

KEY INFORMATION

Ward East Port

Proposal

Retrospective change of use from part of abattoir to car hire premises

Address

99 Broughty Ferry Road
Dundee
DD4 6JE

Applicant

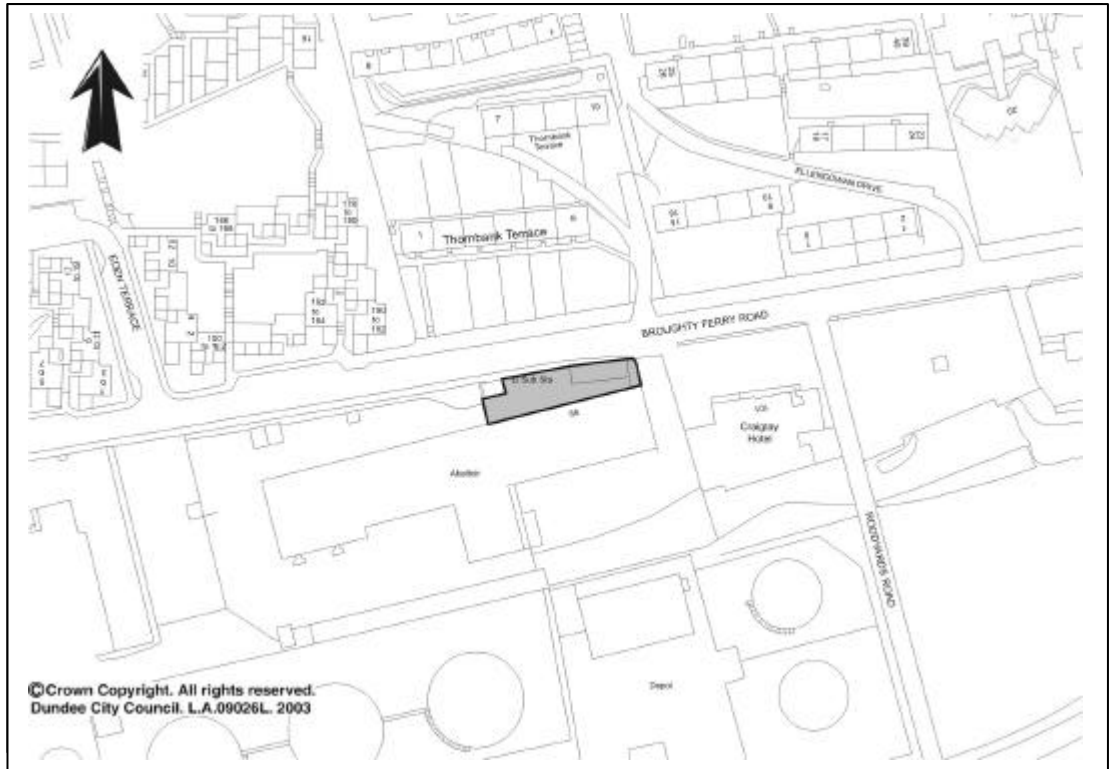
1 to 1 Car Rental
99 Broughty Ferry Road
Dundee
DD4 6JE

Agent

James Paul Associates
4 Brook Street
Broughty Ferry
Dundee
DD5 1DP

Registered 18 Jan 2006

Case Officer S Johnson



Car Hire Office at Former Abattoir

The retrospective change of use from part of Abattoir to car hire premises is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The change of use from part of a former abattoir to a car hire premises complies with Policies 1 and 26 of the Dundee Local Plan Review 2005. It is considered that the objections submitted do not carry sufficient weight to justify the refusal of the application. Therefore, the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Retrospective planning permission is sought for the change of use from part of a former abattoir to a car hire premises.
- One letter of objection was received to the application. The main grounds of objection relate to the use of the footway for parking.
- Policies 1 and 26 of the Dundee Local Plan Review 2005 are of relevance to the determination of the application. Policy 1 is relevant as this policy seeks to protect the amenity of neighbouring residents and Policy 26 supports the expansion of Classes 4,5 and 6 of the Use Classes Order (business and industry).
- It is considered that the proposal complies with Policies 1 and 26 of the Dundee Local Plan Review 2005. The objection and other material considerations do not carry sufficient weight to merit refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for retrospective change of use from part of a former abattoir to a car hire premises. The proposed office buildings were previously part of the abattoir. The car hire reception area and associated offices are now located within this building. Parking for staff and hire vehicles is provided within the curtilage of the premises.

