nearby shops as discussed above represent an acceptable walking distance for the surrounding community.

In light of the above, it is considered that the local area is well provided with local shopping opportunities and that there is an adequate provision in terms of both quality and accessibility. In this respect, the proposal fails to comply with Policy 43 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

## Other Material Considerations

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

## Objections

### Parking and Access

- This is a congested environment where the demand for parking is high.

It is considered that a retail unit of this size should provide two dedicated parking spaces for customer use and in this respect the views of the objectors are upheld.

- There is no need for a retail development in this area and there are a variety of shops and facilities within walking distance in addition to larger supermarkets Asda, Tesco and Lidl.

This concern has been addressed in the Observations Section above.

### Road Safety Concerns

- There are concerns with regards to how deliveries will be carried out if this is to be to the rear from Burrelton Gardens then this be dangerous.
- Concerns regarding the high volume of traffic that passes through Laird Street, including three bus routes and what effects the proposal will have on congestion.

The applicant's agent has confirmed that deliveries and servicing will be carried out from Laird Street. It is considered that in order to carry out deliveries safely, there should be a dedicated space for a delivery vehicle.

No such space has been provided and as such it is considered that the servicing of the unit may be detrimental to the road safety of Laird Street and Burrelton Gardens, particularly as this is a busy road which serves local bus routes.

It is concluded from the foregoing that there are no material considerations other than neighbour objections. There are no material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

## Design

The design of the unit is considered to be acceptable as it would be inconspicuous in its siting and flat roof design.

## CONCLUSION

It is considered that the proposal is contrary to the relevant Policies of the Dundee Local Plan Review 2005. There are no material considerations that would justify a departure from the provisions of the plan.

## RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

## Reasons

- 1 The proposal does not comply with Policy 45 (Location of new retail developments) of the Dundee Local Plan Review 2005.
  - a It fails to satisfy part (a) of this Policy as it does not adopt the sequential approach and it is considered that similar sites of this nature are likely to exist in City Centre or District Centre locations.
  - b It does not comply with part (c) of this Policy as it has not been established that the proposal would address a deficiency in local shopping provision which cannot be met within or on the edge of the City or District centres.
  - c It does not comply with part (e) of this Policy as it is not consistent with other policies

within the Local Plan Review 2005.

- 2 It does not comply with Policy 43 (Areas of Poor and Inadequate shopping provision) of the Dundee Local Plan Review 2005 as it is considered that the local area is well provided with local shopping opportunities and that there is adequate provision in terms of both quality and accessibility.
- 3 It is considered that the proposal would be detrimental to the road safety of Laird Street due to the fact that this is a busy road, serving local bus routes.