

**KEY INFORMATION**

**Ward** Hilltown

**Proposal**

Change of use from Vacant Ground to Car Sales with Erection of Portacabin

**Address**

Ground to Rear of  
13-15 Main Street  
Dundee

**Applicant**

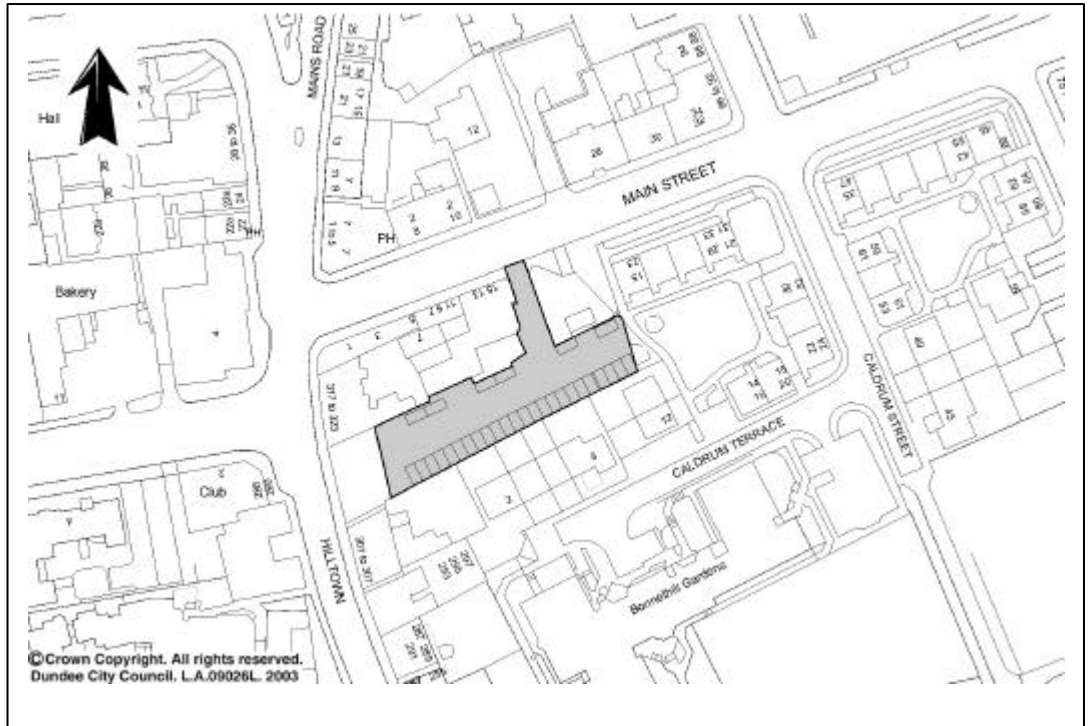
Panmure Services Ltd  
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Dundee  
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**Agent**

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101 Brook Street  
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**Registered** 6 January  
2005

**Case Officer** C Walker



# Proposed Car Sales Yard in Main Street

A Change of use from Vacant Ground to Car Sales with Erection of Portacabin is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development accords with the adopted Local Plan, will not jeopardise the redevelopment of the site for housing under the Finalised Local Plan and will not adversely affect residential amenity. It is therefore recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to change the use of this area of vacant ground to a car sales area. The site comprises a vacant area of ground formerly occupied by lock up garages behind Main Street, Hilltown and Caldrum Terrace.
- In the adopted Local Plan the site is in an existing residential area where Policy H1 seeks to protect amenity. Policy S27 states that a car sales use is acceptable in or adjacent to a shopping location.
- In the Finalised Local Plan the site is allocated as a brownfield housing site under Proposal H28.
- A neighbour has objected on amenity grounds.
- The site is located adjacent to the Hilltown District shopping centre and is therefore in accordance the requirements of Policy S27. The granting of a temporary planning permission would also ensure that the proposed development would in no way jeopardise the redevelopment of the site for housing under Proposal H28 of the Finalised Plan. It is considered that taking into account the existing character of the area and the proposed controls on the hours of operation that there will be no unacceptable residential amenity issues associated with the development.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of this area of vacant ground to a car sales area. The only operational development proposed is the erection of a 50 sq. metres portable building to serve as an office. It is proposed to erect this building along the southern site boundary directly opposite the Main Street access to the site. It is also proposed to provide 10 parking spaces for staff and customers.

## SITE DESCRIPTION

The site comprises a vacant area of ground just over 0.1 ha in extent. It was previously occupied by lock up garages but these garages were damaged by fire and a warrant was issued for their demolition in 2001. It sits in a backland area behind Main Street, Hilltown and Caldram Terrace, taking access from Main Street.

