

KEY INFORMATION**Ward** Maryfield**Proposal**

Erect 50m leisure pool and associated facilities, multi storey car park and ground floor retail unit

Address

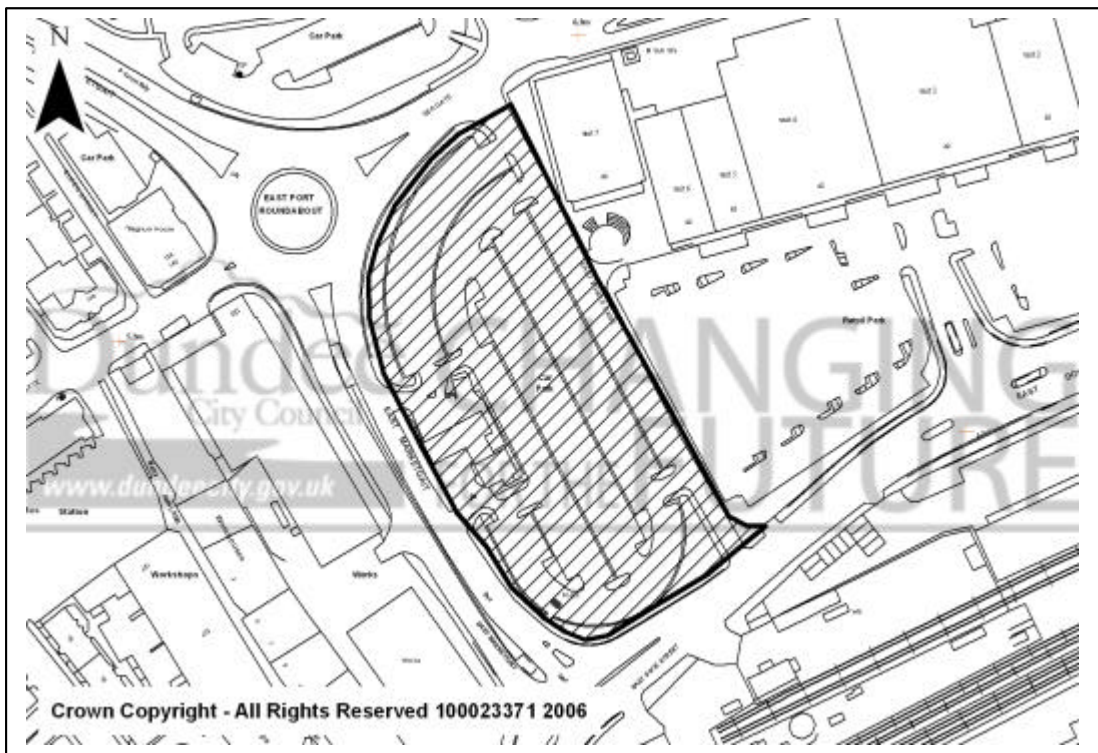
East Whale Lane Car Park
East Marketgait
Dundee

Applicant

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Agent

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Registered 9 March 2009**Case Officer** C Walker

Replacement Olympia Leisure Centre Proposed in East Marketgait

A leisure pool and associated facilities, multi storey car park and ground floor retail unit is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development provides an important leisure facility for the city in a well designed development. Arrangements for access by a variety of modes of transport are satisfactory. The proposed development complies with the Development Plan and the application is recommended for **APPROVAL subject to conditions**.

SUMMARY OF REPORT

- Planning permission is sought to erect a leisure pool (to replace the Olympia Centre) and a 500 space multi storey car park incorporating a retail unit on the site. As a direct consequence of their function, the proposed buildings are substantial in scale. The proposed buildings are well designed and help to recreate an urban scale of development at this location.
- 4 letters of objection were received voicing concerns about access arrangements, the extent of parking, overdevelopment of the site and landscaping.
- The proposed development complies with the Development Plan and Transport Scotland are satisfied with the access arrangements.

