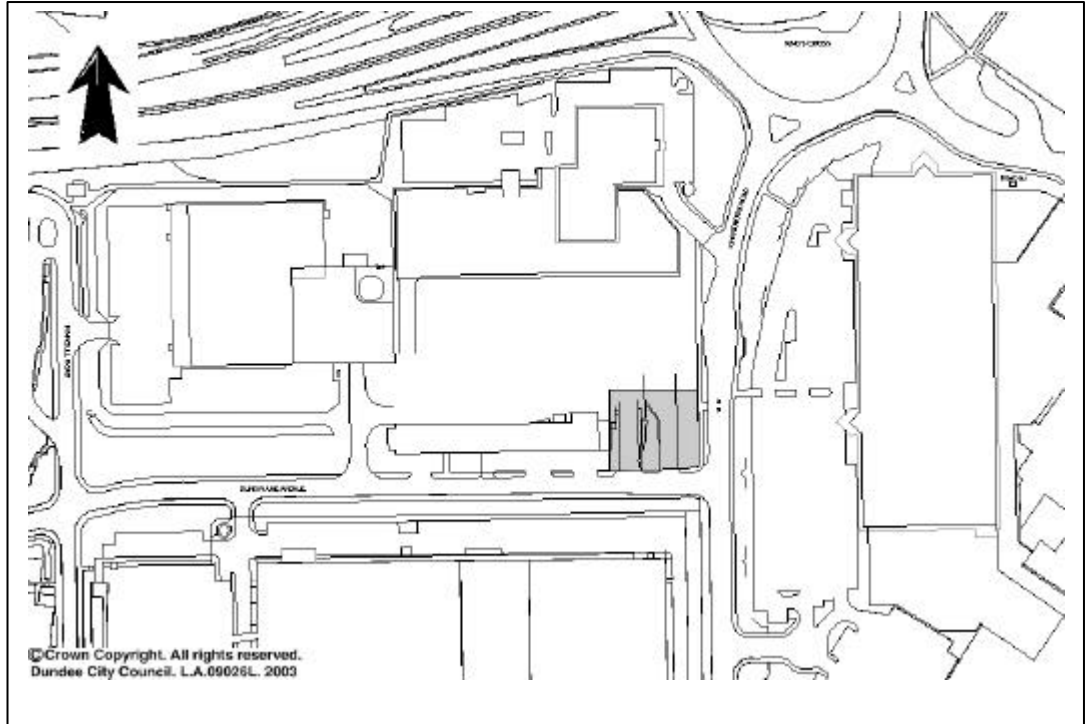


KEY INFORMATION**Ward** Lochee East**Proposal**

Formation of temporary portacabin

AddressLand West of Kings Cross
Road & North of Dunsinane
Avenue
Dunsinane Industrial Estate**Applicant**Specialist Cars (Aberdeen)
Ltd
Wellington Road
West Tullos Industrial Estate
Aberdeen**Agent**McLaren Murdoch &
Hamilton
2 Dundee Road
Perth
PH2 7DW**Registered** 28 September
2005**Case Officer** D Gordon

Proposal for Temporary Car Showroom at Dunsinane Avenue

The formation of a temporary portacabin is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is considered to be acceptable in terms of the relevant land-use policies of Dundee Local Plan Review 2005.

There are no material considerations that would justify the refusal of this application contrary to the terms of the Plan.

Recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for a temporary car showroom on a vacant brownfield site located at the junction of Kings Cross Road and Dunsinane Avenue. The applicants are relocating from the Blackness area of the city and propose to erect a permanent car showroom on a site immediately to the north. The temporary showroom will operate during the construction period of the permanent facility.
- The site is located on the eastern boundary of Dunsinane Industrial estate and consequently, the proposal requires to be considered under the terms of Policy 25 (Dunsinane Revitalised) of the Dundee Local Plan Review 2005.
- A letter of objection to the proposal has been submitted by an adjacent occupier. The objector raises, amongst other things, issues relating to road traffic safety and off street parking provision.
- It is considered that the proposals will assist in the redevelopment of Dunsinane and support of the application is offered subject to certain conditions including the removal of the building on completion of the proposed showroom to the north. There are no material considerations, including the issues raised by the objector, which would justify refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the provision of a temporary Portacabin structure for car showroom / sales purposes. The site will also accommodate 40 display spaces to the east and 16 customer and service parking spaces to the south. A new 1.8 timber palisade fence is proposed for the north boundary of the site.

The new temporary structure will measure approx. 12m x 14m and will be 3m in height. A small entrance canopy is to be provided on the east elevation of the building. The finishing materials will be metal cladding and glass curtain walling.

The proposal also involves the temporary reinstatement of an existing access on the Dunsinane Avenue to service the site.

The site under consideration forms the south east corner of a larger development site that is the subject of a planning application for the erection of a permanent car showroom complex. A report on this application (05/00808/FUL) is to be found elsewhere on this Agenda. The applicants have advised that they wish to provide a temporary facility on this site at this time in order to continue to trade during the construction of the permanent showroom on the site located immediately to the north.

SITE DESCRIPTION

The site is located on the west side of Kings Cross Road and to the north of Dunsinane Avenue. This is a brownfield site that is relatively flat in nature. A former access is located on the southern boundary of the site.

