

KEY INFORMATION

Ward Law

Proposal

Change of use of existing retail warehouse and adjoining land to business, general industry and storage/distribution with associated car parking and servicing

Address

Comet Plc
West Hendersons Wynd
Dundee DD1 5DB

Applicant

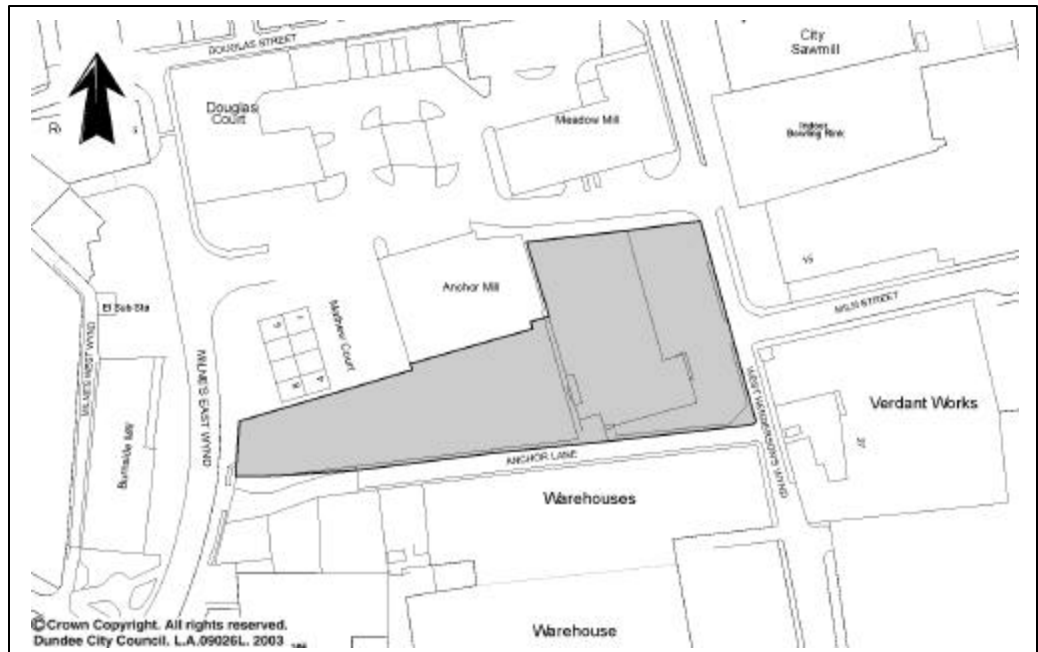
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Case Officer D Gordon



Proposed Change of Use to Former Comet Store in West Hendersons Wynd

The change of use of an existing retail warehouse and adjoining land to business, general industry and storage/distribution with associated car parking and servicing is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development conforms to the Development Plan policies. However, there are strong material considerations relating to the provision of open space that would justify the refusal of the application. Accordingly, the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- The application seeks permission to change the use of a vacant former retail warehouse (Comet) to a mix of Class 4 (Business), Class 5 (Industrial) and Class 6 (Storage and Distribution) uses with associated car parking and servicing.
- The proposals raise issues for consideration in terms of the General Industrial Areas policies of the Dundee Local Plan 1998 and Open Space proposals of the Finalised Dundee Local Plan Review.
- No objections to the proposals have been submitted.
- It is considered that the proposed development is in accordance with the relevant land use policies of the development. However, the proposal does not meet the aspirations of Proposal 1 of the Finalised Dundee Local Plan Review that seeks to re-use the site for open space purposes in order to meet current deficiencies and improve the environmental quality within the Blackness area.
- It is considered that sufficient weight can be given to relevant material considerations to justify the setting aside of the adopted development plan policies and refusing this application.

DESCRIPTION OF PROPOSAL

The proposal involves a change of use of a vacant retail warehouse and adjoining land (formerly Comet) to a Business Use (Class 4), General Industrial Use (Class 5) and a Storage and Distribution Use (Class 6) with associated car parking and servicing. The applicants have advised that there are currently no plans to alter the internal layout of the building as any such alterations will depend on the future tenant requirements and the nature of the business. Consequently, no internal alterations have been put forward for consideration at this time. The applicants have also advised that there are currently no external alterations proposed to the building.

SITE DESCRIPTION

The site is located within the Blackness area of the city. The application site is bounded by West Henderson's Wynd to the east, by Anchor Lane to the south, Milne's East Wynd to the west and Blackness Trading Precinct to the north (Meadow Mill and Anchor Mill).

The property is a former retail warehouse (Comet) that accommodates car parking and servicing to the east and west side of the building. The property is currently vacant.

The site is located within the Blackness Conservation Area

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Policy EU1: The planning authority will encourage the establishment and, where possible, the retention of industrial and business uses within Policy Areas EU1 shown on the Proposals Map.

Policy EU1(E): Within the EU1 Policy Areas on the Proposals Map, other uses not accommodated by EU1 will - notwithstanding its presumption

- be favourably considered independently of that Policy's employment objectives provided that they meet certain criteria.

Policy EU4: Within the areas identified under Policy EU4 on the Proposals Map there will be presumption in favour of the development of small scale leisure uses provided that their operation will not:

- 1 detrimentally affect surrounding residential amenity,
- 2 is of a scale appropriate to the character of the area,



- 3 will not attract a significant amount of new vehicle movement and
- 4 the use will not affect the remaining industrial area.