DESCRIPTION OF PROPOSAL

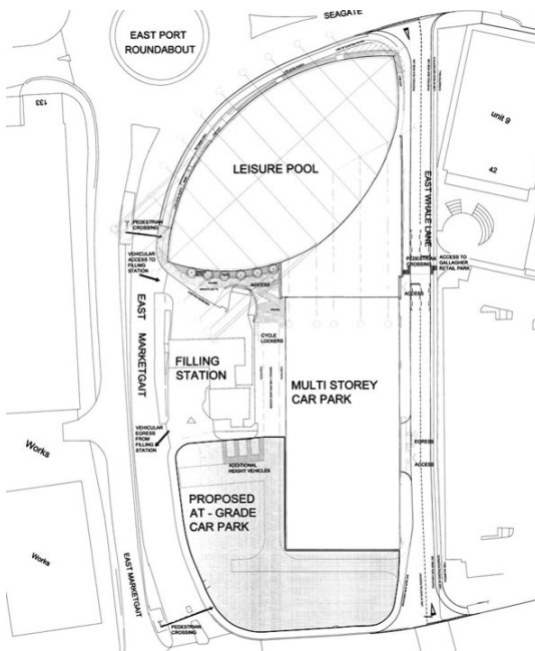
Planning permission is sought to erect a leisure pool and a multi storey car park incorporating a retail unit on the site. The leisure pool is a direct replacement for the Olympia Centre which is affected by the Central Waterfront Project. It sits on the northern part of the site and contains 3 storeys of accommodation above a basement. It comprises a large volume "leaf" shaped structure containing the pool area, following the curve formed by Seagate and East Marketgait, and rising to a high point of almost 20 metres at its south western corner. This is set against a triangular section of the building containing the foyer, changing areas, restaurant, fitness suite and ancillary areas. The foyer links the leisure pool building to the multi storey car park building and provides an east west though pedestrian route from the Gallagher Retail Park to the Seagate. The leaf shaped part of the building is finished in curtain walling with polished and textured masonry base courses and the 3 storey triangular element is finished in coloured render with curtain walling.

The multi storey car park building is a rectangular structure providing at its northern end a retail unit of 650m² and on the remainder of the ground floor and upper levels a total of 500 car parking spaces. It has an average height of some 19.5 metres. Its finishing materials comprise a polished masonry base course, a rendered panel marking the entrance, galvanised steel cladding in the decks, shop front glazing at the retail unit and curtain walling at the stair towers.

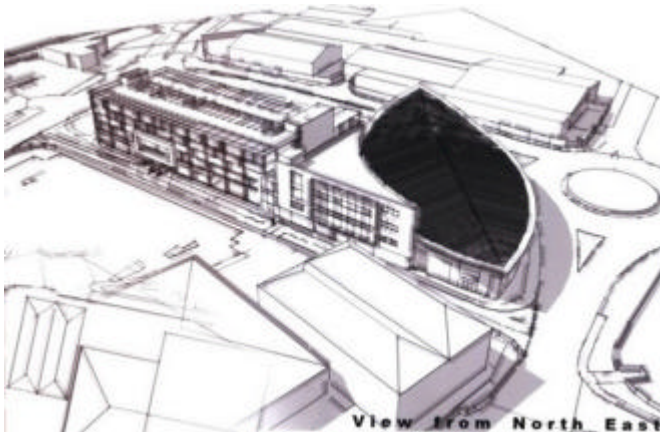
A small surface car parking area accommodating up to 50 cars would be provided on the remainder of the site to the south and west of the proposed buildings.

A Supporting Statement was submitted with the application. It states that the existing townscape at the site is loose and fragmented and that the proposed development will enhance the built environment and that although the proposed buildings are higher than their immediate surroundings, they are appropriate in the context of nearby jute mills, flatted blocks and retail

units. Reference is made to the Dundee Urban Design Guide and it is stated that the development will significantly improve pedestrian links in this area, that the design of the buildings is both robust and appropriate with the pool design following a strong simple sculptural form and the multi storey car park building reflecting its purpose. It is pointed out that the development takes particular account of accessibility with barrier free level floors and lift access.



