

KEY INFORMATION

Ward Balgay

Proposal

Change of use from fuel filling station & convenience store to car sales & convenience store & erection of boundary fence & gate.

Address

Filling Station
Charleston Drive
Dundee
DD2 2EX

Applicant

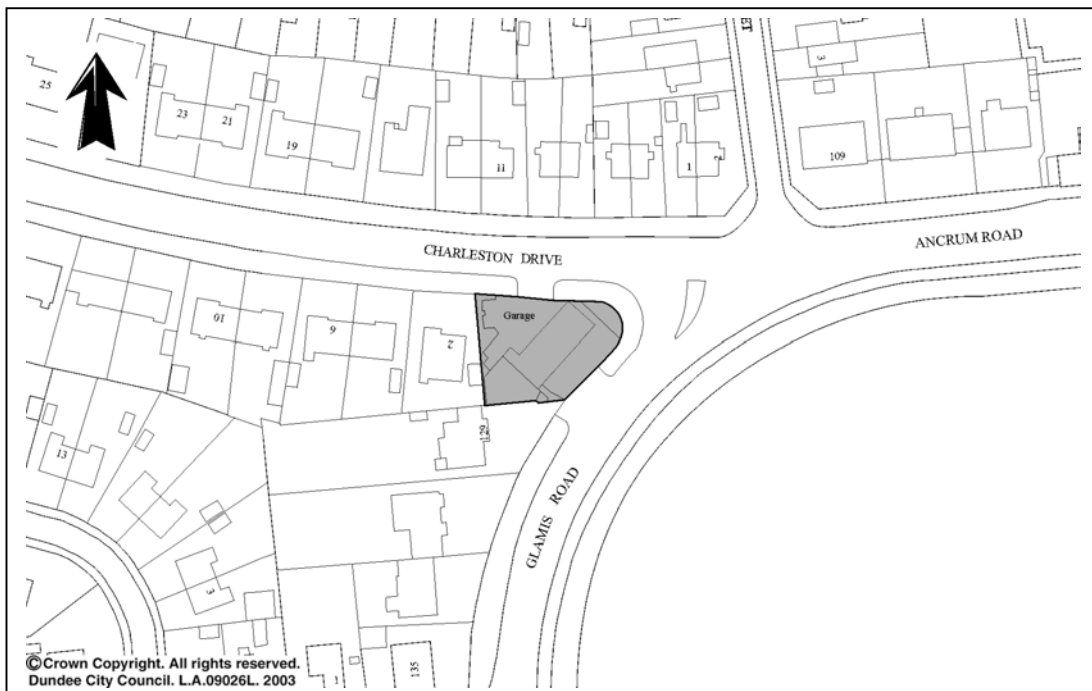
GIB Ltd
18 South Tay Street
DUNDEE
DD1 1PD

Agent

Leavingham Hynd
Partnership
18 South Tay Street
DUNDEE
DD1 1PD

Registered 24 Sept 2003

Case Officer D Gordon



The Change of Use from fuel filling station and convenience store to car sales & convenience store & erection of boundary fence & gate is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use to a car sales yard and convenience store is considered contrary to the land use policies of the development plan and there are no material considerations that would justify setting aside these policies and approving the application. Therefore, the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- The application seeks permission to change the use of a vacant petrol filling station to a car sales yard and convenience store on a site located on the junction of Charleston Drive and Ancrum Road.
- Seven objections to the proposal have been submitted with the main concerns being the appropriateness of the use in Local Plan terms, traffic and parking problems, the adverse impact on the environmental quality of the surrounding area and possible anti-social behaviour
- The proposal raises issues for consideration in terms of the Retailing policies of the Dundee Local Plan, particularly in relation to the location of a car sales yard within predominantly residential areas.
- It is considered that the location of a car sales yard and use in such a prominent site and within a predominantly residential area is inappropriate and contrary to Policy S27 of the Local Plan.

DESCRIPTION OF PROPOSAL

The proposal involves a change of use of a vacant petrol filling station to a car sales yard. The existing kiosk building located within the site is to be retained and used, in part, as an office for car sales and also as a convenience store. The proposal also involves the erection of a new 2.5 m. high boundary fence and the building up of parts of the boundary wall to match the existing. The petrol station canopy that is evident on the site is to be retained.

