

ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE

20 APRIL 1999

SUBJECT: MAJOR RETAIL APPLICATIONS, DUNDEE

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: Dundee City Council has consulted Angus Council on two outline planning applications for food superstores and related developments at Arbroath Road, Broughty Ferry and at Claypotts, Baldovie Road, both Dundee. The proposed developments impact on retail provision in Angus and raise cross boundary Structure Plan and Local Plan issues.

1 RECOMMENDATION

It is recommended that the Committee:-

1. makes objections to applications D23803 and D23864 for large foodstores and related development at Arbroath Road, Broughty Ferry, Dundee and at Claypotts, Baldovie Road, Dundee on the grounds that the proposals are contrary to:-
 - Government policy on retailing in NPPG 8 where the applicants have failed to satisfactorily demonstrate why an exception to established development plan policies should be made, including satisfying the sequential approach with respect to existing shopping centres at Monifieth and Carnoustie within Angus which are directly affected by these proposals;
 - the approved Development Plan including Tayside Structure Plan 1993 Policies 4A and 7 which require, inter alia, that large out-of-centre foodstores will only be permitted where no suitable site is available in or adjacent to town or district centre; and where a potential site adjacent to Monifieth has been identified in the Finalised Angus Local Plan.
2. Requests Dundee City Council that in the event they are minded to approve either of these proposals that the application is notified to the Secretary of State as a significant departure from the approved Tayside Structure Plan 1993.

2 INTRODUCTION

- 2.1 Dundee City Council has received two applications for outline planning permission for retail and associated development in the east of the city. The location of the proposals are shown on Map 1.
- 2.2 The application submitted by **Bett Brothers Ltd. and Scottish Metropolitan Plc.** (D23803) comprises a supermarket (4,879 square metres gross), 400 car parking spaces, service yard, a petrol filling station, public transport facilities and associated road improvements along Arbroath Road. No operator has been announced.

- 2.3 Extending to approximately 4.0ha, the greenfield site is located on the eastern edge of the West Pitkerro (South) (Claypotts) Industrial Estate. The site is bounded to the south by the A92 roadway, to the east and north by a strip of woodland and to the west by modern industrial units and associated service yard. The development will be accessed from the A92 Arbroath Road, where the submitted proposals indicate that a stretch of the A92 will be upgraded to dual carriageway standard, including the formation of two new roundabouts - (a) the site entrance; and (b) the junction with Balgillo Road East. This involves additional land take either side of the A92. West Pitkerro (South) (Claypotts) Industrial Estate is identified by the Dundee Local Plan (adopted April 1998) as a prime industrial estate.
- 2.4 The application submitted by **Scottish Enterprise National** (D23864) comprises a mixed use development including industrial units, retail store (with in-store coffee shop and sub-let unit), fast food restaurant, petrol filling station, car parking, access and road improvements. Only a general site plan has been submitted, with no indication of site layout etc. Sainsbury's have been identified as the potential operators of the foodstore.
- 2.5 Extending to approximately 4.7 ha the site is part of the West Pitkerro (South) (Claypotts) Industrial Estate and is located north and east of the Claypotts junction. The site is of an open and relatively flat nature, part occupied by the former Tayside Caravans and the remainder is vacant. The site is bounded to the south by Tom Johnstone Road, to the west by Baldovie Road and to the north by the Dighty Water. Although no details have been submitted in relation to access, site layout etc., access could be taken from Tom Johnston Road via the Claypotts roundabout. The site is largely zoned as prime industrial land in the Adopted Dundee Local Plan although the northern strip of the site is allocated as open space with walkway/cycleway and the southern edge abutts a wildlife corridor.
- 2.6 Both applications (D23803 and D23864) have been advertised by Dundee City Council under the Development Contrary to Development Plans procedure as being a departure from the approved Tayside Structure Plan (March 1997) and adopted Dundee Local Plan (April 1998).

3 POLICY BACKGROUND

3.1 NPPG 8 Town Centres and Retailing

NPPG8 advises that Planning Authorities and developers should adopt a sequential approach to selecting sites for new retail and commercial leisure developments and other key town centre uses. This approach involves:-

- first preference should be for town centres sites, where sites or buildings suitable for conversion are available;
- followed by edge of centre sites;
- and only then by out-of-centre sites in locations that are, or can be made, easily accessible by a choice of means of transport.

3.2 Where a proposed development is not consistent with the Development Plan, NPPG8 confirms it is for the developer to demonstrate why an exception to the policy should be made. Such proposals should be vigorously assessed by the Planning authority against the policies set out in NPPG8 and should be refused if all of 11 considerations listed in NPPG8 cannot be met, including satisfying the sequential approach.

3.3 Tayside Structure Plan 1993

Retailing Policy 1 of the Structure Plan supports measures designed to sustain the viability of shopping centres identified as having a long term role in meeting the shopping needs of the community and resists proposals which would adversely affect their viability.

3.4 Retailing Policy 4A identifies nine criteria to be met before new or expanded out-of-centre retail development would be acceptable. Among these criteria are improvements to distribution and accessibility; effect on vitality and viability of existing shopping centres; location within existing or proposed urban area, and absence of any available alternative site in or adjacent to town or district centres.