It states that the development places a strong emphasis on sustainability and energy saving, that site contamination will be remediated and that on site attenuation has been agreed with Scottish Water. It also states that archaeology will be investigated as the site is developed, that public art will be incorporated into the project and that the development will not result in noise disturbance to neighbours.



A Transport Assessment was also submitted with the application. It states that pedestrian links will be

improved with new and improved footways on East Whale Lane, a new signalised pedestrian crossing on East Whale Lane linking the development to the Gallagher Retail Park and a safer pedestrian route through the site linking the Gallagher Retail Park to the city centre.

In terms of public transport it refers to the close proximity of the site to the Seagate Bus Station and nearby bus stops with high frequency services, recommends the upgrading of the existing bus stops on Blackscroft and indicates the provision of an on street bus bay on the west side of East Whale Lane. It considers that with these improvements the development will promote a shift away from private car trips.

In terms of development traffic impact, the model indicates that the existing network can cater adequately for the proposed development but nevertheless it is proposed to provide a left turn slip road from East Dock Street into East Whale Lane to assist larger vehicles and coaches. Finally it states that the development will be supported by a travel plan that will provide further details on promoting a shift away from the private car to more sustainable modes of transport.

An Interpretative Report assessing contamination matters was submitted. It concludes that there is contamination present on the site but that provided the remediation measures are undertaken the site can be made suitable for the proposed uses.

SITE DESCRIPTION

The site comprises the East Whale Lane long stay surface car park providing 413 spaces on a visually prominent site bounded by East Dock Street to the south, East Marketgait to the west, Seagate to the north and the Gallagher Retail park to the east. Within this urban block, but excluded from the application site, is a petrol filling station on East Marketgait.

The car park is landscaped with semi mature trees and low boundary walls. The parking spaces are surfaced in paviors.

The site slopes gently downwards from north to south.

The site is very prominent because of its location alongside the inner ring road and the main trunk road leading east out of the city centre. However, with the exception of the Category B listed former Dundee Foundry (now relocated and serving as Borders Books in the Gallagher Retail Park) immediately to the north east of the application site, the area is typified by a lack of substantial buildings, an openness and a lack of urban cohesion.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The site is not allocated for any specific purpose in the Local Plan. It lies between the defined City Centre Boundary at East Marketgait and the allocated Gallagher Retail Park.

Relevant Local Plan policies are Policy 18 on Major Leisure Uses, Policy 45 on the Location of New Retail Developments, Policy 55 on Urban Design, Policy 56 on Public Art, Policy 57 on Visual Impact on Major Routes, Policy 65 on Archaeological Sites, Policy 81 Pedestrians, Policy 82 Cycling Facilities and Policy 83 Bus Transport.

Scottish Planning Policies, Planning Advice Notes and Circulars

PAN 82: Local Authority Interest Developments offers advice to planning authorities on the assessment and scrutiny of development proposals where the local authority has an interest.

Circular 3/09 indicates that for applications in which the local authority have an interest, notification to Scottish Ministers is required where the proposals would be significantly

contrary to the development plan for the area.

There are Government policies on a number of issues relating to this development (retailing, leisure uses and transportation) but the broad principles in these policy documents have been incorporated into the Local Plan and it is not considered that the development proposals need to be separately assessed against these policy documents.

Non Statutory Statements of Council Policy

The Councils Urban Design Guide is relevant to the determination of this application.



SUSTAINABILITY ISSUES

The sustainability implications arising from this application are considered in the Observations section below.

