

# Alterations and External Sales area at Kingsway West Retail Park Unit

## KEY INFORMATION

**Ward** Lochee

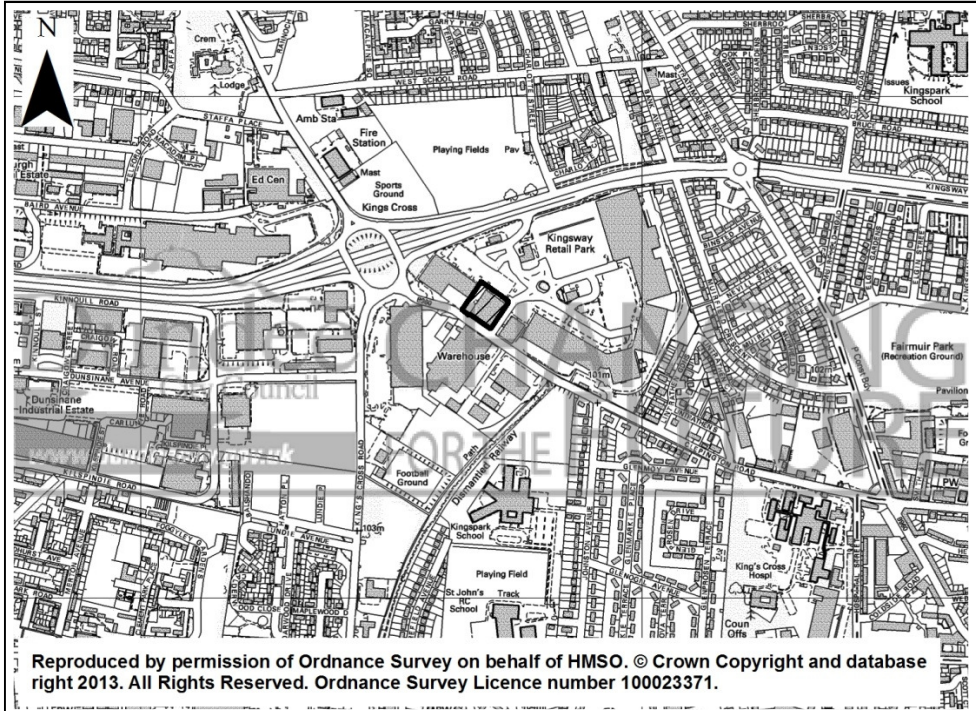
**Address**  
Units A3 & A4  
Kingsway West Retail Park  
467 Clepington Road

**Applicant**  
Ravenside Investments Ltd  
c/o 127 Fountainbridge  
Edinburgh EH3 9QG

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**Registered** 11 July 2013

**Case Officer** Paul Macari



## SUMMARY OF REPORT

- This application seeks planning permission for external alterations to the elevations, formation of an external sales and display area and associated work at Units A3 and A4, Kingsway West Retail Park.
- Policy 7 (Town Centres) of Tayplan Strategic Development Plan and Policies 45 (Location of New Retail Development), 47 (Retail Parks - Goods Range Restrictions), 55 (Urban Design) and 75 (Sustainable Urban Drainage) of the Dundee Local Plan Review 2005 are relevant to the outcome of this application.
- One letter of support has been received from Dundee and Angus Chamber of Commerce.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MPQ1O9GC05Q00>.

## RECOMMENDATION

The proposal satisfies the requirements of the Development Plan. The material considerations justify approval of planning permission. Therefore, the application is recommend for APPROVAL subject to conditions.

## 1 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for external alterations to the elevations, formation of an external sales and display area and associated work at Units A3 and A4, Kingsway West Retail Park.