SITE DESCRIPTION

The site is located to the south of Broughty Ferry Road. The property is a single storey L shaped office building with parking within the curtilage for 9 hire cars and 3 hire vans. The north elevation of the office building faces onto Broughty Ferry Road. This is a solid red brick wall. The building is a flat roof construction which is similar to the substation to the west of the site. The parking area is screened with a palisade fence. The premises were previously part of an abattoir. The abattoir still operates to the south of the site. Craigtay Hotel is to the east of the site and residential properties to the north. Access to these properties is gained from Broughty Ferry Road. There is a bus stop to the north east of the site.

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 seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and traffic movement, and noise and smell issues.

Policy 26: General Economic Development, proposals for Class 4, 5 and 6 developments will be supported. A wider range of uses such as car showrooms, wholesaling, taxi offices and scrap yards may also be permitted. As such, proposals will only be permitted where there is no detrimental

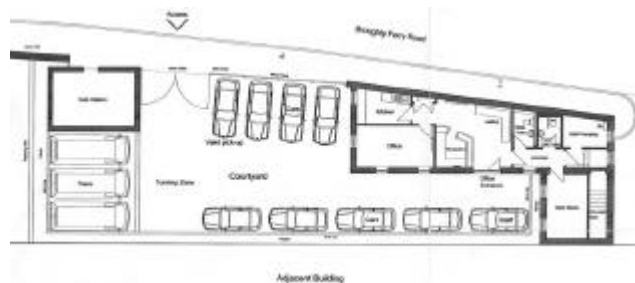
impact on neighbouring uses and local residential amenity, there is no unacceptable traffic impact and the scale of development is appropriate to the size and location of the site.

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 proposed development is considered to be sustainable and in accordance with the Councils Agenda 21 policies as it involves the reuse of a brownfield site and provides car hire close to existing services and facilities.

SITE HISTORY

Two previous applications for this site, ref: 99/23996/D and 98/23444/D seeking erection of an extension to the existing building and alterations to elevations of existing buildings were approved in 1998 and 1999.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from a nearby neighbour. The objector is not objecting to the principle of the use but rather to the parking of vehicles on the footway opposite the application site. The valid grounds of objection are:

Due to the number of cars from the development parking on the footway opposite the proposed business, this

restricts views along Broughty Ferry Road when exiting Thornbank Terrace;

Restricted roadside parking for neighbouring properties; and

Copies of this objection letter are available for inspection in the Members' Lounge and the issues are discussed on the "Observations" section below.

CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

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

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 1 seeks to protect the environmental quality enjoyed by local residents. The main issue as a result of this proposal is the impact of parked cars outwith the curtilage of the proposed site. With the practice of parking outwith the site boundary it would appear that this site is not large enough to accommodate the number of vehicles proposed. However, on a number of separate occasions this situation has been monitored and it would appear that parking on the footway is no longer an issue. Information received, on 21 March 2006, from the applicant's agent regarding parking outwith the site curtilage states that "appropriate management operation systems have now been put in place and this no longer happens". Consequently, it is considered that in terms of Policy 1 there will not be a significant environmental impact in terms of parking and traffic movement. In

addition, in terms of unacceptable traffic impact and impact on residential amenity, which are considerations in Policy 26, it is considered that as parking is to be contained within the site boundary, which will be controlled by a planning condition, this proposal is not contrary to Policy 26.

The site is allocated under Policy 26 of the Dundee Local Plan Review 2005. This policy supports Class 4, 5 and 6 developments. A wider range of uses such as car showrooms, wholesaling, taxi offices and scrap yards are also supported. Consequently, due to the neighbouring land uses, it is considered that car hire at this location would be acceptable. Therefore, it is considered that this proposal in terms of land use is not contrary to Policy 26.

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:

Objections

One letter of objection was received in respect of this application. The concerns of the objector are related to the parking of vehicles on the public footway. These issues have already been assessed in the context of Policies 1 and 26 of the Dundee Local Plan Review 2005 and it has been concluded that the proposal does not contravene the development plan in all these respects provided a suitably worded condition is applied should Members agree to grant planning permission.

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 are no plans to alter the existing building and parking area. The overall design is considered acceptable at this industrial location.

CONCLUSION

The proposal complies with both Policy 1 and Policy 26 of the Dundee

Local Plan Review 2005. The objection and any other material considerations do not carry sufficient weight to merit refusal of the application. A condition would be put in place to prohibit parking outwith the curtilage of the site if Members are minded to approve this application.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following condition(s):

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 No more than 12 vehicles (i.e. cars and vans), of which there shall be no more than 3 vans will be permitted to park within the curtilage of the site at any one time.
- 3 All hire cars or vans shall be parked off street within the curtilage of the site and shall not be parked on the adjacent footways or road network.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 to ensure that vehicles may be driven onto and off the site in forward gear at all times, in the interests of highway safety.
- 3 in the interests of highway safety and the amenities of the occupiers of nearby properties.