SITE HISTORY

Planning permission for the current layout of the car park was granted in 1991. Subsequently in 1996 outline planning permission was granted on appeal for a food store on this site and in 1997 permission was granted to increase its size to 5,111m² gross floor area. The food store project was not implemented.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised both as a

bad neighbour development and as affecting the setting of the Category B listed former Dundee Foundry.

4 letters of objection were received, 2 on behalf of the owners of adjoining properties, 1 from Dundee Civic Trust and 1 from a resident elsewhere in the city.

The owner of the petrol filling station considers that the buildings on the site are too high and notes that the Supporting Statement acknowledges that they exceed the height in the Design Brief. He concludes that the site is too small for the proposed development and indicates that he has offered to make the air space above the petrol filling station available for development but that this offer has not been accepted.

The letter on behalf of the owners of the retail park to the east of the site states concerns about the adequacy of the parking provision. They fear that a combination of too few spaces, difficulty in accessing the site and charging for the spaces will lead to parking pressures at their car parking area. They are also concerned to ensure that there will be a dedicated pedestrian route from their retail park through the development site to the city centre.

The letter from the Civic Trust considers the access arrangements for the multi storey car park are inadequate and that all the existing access point for the surface car park should be utilised for the new development. It also states that the proposals fail to carry through the Councils proposals to create a boulevard on Dock Street but that this concern could be overcome by deleting some of the surface car parking spaces to enable a planted area to be created.

The letter from the city resident is specifically concerned about the proposed multi storey car park. It questions the need for this facility, feeling that it flies in the face of Government policy (as expressed in SPP1) to encourage alternatives to car travel and to promote public transport

and pedestrian access. It considers that promoting car access to the site will impact on air quality in the locality and considers that the money would be better spent on promoting public transport. Finally it considers that there are flooding issues affecting the southern part of the site and that there appears to be no effort to promote sustainable urban drainage on the site.

Members will already have had access to these letters and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

Transport Scotland, who are responsible for the trunk road at East Dock Street (A92T), have considered the Transport Assessment and have confirmed that they have no objections to the development. They ask that a planning condition be attached to any consent requiring the proposed improvements to the East Dock Street/East Whale Lane be carried out prior to the occupation of any part of the development.

Scottish Water have agreed rates of foul and surface water discharge for this development.

The Head of Environmental Health and Trading Standards has considered the interpretative report on contamination and suggests that planning conditions should be attached to cover this matter.

The Councils Archaeological Consultant has noted that the southern two thirds of the site is reclaimed foreshore and not of archaeological potential but that there may be post medieval burgh defences close to the western site boundary and medieval activity in the northern areas of the site. He therefore suggests the imposition of a planning condition relating to archaeology.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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.

In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above. Although the site is not allocated for any specific purpose in the Local Plan, Policy 18 on Major Leisure Uses, Policy 45 on the Location of New Retail Developments, Policy 55 on Urban Design, Policy 56 on Public Art, Policy 57 on Visual Impact on Major Routes, Policy 65 on Archaeological Sites, Policy 81 Pedestrians, Policy 82 Cycling Facilities and Policy 83 Bus Transport are relevant to the determination of this application.

Policy 18 relates to Major Leisure Uses and sets out a sequential test whereby they are encouraged in the first instance in the city centre or existing leisure parks, thereafter in edge of centre sites and finally in other accessible sites. In this case the proposed development clearly complies with the requirements of Policy 18 as follows:

- a no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres or within the existing leisure parks. This leisure pool development is of a scale that cannot be accommodated within the city centre or the established leisure parks. Furthermore it is in an edge of centre site directly adjacent to the city centre.
- b the site is readily accessible by modes of transport other than the car. The Transport Assessment which has been submitted demonstrates that not only is the site well served by public transport, pedestrian and cyclist access but with improvements to existing infrastructure it will

promote a shift away from private car trips.

- c the proposal is consistent with other Local Plan policies. This issue is dealt with below.

Policy 45 directs new retail developments to the city centre and district centres. It sets out criteria for permitting retail development on unallocated sites.

