

KEY INFORMATION

Ward Lochee East

Proposal

Erection of Car Showroom/
Workshop and Commercial
vehicle workshop and
associated parking

Address

Land to South of Kingsway
and West of Kings Cross
Road
Dundee

Applicant

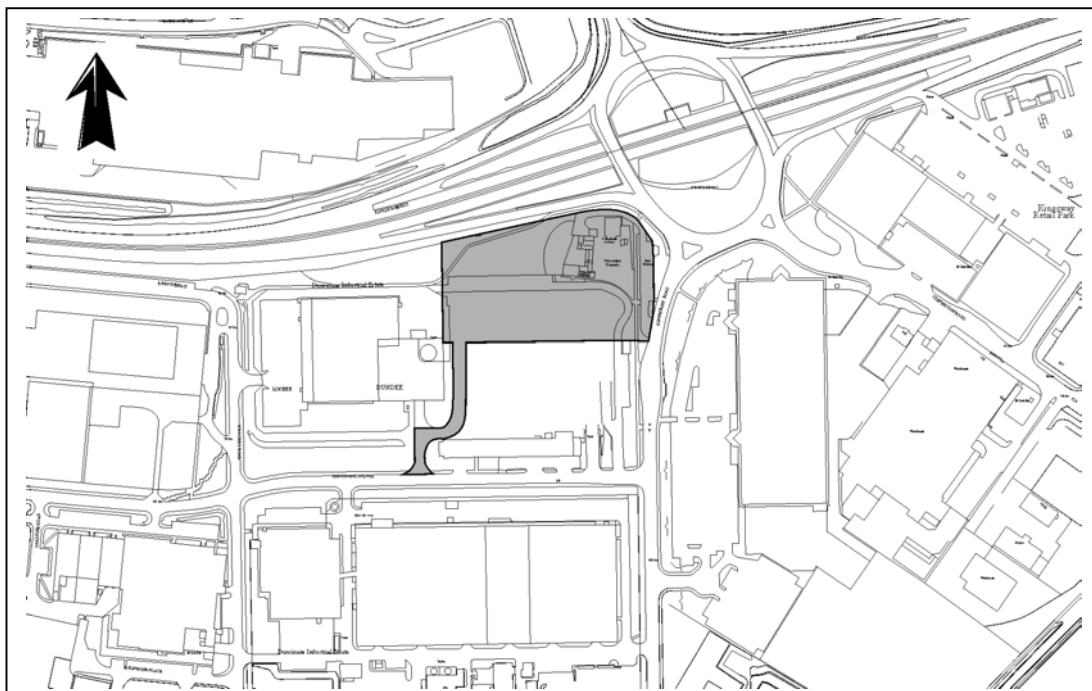
Mr J R Weir
Mercedes Benz
Beancross Road
Grangemouth

Agent

Unwin Jones Partnership
Bridge Lane Studio
Caldewgate
Carlisle
CA2 5SS

Registered 9 Dec 2002

Case Officer D Gordon



The erection of a Car Showroom and Commercial Vehicle Workshop and associated car parking is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development contravenes the relevant land use policies of the Dundee Local Plan 1998 and there are no material considerations that would justify approval of the application contrary to the terms of the Plan.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a car showroom and associated workshop together with a commercial vehicle workshop, altered access arrangements, car parking and landscaping.
- The site forms part of a site allocated as a prime industrial estate in the Dundee Local Plan 1998. Policies EU2 and S27 of the Plan state that car sales are unacceptable in prime industrial estates.
- Two letters of representation have been received from surrounding businesses that relate to current access arrangements within the area of the industrial estate.
- It is considered that there are no material considerations that are of sufficient weight to justify the setting aside of the relevant land use policies of the development plan and approving a car showroom within this estate. It is further considered that to approve car sales on this site contrary to the Plan would set a precedent for similar uses on prime industrial sites that would have an impact on the supply of this land within the City.

DESCRIPTION OF PROPOSAL

The proposal involves the erection of a car showroom and associated workshop, a commercial vehicle workshop and associated customer and display parking on a vacant development site located on the north east corner of Dunsinane Industrial Estate.

The proposed building is rectangular in shape and orientates in a north to south direction across the site. The structure will accommodate a curved aluminium standing seam roof. The walls will be finished in dark blue engineering brick, metal cladding and textured render. Single glazed aluminium curtain walling is also proposed for part of the north and east elevations of the building.

