

KEY INFORMATION

Ward Stobswell

Proposal

Change of use from storage/
distribution to auction
saleroom

Address

Unit E
6 North Isla Street
Dundee
DD3 7JQ

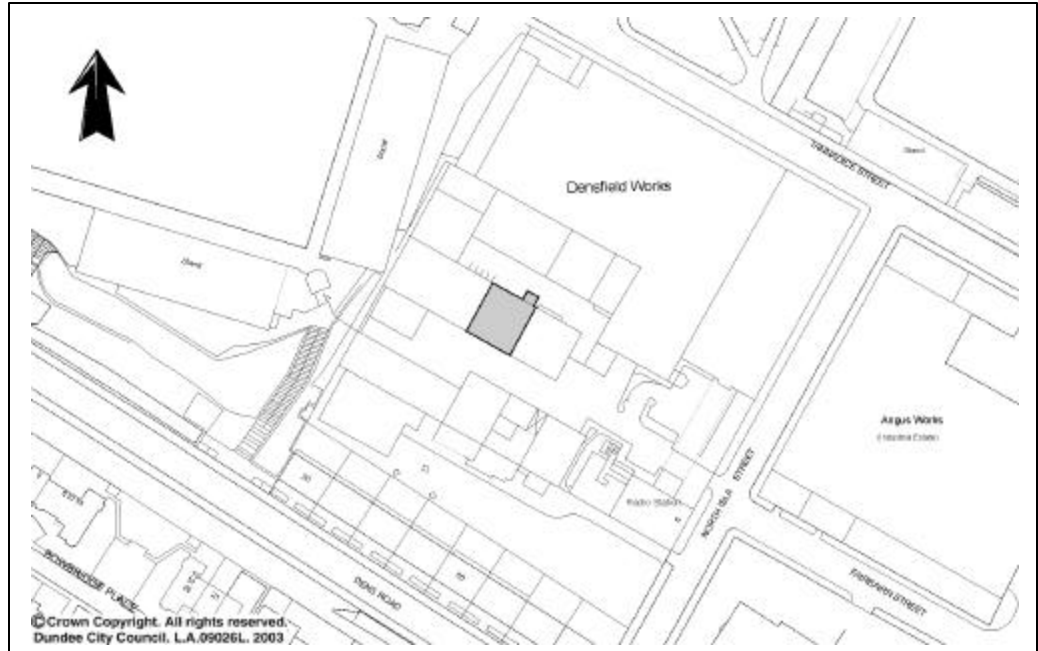
Applicant

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Agent

Registered 18 April 2004

Case Officer J Finlay



Auction Saleroom Proposal in North Isla Street

A change of use from storage/distribution to an auction saleroom is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use is contrary to Policy EU1 of the Dundee Local Plan 1998 and Policy 26 of the Finalised Dundee Local Plan Review. There are material considerations such as the speciality nature and operation of this use that justify granting planning permission in these circumstances. Accordingly the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for change of use from storage/distribution to an auction saleroom at Unit E, 6 North Isla Street, Dundee.
- Policy EU1 is relevant as the site is specifically allocated for industrial use. The application was advertised as contrary to this policy but it is considered that there are material considerations to justify its approval in these circumstances.
- Two letters of objection were received from adjacent businesses with their main concerns relating to traffic and parking.
- Although the proposal is contrary to the development plan it is considered that the use is acceptable at this location. It is considered appropriate to attach a temporary and personal permission so that the traffic and parking issues can be reviewed at a later stage and to ensure that other uses cannot freely use the premises without first applying for planning permission.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a change of use from storage/distribution to an auction saleroom at 6 North Isla Street, Dundee. The floor area of the building is 253sqm. The floor area will be used as existing where there is a small office and toilets in the south east corner and the only addition will be stalls to display the goods.