The current access leading onto Charleston Drive is to be blocked off resulting in the only access into the site being from the existing access located on the Ancrum Road frontage. Three off street customer car parking spaces are to be provided on the west side of the site in addition to the one staff parking space. The display area for the cars for sale is on the north and east boundaries of the application site.

SITE DESCRIPTION

The site is located on the Charleston Drive / Ancrum Road junction. The property is a petrol filling station that is currently vacant.

The surrounding area to the south, west and north is residential in character with dwelling houses directly adjoining the application site the west and south boundaries. To the east there is public open space of Lochee Park.

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 S27 (Car and Caravan Sales). Car and Caravan sales (including auctions) will only be granted planning permission if:

- a they are in or adjacent to a shopping location but do not have a retail core frontage in the

central area or a District Centre and if equivalent floorspace of shopping units would not be contrary to policies S1 - S20 of the Plan; or

- b they are, inter alia, on industrial land other than prime industrial and business areas.

Policy H1 (Existing Residential Areas). Within areas where residential use predominates, developments will be permitted where:

- a they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell; and
- b they are in accordance with the policies and proposals found elsewhere in the Plan.



Policy S19 (Corner Shopping). In areas where the provision is low, new corner shops up to a gross floorspace of 250 sq.m. or new units in small shopping groups which after construction would not result in the total gross floorspace of the group exceeding 350sq.m. will be acceptable in suitable locations which are not within easy walking distance of a District or Local Centre, small scale extensions to existing units in all areas will generally be acceptable.

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 1: (Vibrant and Sustainable Communities). The Council will promote vibrant communities, encouraging 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 and smell.

Policy 43: (Areas of Poor and Inadequate Local Shopping). In areas identified as having poor quality shopping provision or where there is inadequate supply of local shops consideration will be given to measures to improve the viability and quality of local shops. In areas where it can be demonstrated that provision is low, and subject to satisfactory demonstration of need, the council may be prepared to support the provision of a new local shop with maximum gross floorspace of 250 sq.m.

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

The proposal will result in the redevelopment of a brownfield site and is therefore considered to be sustainable and consequently consistent with the aims of Agenda 21.

SITE HISTORY

D15462 - Erection of Petrol Filling Station - Approved (c) 10/09/1990.

D16137 - Amendment to Condition re. Operational Hours - Refused 01/05/1991

D16704 - Installation of Jet Wash - Refused 01/11/1991.

PUBLIC PARTICIPATION

The applicants have carried out the statutory neighbour notification procedure. In addition, the application has been advertised in the local press as being contrary to Policy S27 (Car and Caravan Sales) of the Dundee Local Plan 1998. The result has been the submission of 7 objections from local residents. The main issues of concern raised by the objectors relate to:

- 1 the proposal is contrary to the relevant land-use policies of the Local Plan
- 2 the proposed change of use will further impact on the free flow of traffic and create additional on street car parking problems, particularly at peak times.
- 3 the proposed shop will result in anti-social behaviour by youths
- 4 the development will have a detrimental impact on the environmental quality enjoyed by surrounding occupiers.

Comments on the above issues raised are offered in 'Observations' below. Copies of the objections are to be found in the Members Lounges.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals.

The Head of Environmental Health and Trading Standards has offered comments on possible land contamination matters, internal parking and access arrangements and potential noise issues. The various issues raised by the Director can be discharged by planning conditions should the Members be of a mind to support this application.

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.

Policy S27 (Car and Caravan Sales). This policy advises that new car sales will only be permitted where they are proposed in or adjacent to a shopping location (but not a retail core frontage in city or district centres) or they are on industrial land other than prime industrial and business areas. In particular, they will be encouraged on South Road frontage sites in Kirk Street / South Road area and frontages in the East Dock Street area. Off street car parking will be required at a level of 3-5 spaces per 100 sq.m. of outdoor display area.