This retail proposal is restricted in scale and is designed to provide an attractive and lively pedestrian route between the pool and the car park as well as between the Gallagher Retail Park and the city centre. It also seeks to relate well to the adjacent retail park both visually and functionally. A user for the retail part of the development has not been identified.

The criteria in Policy 45 are as follows:

- a no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres. In this case not only does the development occupy a site directly adjoining the allocated city centre but it is also between the city centre and an existing allocated retail development and within a car park that serves the city centre. Locationally it is considered to fulfil the requirements of this strand of the policy. A previous appeal decision considered that this was an appropriate site for a food store.
- b individually or cumulatively it would not prejudice the vitality and viability of the City Centre or District Centres. The scale of the development is not of a size that would have a negative impact on city centre retailing and the location of the development is effectively within the city centre. In addition, the nature of the proposal is such that it is incapable of expansion (it is immediately surrounded by the remainder of the multi storey car park and the leisure pool) so that it cannot lead to further retail development that might have an impact on city centre retailing.
- c the proposal would address a deficiency in shopping provision which cannot be met within or on

the edge of these centres. As the site is on the edge of the centre this strand of the policy does not apply.

- d the site is readily accessible by modes of transport other than the car. This matter has already been considered in the assessment of the development against Policy 18 of the Local Plan and it was concluded that this criterion was satisfied.
- e the proposal is consistent with other Local Plan policies. This issue is dealt with below.

Policy 55 relates to Urban Design and also to the protection of the setting of listed buildings. The preamble to the policy makes specific reference to the Dundee Urban Design Guide.

The Supporting Statement submitted with the application addresses design issues, stating that the existing townscape at the site is loose and fragmented and that the proposed development will enhance the built environment and that although the proposed buildings are higher than their immediate surroundings, they are appropriate in the context of nearby jute mills, flatted blocks and retail units. Reference is made to the Dundee Urban Design Guide and it is stated that the development will significantly improve pedestrian links in this area, that the design of the buildings is both robust and appropriate with the pool design following a strong simple sculptural form and the multi storey car park building reflecting its purpose.

The Dundee Urban Design Guide is referred to in Policy 55 and it seeks to encourage respect for context, sustainability, imaginative design, safety and public art.

There is no doubt that the proposed development will significantly alter the built environment at this location. The existing surface car park, whilst attractively laid out and landscaped, serves to emphasize the lack of urban cohesion at this location. When combined with the extensive surface car park in front of the Gallagher Retail Park to the east, the 4 lane carriageways to the south and west and the surface car park to the north, the general appearance of the area is completely dominated by roads and surface car parking. By contrast the historic pattern of development was

typified by a tight urban grid with warehousing being the dominant land use in this area.

It is considered that not only does the proposed development help to re-establish an urban scale at this location, but also that the proposed buildings are well designed and relate well to their surroundings. The function of the proposed buildings necessarily has a significant impact on their scale and design. The leisure pool needs to encompass a large volumed space but the leafed shaped form of this space, its relationship to the curve of the adjoining roads and the proposed cladding materials provide an attractive composition. Up closer the leisure pool building has clearly identifiable access points from the east and west leading to the central foyer which is also part of the east west route from the Gallagher Retail Park to the city centre.

The multi storey car park building, incorporating a retail unit, is linked to the leisure pool building by the central foyer. Its vehicular access is clearly identified by a large coloured render panel. Pedestrian access points are emphasized by curtain walling on the stair towers. The finishing materials are polished masonry at the base course and galvanised steel mesh on the upper decks, with a limited number of coloured panels to provide interest.

The height of the buildings ranges from between 10 and 20 metres for the leisure pool and between 18.5 and 19.5 metres for the car park. By comparison the nearby Borders Building is some 16 metres high. The scale and massing of the proposed buildings are a result of their function but it is not considered that this scale is excessive. Rather the proposed buildings will help to address the current lack of urban scale at this location. In addition there are a number of buildings of a substantial scale in the vicinity of the site including Magnum House and the Hillcrest flatted development at Wishart Place to the north west and the Lower Dens mills to the north.