1.2 The proposed works specifically involve alterations to the east (front) elevation of Units A3 and A4 including the creation of a new glazed commercial frontage. The provision of high level glazing on the front elevation of the building is to facilitate the creation of an internal mezzanine floor level. The proposals also involve the creation of a 325m<sup>2</sup> external sales and display area at the western elevation of the building together with a 278m<sup>2</sup> conservatory style building feature. These works are required to accommodate the garden centre element of the proposed Next Home and Garden store that shall occupy the premises should planning permission be granted. The garden centre will be accessed from the western elevation of the building at ground floor level and will provide a partial open-air environment, for the sale of plants, gardening accessories and related furniture. The external sales and display area will be enclosed by a 2.4m high glazed screen

1.3 In addition to the works to Units A3 and A4 the proposals also involve the installation of a new electricity substation in the service yard to the west of the retail warehouse building.

1.4 A detailed planning statement has been submitted in support of the proposed development.

1.5 In accordance with the Council's scheme of delegation this application is being reported to the Development Management Committee at the request of the Director of City Development.

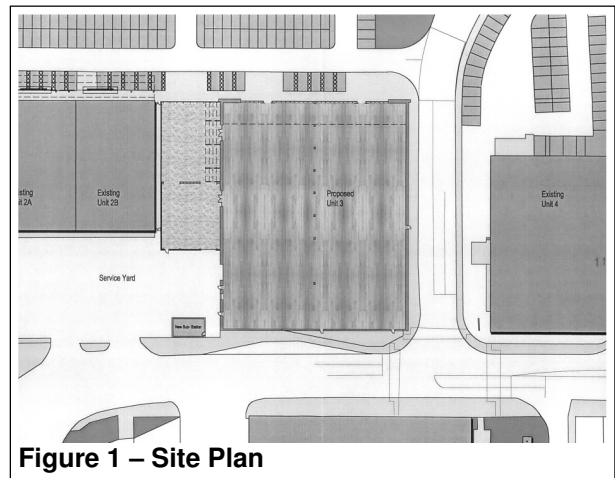


Figure 1 – Site Plan



Figure 2 – Photo of Western Elevation of Units



Figure 3 – Photo of Southern Elevation of

## 2 SITE DESCRIPTION

2.1 The application site is located mid-way along the western boundary of Kingsway West Retail Park. The site takes the form of a sub-divided double volume retail warehouse building with glazed frontage on the north eastern elevation. The site has a service yard to the north west of the building and a large customer car parking area to the north east. The car park is accessed from

the main road through the retail park. To the north west the site is bound by a terrace of large retail warehouses with service yards to the north west and car parking to the north east. To the south the site is bound by the secondary entrance/ exit to the retail Park via Clepington Road. To the immediate north of the building is a small car parking area between Units A3 and A2.

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### 3 POLICY BACKGROUND

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- 3.1 The following plans and policies are considered to be of direct relevance:

**TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032**

Policy 7: Town Centres

**DUNDEE LOCAL PLAN REVIEW 2005**

Policy 45: Location of New Retail Development

Policy 47: Retail Parks - Goods Range Restrictions

Policy 55: Urban Design

Policy 75: Sustainable Drainage Systems

**PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 7: High Quality Design

Policy 23: Goods Range Restrictions

Policy 24: Location of New Retail Developments

Policy 29: Low and Zero Carbon Technology in New Development

Policy 42: Sustainable Drainage Systems

Policy 47: Environmental Protection

**SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS**

Scottish Planning Policy 2010

Draft Scottish Planning Policy 2013

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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### 4 SITE HISTORY

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- 4.1 Over the last 20 years there have been a variety of planning applications approved by the Council for the development, redevelopment and restriction of the range of goods that can be sold from Kingsway West Retail Park.
- 4.2 The Council is currently considering 3 applications for Kingsway West Retail Park.
- 4.3 Planning application ref: 13/00405/FULL seeks planning permission for the demolition of the Pagazzi retail warehouse building and the erection of 2 retail warehouse buildings with mezzanine floor levels and associated alterations to car parking at Unit A5 Kingsway West Retail Park.
- 4.4 Application ref: 13/00404/MDPO seeks consent to modify the Legal Agreement associated with planning application reference D/12001 to permit clothing and footwear to be sold from not more than 1,300m<sup>2</sup> of the sales area of units A3 and A4 of Kingsway West Retail Park. That application relates to the occupation of Units A3 and A4 by Next Home and Garden. As detailed in the applicant's planning statement the Next Home and Garden model involves

retailing clothes and footwear which are goods that are restricted from being sold at Kingsway West Retail Park.

