

**KEY INFORMATION**

Ward East End

**Proposal**

Permission to vary planning conditions 9 and 31 of previous planning consent 06/00612/FUL

**Address**

Linlathen High School  
Ballochmyle Drive  
Dundee

**Applicant**

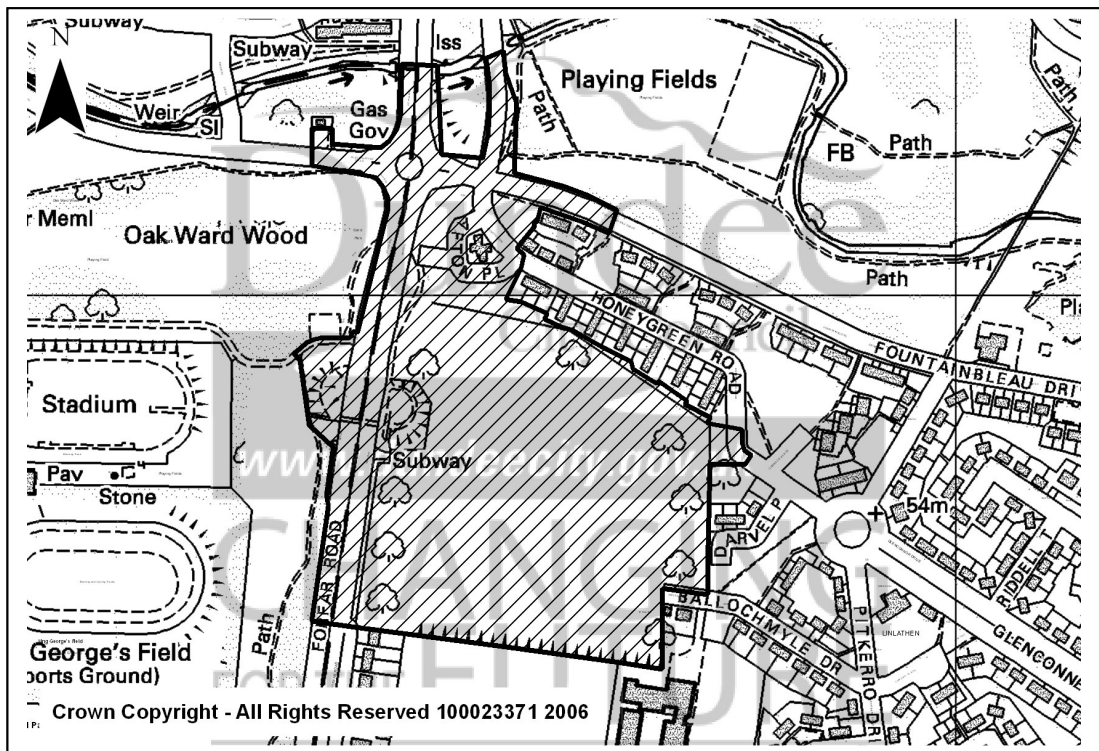
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Registered 19 July 2007

Case Officer S Johnson



## Proposed Amendment to Timing of Roadworks Associated with New Superstore

Permission to vary planning conditions 9 and 31 of a previous planning consent is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that a variation to Condition 9 and Condition 31 is considered acceptable in this instance.

This application is therefore recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission (in terms of Section 42 of the Town and Country Planning (Scotland) Act 1997) is sought to vary conditions 9 and 31 of planning permission 06/00612/FUL at Linlathen High School, Ballochmyle Drive, Dundee.
- Transport Scotland have advised that they would support the principle of the delaying improvements to the Kingsway/Forfar Road junction as requested by the applicants.
- Fintry Community Council has objected on the grounds that the levels of congestion at present and the queuing of traffic both entering and leaving Fintry Drive at peak periods is already unacceptable.
- It is considered that the variation to Condition 9 and Condition 31 to allow for the food store to commence trading prior to the start of the works at the Forfar Road/Kingsway junction is acceptable in this instance.

## DESCRIPTION OF PROPOSAL

Planning permission is sought under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary planning conditions 9 and 31 of planning permission 06/00612/FUL for a new foodstore development at the former Linlathen High School site, Forfar Road, Dundee.