In terms of the impact on the setting of the former Dundee Foundry building to the north east of the site, this Category B listed building no longer occupies its original site and was rebuilt some 100 metres to the north east of its original location to facilitate the Gallagher Retail Park

development. It therefore no longer relates to its original setting which in any event was in the midst of a dense area of industrial development. The principal front elevation of the listed building is unaffected by the proposed development and because the roof of the leisure pool is at its lowest level closest to the listed building, there will still be views towards the listed building from the Seagate. It is concluded that the development will not have an adverse impact on the setting of the listed building.

Policy 56 encourages Public Art in new developments and this matter can be covered by a planning condition should members be minded to approve the application.

Policy 57 relates to the visual impact of new development on major routes. This matter has been assessed in the consideration of the development against Policy 55 and it was concluded that the design of the development was satisfactory. The issue of boundary treatment adjacent to the major routes surrounding the site can be covered by a planning condition should members be minded to approve the application.

Policy 65 relates to Archaeological Sites. Although this site is not within the identified City Centre Area of Archaeological Potential as defined in the Local Plan, the Councils Archaeological Consultant has noted that there may be post medieval burgh defences close to the western site boundary and medieval activity in the northern areas of the site. The protection of the archaeological value of the site can be covered by a planning condition should members be minded to approve the application.

Policy 81 on Pedestrians, Policy 82 on Cycling Facilities and Policy 83 on Bus Transport relate to similar themes and seek to ensure good quality access to development by pedestrians, cyclists and public transport. These matters have been addressed in the Transportation Assessment for the development and improvements have been suggested with new and improved footways on East Whale Lane, a new signalised pedestrian crossing on East Whale Lane linking the development to the Gallagher Retail Park and a safer pedestrian route through the site linking the Gallagher Retail Park to the city centre. In addition it recommends the upgrading of the existing bus stops on Blackcroft

and indicates the provision of an on street bus bay on the west side of East Whale Lane. It considers that with these improvements the development will promote a shift away from private car trips.

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

The Statutory Requirements Under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the development against Policy 55 of the Local Plan and it was concluded that the development will not have an adverse impact on the setting of the listed building.

Other Material Considerations

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

Vehicular Access to the Site

The Transportation Assessment for the development concludes that the existing network can cater adequately for the proposed development but nevertheless it is proposed to provide a left turn slip road from East Dock Street into East Whale Lane to assist larger vehicles and coaches. A model was developed to assess the access arrangements for this development. One of the options considered was the provision of an additional access point at East Marketgait but this option did not perform as well as the current access proposals.

As East Dock Street forms part of the trunk road network the application was referred to Transport Scotland who have confirmed that they have no objections to the development. They ask that a planning condition be attached to any consent requiring the proposed improvements to the East Dock Street/East Whale Lane be

carried out prior to the occupation of any part of the development.

Sustainability

It is considered that the proposed development makes a positive contribution towards sustainability. The site for the new leisure pool is in a location at the edge of the city centre which enjoys good access from a range of methods of transport and the development proposes to enhance such access and to promote a shift away from the private car to more sustainable modes of transport. The buildings will be designed to meet SPP6 guidance on carbon reduction and in particular will seek to reduce running costs (a substantial proportion of which will relate to energy costs) to a minimum. Finally the buildings have been designed taking particular account of accessibility with barrier free level floors and lift access.

The Concerns of the Objectors

Concerns about vehicular access to the site have been considered under section (a) above. In addition, the entrance to the multi story car park is some 45 metres from East Dock Street to the south and 130 metres from Seagate to the north, allowing considerable capacity to accommodate any queuing vehicles at busy times. The Transportation Assessment did not identify the need for any additional vehicular access points to the development.