3.5 Retailing Policy 7 confirms that the general considerations in Policy 4A also apply in particular to proposals for large out-of-centre foodstores greater than 1,000 square metres gross.

3.6 Dundee Local Plan

The Dundee Local Plan adopted in April 1998 makes detailed provision for retailing and other land use. The Arbroath Road and Claypotts sites are both zoned as prime industrial land (Policy EU 2) which is reserved for Classes 4, 5 and 11 of the Use Class Order 1989 and wholesaling which does not generate large amounts of customer traffic. Policy S20 restricts out-of-centre shopping by the application of a range of criteria to be met before such development can be considered acceptable.

3.7 The application at the Claypotts site also affects an area of open space (Policy OS 1), a walkway/cycleway (Policy MV 19/20) and a wildlife corridor (Policy ENV5). The Arbroath Road application notes the requirement to fell trees and impinges on open countryside.

4 PREVIOUS PLANNING HISTORY

4.1 A conjoined planning inquiry in 1995/96 into four applications for three superstore developments in out-of-centre/off-centre locations in eastern Dundee (including a proposal on the site of the current application at Claypotts) found in favour of a site at Marketgait in Dundee and rejected sites at Claypotts and Balgillo Road (just east of the current Arbroath Road site) as contrary to the site specific policies of the Development Plan.

4.2 The Scottish Office Reporter in his findings of fact and the Secretary of State accepted that the level of impact on the existing centres of Monifieth and Broughty Ferry, although significant, would not "materially adversely affect the vitality and viability" of the existing centres.

5 SUPPORTING MATERIAL

- 5.1 A Retail Impact Assessment (RIA) has been submitted in support of the Arbroath Road application by Robert Drysdale Planning Consultancy. This makes an assessment of trade draw to a new superstore and identifies a trade diversion impact on each of the three centres.

	Main Foodstores	Other	Town Centre
Broughty Ferry	15.2%	4.3%	12.1%
Monifieth	14.3%	0.0	12.7%
Carnoustie	15.6%	0.0	11.3%

- 5.2 The Claypotts application (D23864) is not accompanied by a RIA but by a submission which updates information provided by Robert Turley Associates in conjunction with the previous application on this site in 1994. No indication is given by the application as to the size of the proposed superstore, however, given the operator (Sainsbury's) impact is likely to be at least as strong as outlined in the above table.
- 5.3 Traffic Impact Assessments (TIA) have also been submitted for each application, but at the time of writing an appraisal and conclusion of these by the Director of Roads (Angus Council) is awaited. The main issue relates to compatibility of the dual carriageway proposals associated with application D23803 (Bett Brothers Ltd./Scottish Metropolitan Plc.) and the proposals promoted by Angus Council for upgrading the A92 Dundee/Arbroath Road.

6 DISCUSSION

- 6.1 The proposed developments are designed to serve a wide retail catchment area which includes three existing district/town centres and straddles the Angus and Dundee boundary. The proposals are not closely related to any existing retail centre or retail development. Rather they are free-standing proposals designed to draw mainly car borne trade from what is recognised as an area with a locally high level of disposal income. Both proposals are contrary to the recently adopted Local Plan policy for this part of Dundee. They also fail to fully meet the relevant criteria for out-of-centre retail development specified in NPPG8 and the approved Tayside Structure Plan 1993.
- 6.2 The projected retail impacts in Carnoustie and Monifieth are significant. However, it is also relevant to note that previous appeal decisions for similar retail proposals in this area have not indicated that retail impact would be an insurmountable obstacle. The more recent NPPG8 does set out a range of factors which require to be satisfied before planning permission is given to major retail development which is not consistent with the Development Plan. The supporting information accompanying the planning applications does not fully address these factors and in particular the identification through the Development Plan process of a potential alternative retail development site at Monifieth. In these circumstances approval of the planning application would be premature and could prejudice the plan led approach in Monifieth.

7 FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from this Report.

8 CONSULTATION

8.1 The Chief Executive, Director of Finance, Director of Law & Administration and the Director of Roads have been consulted in relation to this Report. The Director of Roads is in the course of appraising the Traffic Impact Assessments, where the main issue is the compatibility of the proposals associated with Application D23803 and those being promoted by Angus Council for the dualling of the A92 road.

9 CONCLUSIONS

9.1 Applications D23803 and D23864 for major retail and associated developments are contrary to the Development Plan. Each of these proposals would draw a considerable amount of trade from Communities within Angus.

9.2 A site immediately north of Monifieth has been identified in the Finalised Angus Local Plan as a potential location for major food retailing taking account of the sequential approach to out-of-centre developments and subject to satisfying various criteria. This plan-led approach to the provision of major further retailing opportunities will be the subject of public examination in the course of progressing the Local Plan towards adoption.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/ID/KW
14 April 1999

Alex Anderson
Director of Planning and Transport

ANGUS COUNCIL

DUNDEE CITY COUNCIL

Town Centre

MONIFIET

Town Centre

Finalised Angus Local Plan Policy M1/TCR2

D23803
Balt Brothers Ltd /
Scottish Metropolitan PLC

D 23864
SEN / Sainsbury

This copy has been produced specifically for Planning and Building Control purposes only. No further copies may be made. The copyright of IASCO (a) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Angus Council U-000251, 1998