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Dr.D.Hewick,  
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8 May, 2014

Dear Mrs Young,

**14/00277/MDPO | Application to Modify S75 Planning Obligation associated with Planning Application 99/24269/D to state "not less than 70% of the net sales floor area shall be allocated to the display and sale of food and other convenience goods" | 1 Tom Johnston Road West Pitkerro Industrial Estate Dundee DD4 8XD**

We wish to object to this proposal which, the applicant cannot avoid admitting, will have a negative effect on the retail district centre of Broughty Ferry.

As far as the site history is concerned, it is our recollection that planning permission was granted by Scottish Ministers following a lengthy and thorough Public Inquiry. At that Inquiry there was considerable evidence on the impact of the proposed food store on the vitality and viability of Broughty Ferry as a District Shopping centre. The decision to place a restriction on the floor space to be given over to non-food products was taken after careful consideration of these and related matters.

We consider that the modification of the current planning obligation runs contrary to the intent of Section 8 of the recently adopted Local Development Plan (LDP), and, accordingly, it should be resisted. At paragraph 8.12 of the LDP, Broughty Ferry is identified as a District Centre which serves the suburban population on the eastern edge of the City. It is recognised as important that all District Centres should be “developed in a manner that maintains **and enhances** (our emphasis) their viability as sustainable shopping locations”. Paragraph 8.14 and Policy 21 confirm the importance placed within the LDC on those shops which form a part of the retail frontage in the District Centre. In Broughty Ferry that includes a number of shops which sell white goods and comparison goods. These add significantly to the quality of the offer which is provided in the Broughty Ferry District Centre as a whole and are integral to its vitality and viability.

The applicant relies on the terms of Policy 23: Goods Range Restrictions as support for the proposed relaxation of the restriction on comparison goods. However, the reference to 30% of the net sales area is an upper limit on the net sales area of stores city-wide and whether that limit should be reached for any store depends on the circumstances of this particular case. We note in passing that, in our opinion, no weight can be given to the

commercial interests of any company in determining a planning application. It is not for the planning authority to create a “level playing field” on which major food stores can compete. The critical consideration is whether the relaxation sought by the applicant would either maintain or enhance the viability of the Broughty Ferry as a District shopping centre.

The applicant, for obvious reasons, has made no attempt to suggest that the relaxation would enhance the viability of Broughty Ferry as a shopping destination. Rather it seeks to rely on its own estimate of a small reduction in the retail sales to the centre. We are also concerned that this reduction may be an under-estimate, with the knowledge of the fact that it is notoriously difficult to make such estimates with any accuracy since they rely on the questionable assumptions built into whatever model of retail impact the applicant has chosen to adopt.

We therefore suggest that the application should be refused as contrary to the intent of the recently adopted Local Development Plan as far as it refers to Broughty Ferry. In particular, no evidence has been provided to demonstrate that the relaxation will enhance the vitality of Broughty Ferry. Rather the evidence is that the relaxation will detract from rather than maintain the vitality of the District Centre and, in particular, the retail frontage which the Council is committed to support by way of Policy 21 and other appropriate means. .

Yours sincerely,

D.S. Hewick (Planning Secretary, Broughty Ferry Community Council), H.M. Begg  
(Deputy Chairman, Broughty Ferry Community Council)