

**KEY INFORMATION**

**Ward** Coldsid

**Proposal**

Change of Use from Slater's Yard to Car Sales

**Address**

1 Fairmuir Street  
Dundee  
DD3 8HT

**Applicant**

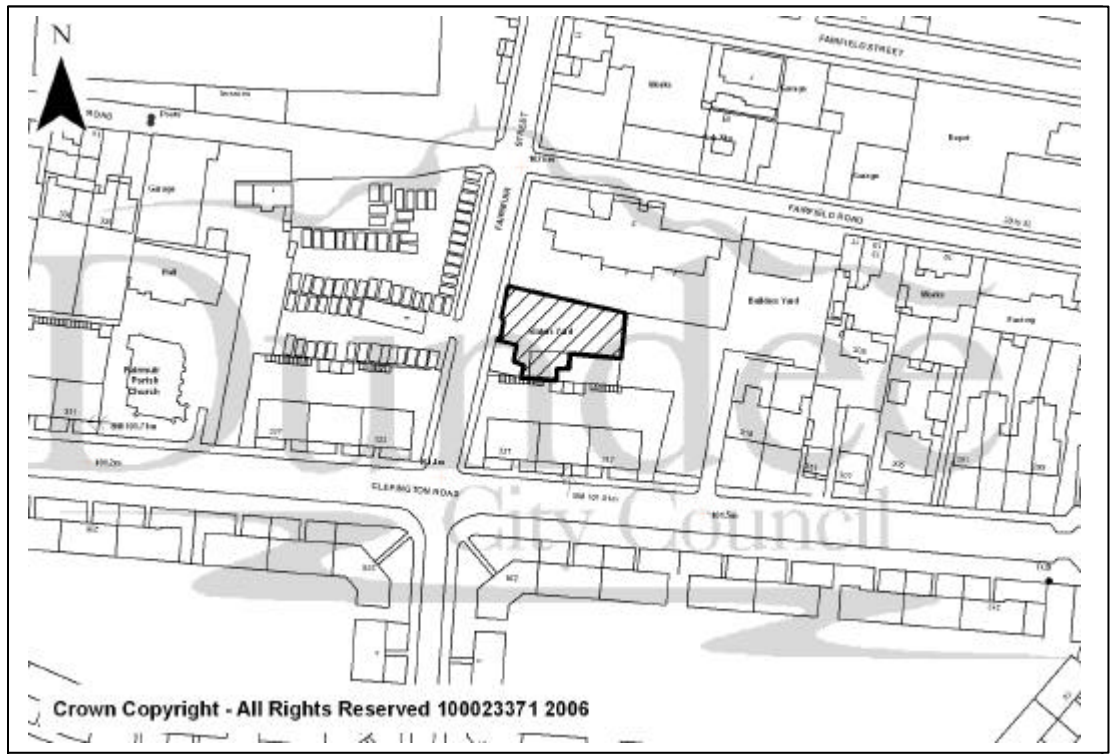
Dudhope No 2 Ltd  
3 Fairmuir Street  
Dundee

**Agent**

G D Architectural Services  
101 Brook Street  
Monifieth

**Registered** 11 April 2007

**Case Officer** Julie Young



## Proposed Car Sales Yard in Fairmuir Street

A change of use from a Slater's Yard to car sales is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal complies with Policy 26 of the Dundee Local Plan Review 2005 and will not adversely impact on the amenity enjoyed by neighbouring residents. Conditions will be attached to any approval to ensure that traffic movement is not adversely affected. Accordingly, the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for change of use from slater's yard to car sales. The site is already being used for this purpose.
- Two letters of objection were received from neighbouring residents about parking congestion and access problems.
- Policy 26 of the Dundee Local Plan Review 2005 is of relevance to the determination of the application and permits car sales use subject to meeting specific criteria. The application was advertised as being a potential departure from policy on 23rd April 2007.
- The proposed development complies with Policy 26 and subject to conditions will not adversely impact on the amenity of neighbouring residents.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use from slater's yard to car sales at 1 Fairmuir Street, Dundee. The site is already in use as a car sales business and the application has been submitted as a result of enforcement action. The site area measures 0.056 hectares. Three parking spaces are provided for customer parking within the site. The sales office is on the opposite side of Fairmuir Street and this site is used for additional car display only. No new sales buildings, fences or gates are proposed as part of the application.