To the east of the Main Street access are advert hoardings and then 2 storey houses. To the north are a public house and then a building with vacant ground floor units and upper floor flats. To the west of the site on Hilltown there is a single storey building with 4 commercial units, 3 of which are currently vacant and 1 of which is occupied by a takeaway. There are 4 storey buildings on either side of these units. A brick wall and a conifer hedge form the southern boundary and there are houses to the south of the site. To the west is a small area of open space associated with the housing development at Caldram Street and Caldram Terrace.

## 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 site is in an existing residential area where Policy H1 seeks to protect amenity. Policy S27 relates to Car and Caravan Sales and states that this use is acceptable in or adjacent to a shopping location provided they do not have a retail core frontage.

### 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 site is allocated as a brownfield housing site under Proposal H28. The shopping area on Main Street and Hilltown is allocated as part of the District Centre and the housing areas to the south and east are allocated as an existing housing area and Policy 1 seeks to protect residential amenity.



### 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 use of this site in a central location well served by public transport is considered to be sustainable and in accordance with the Councils Agenda 21 policies.

## SITE HISTORY

There is no relevant history of planning applications relating to this site.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and a letter of objection was received (copies available for inspection in the Members Lounges). The objector states that the site is close to sheltered housing and that there have been problems with vandals setting fire to this ground.

These views are fully considered in the Observations section of this Report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards has requested that a planning condition be imposed restricting the hours of operation of the business from 0900 to 1900 hours on Mondays through to Saturdays and 1000 to 1700 hours on Sundays with no car repairs or maintenance carried out on Sundays.

## 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 site is located adjacent to the Hilltown District shopping centre and is therefore in accordance the requirements of Policy S27. Adequate car parking will be provided to serve staff and customers.

Policy H1 enables non residential uses to be provided in areas allocated as existing residential areas provided that they do not have an unacceptable impact on amenity. In this case the site is adjacent to a commercial area

with a public house immediately to the north. However it also shares boundaries with dwellings to the south and east. The existing boundaries provide adequate screening. The Head of Environmental Health and Trading Standards has requested that a planning condition be imposed restricting hours of operation and this can be imposed as a planning condition. It is considered that with this restriction there will be no adverse impact on the amenities enjoyed by the occupiers of the nearest houses.

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:

a The Finalised Dundee Local Plan Review

Policy 1 is similar to Policy H1 in the adopted Local Plan and the proposed development complies with Policy 1 for the same reason that it complies with Policy H1. There is no specific policy in the Finalised Plan relating to car sales but it is considered that this location adjacent to the District Shopping Centre is acceptable for this type of use.

However the Finalised Plan allocates the site (and adjoining ground at Hilltown and Main Street) for residential development. To permit car sales on this site could jeopardise the achievement of housing on the site. However the extent of operational development is very limited (just the siting of a portable building) so that the site could easily be vacated should a residential development be forthcoming. The granting of a temporary planning permission would also ensure that the proposed development would in no way jeopardise the redevelopment of the site for housing under Proposal H28 of the Finalised Plan. This matter has been discussed with the applicant and he has indicated his willingness to accept a consent restricted to 1 years duration (with a possibility of renewals if a housing development was not likely to occur in the immediate future).

b The views of the Objector

The objector states that the site is close to sheltered housing and that there have been problems with vandals

setting fire to this ground. It is considered that taking into account the existing character of the area (adjacent to the District Centre) and the proposed controls on the hours of operation that there will be no unacceptable residential amenity issues associated with the development. Furthermore the use of the site for car sales should remove problems previously encountered by vandals entering the site and setting fire to buildings.

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

### Design

The provision of a portable building is acceptable in this case where the site is hidden from view and where the Council would not support the erection of permanent buildings which would jeopardise the redevelopment of the site for housing.

### CONCLUSION

The proposed development accords with the adopted Local Plan will not jeopardise the redevelopment of the site for housing under the Finalised Local Plan and will not adversely affect residential amenity.

### RECOMMENDATION

It is recommended that planning permission 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 The car sales use hereby permitted shall cease on the 30/6/06 and the sales building shall be removed at that date.
- 3 The use hereby permitted shall only operate between 0900 and 1900 hours from Mondays through to Saturdays and between 1000 and 1700 hours on Sundays.
- 4 The use of the site shall be for car sales with any maintenance or repair of cars on the site being confined to vehicles for sale

within the application site only and being entirely ancillary to the car sales use. Any such ancillary maintenance or repair shall not be carried out on the site on Sundays.

- 5 The staff and customer parking area of 10 spaces shall be clearly marked out on site and shall be maintained solely for the use of staff and customers at all times.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the redevelopment of the site for housing under Proposal H28 of the Finalised Dundee Local Plan Review is not prejudiced by the establishment of a long term alternative use on the site.
- 3 To protect the occupants of nearby housing from noise and disturbance early in the morning and late in the evening.
- 4 To protect the occupants of nearby housing from noise and disturbance from any maintenance or repair of vehicles on the site.
- 5 To ensure that adequate staff and customer parking is provided within the application site so that cars do not need to park on Main Street.