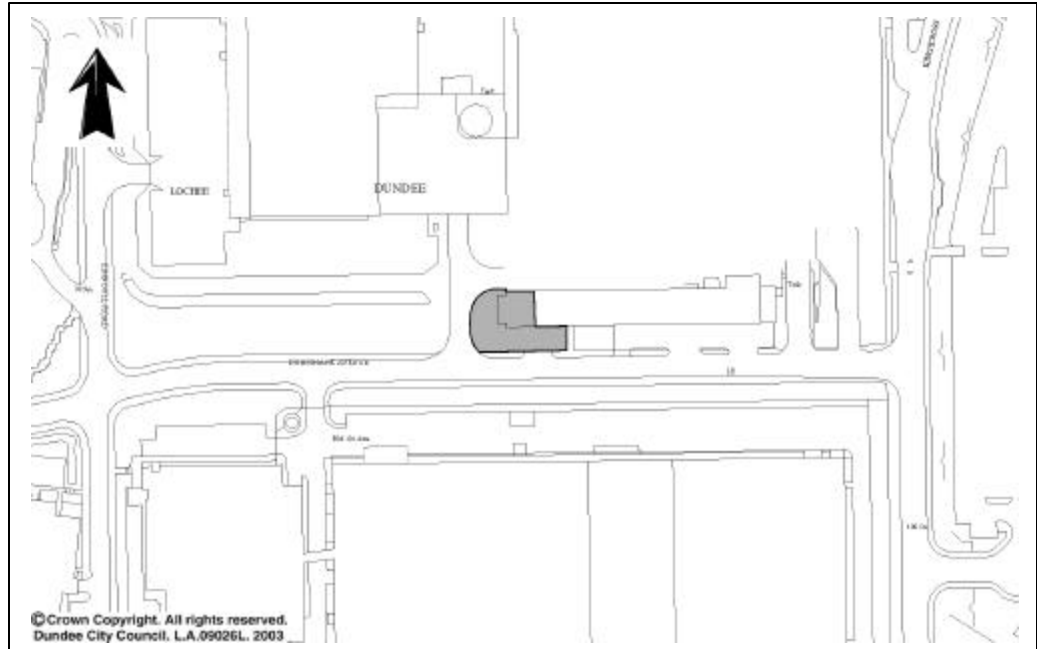


KEY INFORMATION**Ward** Lochee East**Proposal**

Change of use from forecourt to car wash

AddressBlock 1a Unit 8
Dunsinane Avenue
Dunsinane Industrial Estate
Dundee
DD2 3QN**Applicant**Ronald Petrie
Pentagon Car Care Centre
Block 1a Unit 8
Dunsinane Avenue
Dunsinane Industrial Estate
Dundee
DD2 3QN**Agent**Davidson Property Services
49 Yeaman Street
Carnoustie
DD7 7AW**Registered** 1 Dec 2003**Case Officer** Eve Jones

Car Wash Proposed in Dunsinane Avenue

A change of use from forecourt to car wash is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is contrary to the relevant policies in the Dundee Local Plan and the Finalised Local Plan Review and is also unacceptable on traffic safety grounds. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to those policies.

SUMMARY OF REPORT

- Planning consent is sought for a car wash open to the public on a site on the north side of Dunsinane Avenue, west of an existing car repair unit. The development will involve the installation of a drainage system to store and filter the water from the site, prior to discharge to the sewer.
- The site is identified in the Dundee Local Plan 1998 within an area where the redevelopment of the industrial estate will be encouraged. The Finalised Dundee Local Plan Review 2003 recognises that ancillary services may be appropriate in economic development areas to provide services to employees and complement existing businesses. However, such provision must satisfy a range of criteria, one of which is suitable access arrangements.
- There is insufficient space within the site for customers' vehicles to exit safely without crossing over the access road where they will be likely to conflict with heavy goods and commercial vehicles serving adjoining commercial premises. This is unacceptable in the interests of safety and does not comply with policy.
- A previous planning application for this use on this site was refused by Committee in March 2003. There is no substantial change to the proposal other than a change to the proposed route of vehicles through the site.