The proposal involves a change of use from a vacant petrol filling station to a car sales yard with an associated office. In addition, a convenience store is also proposed within the existing kiosk building of the station. With regard to the proposed car sales use, Policy S27 directs that such uses should be located in or adjacent to shopping areas or on industrial land other than prime industrial or business areas. The application site is located within a predominantly residential area with public open space located to the east ie Lochee Park. While it is appreciated that the existing use of the site ie petrol filling station, is commercial in nature, it is considered that the introduction of a further commercial use into this predominantly residential area would not be in accordance with the locational requirements of Policy S27 of the Dundee Local Plan. In addition, the off street car parking requirements of the Plan for such uses is 3- 5 off street spaces per 100 sq. m. of outdoor display area. It is calculated that the display area in this instance amounts to approximately 470 sq. m. which would require a minimum of 12 off street spaces. The proposal does not achieve this requirement. Accordingly, the

proposal is considered to be contrary to the development plan.

Policy H1 - Within residential areas, developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and where they are in accordance with policies and proposals found elsewhere in the Plan. Due to the nature of the existing use of the site ie a petrol filling station, it is considered unlikely that the nature proposed use will have a further adverse impact on the environmental quality enjoyed by the surrounding occupiers. It is also unlikely that the new facility would generate the same volume of traffic as a petrol filling station and it is clear that the operational times of the filling station would be significantly greater than that of a car sales yard. Further, it is probable that no additional noise or smell would be generated by the proposed use. With regard to the design details submitted, it is considered that the proposed 2.5 m. high fencing is excessive in this prominent location and should be amended if support of this application is offered.

Policy S19 - In areas where provision is low, new corner shops up to a gross floorspace of 250 sq.m. will be acceptable in suitable locations which are not within easy walking distance of a District or Local Centre. While the proposed gross floor area of the new convenience store falls below the required 250 sq.m. the Charleston Drive Local Shopping Centre exists approximately 800 metres to the west of the application site. 'Easy walking distance' is considered to be a five minute walk for the average adult of working age. The application site is not considered to be an area of low shopping provision and consequently, the proposal is potentially contrary to Policy S19.

It is concluded from the foregoing that the proposal does not comply 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

Policy 1: Vibrant and Sustainable Communities. The terms of this policy are reflected in Policy H1 above. Consequently, the same conclusions will apply.

Policy 43: Areas of Poor and Inadequate Local Shopping Provision. The terms of this policy are reflected to a degree in Policy S19 above. It is considered that this is not an area of poor and inadequate local shopping provision and consequently it cannot be satisfactorily demonstrated that there is a need for such a facility in this local area.

With regard to the objections submitted by the surrounding occupiers, it is considered that the issues relating to local plan policies, the free flow of traffic and off street parking and the environmental impact on the local area have been discussed and discharged above. With regard to the matter of anti-social behaviour, it would appear likely that any shop in this location would, due to the internal layout of the proposed yard, have to operate in a similar time scale to the car sales use. In this respect, it is concluded that the opening times of any new shop may well much more restricted than the evening hours previously operated by the petrol filling station.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

From the submitted plans it would appear that the applicants do not intend to change many of the existing features within the site. The existing kiosk and canopy are to be retained. The most significant alteration is the introduction of a new 2.5 m. high boundary fence around the site. It is considered that this height of fencing would be inappropriate in this prominent location and if support of the application is offered, a condition should be attached to any permission granted requiring amended details be submitted for consideration.

CONCLUSION

It is concluded that the proposal is contrary to Policy S27 of the Dundee Local Plan 1998. This policy directs such uses to appropriate commercial and industrial locations within the city. The site under consideration is located in a prominent location at the junction of Charleston Drive and Ancrum Road. Its location and prominence demands that an appropriate use be introduced in order to support and enhance the residential character of the surrounding area. It is considered that the provision of a car sales use is inappropriate in this instance both in land use and visual terms and support of the application should not be offered.

RECOMMENDATION

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

Reason

- 1 The proposed development contravenes Policy S27 of the Dundee Local Plan 1998 that directs car sales businesses to areas in or adjacent to shopping locations or to industrial land other than prime industrial or business areas and there are no material considerations that would justify the approval of this application contrary to the Local Plan.