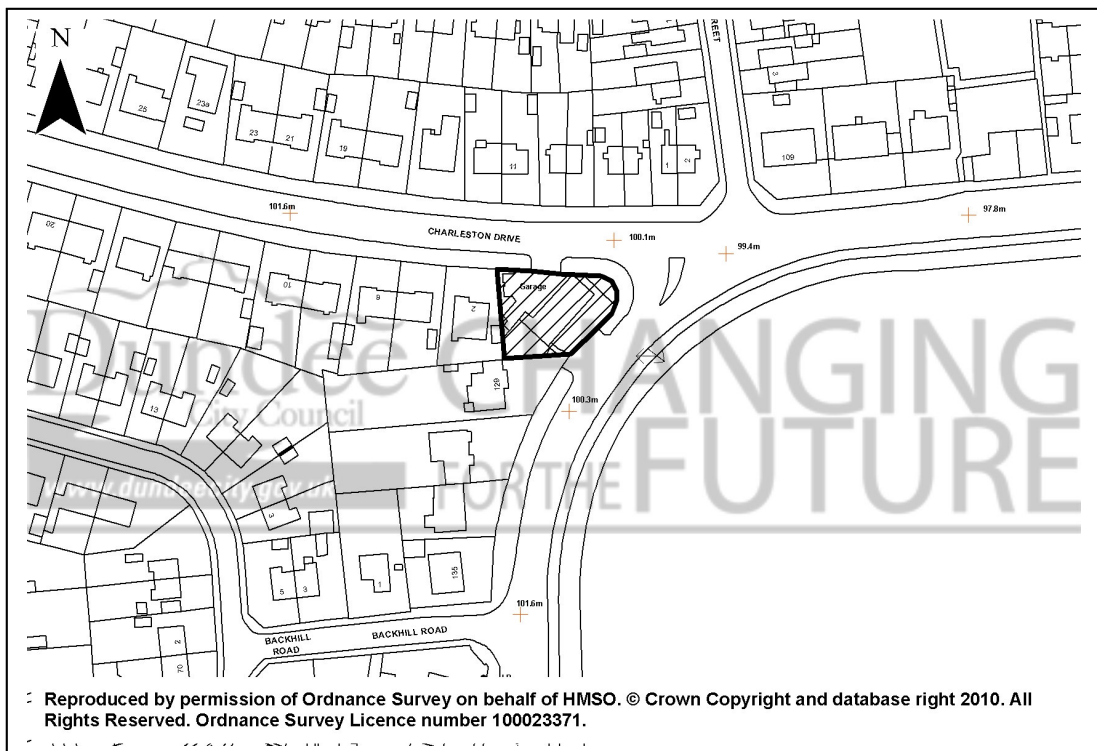


KEY INFORMATION

Ward Lochee

Proposal

Proposed continuation of use of yard for used car sales

AddressParkview Car Sales
Charleston Drive
Dundee
DD2 2EY**Applicant**Park View Car Sales
Charleston Drive
Dundee
DD2 2EY**Agent**Leadingham Jameson
Rogers and Hynd
18 South Tay Street
Dundee
DD1 1PD**Registered** 17 June 2010**Case Officer** D Gordon

Proposal for Car Sales to Continue in Charleston Drive

The proposed continuation of a used car sales yard is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of City Development.

RECOMMENDATION

The proposal to continue the use of a former filling station site for the display and sale of used cars on a permanent basis is in accordance with the terms of the relevant land use policy of the Development Plan. There are no material considerations of sufficient weight that would justify the refusal of this application contrary to the provisions of the development plan and the application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application seeks permission to continue the use of a former filling station site for the display and sale of used cars (maximum of 20 vehicles) on a permanent basis.
- The site was granted permission to increase the amount of vehicles for display and sale within the site from 11 to 20 in January 2010 for a temporary period of 7 months.
- No letters of objection have been submitted from members of the public.
- The proposal raises issues for consideration under Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan 2005.
- It is considered that the use of the site for the display and sale of used cars has been confirmed by previous grants of permission for such a use.
- It is concluded that the increased provision of vehicles within the site has not significantly impacted on the environmental quality of the adjacent occupiers or has been detrimental to the road traffic safety of the surrounding road network.

DESCRIPTION OF PROPOSAL

The application under consideration seeks permission to continue the use of a site of a former filling station for the sale and display of used cars. The applicants have submitted layout drawings of the site which indicate a provision of 20 cars for sale, 3 customer parking spaces and 1 staff space. The car sales office is to be provided within the former petrol station kiosk building located on the south west corner of the site. Vehicular access is taken from Ancrum Road to the east.