Conditions 9 and 31 of the relevant permission 06/00612/FUL state that on and off-site highway improvements at the Forfar Road/Kingsway junction must be carried out and completed in advance of the foodstore commencing trading from the application site.

The applicants are requesting that the terms of Conditions 9 and 31 be varied to allow for the store to commence trading prior to the start of the improvement works to the Kingsway/Forfar Road junction. The applicants propose that the improvements to the junction be carried out during 2008.

The proposed wording for Condition 9 as submitted by the applicant is as follows: "No part of the development shall commence trading until all the approved on-site and off-site road improvements **with the exception of the Forfar Road/Kingsway junction** have been completed to the satisfaction of the Council. This shall include all works required for the proposed traffic signal junctions at Forfar Road/Claverhouse Road/Fountainbleau Drive, which must be designed and built to Dundee City Council and Scottish Executive specifications".

It should be noted that they propose that the wording for the remainder of Condition 9 would remain as per the November 2006 decision notice for the permission.

The proposed wording for Condition 31 as submitted by the applicant is as follows: "**By December 2008**, the proposed development infrastructure modifications to the A90 Kingsway/Forfar Road double roundabouts and generally as indicated on Collin Buchanan and Partners drawing number CB-93981-02-002, shall be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland Trunk Road Network Management Directorate".

The applicant has provided a justification including a traffic model,

in support of the application to vary the terms of Conditions 9 and 31.

## 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. 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 Mossiel Primary School, a sports ground and residential properties.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 2005

There are policies directly relevant to the determination of this application.

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

There are no statements of Government policy relevant to the determination of this application.

### 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

A previous application (Planning Application Reference: 06/00612/FUL) for a foodstore and petrol filling station with associated car parking and road alterations to create new access to the development

and demolition of an existing residential apartment block was approved in November 2006.

There is a current application (Planning Application Reference:07/00690/FUL) for the variation to Conditions 9 and 30 of the approved planning application (Planning Application Reference: 06/00612/FUL) currently awaiting determination.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out. No objections were received to this proposal.

## CONSULTATIONS

Transport Scotland have advised that the traffic information provided by the applicant has revealed there would be a slight increase in queuing traffic if the store is opened prior to modifications to the Kingsway/Forfar Road junction being in place.

They highlight the impact would be minor and there would still be sufficient capacity in the highway network at this location to accommodate it for the period prior to the improvements being undertaken.

Furthermore they further advised that there would also be some merit in not having works being carried out at both the Claverhouse/Fountainbleau/Forfar Road and Kingsway/Forfar Road junctions simultaneously.

In light of this, Transport Scotland have advised that they would support the principle of the delaying improvements to the Kingsway/Forfar Road junction as requested by the applicants.

They have recommended that the improvement works should commence not later than 4 February 2008 and be completed within a 36week period.

Fintry Community Council has objected to this application on various grounds including issues already covered by the original grant of planning permission. The following concerns are valid to the consideration of this application:

- 1 The minor start to the single lane closure on the Forfar Road going north has resulted in concerns regarding safety issues. It is therefore imperative that all the road structures are completed

before the store is allowed to open in accordance with the conditions of the original planning application.

- 2 Without taking into account the additional traffic which the early opening of the store will bring and the new road structures not being complete the "simulations" undertaken by the applicant are not a true reflection of the situation.
- 3 The congestion at present and the queuing of traffic both entering and leaving Fintry Drive at peak periods is unacceptable.

## 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

This planning application is seeking a variation to Conditions 9 and 31 of the approved planning application 06/00612/FUL under Section 42 of the Town and Country Planning (Scotland) Act 1997. As such it is only these conditions that are subject to consideration in this report. No new issues or areas of concern in terms of development plan policies are raised.

## Other Material Considerations

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

The following conditions were attached to planning permission 06/00612/FUL. The applicant is now seeking to amend these.

### Condition 9

- 1 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.

### Condition 31

Prior to the occupation of any part of the proposed development infrastructure modifications to the A90 Kingsway/Forfar road Double Roundabouts, and generally as indicated on Colin Buchanan and Partners Drawing Number CB\_93981\_01\_002, shall be completed to the satisfaction of the Planning Authority, in consultation with Transport Scotland Trunk Road Network Management Directorate.