The owner of the petrol filling station considers that the buildings on the site are too high and notes that the Supporting Statement acknowledges that they exceed the height in the Design Brief. He concludes that the site is too small for the proposed development. The assessment of the proposed development under Policy 55 of the Plan concludes that the scale of the development is acceptable. Furthermore there is no adopted Council Design Brief for this site and the reference to the height of the multi storey car park refers to a desire to ensure that its height is appropriate for its surroundings. It has already been concluded that this is the case.

The letter on behalf of the owners of the retail park to the east of the site states concerns about the adequacy of the parking provision. They fear that a combination of too few spaces, difficulty in accessing the site and

charging for the spaces will lead to parking pressures at their car parking area. Conversely the other letter from a city resident questions the need for parking at this location.

The proposed 500 space car park is not significantly different in capacity from the existing 413 space surface car park. This reflects the fact that there is presently spare capacity at the surface car park but in addition that the leisure pool development will attract a significant number of non car users. The Transportation Assessment puts forward proposals to promote a shift away from private car trips in line with the requirements of Government policy and the Local Plan. It has been established that there will be satisfactory access to the new car park and it is considered that adequate parking provision has been made for the proposed development. In addition to this, planning conditions were attached to the Gallagher Retail Park development to ensure that the parking was managed in such a manner that it would not be misused by commuters.

Given that there is not a huge difference between the amount of parking being proposed on this site and the positive measures proposed to promote access to the development by pedestrians, cyclists and users of public transport, the concerns of the objector about the proposed multi storey car park are not supported. That objector is also concerned about flooding, drainage and air quality. Scottish Water have no objections to this development and it is proposed to attenuate surface water discharge to assist in the sustainable drainage of the site. In terms of potential flooding, firstly the development is above the 5 metre contour so will not itself be at a risk of flooding and secondly the development, by providing surface water attenuation, will reduce the risk of flooding to other properties. In terms of air quality, the proposed car park is not significantly larger than the existing car park and traffic generated by the proposed development will not be significantly different from existing traffic levels on adjacent roads.

The owners of the retail park to the east of the site are also concerned to ensure that there will be a dedicated pedestrian route from their retail park through the development site to the city centre. This matter is an important consideration in the assessment of this application. At present the pedestrian

access route from the retail park is tortuous, requiring pedestrians to navigate through a large surface car park with no east to west dedicated route. This application proposed to address this problem by providing a direct and secure access route not only to serve the proposed development but also to facilitate pedestrians travelling between the retail park and the city centre.

The concerns of the Civic Trust about the access arrangements have already been addressed. The concerns about the relationship of the development to Dock Street can be overcome by an appropriate landscaping condition and this matter can be covered by a planning condition should members be minded to approve the application.

Under the terms of Circular 3/09 there is no requirement for notification to Scottish Ministers should members be minded to approve the application.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objectors 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

It is considered that not only does the proposed development help to re-establish an urban scale at this location, but also that the proposed buildings are well designed and relate well to their surroundings. The function of the proposed buildings necessarily has a significant impact on their scale and design. The leisure pool needs to encompass a large volumed space but the leafed shaped form of this space, its relationship to the curve of the adjoining roads and the proposed cladding materials provide an attractive composition. Up closer the leisure pool building has clearly identifiable access points from the east and west leading to the central foyer which is also part of the east west route from the Gallagher Retail Park to the city centre.

The multi storey car park building, incorporating a retail unit, is linked to the leisure pool building by the central foyer. Its vehicular access is clearly identified by a large coloured render panel. Pedestrian access points are emphasized by curtain walling on the stair towers. The finishing materials

are polished masonry at the base course and galvanised steel mesh on the upper decks, with a limited number of coloured panels to provide interest.