The applicants are seeking the grant of permission for the proposed use on a permanent basis.

The original permission (granted on appeal on 30th August 2005) allowed for 3 customer car parking spaces, one staff member parking space and the display of a maximum of 11 cars for sale within the site. An application requesting an increase in the amount of cars to be displayed and sold from the site from 11 to 20, was granted permission by this Council on 19 January 2010 for a temporary period until 30 August 2010.

Due to the history of planning applications for the use of the site for the display and sale of used cars, including appeal decisions, it is considered that this proposal should be referred to the Committee for determination.

SITE DESCRIPTION

The site is located on the Charleston Drive/Ancrum Road junction. The property currently operates as a second hand car sales yard.

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

POLICY BACKGROUND

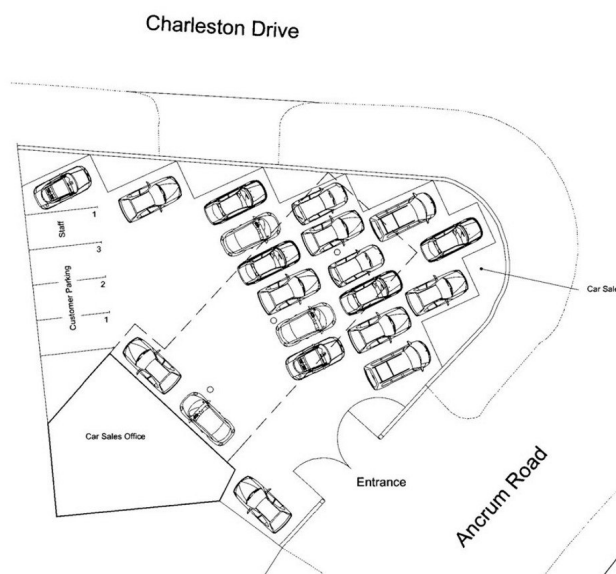
Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities - the City Council will promote vibrant communities, encouraging the 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 or smell.



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

The proposal involves the re-use of a brownfield site for commercial purposes. The application raises no concerns in relation to the Council's Sustainability policies.

SITE HISTORY

D15462 - Erection of petrol Filling Station - Approved 10 September 1990.

D16137 - Amendment to Condition regarding Operational Hours - Refused 1 May 1991.

D16704 - Installation of Jet Wash - Refused 1 November 1991.

03/00692/COU - C/U of Petrol Filling Station to Car Sales and Convenience Store - Refused 2 December 2004.

04/00994/COU - C/U of Filling Station to Second Hand Car Sales - Approved on appeal to Scottish Ministers 30 August 2005.

06/01081/FUL - To amend the restriction on the number of cars for sale within the sales area from eleven to twenty - Refused on Appeal 9 July 2007.

09/00423/FUL - Permission to Increase the Amount of Cars for Display and Sale - Withdrawn October 2009.

09/00692/FULL - Permission to Increase the Amount of Used Cars for Display and Sale - Approved 19 January 2010.

An Enforcement Notice appeal against the use of the site for unauthorised car wash operations was dismissed on 30 August 2005.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been carried out and no objections from members of the public have been received.

CONSULTATIONS

There were no adverse comments received from any of the consultees.

OBSERVATIONS

Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

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: Vibrant and Sustainable Communities - the proposal under consideration seeks permission to establish the use of a former filling station as a site for the display and sale of used cars (maximum 20 in total) on a permanent basis. The original grant of permission for the site limited the amount of cars to be displayed to eleven. This limit was placed on the development by a condition requiring that the car sales use had to operate in accordance with the submitted layout plans that accompanied the planning application. A subsequent planning application to increase the amount of cars from 11 to 20 was granted permission, for a temporary period, by the Council on 19 January 2010. The site has been used for the sale and display of 20 vehicles since that time.

With the use of the site for car sales purposes being established by previous grants of permission, the determining issue in this instance is whether the permanent use of the site for the proposed number of vehicles is acceptable, whether the permanent use of the site for car sales will detract from the environmental qualities enjoyed by the adjacent occupiers and whether the parking and display spaces within the site has proven to have had a neutral impact on the road traffic and pedestrian safety of the surrounding area.

