

**KEY INFORMATION**

**Ward** East Port

**Proposal**

Positioning of mobile catering unit (not permanent) to south of car park

**Address**

28 Trades Lane  
Dundee  
DD1 3ET

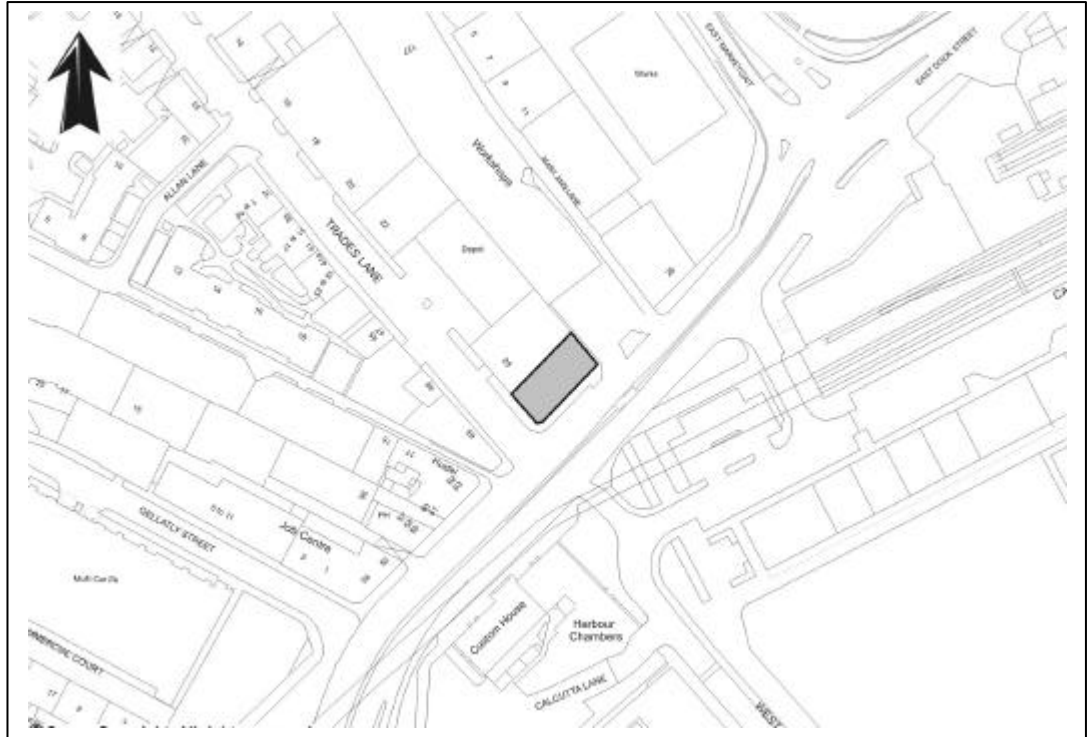
**Applicant**

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**Agent**

**Registered** 3 Feb 2006

**Case Officer** J Young



## Proposed Mobile Catering Unit on Dock Street

A mobile catering unit is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The proposal compromises traffic and driver safety due to its location adjacent to a trunk road. The proposal is not supported by the Trunk Roads Network Management Directorate and this view is supported by the Council. Therefore the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for a mobile catering unit on land to the south of a car park at 28 Trades Lane, Dundee.
- One letter of objection was received from a nearby resident on the grounds of traffic, access and parking; adverse impact on residential amenity and impact on the appearance of area.
- The Trunk Roads Network Management Directorate have been consulted on the proposal and they recommend refusal of the application on the grounds of road and traffic safety and parking issues.
- It is considered that the proposal cannot be supported due to the potential adverse impact on traffic movement and safety.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the positioning of a mobile catering unit at the south end of a car park at 28 Trades Lane, Dundee. The unit measures 3m x 1.5m x 1.9m and will occupy one car parking space in the south west corner of the car park.

The proposed trading hours of the mobile catering unit are 08:00 to 17:00 from Monday to Saturday.

The proposed food to be sold from the unit are hot and cold filled rolls, baked potatoes, sandwiches, soup, paninis and tortillas

## SITE DESCRIPTION

The application site is located on the east side of Trades Lane and north side of Dock Street. It is in the south west corner of a car park belonging to a business at 28 Trades Lane. Access to the car park is gained from Trades Lane. There are industrial units and a car sales business to the north along Trades Lane. HSS Hire shop is located on the opposite side of Trades Lane. An entrance to City Quay is located on the opposite side of Dock Street and a pedestrian crossing is located immediately to the east of the site.

There is a 4 storey former maritime listed house to the east of the application site. The building is now used as offices.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities - new development should be in accordance with other Policies in the Plan and seek to minimise any effect on the environmental quality enjoyed by local residents.