The height of the buildings ranges from between 10 and 20 metres for the leisure pool and between 18.5 and 19.5 metres for the car park. By comparison the nearby Borders Building is some 16 metres high. The scale and massing of the proposed buildings are a result of their function but it is not considered that this scale is excessive. Rather the proposed buildings will help to address the current lack of urban scale at this location. In addition there are a number of buildings of a substantial scale in the vicinity of the site including Magnum House and the Hillcrest flatted development at Wishart Place to the north west and the Lower Dens mills to the north.

CONCLUSION

The proposed development provides an important leisure facility for the city in a well designed development. The proposed development complies with the Development Plan. Arrangements for access by a variety of modes of transport are satisfactory.

RECOMMENDATION

It is recommended that consent 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 Details of the pedestrian access route between the Gallagher Retail Park and the City Centre, including the hours of opening of the route through the leisure pool foyer area shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 3 Details of the improvements to pedestrian, cyclist and public transport access to the development as set out in the Transport Assessment by JMP dated 13 November 2008, including the footway improvements and signalled

crossing on East Whale Lane, tactile paving at East Marketgait, improved crossing facilities at Blackscroft, cycle racks and lockers, new bus stop at East Whale Lane and improved bus shelters at Blackscroft shall be submitted to the Council for approval prior to the commencement of development and shall be fully implemented prior to the first use of the leisure pool or multi storey car park.

- 4 Prior to the occupation of any part of the development the modifications to the A92(T)/East Whale Lane priority junction shall be completed generally in accordance with JMP drawing number SCT3039/PPJ/001, to the satisfaction of the planning authority, after consultation with Transport Scotland - Trunk Road Network Management Directorate.
- 5 Prior to the first use of the leisure pool a comprehensive Travel Plan that sets out proposals for reducing the dependency on the private car shall be submitted to and approved in writing by the Council. The Travel Plan will require to be implemented within 5 years of the store opening, maintained for a minimum of 5 years and reviewed after 5 years of operation. The Plan will include, inter alia:
 - details of proposed pedestrian and cycle infrastructure within the site and connections to the existing networks.
 - details of cycle parking provision and location within the site;
 - details of proposed measures to improve public transport facilities;
 - details of initiatives such as car share schemes and flexible working;
 - details of employee locker and shower facilities;
 - details of travel information to be provided within the site;
 - details of car parking provision and management;

- details of mode share targets.
 - details of the proposed monitoring schedule and reporting procedures; and
 - details for the management of the travel plan identifying the persons responsible for implementation.
- 6 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
- 7 Details of the soft and hard landscaping of the site, including the reuse of existing trees on this or other sites, 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. Particular attention shall be paid to the landscaping of the site boundaries.
- Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition
- 8 Development shall not commence until the investigation and risk assessment proposed in the submitted Stage 1 Desk Study and Interpretative Report are completed and a remediation strategy to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
- the nature, extent and type(s) of contamination on the site;
 - measures to treat/remove contamination to ensure that the site is fit for the use proposed and does not contain any significant pollution linkages;

- measures to deal with contamination during construction works; and
- verification of the condition of the site on completion of decontamination measures.

Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved in writing by the planning authority.

- 9 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable) which has been submitted by the applicant, agreed by the Archaeological Service and approved in writing by the Council.
- 10 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.
- 11 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.
- 12 The proposed retail unit shall have a gross floor area not in excess of 655m².

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to provide safe and convenient pedestrian access.
- 3 In order to promote a shift away from the private car to more sustainable modes of transport.

- 4 To ensure that the standard of junction layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.
- 5 In order to promote a shift away from the private car to more sustainable modes of transport.
- 6 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 7 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 8 In order to deal appropriately with contamination and to ensure that the site is fit for the use proposed.
- 9 The northern part of the site may be of archaeological interest and it is important that the opportunity created by the development to expose the history of the land, thereby contributing to the better understanding of the development of the city, is not lost.
- 10 In order to make appropriate provision for public art.
- 11 In order to make adequate provision for sustainable drainage.
- 12 In order to ensure that the proposed development does not prejudice the vitality and viability of the City Centre.