

KEY INFORMATION**Ward** North East**Proposal**

Proposed change of use to existing building to provide showroom. Proposed elevational alterations.

Address

2 Jack Martin Way
Claverhouse East Industrial Estate
Dundee

Applicant

Struan Motors
Crieff Road
Perth
PH1 2SJ

Agent

McLaren Murdoch and
Hamilton
2 Dundee Road
Perth PH2 7DW

Registered 4 Feb 2008**Case Officer** C Walker

Car Showroom Extension Proposed at Jack Martin Way

The proposed change of use to an existing building to provide extended showroom is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

Although the use of an additional area of this building for car sales does not comply with Policy 24 of the Local Plan, the development simply extends a non conforming use and does not impact on the supply of prime business land in the City. The application is recommended for **APPROVAL with conditions**.

SUMMARY OF REPORT

- Planning permission is sought to change the use of a further part of this building (320m²) to a car showroom area. The building is currently partly occupied by a car sales and repair business and partly by an office use.
- Policy 24 of the Dundee Local Plan Review 2005 contains a presumption against car sales in principal economic development areas such as this.
- No comment on the application was received from consultees or members of the public.
- A restrictive permission was granted in 2001 for the existing showroom and this permission has since expired.
- Although the proposal does not comply with Policy 24 of the Local Plan, permitting a further area of this building for car sales use will have no perceptible impact on the principal economic development area at Claverhouse East and that the aims of Policy 24 would be unaffected.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a further part of this building to a car showroom area. The additional showroom area amounts to some 320m² in extent, in an area of the building currently occupied by a workshop and a vacant office.

Currently just the western part of the building, amounting to some 350m² in area, is used as a showroom, with the remainder used as a workshop area (some 660m²) for the car sales business and a further 1,000m² of offices unrelated to the car sales and repair business.

Minor elevational alterations are proposed to extend the glazed area across the new showroom area, matching the existing showroom frontage.

SITE DESCRIPTION

The site comprises a large single storey building of just less than 2,000m² in extent with a small internal mezzanine level. Externally it is finished in brick and profiled metal cladding. The western part is occupied by Struan Motors showroom and workshops and the eastern end is in unrelated office use.

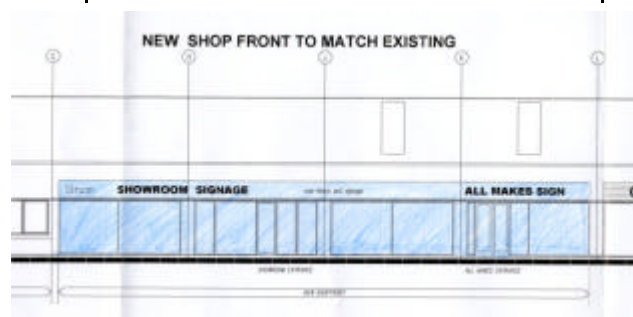
The building is set in a compound surrounded by a fence and includes extensive areas of parking to the front and a service yard to the rear. Landscaping has been provided around the site.

The site sits in a fairly prominent position above the A90 trunk road. It takes access from a spur road off Emmock Road which in turn is linked to the A90 by a roundabout. To the north is a parking area and to the north east is a large office building. To the east is land allocated for further industrial development. To the south west is a cottage which sits well below the application site. To the south, again at a lower level, is an area of open space and then the Fintry housing estate.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

Employment Policy 2 seeks to promote and safeguard land for Class 4, 5 and 6 employment uses.



Dundee Local Plan Review 2005

Policy 24 states that Principal Economic Development Areas are of City-wide significance and as such will be safeguarded for industrial and business use. Uses outwith Classes 4 “Business”, 5 “General Industry” and 6 “Storage and Distribution” will be resisted. Exceptions where defined in Policy 27 (Ancillary Services within Economic Development Areas), will only be considered favourably where it can be demonstrated that the development will enhance the attractiveness of the area for further industrial and business investment.

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.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

In 1996 planning permission was granted to build offices and a depot for Scottish Hydro Electric - application

ref no D22010 refers. The building was occupied by Scottish Hydro Electric for a number of years.

In January 2001 planning permission was granted to the current applicants to provide vehicle adaptation/conversion/repair

workshops and motor retail uses on the site - application 00/25003/D refers.

Because the policies in the Local Plan protected the site for business and industrial uses and contained a presumption against car sales, a number of conditions were imposed restricting the development and included a limit on the area of car sales, a temporary permission and a requirement to bring forward proposals for a vehicle adaptation workshop.

In the event the vehicle adaptation business never happened and the business has continued to operate as a car sales business beyond the initial 3 year period permitted.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as contravening Policy 24 of the Local Plan. No public comment was received

CONSULTATIONS

No adverse comment on the development was received from Statutory Consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

Policy 24 of the adopted Local Plan is relevant to the determination of this application. This policy allocates the site as part of a principal economic development area and safeguards it for industrial and business use. Uses outwith Classes 4 “Business”, 5

“General Industry” and 6 “Storage and Distribution” will be resisted. A car showroom use does not fall within Classes 4,5 or 6. In addition it does not fall within the exception for ancillary services set out within Policy 27 of the Plan.

It is concluded from the foregoing that the proposal does not comply with Policy 24 of the adopted Local Plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Planning permission was granted in 2001 to Struan Motors to operate part of the building and site as a car sales business. The Council was persuaded to depart from Structure and Local Plan policies protecting prime employment land on the basis that there would be a significant workshop element to the business and that a specialist vehicle adaptation business would be developed on the site. As a result of this decision, and despite the restrictive planning conditions, it was never likely that this site would become available as employment land and would always have a mixed use character with the element of car sales occupying a significant portion of the site. In the event the vehicle adaptation business was not developed on the site.

The current application is made in the context of a similar policy framework. The decision not to maintain this building and site for Class 4, 5 and 6 uses has already been taken and to refuse this further sales element will not make it available again for such uses unless the Council was also to consider taking enforcement action to remove the car sales use from the site. This use has continued long beyond the permitted period of 3 years which expired in Autumn 2004.

The approval of this application would still leave an area of over 700m² of floorspace within the building for uses within Classes 4, 5 and 6 although it is clear that it is the intention of the applicants to expand their business over time into this area (just as is proposed with the current application).

It is concluded that permitting a further area of this building for car sales use will have no perceptible impact on the principal economic development area at Claverhouse East and that the aims of Policy 24 would be unaffected. It is

also considered that a further consent would not set a precedent for other departures from Policy 24 on other economic development sites since this site is already being used for car sales. The development will therefore have no impact on the supply of prime industrial land within the city.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations set out above 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 granted with conditions.

Design

Minor elevational alterations are proposed to extend the glazed area across the new showroom area, matching the existing showroom frontage. This will serve to enhance the front elevation of the building.

CONCLUSION

Although the use of an additional area of this building for car sales does not comply with Policy 24 of the Local Plan, the development simply extends a non conforming use and does not impact on the supply of prime business land in the City.

RECOMMENDATION

It is recommended that consent 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 additional showroom area shall be confined to the area indicated in Drawing No 2399/P/02 as "New Showroom" and this area and the areas indicated on the same drawing as "Existing Showroom" shall be used for car sales only and not for any other retail use notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or the General Permitted Development Order 1997 or any subsequent re-enactments.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 General retail use at this location would be contrary to Government Guidance and Development Plan policy.