Policy 57: Visual Impact on Major Routes - the City Council in association with other agencies will seek to further the implementation of

the major routes concept, subject to finance being available where the objectives will be to improve the image of Dundee and improve the quality of the environment. In relation to visual amenity, highly visible primary frontages; and certainly those within 25m of the kerb line, will be required to abide by the guidelines within the Ambassador Route Design Guide.

## 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

Key Theme 7 is relevant to the determination of the application and states that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. It is considered that the proposal does not comply with this aim due to the potential impact on traffic safety.

## SITE HISTORY

There is no site history of direct relevance to the application site in these circumstances.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from a resident at 49 Trades Lane. The grounds of objection are traffic, parking and access problems; adverse impact on residential amenity due to noise and smell and adverse visual appearance.

## CONSULTATIONS

The Trunk Roads Network Management Directorate was consulted and they recommend refusal of the application for the following reasons:

- 1 The proposed development could result in a distraction to trunk road users and result in increased interference with the safety and free flow of traffic on the trunk road.
- 2 The proposed temporary site location occupies part of a car park area and concern is expressed regarding displaced parking and also the location could encourage indiscriminate parking on the trunk road.

## 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 1 of the Dundee Local Plan seeks to protect the amenity of nearby residents. The nearest residents are over 20m from the application and are located on the opposite side of Trades Lane. It is considered that they are sufficient distance from the proposal site to not be adversely affected by smell or noise. Therefore it is considered that the proposal complies

with the relevant policies in the Dundee Local Plan Review 2005.

Policy 57 seeks to improve the image of major routes into and out of the City. It is considered that the proposed mobile catering unit will detract from the visual amenity of the area. Therefore, the proposal is contrary to this Policy.

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:

### Objection

An objection letter was received from a resident on the opposite side of Trades Lane at no.49. The main grounds of objection are as follows:

- 1 Traffic, parking and access problems - concerns about where people would park when using the catering unit and restricted parking on Trades Lane;
- 2 Adverse impact on residential amenity due to noise and smell;
- 3 Adverse appearance as large sign may be erected and the size of the catering unit will adversely affect the appearance of the area.

It is considered that the proposal may adversely affect traffic movement and access and so this issue raised by the objector is supported. The proposal site is located adjacent to a trunk road and may distract drivers' attention. If the car park is full to capacity there is a possibility that people will park close to the junction with Marketgait and this will cause a traffic hazard.

A letter of support was received from the applicant and is summarised as follows:

- 1 Large advertising boards will not be used and will not be placed on the pavement. Sign writing on the unit will be sufficient for advertising purposes;
- 2 The unit has been specifically designed to use gas-only appliances and a generator is not required. Lighting will be operated by a leisure battery;
- 3 The unit is the smallest currently available on the market and will use one car parking space. The

proprietor and applicant have entered into a business arrangement where permission has been agreed to park and store the unit on the land;

- 4 The trading hours proposed are 08:00 to 17:00 hours and these hours are considered reasonable. Other businesses in the area operate outwith these hours and also on a Sunday;
- 5 The unit is within a private car park and so customers can enter and leave safely without causing an obstruction on the public highway. The business is intended to meet demand from people working in nearby businesses and from members of the public passing on foot to and from City Quay. Should the unlikely situation arise where a customer chooses to drive to the unit, there are adequate parking facilities within the private car park.
- 6 The catering unit is a different concept as it will offer healthy options. There are similar units strategically placed in market towns and major town centres in Edinburgh. Prior to submitting the application it was clarified with the Planning Department that this site is not a central town position. Regarding appearance of the unit, it is a brand new design and sign writing has been professionally designed. The unit will enhance and improve an otherwise unattractive area.

### Response from Trunk Roads Network Management Directorate

The Scottish Executive Trunk Roads Network Management Directorate was consulted and they recommend refusal of the application for the following reasons:

- 1 The proposed development could result in a distraction to trunk road users and result in increased interference with the safety and free flow of traffic on the trunk road.
- 2 The proposed temporary site location occupies part of a car park area and concern is expressed regarding displaced parking and also the location could encourage indiscriminate parking on the trunk road.

As discussed above under the "Objection" section, it is considered that the proposal may result in traffic, parking and access issues for road users and so the view of the Trunk Roads Authority is supported in these circumstances.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be refused.

### Design

The design of the mobile catering unit is considered acceptable at this location

## CONCLUSION

It is considered that any residential properties are located sufficient distance from the proposed unit so their amenity is not adversely affected.

## RECOMMENDATION

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

### Reasons

- 1 The proposed development could result in a distraction to trunk road users and result in increased interference with the safety and free flow of traffic on the trunk road. There are no material considerations that would justify approval of the application.
- 2 The provision of a temporary structure on this visually prominent site on one of the City's main Ambassador Routes would adversely impact the visual amenity of the area which is contrary to Policy 57 of the Dundee Local Plan Review 2005.