The surrounding area accommodates a variety of uses including a new car showroom to the north, a DIY superstore to the east (B&Q) and industrial units to the west.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Employment Policy 2: Existing Employment Areas. This policy safeguards and promotes existing employment land at Kingsway West for uses within Classes 4, 5 and 6 of the Use Classes Order 1997.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 25: Dunsinane Revitalisation. The site is identified on the Proposals Map as being suitable for higher value economic development uses such as car showrooms and wholesaling. Such higher value uses must be justified on the basis of substantial reinvestment in Dunsinane Business Area to maximise its attraction as a Principal Economic



Development Area. Any higher value uses should conform to the wider development plan policy background of keeping Dunsinane primarily for business and employment type uses. In order to safeguard the retail strategy, when granting permission for the sale or display of motor vehicles, the planning authority reserves the discretion to impose conditions preventing subsequent changes onto Class 1 use, notwithstanding the provisions of Class 10, Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

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 development 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

03/00596/OUT - Outline permission for the Regeneration of Dunsinane Industrial Estate - The application was withdrawn by the applicants on 13.10.2003.

02/00886/FUL - A planning application for the erection of a car showroom and associated facilities on a site located to the north (Mercedes-Benz) was granted permission with conditions on 25.08.2003.

An outline planning application for the demolition of the existing industrial units located to the west of the site and the erection of a car showroom has been submitted to this Council for consideration. This application remains to be determined.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants. The proposal has attracted 1 objection from an adjacent occupier. The main issues raised by the objector relate to:

- 1 Clarification of retail operations from the site
- 2 Traffic and Parking Issues.

The objectors have also raised an issues relating to appropriate conditions that should be placed on any permission granted for the site. This includes a time limited use only, a limit on the amount of vehicles to be accommodated within the site, parking details, hours of operation and external signage.

A copy of this objection can be found in the Members Lounges. It is intended to comment on the above matters in the 'Observations' Section below.

CONSULTATIONS

There have been no adverse comments received on the proposals under consideration.

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

The proposal involves the provision of a small temporary car sales / showroom building and associated off street parking on a site located at the junction of Kings Cross Road and Dunsinane Avenue. The details of the new building are outlined in the 'Description of Proposal' Section of this report. The applicants have advised that they currently operate in the Blackness area of the city on the Lochee Road frontage. The lease for this site expires in December 2005 and consequently, they have to vacate the premises by that date. This proposed temporary facility in Dunsinane will allow the continued trading of the business within the city during the construction period of the new permanent showroom proposed for the north side of the site.

The determination of this application should be viewed in association with the planning application for the permanent car showroom proposed to the north, a report on which can be found elsewhere in this Agenda. The provision of a permanent showroom and associated facilities is considered to be in accordance with Policy 25 (Dunsinane Revitalisation) of the Dundee Local Plan Review 2005. In this respect, the same conclusions are offered for the proposed temporary accommodation. It is intended to attach a condition to any permission granted requiring that the temporary building is removed from the site prior

to the commencement of use of the permanent showroom.

With regard to the proposed appearance of the new building, the scale and design and siting would be inappropriate for a permanent structure on this prominent road frontage location. However, as the proposal is for a temporary period only, the details are deemed to be acceptable.

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:

With regard to the submitted objection, the following comments are offered:

- 1 Clarification of development details. The objectors have raised several issues relating to the details of the proposal that, in their opinion, were unclear. The matter has now been attended to through correspondence. In addition, a number of the requested details were on the submitted drawings at the time of the submission of the planning application.
- 2 Traffic and Parking Issues. The details of the proposed development have been fully assessed and the traffic movement and parking details submitted are considered to be appropriate for the use proposed.

With regard to the matters that the objectors wished to be subject to conditions attached to any consent granted, it is intended to time limit the application. However, it is considered inappropriate and unreasonable to place restrictive conditions on the development that relate to the amount of vehicles to be accommodated on the site, provision of signage and the hours of operation. This is due to the proposals having no impact on any residential or environmental amenities in the area and the short term temporary nature of the proposals under consideration.

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 contrary to the provisions of the development plan. It is

therefore recommended that planning permission be granted with conditions.

Design

The proposal is for a temporary structure only. In this respect the design, scale, siting, appearance and materials are considered acceptable for a building that will only remain on site for a period of approximately 12 - 18 months.

CONCLUSION

The use of this site for a temporary period only in order to facilitate the construction of a permanent car showroom and associated development to the north is considered to be acceptable. The building will be removed on completion of the new showroom and the site used for car display purposes.

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 land which is the subject of this permission shall be used for car showroom, display and parking purposes and for no other use notwithstanding the provisions of Class 10, Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.
- 3 That details of all boundary treatments, including walls, fencing railings and hedging shall be submitted for the written approval of the planning authority prior to the first use of the building / land and if approved the development shall be implemented only in full accordance with such approved details.
- 4 Development shall not begin until details of a scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i hard landscaping works

- ii location of new trees, shrubs, hedges and grassed areas
- iii schedule of plants to comprise species, plant sizes and proposed numbers / density
- iv programme for completion and subsequent maintenance.

For the avoidance of doubt, all hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the planning authority.

- 5 The development hereby permitted shall cease on 05/06/2007 or on the completion and first use of the permanent car showroom and associated facilities proposed to the north of the site whichever is the sooner. The building shall be removed within one month of the date of cessation of use and the land restored to the satisfaction of the planning authority or redeveloped in accordance with an approved development scheme for the site.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In order to protect the Councils adopted policies on new retail developments within the city.
- 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 that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 5 That having regard to its design, scale, siting and appearance planning permission would not normally be granted in respect of a temporary building in this location. Permission has been supported in this instance solely to allow the applicants to trade from the site while a more permanent facility is constructed to the north.