The car showroom element of the proposal elevates northwards and eastwards onto Kingsway West and Kings Cross Road respectively. The associated workshop is located to the west side of the showroom. The commercial vehicle workshop is to be located to the south side of the showroom.

Access into the site for the showroom and associated workshop traffic is to be taken from Kings Cross Road. Associated customer and display parking is to be located to the north, east and west sides of the building. The access for the commercial vehicles is to be taken from Dunsinane Avenue to the south.

SITE DESCRIPTION

The site measures approximately 3.2 acres in size and is bounded by Kings Cross Road to the east and Kingsway West to the north. The site is currently flat and vacant with the former buildings on the site having been recently demolished.

The surrounding area to the south and west is predominantly industrial in character. A B&Q warehouse building is located to the east of the site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Employment Policy 2: Existing Employment Areas. This policy safeguards and promotes existing employment land at Kingsway West for uses within Classes 4, 5 and 6 of the Use Classes Order 1997.

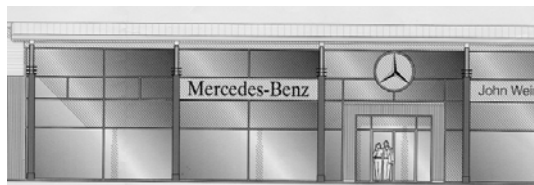
Environmental Resource Policy 6: Design and Urban Renewal. This provides a broad requirement for new development to contribute to environmental quality and also supports proposals that could assist urban renewal by appropriate re use of vacant and derelict land.

Dundee Local Plan 1998

The following policies are of relevance:

Policy EU2 - Prime Industrial Estates. The Council will encourage the establishment and retention of industrial and business uses as defined by Classes 4,5 and 6 of the Use Classes Order 1997 and wholesaling of a type that does not generate large amounts of customer traffic.

Policy EU3 - The Kingsway West Corridor. The Council in support of



Policy EU2 above will encourage the redevelopment of poor quality buildings on prime industrial sites within the existing industrial estates along the Kingsway West Corridor to provide and reserve sites for business and industrial uses.

Policy S27 - Car and Caravan Sales. This policy indicates the circumstances where car sales will be permitted eg suitable shopping locations and non prime industrial sites.

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 25: Dunsinane Revitalisation. Within the areas of Dunsinane Industrial Estate, identified on the Proposals Map with high visibility from and good access to the trunk road, higher value economic development use such as car showrooms and wholesaling may be permitted. Retailing will not be permitted.

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 development will result in redevelopment of a brownfield site and is therefore considered to be sustainable and consequently consistent with the aims of Agenda 21.

SITE HISTORY

03/00596/OUT - Outline Permission for the Regeneration of Dunsinane Industrial Estate to provide a Mixed Use Development. To date, this application has not been formally determined by this Council.

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. In addition, the proposal was advertised in the local press on 20 January 2003 as development being potentially contrary to Policies EU2, EU3 and S27 of the Dundee Local Plan 1998.

Two letters of representation have been received from 2 businesses within the estate. The main points raised relate to the proposed access arrangements for the development site and the impact these may have on the surrounding area.

Copies of these letters can be viewed in the Members' Lounges. Comments

on access arrangements are offered in 'Observations' below.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals. The following comments have been received.

Under the requirements of Article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992, the Scottish Executive Development Department was notified of the proposal as development within 67 metres of a Trunk Road. The Executive responded in January 2003 and advised that a Transport Assessment would be required to accompany the planning application. Following the submission of this Assessment the Director of the Scottish Executive Development Department - Road Network Management and Maintenance Division indicated in May 2003 that he does not propose to advise against the granting of planning permission.

There have been no adverse comments received from any Council Department or outside body.

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 under consideration involves the erection of a car showroom with associated workshop together with a commercial vehicle workshop, associated accesses, car parking and landscaping works on a site located on the north east corner of the Dunsinane Industrial Estate.

Structure Plan Policy EP2 (Existing Employment Areas) safeguards and

promotes existing employment land at Kingsway West for uses within 4, 5 and 6 of the Use Classes Order 1997. While the workshop elements of the proposals may fall within the supported uses of the Plan, the 1997 Use Classes Order clearly identifies a car showroom use as being 'sui generis' ie within a separate use class. Consequently, the showroom use is deemed to fall outwith any of the stated supported Use Classes for the site and consequently it is concluded that this element of the proposal is contrary to Policy EP2.