DESCRIPTION OF PROPOSAL

The application is for planning permission for change of use from forecourt to car wash with installation of drainage and silt interceptor tank. The submitted plans indicate that vehicles will use the existing access off Dunsinane Avenue, will wait within the site and will exit from the rear of the site.

SITE DESCRIPTION

The site lies on the north side of Dunsinane Avenue, at the western end of a block of single storey commercial units. The site is an open tarmaced area to the side of the existing car repair business. The site is bounded by roads on three sides and slopes down slightly from south to north. The road to the rear is being reconstructed and widened and will be the commercial vehicle access to the new car showroom being constructed on Kings Cross Road. There is no drainage on site at present. The surrounding area is occupied by industrial units of varying sizes. Dunsinane Avenue to the south of the site, is the major route through the industrial estate and is heavily trafficked at some times of the day.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policy is of relevance:

Employment Policy 2: Existing Employment Areas. The policy states that Councils will continue to safeguard and promote well located brownfield employment sites which are appropriate for regeneration and redevelopment.

Dundee Local Plan 1998

The following policies are of relevance:

Policy EU2 - Prime Industrial Estates.

Policy EU3 - Kingsway West Corridor.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Local Plan Review

The following policies are of relevance:

Policy 24 - Principal Economic Development Areas.

Policy 27 - Ancillary services within 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

There are no policies of relevance to this application.

SITE HISTORY

02/00058/COU previous application for same development on same site was withdrawn following discussions in order to allow the applicant to agree site drainage with the relevant water and pollution agencies.

03/00047/COU change of use from forecourt to car wash. Proposed development included site drainage works. Application refused by Development Quality Committee 31

Application No 03/00841/COU

March 2003 as development contrary to Council policy in both the Dundee Local Plan and the Finalised Dundee Local Plan Review and also on the grounds of road safety.

The car wash was the subject of Enforcement investigations and operated whilst the planning application was being considered. Following refusal of the application, the operator advised that the car wash equipment was used only in association with the contract car valeting business.

The site lies within the larger Dunsinane Estate which is currently the subject of an outline planning application for a mixed use redevelopment (ref. 03/00708/OUT). It has been determined that the proposed development requires an Environmental Statement, which has yet to be submitted.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and one objection was received on the basis of traffic safety and pollution. The objection will be dealt with in the Observations below.

CONSULTATIONS

There were no adverse comments from statutory consultees or other Council departments.

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 EU2 - Prime Industrial Estates. The policy supports the establishment and retention of specific industrial and business uses. A car wash is not within the specified uses. However

the site is small and adjacent to an existing small car repair unit.

Policy EU3 - Kingsway West Corridor. The policy supports the redevelopment of Dunsinane Industrial Estate in order to maximise the economic benefits of the prime location of the estate adjacent to the Kingsway. The policy identifies the need to replace poor quality buildings within the estate. The site is part of a small group of units which lie at the entrance to the estate. A major car sales development is currently under construction on the site to the north.

The site is small, adjacent to an existing car repair unit and could be considered to be one of the ancillary services which may be appropriate in an industrial area. However it is in a key location within an industrial estate where the City Council is seeking to promote regeneration. The site cannot be used temporarily without the proposed drainage infrastructure as flooding of the site by wastewater has been the subject of separate investigation by SEPA under their anti-pollution legislation.

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 Local Plan Review

Policy 24 - Principal Economic Development Areas. The site lies within one of the areas identified as being of Citywide importance to be safeguarded for industrial and business uses. The proposed use does not fall within the acceptable categories of use for such a site unless it is in accordance with the associated Policy 27 and will enhance the attractiveness of the area for further industrial and business development. The use of the site as a car wash open to the public is unlikely to enhance the economic development of the surrounding estate.

