

KEY INFORMATION

Ward Craigiebank

Proposal

Erection of supermarket, 3 retail units, associated car parking and ancillary engineering and landscaping works

Address

Safeway Stores Plc
140-142 Arbroath Road
Dundee

Applicant

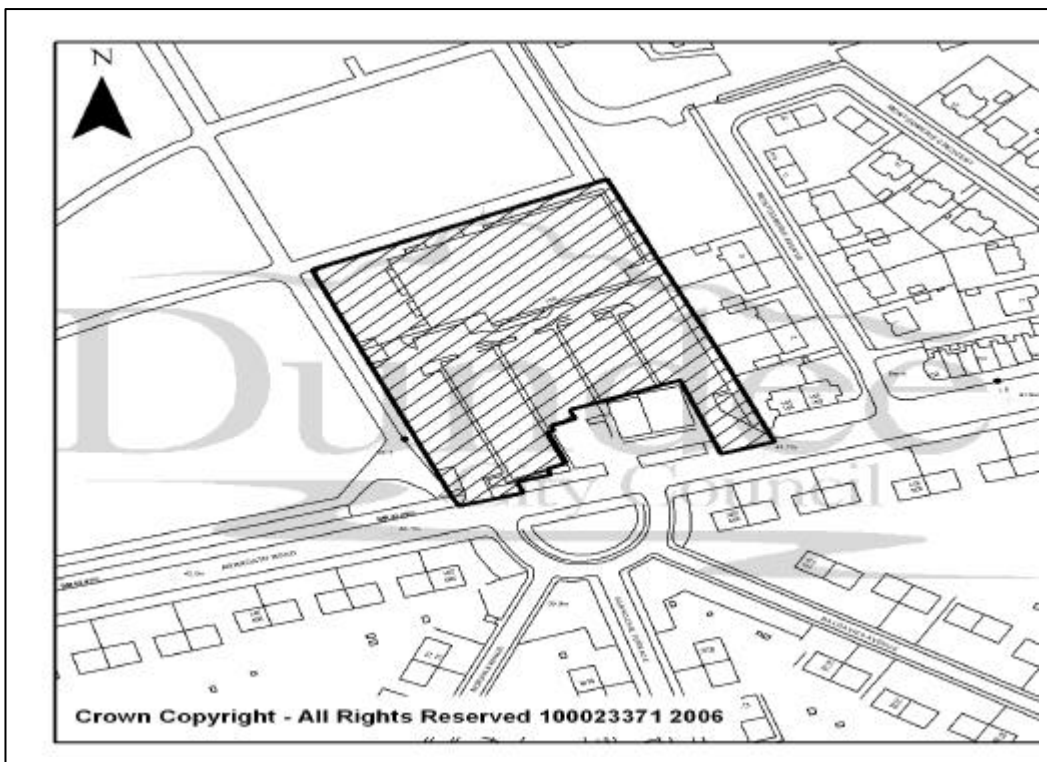
Aldi Stores Ltd
c/o Turley Associates
32 Alva Street
EDINBURGH EH2 4PY

Agent

Turley Associates
32 Alva Street
EDINBURGH
EH2 RPY

Registered 31 Aug 2006

Case Officer J Young



Proposed Supermarket in Arbroath Road

The erection of a supermarket and three units is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the relevant policies in the Dundee Local Plan Review 2005. The objection is not supported in these circumstances. Accordingly, the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a new retail supermarket and three smaller retail units on the site of the former Safeway store at 140-142 Arbroath Road, Dundee.
- One letter of objection was received from an adjoining resident on the grounds of noise, lack of lighting and smells from future use of units.
- Policies 45, 80, 81 and 82 of the Dundee Local Plan Review 2005 are of relevance to the determination of the application.
- It is considered that the proposal offers the opportunity to replace a long established and locally popular foodstore with a modern food retailing facility. The proposal complies with the relevant policies in the Dundee Local Plan Review 2005.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a supermarket, 3 smaller retail units, associated car parking service access and ancillary engineering and landscaping works. The proposed foodstore has a gross internal floorspace of 1540.8sqm and the 3 smaller units have a total gross internal floorspace of 961.7sqm. Following discussions with applicant on the likely impact of the submitted proposals, amending plans were submitted by the applicant confirming the above floorspace figures. The total site area is approximately 8782sqm. The proposed access to the site is from the original western access. Service access will be at the east end of the site. A total of 106 car parking spaces will be provided, including 8 disabled spaces and 4 spaces dedicated to parent and child. A trolley bay is situated immediately to the east of the main store entrance and four cycle racks are located to the east of the trolley bay. Landscaping will be included to soften the hard landscape of the car park. A recycling facility drop off point is included in the car parking layout adjacent the access/egress point.