- 4.5 Application ref: 13/00403/MDPO seeks consent to discharge planning obligations registered on 26 June 1987, 12 October 1990, 15 August 1996, 2 April 1997 and 18 September 2002 and enter into a replacement planning obligation. The planning obligations referred to above restrict the range of goods that can be sold from Kingsway West Retail Park and the minimum floor area of the retail units. The purpose of application ref: 13/00403/MDPO is to consolidate the five existing planning obligations into one planning obligation for the whole of Kingsway West Retail Park.

## 5 PUBLIC PARTICIPATION

- 5.1 The Council has followed the statutory neighbour notification procedures. This application has also been advertised as a departure to the Development Plan.
- 5.2 One letter of support has been received from Dundee and Angus Chamber of Commerce.
- 5.3 Members will already have access to the letter of support and the issues raised are considered in the Observations section below.

## 6 CONSULTATIONS

- 6.1 **The Head of Environmental Protection** – has recommended that issues of noise from M & E Plant and machinery are addressed by conditions should the Committee be minded to approve planning permission.

## 7 DETERMINING ISSUES

- 7.1 **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 material considerations indicate otherwise.**
- 7.2 This application seeks permission for alterations to the elevations of the existing retail warehouse building, the formation of an enclosed sales and display area and associated works.

### THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

### TAYPLAN STRATEGIC DEVELOPMENT PLAN

- 7.3 **Policy 7: Town Centres** - outlines the hierarchy of comparison retail centres in the Strategic Development Plan Area. Policy 7 stipulates that in order to protect the vitality



Figure 4 – Proposed Elevations

and viability of Town and Local Centres, planning decisions should be based on the justification of planning proposals in combination with the sequential approach in the Scottish Planning Policy and other local considerations as appropriate. In this instance as the application site forms part of Kingsway West Retail Park which is an established commercial centre there is no requirement for the applicant to follow the sequential approach to site selection as detailed within the Scottish Planning Policy. However, the proposal must satisfy the requirements of the adopted Local Plan to comply with the requirements of Policy 7.

#### **DUNDEE LOCAL PLAN REVIEW 2005**

7.4 **Policy 47: Retail Parks** - Goods Range Restrictions reaffirms the Local Plan strategy to safeguard the vitality and viability of Dundee City Centre and associated District Centres by restricting the sale of certain goods ranges from Kingsway East, Kingsway West and Dock Street Retail Parks through legal agreements and planning conditions. The following range of goods is currently restricted from sale within Kingsway East and West Retail Parks:

- a food and groceries;
- b clothing and footwear;
- c jewellery, silverware, watches and clocks;
- d toys and sports goods; and
- e electrical goods.

7.5 This application proposes to use the new sales and display area for the sale of garden furniture and items associated with garden work. The applicant is agreeable to the goods to be displayed and sold from this part of the retail warehouse being restricted by condition to garden furniture and items associated with garden work only.

7.6 **The proposal satisfies Policy 47.**

7.7 **Policy 45: Location of New Retail Developments** – this seeks to preserve the City Centre and District Centres as the first choice for new or expanded retail developments. Proposals for retail developments outwith these locations will only be acceptable where it can be established that:

- a No suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres.

In accordance with the requirements of the Draft Scottish Planning Policy and Policy 7 of TAYplan there is no requirement for the applicant to demonstrate sequentially that there are no available sites within or on the edge of the City Centre or District Centres as Kingsway West Retail Park is an established commercial centre with the use of the proposed retail sales area being wholly compliant with the goods range restrictions stipulated by Policy 47. Criteria (a) is therefore not relevant to the proposed development.

- b Individually or cumulatively it would not prejudice the vitality and viability of the City Centre or District Centres.

The proposals comply with the goods range restrictions stipulated by Policy 47 of the adopted Local Plan. The applicant is also agreeable to a condition restricting the range of goods that can be sold from the proposed external sales and display area in

accordance with the requirements of Policy 47. The proposed development will therefore not prejudice the vitality and viability of the City Centre or surrounding District Centres.