Through the monitoring of the site in recent years, it has been shown that the use of the site for car sales has not had a significant impact on road safety in the local area. It is evident that there is sufficient space to accommodate twenty cars within the site and the vehicular access onto Ancrum Road has proven to be satisfactory. There are no on-street parking restrictions and it is considered that the proposal would not generate a significant increase in vehicle journeys or parking demand that would prejudice the safety of other road users

or pedestrians. Taking this into account, together with a minimal increase in noise and disturbance arising from operations within the site during permitted hours, it is concluded that there would not be a detrimental impact on the amenity of nearby residential from this proposal. Consequently, it is concluded that the proposed development does not contravene the terms of Policy 1 of the Dundee Local Plan Review 2005.



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:



Suitability of the Site - the site has operated as a yard for the display and sale of used cars for a number of years without any significant impact on the environmental quality of the surrounding occupiers or the safety of road traffic on the adjacent streets.

It has been concluded above in the consideration of the development plan

policies that this use is acceptable in this location.

Appearance of the Proposed Development

The appearance of the development is not significantly different from the previous use on the site in that the former canopy and kiosk remain on the site. The site has, for some time, been maintained in a clean and tidy condition and its appearance does not detract from the environmental quality of the surrounding area.

Compatibility with Existing Uses

The use of land for car sales is more commonly found in industrial or commercial areas of the city. This site is located immediately adjacent to residential properties that enjoy a pleasant environmental quality in this suburban location. While not ideal, it has been concluded above that due to the scale of the operation and the very limited noise disturbance generated by the use, it is compatible with the existing uses in the area.

Economic Benefits

Economic benefits arising from a development can be a material consideration. In this respect, the applicants agents have advised that since the increase in numbers of vehicles being made available for sale on the site, the business has been more financially viable which resulted in increased employment at the facility.

Objections

There have been no objections to the proposal from members of public which have been received within the prescribed period.

Letter in Support from Applicant

The applicants have submitted a letter in support of the application which, amongst other things, advises of the following:

- 1 Discussions with the Police and Roads Department have not highlighted any problems relating to on street car parking associated

with the increase in the amount of cars for sale within the site.

- 2 No complaints relating to noise have been received from the Council Environmental Health and Trading Standards Department.
- 3 3) The site has operated with 20 cars for display/sale for a number of months and the layout illustrates there is sufficient room to accommodate that number of vehicles with the cars being well spread out throughout the site
- 4 The site has been maintained in a clean and tidy condition. History has shown that should the site be vacated it is likely to attract vandalism to the detriment of the general appearance of the area
- 5 Since the increase in numbers of vehicles being made available for sale the business has become more financially viable resulting in increased employment.
- 6 No repairs are carried out on the site and cars are cleaned and valeted in premises in nearby Lochee.

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

There is no design issues associated with this application.

CONCLUSION

The use of the site for second hand car sales purposes has been established on appeal to the Scottish Ministers in 2005. A further planning application to increase the amount of cars for sale within the site to twenty was approved for a temporary period of time (7 months) by this Council in January 2010.

It has been concluded that the increase in cars displayed for sale in the forecourt of the premises since January 2010 has not had a significant impact on the traffic and pedestrian safety on the surrounding road network. It is further concluded that the proposals have not had an adverse impact on the

environmental quality enjoyed by local residents.

The original grant of permission by the Ministers was for a temporary period only (expiring 30 August 2010). It is considered that the business has not raised significant problems in recent years, in particular over the past 6 months, and that the site has been maintained in a clean and tidy condition. The applicants advise that since the increase in the number of vehicles being made available for sale on the site the business has become more financially viable resulting in the creation of additional employment.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 No car repairs or engine testing other than routine starting and running repairs using non-powered hand tools (plus cleaning/polishing) shall be undertaken on or around the site at any time.
- 2 That the premises shall stay open for trade no later than 9.00pm every evening. For the avoidance of doubt, this shall include the delivery of vehicles to the site.
- 3 The use hereby permitted shall operate in accordance with the 1:200 scale layout Drawing No 01 (Series D) dated September 2005. For the avoidance of doubt, the site shall be limited to a maximum of 20 vehicles for sale and display at any one time.

Reasons

- 1 To safeguard the amenity of the closest dwellings, commensurate with the character of the location, and to limit the need for visiting cars to park on the street.
- 2 In order to safeguard the amenity of the closest dwellings, commensurate with the character of the location, and limit the need for visiting cars to park on the street.
- 3 In order to safeguard the amenity of the closest dwellings, commensurate with the character of the location, and to limit the need for visiting cars to park on street.