It is intended that the operator of the supermarket will be Aldi. No operators are indicated for the three smaller retail units.

The proposed finishing materials for the retail units are metallic silver wall cladding panels, off white render sections on walls, glazed curtain wall, grey metal roofing system and metallic silver window frames.

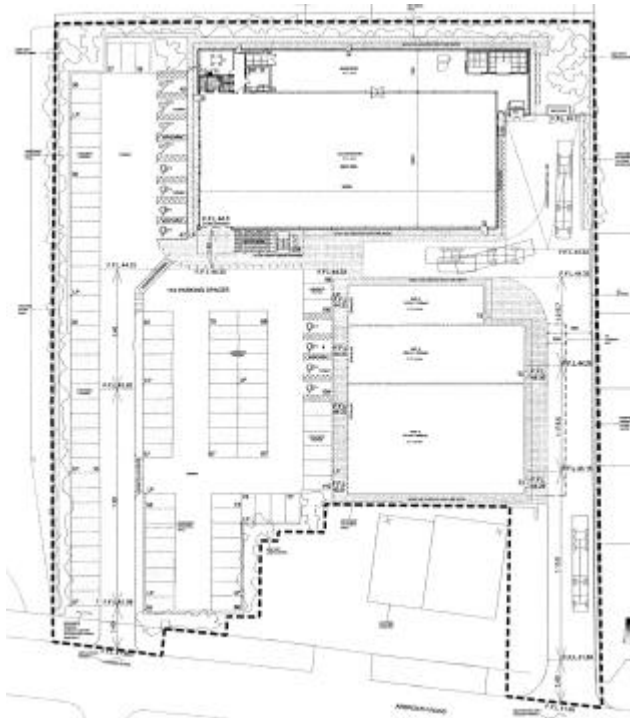
The proposed opening hours for the all four retail units is from 9:00am to 8:00pm seven days per week.

The applicant submitted a planning statement, noise impact statement and transport statement in support of the application.

SITE DESCRIPTION

The application site is located on the north side of Arbroath Road. There is an existing single storey retail supermarket within the site with car parking immediately to the south. The building dominates the site as it is located at the top of a slope. There are two smaller units at the entrance to the site, one being a betting office

and the other a funeral directors. At present the site is boarded off around the perimeter with hoardings. The main entrance is at the west end of the



site and an exit point located at the east end. There are single storey semi-detached dwellings immediately to the east of the site and 2 storey houses to the south, on the opposite side of Arbroath Road. Craigie Eastern Cemetery lies immediately to the north and west, bound by a 3m high stone wall and accessed from Arbroath Road. There are industrial units to the north east. There are various bus stops located along Arbroath Road.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Policy Town Centres and Retailing Policy 4: Out of Centre Retailing - sets out the criteria for assessing new out of centre retail developments. Development proposals generating significant traffic must be supported by

Transport Assessments and Travel Plan where necessary. Travel Plans will be implemented through appropriate planning conditions and/or other agreements.

Transport Policy 4: Development Location - this policy indicates certain accessibility criteria to be met by new developments. Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plan where necessary. Travel Plans will be implemented through appropriate planning conditions and/or other agreements.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 45: Location of New Retail Developments

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. 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; and
- b individually or cumulatively it would not prejudice the vitality and viability of the City



- Centre or District Centres; and
- c the proposal would address a deficiency in shopping provision which cannot be met within or on the edge of these centres; and
 - d the site is readily accessible by modes of transport other than the car; and
 - e the proposal is consistent with other Local Plan policies.

Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where necessary. Travel Plans will be implemented through appropriate planning and/or other agreements.

Policy 80: Waste Management Facilities

The City Council supports the policy of self-sufficiency for waste management within the Tayside Waste Plan Area. Development proposals for waste management facilities in Dundee will only be supported where they:

- a are in accordance with the Development Strategy and BPEO as set out by the Tayside Area Waste Plan;
- b accord with the proximity principle;
- c avoid air, noise, land, surface water and groundwater pollution;
- d avoid areas of flood risk and potential sea level rise;
- e minimise impact on the natural, historic and built environment;
- f safeguard the amenity of surrounding areas; and
- g minimise effects of traffic on the road network. Where appropriate and as prescribed in the appropriate Regulations, development proposals will require to be accompanied by an Environmental Statement and Transport Assessment.

Proposals for waste management facilities which satisfy the above criteria will be acceptable within General Economic Development Areas provided they also meet the Policy 26 criteria relating to other uses of a wider industrial nature.

Key existing waste management sites will be safeguarded for future waste management use and, where

appropriate, for expansion, in keeping with the requirements of the Tayside Area Waste Plan

Proposals for new housing and commercial developments will be required to make appropriate on-site provision to accommodate recycling facilities. This will include provision for the separate collection of recyclates within the curtilages of individual houses.

Policy 81: Pedestrians

All developments should consider ease and safety of pedestrian access as a priority over all other modes. In particular, the implementation of measures designed to improve pedestrian safety, including footpath/footway provision and improvements, upgrading of streetlighting, provision of improved crossing points, construction of suitable traffic calming measures, and the reduction of speeds to 20 m.p.h. or less in residential areas where appropriate will be encouraged. In addition, the Council will welcome proposals for facilities which will promote increased pedestrian activity on and around development locations. The establishment and use of paths and access routes for both recreation and commuting purposes is encouraged.

Policy 82: Cycling Facilities

Dundee City Council will support the provision of both on and off- road facilities for cyclists. In particular it will:

- a continue to promote and improve recreational cycling opportunities with emphasis on enhancing the existing open space network, the Green Circular, National Cycle Network and North Sea Cycle Route as opportunities arise; and
- b require measures to improve and protect conditions for cyclists in the design of all new or upgraded roads; and
- c support the development of strategic cycle routes, for commuting and recreational needs; and
- d promote the development of green access corridors and other secondary routes linking into the main and strategic network, particularly links with schools, transport infrastructure,

workplaces and leisure facilities; and

- e require the provision of appropriate cycle paths and cycle parking facilities in development proposals.

Scottish Planning Policies, Planning Advice Notes and Circulars

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

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

The following sustainability policy implications arise from this application:

The proposal has been assessed against the "Transport and Travel" policy and "Waste Management" policy. These issues are both discussed under the relevant Policies of the Dundee Local Plan Review 2005 below and it is considered that it complies with these policies.

Specifically the submitted amending plans indicate the incorporation of a recycling drop off point for use of customers and members of the public. This will incorporate 6 wheeled bins and a textile recycling bank.

SITE HISTORY

Outline planning permission was granted on 28.05.03 for a retail unit and office on land to the south of the application site and to the east of the vehicular access into the site. The subsequent reserved matters application was granted on 26 January 2004. The proposal has now been implemented.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from an adjoining neighbour to the east on the grounds of noise, security issues due to lack of gates at service road, lack of lighting and potential smell issues. The issues

will be discussed in greater detail in the "Observations" below.

Copies of the objection letter are available for viewing in the various Members' Lounges.

CONSULTATIONS

The Head of Environmental Health and Trading Standards indicates that the site can be associated with several potentially contaminative activities and processes. Records show that a farm was located on this site, followed by a sheet metal works. Such industrial operations create the potential for numerous contaminants to be present on site. Therefore it is recommended that a condition is attached to address potential contamination of the site, if Members are minded to grant approval of the application.