## SITE DESCRIPTION

The application site is located on the east side of Fairmuir Street. The site is currently used for car sales purposes. There are existing gates at the entrance to the site and a high fence along the north and west boundaries. There are two lockup garage buildings at the south end of the site. Cars for sale are also parked along Fairmuir Street. There is a sales building and garage related to the business on the opposite side of Fairmuir Street. There are residential properties to the south and south west 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 2005

The following policies are of relevance:

Policy 26: General Economic Development Areas - in areas designated as General Economic Development Areas, proposals for Class 4, 5 and 6 developments will be supported. Other uses of a wider industrial nature such as car showrooms, wholesaling, taxi offices and scrap yards may be permitted provided:

- a there is no detrimental impact on neighbouring uses and local residential amenity,

- b there is no unacceptable traffic impact; and
- c 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.

## SUSTAINABILITY ISSUES

The proposal is only for change of use of the land and there are no new buildings, fences or gates proposed

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

## SITE HISTORY

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

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and two letters of objection were received from neighbouring residents on the grounds of parking problems and traffic and pedestrian safety.

Copies of the letters of objection are available for viewing in the various Members' Lounges and the issues raised will be discussed in further detail in the "Observations" below.

The application was advertised as a potential departure to Policy 26 of the Dundee Local Plan Review 2005 on 23 April 2007.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards has advised that the Council should be notified immediately if any ground contamination is found during construction. However no construction is proposed and the car sales business is already operating from the site. An informative will be attached to ensure that the applicant contacts the Council if any ground contamination is discovered on the site.

## 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

The proposal is for change of use from former slater's yard to car sales business at 1 Fairmuir Street, Dundee.

Policy 26 permits car sales at this location provided there is no adverse impact on residential amenity, no unacceptable traffic impact and the scale of the development is appropriate for the site.

There are residential properties to the south and their rear gardens abut the site. It is considered that there will be no noise issues related to the car sales business and no objections have been received from the Head of Environmental Health and Trading Standards regarding noise issues.

The existing business affects traffic movement along Fairmuir Street as cars for sale are parked along the street and there is no separate customer parking within the site. Therefore customers also park on Fairmuir Street and surrounding streets. Objections have been raised by neighbouring residents on this issue, which will be discussed in detail in the "Other Material Considerations" below. The applicant has been requested to provide a minimum of 3 car parking spaces within the site for customer parking. Plans have been submitted to show this provision, which is considered acceptable. If Members are minded to grant approval of the application, a condition will be attached to ensure that the 3 spaces provided are clearly marked out and kept clear of sales vehicles at all times. A further condition will be attached to ensure that Fairmuir Street and surrounding streets are not used to park and display cars for sale. With these safeguards in place, it is considered that there will be no adverse impact on traffic and parking in the vicinity of the site.

It is considered that the scale of the development is appropriate for the size and location of the site.

It is concluded that the proposal complies with Policy 26.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## Other Material Considerations

## Objections

Objections were received from two neighbouring residents on the grounds of parking problems and traffic and

pedestrian safety. As discussed above under Policy 26, if Members are minded to grant approval of the application, conditions will be attached to ensure that customer parking is provided within the site and to prevent the parking of cars for sale on adjoining streets. It is considered that this will address the concerns of residents and their objections do not merit refusal of the application.

It is concluded from the foregoing that there are no material considerations that would justify refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

## Design

There are no design issues associated with the proposal as no development is proposed.

## CONCLUSION

The proposal complies with Policy 26 of the Dundee Local Plan Review 2005 and there are no material considerations that would justify refusal of the application.

## RECOMMENDATION

It is recommended that consent 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 The 3 proposed customer parking spaces and associated turning head shall be clearly marked out on site as indicated on the submitted plans and shall be kept clear from cars for sale and display (ref: 1203:03) and a sign shall be erected on the wall or fence adjacent to the bays indicating that they are for customer use only.
- 3 All vehicles associated with this car sales business shall be kept within the application site and in particular no vehicles shall be kept or displayed for sale in Fairmuir Street, Clepington Road or Fairfield Road.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that adequate customer parking is provided within the application site so that cars do not have to park on Fairmuir Street and adjoining streets.
- 3 To ensure that traffic movement and safety and pedestrian safety is not adversely affected by cars parking on the street.