Structure Plan Policy ERP6 provides a broad requirement for new development to contribute to environmental quality and also supports proposals that could assist urban renewal by appropriate re-use of vacant and derelict land. While the proposals would involve the re-use of brownfield land, and that the environmental quality of the area would not be significantly prejudiced by the development, the proposed showroom, as stated above, would not be an appropriate use on this industrial site. Consequently, the proposal is viewed as being contrary to Policy ERP6.

The adopted Dundee Local Plan Policy EU2 (Prime Industrial Areas) provides encouragement for business and industrial uses falling within Classes 4, 5 and 11 of the 1989 Uses Classes (Classes 4, 5 and 6 of the 1997 Use Classes Order). As the terms of this policy are reflected in Structure Plan Policy EP2 above, it is concluded that the proposal is contrary to Local Plan Policy EU2. Similarly, it is also concluded that the development is contrary to Policy EU3 of the Local Plan by virtue the redevelopment of poor quality buildings on prime industrial land for purposes outwith the supported uses for the site.

Policy S27 (Car and Caravan Sales) indicates that such uses will only be granted permission if:

- a they are adjacent to a shopping location but do not have a retail core frontage in the central area or a district centre and if the equivalent floorspace of shopping would not be contrary to Policies S1 - S20 or
- b they are on industrial land other than prime industrial and business areas.

The Policy further encourages this form of uses in certain specific locations within the City.

It is clear that the proposed car showroom fails to adhere to the locational requirements of the Plan and is consequently considered to be contrary to Policy S27.

The applicants have not submitted any justification in support of their proposed development.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

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

Finalised Dundee Local Plan

Review

Policy 25: Dunsinane Revitalisation. Within the areas of this prime industrial estate, identified on the Proposals Map with high visibility from and good access to the Trunk Road, higher value economic development use such as car showroom and wholesaling may be permitted. Retailing will not be acceptable. The application site is located within such an identified area and clearly, this policy supports the principle of a car showroom use being located on this site. However, this policy and its relevance within the context of the regeneration of the industrial estate is currently the subject of a review by this Council in the context of formal objections submitted to the Plan. In light of this, it is concluded that it would be premature at this time to place significant emphasis on this draft policy. Consequently it is considered that insufficient weight can be accorded to this material consideration such as to justify the grant of planning permission contrary to the provisions of the development plan.

It is recognised that the establishment of a car showroom and workshops on this site would create employment opportunities for the City. However, it is considered that this form of employment should be directed to a site that complies with the land use policies of the development plan. Further, the re-use of the site for a use that are compatible with the Local Plan

will also result in employment creation.

As regards the letters of representation submitted by 2 of the occupiers of the estate, it is concluded that the proposed access arrangements for the proposed development are acceptable. The Scottish Executive Development Department has advised that the proposal will not have an adverse impact on the adjacent trunk road. The Transport Assessment submitted for consideration has not, at the time of writing, been fully resolved to the satisfaction of this Council with several matters relating to the turning movements of commercial vehicles remaining outstanding.

It is concluded from the foregoing that insufficient 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 refused.

Design

The design, siting, scale and appearance of the proposed new building are considered acceptable in this location. In addition, the landscape details submitted for consideration are suitable for the area.

CONCLUSION

It is concluded that to provide a car showroom with an associated workshop on this site within a prime industrial estate would be contrary to the relevant land use policies of the development plan. It is considered that to approve car sales on this site contrary to the Plan would set a precedent for similar uses on prime industrial sites which would have an impact on the supply of this land within the City.

Although the proposed development is unacceptable in principle, the details of the proposals in terms of design, access arrangements and landscaping are considered satisfactory.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):

Reasons

- 1 The proposed development contravenes Policy EU2, Policy EU3 and S27 of the Dundee Local Plan 1998 which prohibit car sales businesses on prime industrial estates and there are no material considerations that would justify the approval of this application contrary to the Local Plan.
- 2 The approval of this application contrary to the terms of the Dundee Local Plan 1998 would set a precedent for similar developments that would have an adverse impact on the supply of prime industrial land within the City.