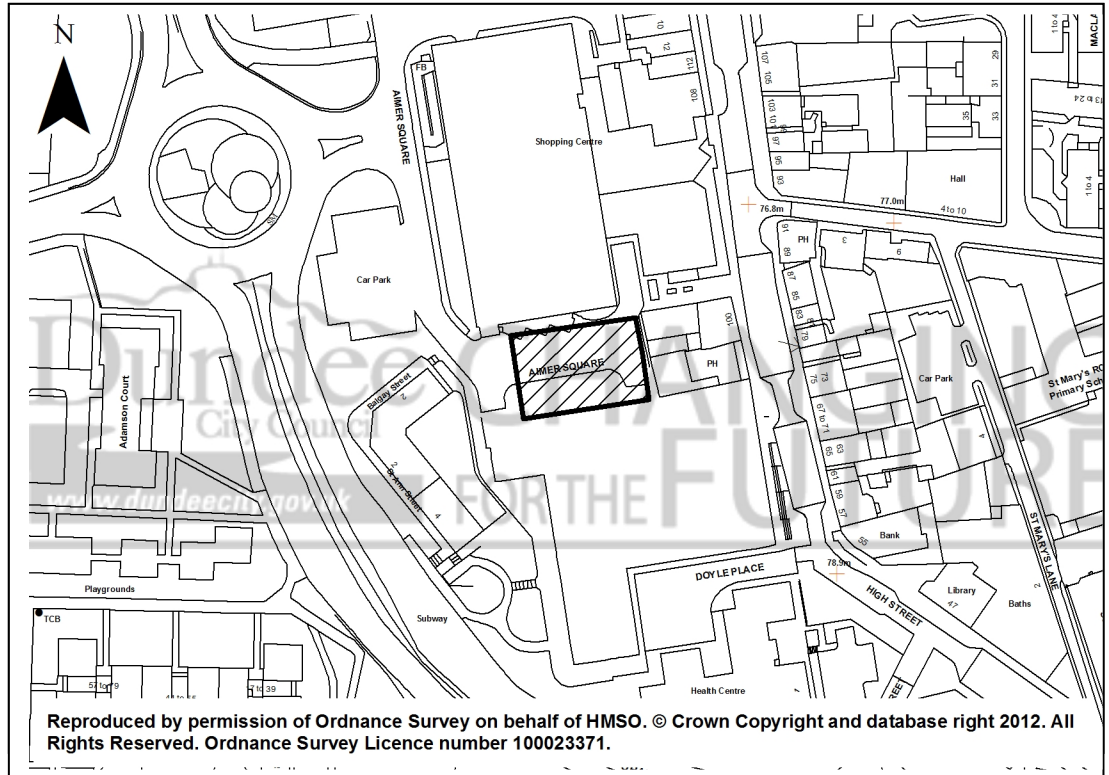


**KEY INFORMATION****Ward** Lochee**Proposal**

Erection of 2 new retail units

**Address**

Land to west of 100 High Street, Lochee

**Applicant**Farmfoods Limited  
7 Greens Road  
Blairlinn  
Cumbernauld  
G67 2TU**Agent**Darren Wadding  
CPLC Associates Ltd  
87A Station Road  
Bishops Cleeve  
Cheltenham  
GL52 8HJ**Registered** 3 Dec 2012**Case Officer** P Frickleton

## New Shops in Lochee District Centre

The erection of 2 new retail units is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

**RECOMMENDATION**

The proposals comply with the requirements of the Development Plan. There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission. It is therefore recommended that the application is **APPROVED** subject to conditions.

**SUMMARY OF REPORT**

- This application seeks planning permission for the erection of two retail units. The larger of the two units, which provides 528.35m<sup>2</sup> of floor space, will accommodate "Farmfoods" with the smaller unit, 149.86m<sup>2</sup> floor area, being retained within Council ownership.
- The proposal falls to be considered under Policy 38 (District Centres) and Policy 45 (Location of New Retail Developments) of the Dundee Local Plan Review 2005 and complies with these policies.
- In respect of material considerations the proposed development is a key element of the proposals for the demolition and replacement of the Highgate Centre area and as such is in compliance with the strategy outlined within the approved Lochee Regeneration Framework and subsequent Redevelopment Plan for the Highgate area.
- Neighbour notification procedure was carried out and no letters of objection have been received.
- In accordance with the Council's mandatory scheme of delegation this application requires to be reported to the Development Management Committee for determination as the site is owned by the Council.