- c The proposal would address a deficiency in shopping provision which cannot be met within or on the edge of these centres;

The existing goods range restrictions at Kingsway West Retail Park will prevent the new sales floor space from selling goods which may otherwise be purchased from premises located in local centres, district centres and the City Centre. The purpose of this application, however, is not to address a deficiency in "high street" retailing but rather to address the deficiency in premises selling bulky household goods that exists within Dundee as detailed in Appendix 6 of the Tayplan Retail Framework document prepared by Roderick MacLean and Associates in 2009. The proposed development seeks to exploit the reported expenditure capacity in bulky goods in non-City Centre locations totalling £80.2 million.

- d The site is readily accessible by modes of transport other than the car;

The applicant has submitted a detailed transport statement highlighting the accessibility of Kingsway West Retail Park in terms of public transport, private car, pedestrians and cyclists.

- e The proposal is consistent with other Local Plan policies.

The proposal satisfies the requirements of other Local Plan policies relevant to the determination of this application.

**7.8 The proposal satisfies Policy 45.**

**7.9 Policy 55: Urban Design** - seeks to ensure that any proposed development is of a high quality design. It should incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

**7.10** The proposed alterations to the north eastern elevation of the existing retail warehouse building and the proposed conservatory adjoining the north western elevation are of a high quality contemporary design and finish that will complement the appearance of the existing building and the visual amenity of Kingsway West Retail Park.

**7.11** The proposals will result in a loss of employee car parking facilities to the north west of the retail warehouse building. However, the transport statement submitted in support of the proposed development demonstrates that Kingsway West Retail Park is very accessible by a variety of modes of transport including public transport, foot, cycle as well as private car. The impact of the loss of car parking at Kingsway West Retail Park will therefore be minimal given the accessibility of the retail park to employees and visiting members of the public.

**7.12** To maintain control over the finish of the proposed development the proposed finishing materials, street furniture and boundary enclosures will be controlled by condition.

**7.13 The proposal satisfies Policy 55.**

**7.14 Policy 75 Sustainable Drainage Systems** - requires development proposals to be accompanied by a Sustainable Drainage scheme at the time of submitting a planning

application. This must be supplemented by a Drainage Impact Assessment that shows the impact of a 1 in 200-year rainstorm event.

- 7.15 The proposed development will not lead to an increase in the existing level of run off as the level of hard standing will not increase as a result of the proposed development. In addition the proposed development will benefit from connection to the existing SUDs system at Kingsway West Retail Park.
- 7.16 **The proposal satisfies Policy 75.**
- 7.17 **As the proposal satisfies the requirements of the Dundee Local Plan Review 2005, Policy 7 Town Centres of TAYplan Strategic Development Plan is also satisfied.**
- 7.18 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN**

- 7.20 The proposed Dundee Local Development Plan has been the subject of Examination by Reporters from the Directorate for Planning and Environmental Appeals. Their Report of Examination does not recommend any changes in the allocation of this site or the policies affecting it. A report recommending adoption of the Plan is to be submitted to the October City Development Committee for approval and in these circumstances considerable weight should be given to the Proposed Plan which will shortly become the adopted Local Development Plan for the city.
- 7.21 Policies 7, 23, 24 and 42 of the Proposed Plan are broadly similar to Policies 45, 47, 55 and 75 of the adopted Local Plan.
- 7.22 Policy 29 - Low and Zero Carbon Technology in New Development requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies. Should the Committee be minded to grant planning permission an appropriate condition will ensure that a Statement is submitted in accordance with the terms of Policy 29.
- 7.23 Policy 47 relates to environmental protection and requires proposals to respect the level of environmental quality afforded to neighbouring properties in relation noise disturbance. The Head of Environmental Protection has requested that noise restrictive conditions form part of the grant of planning permission should the Council be minded to approve this application.
- 7.24 The requirements of the Proposed Dundee Local Development Plan are also satisfied.