The sales programme will be one auction per fortnight and the proposed business operations are as follows:

Viewing Days: Sunday 10am-12noon

Monday 8.30am-5pm

Sale Day: Tuesday 8.30am-5pm

Collection Day: Wednesday 8.30am-5pm

It is anticipated that the unit will be used for storage of goods 63% of the time and 37% accounted for by trade/public opening times.

SITE DESCRIPTION

The application site is located on the west side of North Isla Street and it is located within a small industrial area. The unit is located within a private courtyard which is shared between seven users. Radio Tay is located at the entrance who have their own private car park to the north of the entrance off North Isla Street. Other operators within the courtyard are a kitchen interior shop, car repair unit, small manufacturing company and a few empty units. There are two units to the north who have their own separate parking area.

The application premises are a single storey building with a loading bay door with roller shutters. There is an adjacent two storey building to the east which is occupied by a kitchen interior shop. A car repair business is located to the west within the same single storey building as the application site. There are single storey units opposite. Each unit has allocated parking bays and there is a shared parking area to the south west in the courtyard. The courtyard is not adopted by the City Council, so its management is the responsibility of the owners and occupiers of the units.

In the surrounding streets, there are two football stadiums to the north and west and industrial units further north along North Isla Street. A primary

school is located to the south east, which has restricted parking on the street outside the school grounds. There are spaces available with no parking restrictions on surrounding streets such as North Isla Street, Fairbairn Street and Tannadice Street.

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 following policies are of relevance:

EU1: General Industrial Areas

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 following policies are of relevance:

Policy 26: General Economic Development Areas

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 of relevance and seeks to ensure 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 proposed development achieves the aims of this key theme.

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 two letters of objection were received with the main concerns relating to traffic and parking issues within the private courtyard and the surrounding streets. Other objections raised are restricted access for emergency vehicles, height restriction at entrance for lorries and potential drainage problems.

One letter of support was received from an owner/occupier who considers the application should not be refused on the grounds of extra volume of traffic as each unit has its own parking bays within the complex and several communal parking spaces. Over the past 20 years the application unit has been rented as a garage and storage and distribution and there have been no problems with loading and unloading vehicles.

CONSULTATIONS

No adverse comments were received from statutory consultees.

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 EU1 indicates that industrial and business uses should be retained and there is a general presumption against other uses. However on the periphery of such policy areas this presumption may be overcome, subject to consideration of traffic and other impacts, by other uses offering significant new employment. The application was advertised as contrary to this Policy. An auction is classified as a "sui generis" use. In this instance, the applicant indicates that the unit will be used for storage 63% of the time and the remaining 37% of the time accounted for by trade/public opening times. The auction will take place on a fortnightly basis and the sales programme is as follows:

Viewing Days: Sunday 10am-12noon

Monday 8.30am-5pm

Sale Day: Tuesday 8.30am-5pm

Collection Day: Wednesday 8.30am-5pm

It is considered that due to the nature of the business, city centre areas would not be suitable due to the need for vehicles to drop off and pick up goods from the premises.

The applicant adds that not all people stay for the period of the viewing or the auction. They either view the items of interest to them and leave or buy the items and leave. Through the advances of e-commerce, some buyers may never actually visit the unit to bid, collect and pay for their goods. The majority of customers will be dealers/traders but some sales will be made to private individuals and this will account for 20-30% of the total.

It is considered that due to the nature and operations of the proposed auction saleroom that this location on the periphery of the EU1 area is suitable and as such is not contrary to the Policy.

The applicant has investigated other sites within the City and has found none suitable in or adjacent to the

existing shopping areas. It is considered that locating an auction saleroom at this location will not prejudice the surrounding industrial area. The unit is located within an urban area, re-uses a vacant property and is accessible by public transport. Finally, it is considered that the proposed use will complement the existing uses within this industrial area, where there are visiting members of the public to the kitchen interior unit and others.

It is concluded from the foregoing that the proposal is contrary to the development plan but there are material considerations to justify approval.