## DESCRIPTION OF PROPOSAL

The proposal seeks full planning permission for the erection of two retail units on a site within the Dundee City Council redevelopment plan for the Highgate area. The proposal will replace an existing food store which is to be demolished during the second phase of the Highgate project. The larger of the two units, which provides 528.35m<sup>2</sup> of floor space, will accommodate "Farmfoods" with the smaller unit, 149.86m<sup>2</sup> floor area, being retained within Council ownership.

In accordance with the Council's mandatory scheme of delegation this application requires to be reported to the Development Management Committee as the site is owned by the City Council.

## SITE DESCRIPTION

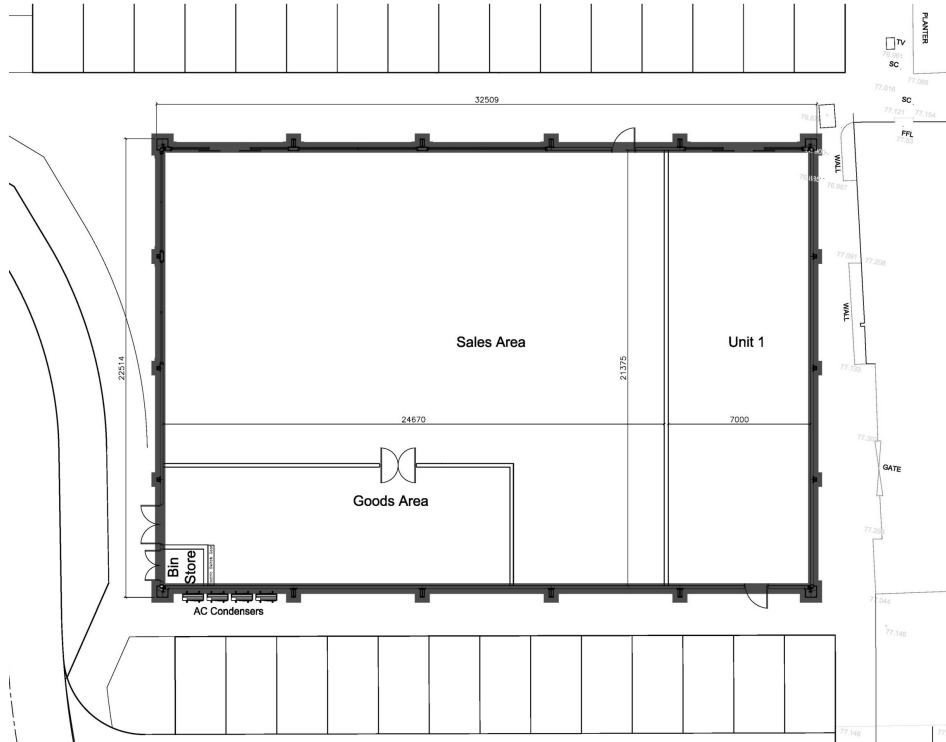
The application site is located to the west of 100 High Street, Lochee and directly to the south of the existing Highgate Centre site. The development will replace the existing "Farmfoods" store which is to be demolished as part of the Highgate redevelopment.

The site is located within the District Centre close to predominantly residential areas and is in close proximity to bus stops networked with the city centre and wider areas. Vehicular access to the site is via Aimer Square/Balgay Street to the west with ample car parking being provided within surrounding Council controlled car parks.

## POLICY BACKGROUND

### TAYplan Strategic Development Plan 2012-2032

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



### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 38: District Centres; and

Policy 45: Location of New Retail Developments.



### Proposed Dundee Local Development Plan

The following policies are of relevance:

Policy 21: District Centre Retail Frontage; and

Policy 24: Location of New Retail Developments.