In terms of noise, the Head of Environmental Health and Trading Standards has recommended that various conditions are attached, if Members are minded to grant approval of the application. These include restricted times for deliveries, restriction on noise levels from mechanical and electrical plant equipment and compliance with the noise mitigating measures as outlined in the noise impact assessment.

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.

Background

Aldi currently do not have a store in Dundee and have identified a strong market demand within this evolving city. The site meets Aldi's operational requirements in terms of location and proximity to local residential neighbourhoods as well as public transport networks which connect the site with the city centre. Aldi recognises the opportunity for replacing a redundant foodstore, which was a key provider for the neighbourhoods of Craigue and Douglas. The proposal will assist in

reducing the distances local people need to travel for their main and top-up shopping and will also provide modest additional retail types to provide a greater choice.

The Development Plan

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

Dundee and Angus Structure Plan 2001-2016

Policy Town Centres and Retailing Policy 4: Out of Centre Retailing - sets out the criteria for assessing new out of centre retail developments. It is perhaps inappropriate to seek to apply all of the criteria as the proposal is for a replacement foodstore. The former Safeway store had a gross internal floorspace of 2321sqm and the total of the proposed Aldi store and 3 ancillary retail units is 2522sqm. Therefore there is only a total increase in floorspace of 201sqm, which is minimal in terms of the overall size. No new retail impact issues are raised.

The scale of the 3 additional units does not raise significant retail impact concerns. It would be useful to have assurance that the end uses will not impact on nearby retail units. The proposal complies with this Policy

Transport Policy 4: Development Location - this policy indicates certain accessibility criteria to be met by new developments. The site is readily accessible by a number of modes of transport, including public transport and therefore the proposal complies with this Policy.

Dundee Local Plan Review 2005

Policy 45 sets out the criteria to be met by new out of centre retail developments. It is considered inappropriate to apply all of the provisions to this proposal as it is for a replacement supermarket of a smaller scale. Although sequentially the site is an out-of-centre location, the site is recognised as a shopping area and will not undermine the overall shopping hierarchy within Dundee. The smaller units are of such a scale that they will not undermine the local shopping provision. A condition will be attached to ensure the end use is restricted to protect the local shopping facilities.

Policy 80 encourages the minimisation and recycling of waste whenever possible on the proviso that the facilities used in doing so do not impinge on the local surroundings. Waste disposal from the stores will be limited to cardboard and other packaging materials. Staff members will deal with this waste and it will be disposed off using the service access area. The applicant is also providing recycling facilities within the site. The Head of Waste Management provided sizes and dimensions of bin stores required within the site. These bins will be provided and serviced by the Council. Therefore the requirements of Policy 80 are satisfied.

Policies 81 and 82 relate to the promotion of sustainable transport modes such as walking, cycling and public transport. The Transport Assessment has addressed these issues successfully. Consideration has been given to less able members of the public with the provision of disabled parking spaces and smooth surfaces. Footpaths are provided within the site and pedestrian crossings. Cycle rack facilities are provided at the front of the building and bus stops are located at the site entrance. Car parking has been designed to respect the surroundings and is set back from Arbroath Road and separated by a band of soft landscaping. Servicing will take place via a dedicated entrance to the east to separate and minimise impact on the public access route. It is considered that the proposal complies with Policies 81 and 82.

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:

Objections

1 Noise

The proposed retail units will be serviced at the east end of the site. The proposed Aldi store has an enclosed loading dock and sheltered canopy system which provides an efficient and quiet servicing operation and can be carried out by one person. The Aldi store will receive only one or two deliveries per day. The service road was previously used as an exit road for customers using the supermarket. It is considered that the low number of

service vehicles using the service road will generate considerably less noise. The Head of Environmental Health and Trading Standards has recommended various conditions to be attached to restrict potential noise disturbance and to protect neighbouring residents.

2 Security issues due to lack of gates at service road

The proposal does not include a security gate at the entrance to the service road. The security of the service area is generally dealt with by on-site security personnel. The site is enclosed by a high security fence and is considered sufficient to secure the site until such time that demolition/building works take place.

3 Lack of lighting

The applicant has confirmed that security lights will be attached to the buildings and will also serve to light the service road. Lighting columns will also be located within the site. This is considered sufficient for the development.