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 26 specifies that proposals for class 4, 5 and 6 uses will be supported. The preamble to the policy states that a wider range of uses such as car showrooms and wholesaling may be permitted if in accordance with other policies. These areas provide opportunities for new investment and redevelopment, which seek to encourage a range of complementary developments that contribute to the regeneration and revitalisation of the environment. An auction saleroom is classified as "sui generis".

The applicant has been investigating other sites and has been in discussion with the Planning and Transportation Department and no other suitable sites have been found. It is considered that the proposed auction saleroom would not prejudice the vitality and viability of the City Centre or surrounding industrial area. In addition, the site is readily accessible by public transport. It is considered for these reasons that there are material considerations to set aside the policy in these circumstances.

Objections

The main objections relate to traffic and parking issues. The applicant provided supporting information about the delivery of goods to and from the unit as follows:

Goods to Unit E

80-90% of deliveries to the unit will be undertaken by the applicant's own light commercial vehicle. The other 10-

20% will be from other similar vehicles and cars. Deliveries will be governed by an appointment system which will control traffic to the area. The vehicles will back up to the roller shutter door and there are four designated spaces for the premises.

Goods from Unit E

70% of the furniture will be delivered by the applicant's own vehicle. Furniture will only account for an average of half a sale. Customers will collect the remaining furniture in light commercial vehicles and cars. The remaining goods will be small and will not require a large vehicle.

Customers will be instructed upon telephoning to enquire as to auction dates and viewing days to park in North Isla Street (and other streets) and walk the short distance to Unit E. The applicant will be firm with its customers that parking in neighbours' loading bays and designated parking areas is not acceptable.

The operation of the auction saleroom will not conflict with weekend football matches as the unit will only be open between 8.30am and 12noon to provide members of the public with a free valuation service and this will be run on an appointment basis only. The unit will also be open on a Sunday but only for two hours between 10am and 12noon to allow viewing of the goods. It is considered that these times of business operation will not conflict with football matches which are normally scheduled for afternoons at weekends. Therefore it is considered that there will be sufficient parking spaces on adjacent streets for customers to park.

An objection was raised regarding the inability of emergency vehicles to access the courtyard and tall lorries not being able to enter the area. The operation of the business has been discussed and it is considered that the parking will be tightly managed by the applicant within this private courtyard. Emergency vehicles will gain access to the area as at present and it is considered that the use of these premises as an auction saleroom will not change this situation. The applicant has confirmed that only light commercial vehicles will be used to deliver and collect goods. Only half the goods will be required to be collected in this way and people in cars or on foot can collect/deliver other goods. Therefore there will be no

requirement for tall lorries to use the premises.

An objection was raised about potential drainage problems. However no changes are proposed or are required to the drainage system and it will operate as at present.

It is concluded from the foregoing that sufficient weight can be accorded to any of the material considerations 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

No alterations are proposed for the external fabric of the building and the proposed alterations internally are considered acceptable.

CONCLUSION

It is concluded that although the proposal was advertised as potentially contrary to Policy EU1 in the Dundee Local Plan 1998, there are material consideration such as the speciality nature and the operations of the business which justify approval of the application in these circumstances.

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 This permission shall not enure for the benefit of the land but shall operate for the benefit of the applicant only, and the use shall cease not later than 2 years after the first occupation of the premises or on the cessation of that persons use of land, whichever date is the earlier.
- 3 The proposed auction saleroom shall only operate in accordance with additional details received with the planning application dated 15th April 2004.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997

- 2 The use of the building for retail use would normally be undesirable having regard to the likely impact upon the amenities of the occupiers of nearby properties, however, given the guarantees made by the applicant concerning the nature of the proposed use the City Council is prepared to grant a temporary permission in order that the use of the property can be monitored and the situation reviewed in the light of experience.
- 3 To ensure that there will be no conflict with other businesses and/or football matches in the surrounding area in terms of sufficient parking provision and safe traffic movement