Policy BE11: Within Conservation Areas all development proposals will be expected to complement and enhance the character of the surrounding area.

Dundee Urban Nature Conservation Subject Local Plan 1995

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

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 26: General Economic Development Areas. The site is located within an area where proposals for Class 4, 5 and 6 developments will be supported. Other uses of a wider industrial nature may be permitted provided:

- 1 there is no detrimental impact on neighbouring uses and local residential amenity;
- 2 there is no unacceptable traffic impact; and
- 3 the scale of the development is appropriate to the size and location of the site.

Policy 6: Open Space within the Inner City. Housing developments will be required to improve the supply, quality and accessibility of open space in the inner city to overcome existing deficiencies and aspire to minimum standards contained in Supplementary Guidance. The Council may seek on-

site provision or developer contributions towards the creation or improvement of off-site provision, depending on the size of the development and the types of deficiencies identified in Supplementary Guidance.

Proposal 1: Open Space Improvements within Blackness. A site has been allocated to help overcome particular deficiencies in the supply of open space in the former non-residential area of Blackness. Developer

contributions will be secured to allow the creation of off-site open space in this area in accordance with Supplementary Guidance.

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.

LOCAL AGENDA 21

A Local Agenda Key Theme is to seek to ensure that diversity and local distinctiveness are valued and protected. Further Key Themes are that places, spaces and objects combine meaning with beauty with utility and that opportunities for recreation and leisure are readily available to all. The re-use of the site

for open space purposes would fulfil these aims of Local Agenda 21.

SITE HISTORY

A restricted planning consent was granted for the Erection of a Warehouse and Offices on 17th September 1973 for Comet Radiovision Services Ltd. This consent was approved subject to a condition that "the proposed premises shall be used only for the storage and sale of electrical goods saving the express permission be granted for an alternative use".

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. No objections to the proposal have been received.

CONSULTATIONS

There have been no adverse comments received relating to this proposal from any of the statutory consultees.

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

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

The application site lies within the long established Blackness industrial area. However, the extent of this industrial area is reducing as other uses, principally residential, are being encouraged to provide opportunities to live close to the City centre. As residential uses have become established in the area, the need for an appropriate range of supporting community facilities has been recognised. In particular, a deficiency in terms of public open space has been identified.

It is understood that Dundee Industrial Association is the proposed occupier for the premises under consideration. The Comet premises would provide new ground level floorspace for the Association and would provide an extension to the existing Association premises in the adjacent Meadow and Anchor Mill buildings.

The Dundee Local Plan 1998 allocates the site under Policy EU1 General Industrial Areas. This policy encourages the establishment and, where possible, the retention of industrial and business uses within such identified areas. The proposal under consideration involves a change of use from a vacant former retail warehouse to a mixed development of Class 4 (Business), Class 5 (Industrial) and Class 6 (Storage and Distribution) uses. This proposed change of use is fully in accordance with the requirements of this Policy. In addition, the re-use of the building for such proposed uses will not detract from the character or the setting of the surrounding conservation area.

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

Other Material Considerations

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

Finalised Dundee Local Plan Review

Whilst retaining much of the industrial area within Blackness, the Finalised Dundee Local Plan Review identifies further opportunities for residential development within this area. During the Local Plan preparation process consideration was given to sites that could address the open space deficiency in the area. As a result, the former Comet premises (the subject of this planning application) are identified under Proposal 1: Open Space Improvements within Blackness. No objections to this proposal were received to this proposal during the consultation period of the Review.

Opportunities for meaningful open space provision are very limited within this general area. The use of the former Comet premises for open space offers the following advantages:-

- 1 the development of the site for open space removes the existing

- retail unit that is a non-conforming use in this local area;
- 2 the replacement of the existing unattractive building with open space would improve the environment of this local area to the benefit of the Blackness Conservation Area and the adjacent Verdant Works visitor attraction; and
- 3 open space on this site is well placed to provide an attractive outdoor space for those employed in local business, for visitors to Verdant Works and to emerging residential areas in Blackness.

In light of the above, it is considered that the proposed change of use would conflict with the aspirations of Proposal 1 of the Finalised Dundee Local Plan Review. As no objections were received to Proposal 1 during the Review consultation process, it will shortly become part of the statutory development plan. Consequently, it is concluded from the foregoing that sufficient weight can be accorded to the material considerations 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 refused.

Design

The replacement of the unattractive former warehouse building on this street frontage location with open space would improve the environment of this local inner city area to the benefit of the Blackness Conservation Area and the adjacent Verdant Works visitor attraction.

CONCLUSION

The re-use of the former Comet premises for business and industrial purposes is in accordance with the relevant land use policies of the Dundee Local Plan 1998 and would remove this long established non-conforming retail use on this inner city site. The proposal would not conflict with the identification of the surrounding area as a General Economic Development Area.

However, the proposal would not be in accordance with Proposal 1 (Open Space Improvements within Blackness) of the Finalised Dundee Local Plan Review. As no suitable alternative site has been identified or

indeed exists for open space provision within Blackness it is considered that significant weight should be given to the allocation of the site for such purposes that is sufficient to set aside the adopted policies and refuse the application.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):

Reason

- 1 That the proposed development contravenes Proposal 1 of the Finalised Dundee Local Plan Review as it would prejudice the use of the site for open space purposes to the detriment of the future environmental quality of the Blackness area.