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

The following are of relevance:

The Scottish Planning Policy - February 2010.

### 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 planning history for the site relevant to the determination of this application.

## PUBLIC PARTICIPATION

The Council has carried out neighbour notification procedure and no letters of objection have been received.

## CONSULTATIONS

The Head of Environmental Protection has requested that should the Committee be minded to grant planning permission, a condition be imposed to ensure noise from the mechanical and electrical plant shall not exceed NR35 during night time, as measured

1 metre external to the façade of adjacent residential accommodation. All deliveries including loading, unloading or HGV lay-up shall be restricted to between 0700 and 2200hrs Monday to Saturday and 0900 and 1600hrs on a Sunday.

Historic land use at or in the vicinity of the application site raises some concern that land contamination may

have resulted. Therefore the Head of Environmental Protection has requested that should the Committee be minded to grant planning permission an informative be imposed requiring the Council to immediately be notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council.

## OBSERVATIONS

### Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless other material considerations indicate otherwise.

### The Development Plan

The provisions of the Development Plan relevant to the determination of this application are specified in the Policy background section above.

Scottish Planning Policy places strong emphasis on the need to protect and enhance the vitality and viability of town centres and to build on their advantages as a focus for a variety of activities. As part of this approach planning authorities should adopt a sequential approach to new shopping provision with first preference being town centres, which in Dundee's case are the City Centre and District Centres.

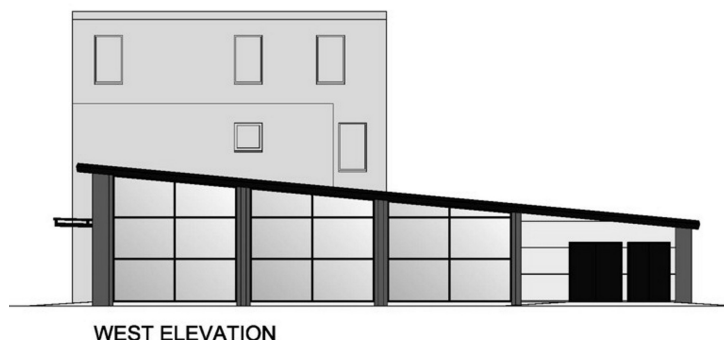
The application site lies within the Lochee District Centre boundary and therefore Policy 38 (District Centres) applies. Although part of the site lies outwith the District Centre as defined in the proposals map, that part of the site comprises the former road at Aimer Square which is being removed as part of the Highgate redevelopment. Furthermore that part of the site is surrounded to the north, east and south by the defined District Centre. It is therefore concluded that it is reasonable to assess the

development as being within the defined District Centre.

Policy 38 (District Centres) encourages new retail and other shopping developments which would contribute to the vitality and viability of the District Centres. The proposed development will contribute to the delivery of another phase of the Council's regeneration plans for Lochee providing much needed modern retail premises for the area. It is therefore considered that the proposals comply with the terms of Policy 38.



Policy 45 stipulates that 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. The application site is located within the District Centre and therefore complies with this policy.



Taking the above into consideration, the Council considers that the application fully meets the terms of the sequential test as set out by Policy 45 of the Dundee Local Plan Review 2005.

It is therefore concluded, in this instance, that the application is in accordance with the terms of the Development Plan.

## Other Material Considerations

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

### A - Scottish Planning Policy 2010

This SPP is a statement of Scottish Government Policy on land use planning and contains, amongst other things, concise subject planning policies, including the implications for development planning and development management.

#### Town Centres and Retailing

This section advises that when determining applications for retailing a sequential approach should be adopted. In dealing with new retail developments it advises that they should be initially assessed as to whether they are consistent with the development plan. Out-of centre locations should only be considered when:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- development of the scale proposed is appropriate; and
- there will be no significant adverse effect on the vitality or viability of existing centres.

The policies of the Development Plan are considered to be in accordance with the guidance set out in SPP. The proposal has been considered against the retailing policies of the development plan where it was concluded that the proposals could fulfil all of the requirements of the sequential test, as set out above, and it is considered that no further issues are raised in terms of SPP.