Policy 27 - Ancillary services within Economic Development Areas. The policy supports appropriate services which can be demonstrated to meet the needs of employees and complement the existing businesses. In order to satisfy the requirements of this policy, the ancillary service proposed must

meet specific criteria. There is insufficient space within the site for traffic circulation to allow a safe exit on to the road and there is no properly formed vehicle access. The redevelopment of the site to the north for a major car showroom will result in heavy goods vehicles passing the site and combined with the commercial traffic to the adjacent Booker Cash and Carry will result in a potentially dangerous conflict between such traffic and members of the public using the car wash if it was to be approved.

Objection. As noted above, the application was the subject of an objection on the grounds of pollution from waste water and traffic congestion caused by vehicles queuing to enter the site. The proposed drainage system would address the pollution issue. Traffic blocking the road is a police matter.

The applicant has indicated that the proposed traffic circulation system is for cars to enter the site using the existing access on Dunsinane Avenue. Waiting vehicles will queue within the site and following use of the car wash equipment, will exit from the north west of the site on to the industrial access road which is currently under reconstruction. This access road serves the adjacent Booker Cash and Carry and will be the commercial vehicle access to the new car showroom currently under construction. Both uses involve regular traffic by heavy goods vehicles, commercial vans and customer cars in the case of Bookers. The proposed turning manoeuvre will involve cars leaving the car wash and crossing over the service road into the opposite side of the carriageway in order to complete the turn out of the site and back on to Dunsinane Avenue. The proposed site currently has no formal vehicle access to the road at the north west and the submitted plans do not indicate such an access being formed. Previous use of the site involved vehicles bumping up over the kerb around the perimeter of the site. It is considered that whilst the access and waiting arrangements appear to be more satisfactory, the exit from the site will still involve members of the public making unsafe vehicle movements in a location where they are likely to come into conflict with heavy, commercial vehicles. Whilst

this is not an adopted road, it is considered that the proposed development would give rise to unsafe vehicle movements.

Use of the site during normal business hours could be controlled to some extent by staff. The applicants agent has indicated that if permission is granted, it is likely that the major use of the equipment would be coin operated, outwith normal working hours and therefore not causing traffic problems during the day. However, unrestricted use on such an open site would be likely to result in uncontrolled car access from both adjoining roads with a resulting increase in traffic risks.

Design

There are no design issues of relevance in this case

CONCLUSION

As detailed above, the application is contrary to the policies in the Dundee Local Plan 1998 and in the Finalised Local Plan Review. The proposal is also considered to be unacceptable on traffic safety grounds. There are no other relevant material considerations which would support the granting of planning permission contrary to those policies.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reasons

- 1 The proposed development is contrary to Policy EU2 Prime Industrial Estates in the Dundee Local Plan 1998 as the use of the site as a car wash is not an acceptable use for this site within Dunsinane Industrial Estate and there are no material considerations of sufficient strength to support the granting of planning permission contrary to that policy.
- 2 The proposed development is contrary to Policy EU3 The Kingsway West Corridor in the Dundee Local Plan 1998 as the policy is for the redevelopment of poor quality buildings within the industrial estate and the proposed

investment in the site is likely to prejudice the implementation of regeneration proposals and there are no material considerations of sufficient strength to support the granting of planning permission contrary to that policy.

- 3 The proposed development is contrary to Policy 24 Principal Economic Development Areas in the Finalised Dundee Local Plan 2003 as the proposed use is not within the acceptable categories of use and does not satisfy the criteria for an exception to this policy as defined by Policy 27.
- 4 The proposed development is contrary to Policy 27 Ancillary Services within Economic Development Areas in the Finalised Dundee Local Plan 2003 as the proposed use does not have suitable access arrangements for vehicles.
- 5 The use of the site for a car wash is unacceptable as the exit from the site is insufficient to allow vehicles to turn safely on to the service road and the resulting customer traffic on to a service road used by heavy and commercial vehicles is not in the interests of road safety.