The applicant has provided a justification in support of their proposal to allow the foodstore to commence trading prior to the required improvements to the Kingsway/Forfar Road junction. They have also provided revised wording for the condition as set out in the Description of Proposal Section of this Report.

The applicants advise that they wish to change the programming of the improvement to the Forfar Road/Kingsway junction to March 2008.

The applicants have also argued that the traffic modelling demonstrates that the new foodstore can open for trading prior to the junction improvements being in place with only limited increases in delays at the existing Kingsway / Forfar Road junction.

In their justification they highlight that there are benefits to the proposal to

reprogramming the junction improvements at the Kingsway / Forfar Road junction to March 2008. These include:

- 1 it will result in vehicles only having to negotiate one set of roadworks at a time instead of two or three;
- 2 if there are no significant roadworks to the Forfar Road/Kingsway junction taking place over the Christmas period it will lessen the impact on traffic which will be higher at this time of year;
- 3 by programming the works to start in March 2008 when traffic volumes are lower, it will reduce congestion during the period of the roadworks and will lessen the impact on the flow of traffic through the junction;
- 4 the applicant also states that the timescale working through the summer months will be controllable and less downtime will result due to inclement weather during the summer months.

Taking into account the justification provided by the applicant and the views of Transport Scotland as outlined in the Consultations section, it is considered that there is an acceptable justification to allow for the store to commence trading in advance of the improvements being carried out to the Kingsway / Forfar Road junction.

In light of this it is recommended that Conditions 9 and 31 be reworded as set out in the Recommendations Section of this Report. This will allow the store to commence trading prior to the start of the improvements to the Forfar Road/Kingsway junction.

In relation to the concerns raised by Fintry Community Council:

- 1 The minor start to the single lane closure on the Forfar Road going north has resulted in concerns regarding safety issues. It is therefore imperative that all the road structures are completed before the store is allowed to open in accordance with the conditions of the original planning application. As indicated above it is considered that there is scope to allow for the opening of the store prior to the

- start of the improvement works to the Forfar Road/Kingsway junction.
- 2 Without taking into account the additional traffic which the early opening of the store will bring and the new road structures not being complete the "simulations" undertaken by the applicant are not a true reflection of the situation. As indicated above it is considered that there is scope to allow for the opening of the store prior to the start of the improvement works to the Forfar Road/Kingsway junction. In addition, it is considered that the reprogramming of the works would have benefits of reducing the potential level of congestion.
  - 3 The congestion at present and the queuing of traffic both entering and leaving Fintry Drive at peak periods is unacceptable. As indicated above it is considered that there is scope to allow for the opening of the store prior to the start of the improvement works to the Forfar Road/Kingsway junction. In addition, it is considered that the reprogramming of the works would have benefits of reducing the potential level of congestion.

## Design

Due to the nature of the proposal there are no new design issues as a result of this planning application.

## CONCLUSION

It is recommended that Conditions 9 and 31 be amended in accordance with the wording recommended by Transport Scotland and the applicant.

## RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 Condition 9 of planning permission 06/00612/FUL shall be taken to be amended as follows:
 

"No part of the development shall commence trading until all the approved on-site and off-site road improvements with the exception of the Forfar Road/Kingsway junction 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/Claverhouse Road/Fountainbleau Drive and any other measures deemed appropriate by the Director of Planning and Transportation on the surrounding local road network in the interests of pedestrian and traffic safety, 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 location 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."
- 2 Condition 31 of planning permission 06/00612/FUL shall be taken to be amended as follows:
 

"Unless agreed otherwise in writing by the Planning Authority in consultation with Transport Scotland - Trunk Road Network Management Directorate, the development infrastructure modifications to the A90 Kingsway/Forfar Road junction generally as indicated on Colin Buchanan and Partners drawing no. CB 93981 01 002 shall be commenced not later than 4 February 2008 and completed within a 36 week period."

## Reasons

- 1 Reason: In the interests of vehicular and pedestrian safety.
- 2 Reason: To avoid simultaneous works with the Forfar Road/Claverhouse Road junction.