## B - Proposed Dundee Local Development Plan

The Proposed Dundee Local Development Plan was approved by the Council on 29 October 2012. It sets out the spatial strategy that will guide future development up to 2024 and shows which land is being allocated to meet the City's development needs. The proposed plan contains policies and proposals covering the principal land use issues in the city and sets out where new development should and should not happen.

The Dundee Local Development Plan will in time replace the Dundee Local Plan Review 2005. Approval of the Proposed Dundee Local Development Plan represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Plan Review 2005 (along with TAYplan) constitutes the adopted Development Plan against which all applications require to be assessed in accordance with Section 25 of the Planning Act, the Proposed Dundee Local Development Plan has the status of a material planning consideration to be taken into account in the assessment of planning applications.

Policy 21 (District Centre Retail Frontage) and Policy 24 (Location of New Retail Developments) replicates the adopted Local Plan, with the only exception being that the application site now lies entirely within the extended District Centre boundary, therefore for the same reasons the proposed development satisfies the requirements of the Proposed Dundee Local Development Plan.

## C - Lochee Regeneration Framework and Redevelopment Plan for the Highgate Area

The Lochee Physical Regeneration Framework (2008) identified that the poor quality of the physical environment and negative perceptions of Lochee, particularly in the District Centre and adjacent areas, was the result of poor quality housing stock, a high number of vacant retail units, a lack of modern retail opportunities, as well as issues of accessibility and transportation connections etc.

The Regeneration Framework provided the foundation for the

Scottish Government's 2009/2010 investment of £2m Town Centre Regeneration Fund to the infrastructure and businesses of the District Centre. Complementary investment from Dundee City Council and the Scottish Government's Vacant and Derelict Land Fund has enabled the clearance of the Weaver's Village and the partial demolition of the Highgate Shopping Centre.

The Redevelopment Plan for the Highgate Area and adjacent sites, approved in January 2012, proposed the demolition and replacement of the majority of the Highgate Centre. This site, together with the former Weaver's Village site, would be replaced with a range of uses to augment commercial choice in the High Street area. The central area of the High Street would become more visible and directly accessible from the by-pass thereby opening up better opportunities for business and would include a public car park, a small area of open space and a public transport hub to support the existing and proposed range of uses and new buildings forming either side of the central public car parking area. The remaining sites will be promoted for housing to increase the resident population of the District Centre.

The proposed development is a key element of the proposals for replacement of the Highgate Centre and as such is in compliance with the redevelopment plan outlined.

## D - Suitability of the Site

It is considered that there are no physical impediments (ie liable to flooding, ground instability) to the successful development of the site.

## Design

The proposed buildings have a total gross floor area of 698.73m<sup>2</sup> under a mono-pitched single storey building of contemporary design. The north and west elevations will be predominantly glazed with the remainder of the building clad in a cream colour composite panel system. The roof will consist of slender profile metal panels in a grey colour with roof lights placed along the southern aspect of the roof.

It is considered that the architectural design of the proposed development will meet the requirements of this prominent site with large areas of glazing and a high quality cladding finish to a refined building form.

## CONCLUSION

It is concluded from the foregoing that the application complies with the relevant policies of the Development Plan and material considerations weigh in favour of the development. The development forms part of the regeneration of the District Centre and as such is in compliance with the strategy outlined within the approved Lochee Regeneration Framework and Redevelopment Plan for the Highgate area. The building is of a design and finish that will enhance the appearance of the site to the improvement of the surrounding area.

## RECOMMENDATION

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

- 1 The total noise from any mechanical and electrical plant shall not exceed NR35 during night time as measured 1 metre from the façade of any adjacent residential property. For the avoidance of doubt night time hours are 2300 to 0700 hours.
- 2 All deliveries including loading, unloading or HGV lay-up shall take place between 0700 and 2200 hours Monday to Saturday and 0900 and 1600 hours on a Sunday.

## Reasons

- 1 In the interests of safeguarding residential amenity.
- 2 In the interests of preventing significant instances of noise disturbance from occurring.