4 Potential smell issues

Hot food takeaways are "sui generis" uses and separate planning permission will be required if the proposed end user of any of the 3 retail units is such a use. It is not considered that there will be adverse smell issues with the proposal.

5 Loss of privacy/overshadowing

The proposed development is set back from the eastern boundary with neighbouring property separated by a service access road. A 1.8m high timber fence will bound the east boundary and a 2m high wall at the loading area for the Aldi store. Therefore it is not considered there will be a loss of amenity for neighbouring residents.

Design and Materials of Buildings

The function of the Aldi store dictates its form, which is a single storey building with easy points of access and adequate space for parking, landscaping and servicing. Quality glazing façade treatment and metallic silver building materials will allow the store to fit comfortably within its commercial setting. The robust palette of materials and modern design approach will minimise future maintenance. The main entrance to Aldi is south facing, overlooks the car

park and a large paved area along the façade of the building will encourage pedestrian movement and cycle use. The 3 additional retail units have been designed to complement the Aldi store, whilst providing some individual characteristics.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The modern design and use of materials is considered acceptable for the proposed retail units.

CONCLUSION

The proposal complies with national and local policy and guidance. A modern replacement shopping facility will be provided at this accessible location, where there is demand for local shopping facilities, whilst the vitality and viability of the existing retail uses in the local area will be protected.

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 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.
- 3 No development shall take place until there has been submitted to and approved by the planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development and proposed new planting within the development site.

- 4 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority.

The scheme shall contain details of proposals to deal with contamination to include:

- 1 1 the nature, extent and type(s) of contamination on the site.
- 2 Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- 3 Measures to deal with contamination during construction works.
- 4 Condition of the site on completion of decontamination measures.

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 5 The proposed noise mitigating measures as outlined in the noise impact statement from "The Airshed" consultants, dated 4th October 2006 shall be implemented, unless otherwise agreed in writing by the Council.
- 6 Noise from all mechanical and electrical plant shall not exceed NR45 during the day and NR35 at night as measured 1m to the external wall of any residential property. For avoidance of doubt, daytime shall be 0700-2300hrs and nighttime shall be 2301-0659hrs.
- 7 Deliveries to all premises, by vehicles, shall be restricted to between 0700-2100hours from Monday to Saturday and 0900-1800hours on Sunday.
- 8 Details of the proposed drainage scheme for the site shall be submitted for approval by the Council, and shall only be implemented in accordance with the approved details.
- 9 That the sale and display of comparison goods shall be limited to no more than 30% of the net sales area of the store, subject to a limitation that no single group of goods from the following list (a) and (h) inclusive shall occupy more than

50% of the said sales area floor space devoted to the sale of comparison goods, the said listing being as follows:-

- a Books
 - b Clothing and footwear
 - c furniture, floor coverings and household textiles
 - d radio, electrical and other durable goods
 - e hardware and DIY supplies
 - f chemist goods
 - g jewellery, silverware, watches and clocks
 - h recreational and other miscellaneous goods
- 10 That the proposed foodstore shall have a gross internal floor area not in excess of 1541sq metres.
 - 11 Each of the proposed Units 2, 3 and 4 shall have a gross internal floor area not in excess of 332sqm and the total gross internal floor area of all 3 units shall not be in excess of 996sqm.
 - 12 The proposed units 2, 3 and 4 shall only be used for class 1 retail use, as defined in the 1997 Use Classes (Scotland) Order.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 To ensure the site is suitable for the proposed end use
- 5 To ensure the amenity enjoyed by neighbouring residents is not adversely affected due to noise disturbance from the proposed development

- 6 To protect the amenity of neighbouring residents from unacceptable noise levels.
- 7 To protect the amenity of neighbouring residents from unacceptable noise levels.
- 8 To ensure the site is adequately drained.
- 9 To conform with the approved shopping policies of the development plan.
- 10 To conform with the approved shopping policies of the development plan.
- 11 To conform with the approved shopping policies of the development plan.
- 12 To conform with the approved shopping policies of the development plan.