#### **SCOTTISH PLANNING POLICY 2010/ DRAFT SCOTTISH PLANNING POLICY 2013**

- 7.25 It is considered that the retailing strategy and policies of the Dundee Local Plan Review 2005 and the proposed Dundee Local Development Plan are in accordance with the guidance in both the current Scottish Planning Policy and the draft Scottish Planning Policy.
- 7.26 It is noted in the draft Scottish Planning Policy that authorities are advised (para 61-62) that "Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure

developments, mixed retail and leisure developments, retail parks and factory outlet centres" and

- 7.27 "Where necessary to protect the role of town centres, plans should specify the function of other centres, for example where retail activity may be restricted to the sale of bulky goods. Plans should indicate whether this type of retailing may be appropriate outwith existing centres and, if so, identify appropriate locations."
- 7.28 The SPP also advises (paragraph 59) that "Development Plans should address any significant changes in the roles and functions of centres over time, where change is supported by the results of a health check."
- 7.29 It is considered that the maintenance of the role of the retail parks restricted to the sale of bulky goods is supported by the current SPP and in the proposed guidance set in the draft SPP

### **SUPPORTING PLANNING STATEMENT**

- 7.30 The planning statement submitted in support of the proposed development demonstrates compliance with the Development Plan in terms of the principle of development and the aesthetics of the built form proposed.
- 7.31 However, the planning statement also alludes to the intentions of application ref: 13/00404/MDPO which seeks consent to modify the Legal Agreement associated with planning application reference D/12001 to permit clothing and footwear to be sold from not more than 1,300m<sup>2</sup> of the sales area of units A3 and A4 of Kingsway West Retail Park. The purpose of application ref: 13/00404/MDPO is to relax the goods range restrictions applied to Units A3 and A4 to fit the requirements of the Next Home and Garden retail model which involves the sale of clothing and footwear. Application ref: 13/00404/MDPO appears elsewhere on the Committee agenda and is recommended for refusal.

### **LETTER OF SUPPORT**

- 7.32 One letter of support has been received from Dundee and Angus Chamber of Commerce. The Chamber of Commerce highlights the impact on local economic growth and creation of jobs as key benefits of the creation of a Next Home and Garden store at Kingsway West Retail Park.
- 7.33 It has been established from correspondence submitted in support of the proposed development that the creation of a Next Home and Garden store at Kingsway West Retail Park will result in the closure of the existing Next store at Gallagher Retail Park. In addition no information has been submitted to demonstrate what form the 85 new jobs that will be created by the proposed Next Home and Garden store will take and whether the employees at the Next Store at Gallagher Retail Park will be relocated to the proposed Next Home and Garden store.
- 7.34 In this instance the letter of support is not supported.
- 7.35 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**



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## 8 CONCLUSION

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- 8.1 The proposal satisfies the requirements of the Development Plan. The material considerations justify approval of planning permission. Therefore, it is recommended that planning permission is granted subject to conditions.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that consent be:
- 1 Prior to the commencement of work on site, details of the proposed finishing materials of the retail warehouse building and proposed extension hereby approved shall be submitted to the Council for written approval. Thereafter, the buildings shall be finished in the materials approved by this condition.
  - 2 Prior to the commencement of work on site, details of the proposed street furniture and boundary treatments to be installed on site shall be submitted to the Council for written approval. Thereafter, the approved street furniture and boundary treatments shall be installed prior to the occupation of the first retail warehouse building hereby approved.
  - 3 The total noise from all Mechanical and Electrical services associated with the development hereby approved shall not exceed NR 35 during the night as measured 1 metre external to the facade of adjacent residential accommodation. For the avoidance of doubt night time shall be 23.00 to 07.00 hrs.
  - 4 A Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the proposed Dundee Local Development Plan 2012 shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.
  - 5 The external sales and display area hereby approved shall be used for the sale and display of garden furniture and items associated with garden work only.

### REASONS

- 1 In the interests of safeguarding visual amenity.
- 2 In the interests of safeguarding visual amenity.
- 3 In the interest of safeguarding residential amenity.
- 4 In the interests of facilitating sustainable development.
- 5 In the interests of controlling the range of goods that can be sold from the application site in accordance with the Development Plan Retail Strategy.