

KEY INFORMATION

Ward Balgay

Proposal

Change of use from petrol filling station to hot foam car wash

Address

Filling station
Charleston Drive
Dundee DD2 2EX

Applicant

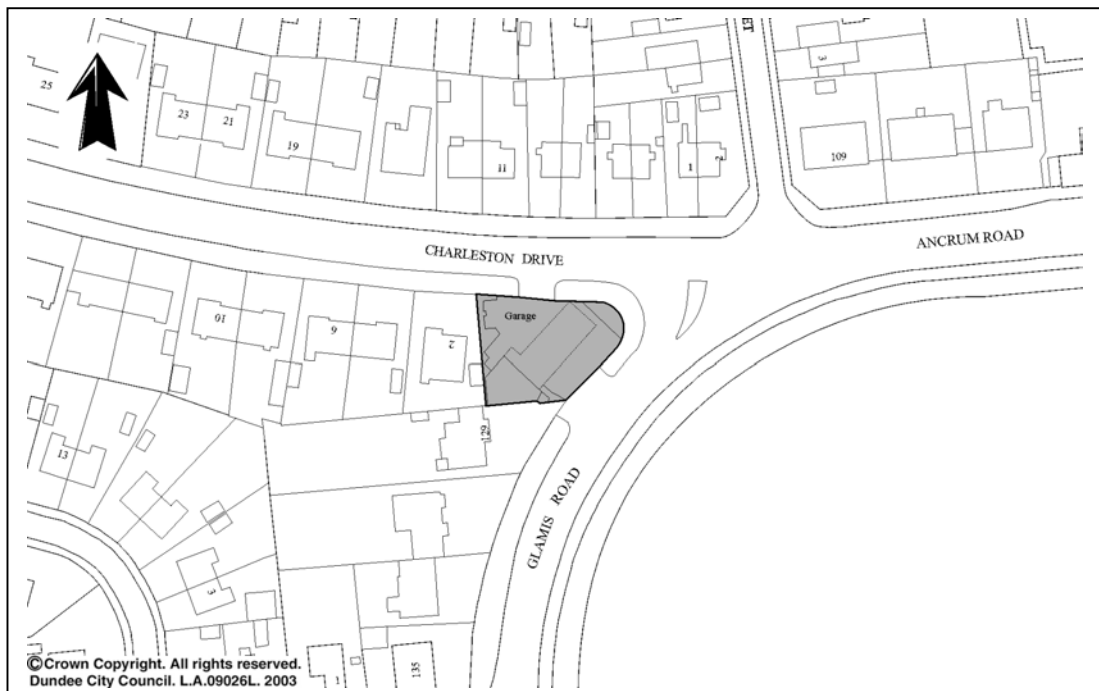
Autoshine Express Ltd
Whitburn Road
Birnieshill
Bathgate
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Agent

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EH48 4PD

Registered 19 May 2004

Case Officer D Gordon



The change of use from petrol filling station to hot foam car wash is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use from a petrol filling station to a hot foam car wash is considered contrary to the relevant land use policy of the development plan and there are no material considerations that would justify the setting aside of this policy and approving the application. Therefore, the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- The application seeks permission to change the use of a vacant petrol filling station to a hot foam car wash facility on a site located at the junction of Charleston Drive and Ancrum Road.
- Four objections to the proposal have been submitted with the main concerns being the potential impact on free traffic flow, adverse impact on the environmental quality of the area, restricted size of the site for the use proposed and the inappropriateness of the use within a residential area.
- The proposal raises issues for consideration in terms of Policy H1 (Residential Amenity) of the Dundee Local Plan 1998.
- It is considered that the provision of a car wash facility on such a prominent site within a residential area is inappropriate and would adversely affect the environmental quality enjoyed by local residents. Consequently, the proposal is considered to be contrary to Policy H1 of the Local Plan and Policy 1 of Finalised Dundee Local Plan Review.

DESCRIPTION OF PROPOSAL

The proposal seeks permission to change the use of a vacant petrol filling station to a hot foam car wash operation. The applicant has advised that the existing kiosk building is to be retained and used for office/staff accommodation, storage and plant room purposes. The existing canopy within the site is to be removed.

Staff car parking (5 off street spaces) is to be located on the west side of the site. Two foam bays and 3 wash bays are proposed for the central courtyard area. Access into the site is to be taken from Glamis Road with traffic exiting onto Charleston Drive.

SITE DESCRIPTION

The site is located on the Charleston Drive/Ancrum Road/Glamis Road junction. The property is a petrol filling station that is currently vacant.

The surrounding area is predominantly residential in character with dwelling houses directly adjoining the application site on the west and south boundaries. To the east there is the public open space of Lochee Park. Charleston Drive and Glamis Road bound the north and southeast sides of the site respectively

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:

Policy H1 (Existing Residential Areas). Within areas where residential use predominates, developments will be permitted where:

- they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell; and
- they are in accordance with the policies and proposals found elsewhere in the Plan.

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 1: (Vibrant and Sustainable Communities). The Council will promote vibrant communities, encouraging development of an appropriate range of services and facilities close to and within housing areas. New developments should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell.



Scottish Planning Policies, Planning Advice Notes and Circulars

Planning Advice Note 56; Planning and Noise.

Non-Statutory Statements of Council Policy

There are no non-statutory Council policies relevant to the determination of this application

LOCAL AGENDA 21

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

SITE HISTORY

D15462 - Erection of Petrol Filling Station - Approved 10/09/1990.

D16137 - Amendment to Condition re. Operational Hours - Refused 01/05/1991.

D16704 - Installation of Jet Wash - Refused 01/11/1991.

03/00610/COU - Change of Use to Car sales - Application Withdrawn 13/10/2003

03/00692/COU - Change of Use to Car sales, Convenience Store and Erection Boundary Enclosures - Refused 02/12/2003.

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure and 4 letters of objection have been received. The main issues raised by the local residents relate to:

- the potential adverse impact of the proposal on the safety and free flow of traffic, possible on-street queuing and the blocking of accesses into existing properties.
- The potential impact on the environmental quality of the area by virtue of increased noise and inappropriate visual appearance.
- The restricted size of the site for the use proposed.
- The inappropriateness of such a use within a predominantly residential area.

Copies of the objections are available for inspection in the members Lounges and the issues raised will be addressed in the "Observations" section of this report.

CONSULTATIONS

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

Due to the nature of the proposed business and the location of the application site within a residential area, the Head of Environmental Health and Trading Standards requested that a Noise Impact Assessment, in terms of Planning Advice Note 56, should be provided in

order to assess the potential that the operations had to increase the noise burden in the local area. The data submitted by the applicants in response to this request is currently being considered. However, at the time of writing, additional information has been requested in order to clarify several of the points raised by the applicants noise consultants.

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 change of use of a vacant petrol filling station to a hot foam car wash facility. The applicants have advised that the existing kiosk within the site is to be retained and used for purposes associated with the new facility. In addition, the existing filling station canopy is to be removed from the site. Off-street staff parking (5 spaces) is to be provided on the west side of the site in addition to 2 foam bays and 3 wash bays to be located within the central courtyard area.

Policy H1 of the Dundee Local Plan requires that within residential areas, developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and where they are in accordance with the policies and proposals found elsewhere in the plan.

The site is located within a predominantly residential area. Dwelling houses to the west and south exist approximately 2 metres distant from the proposed facility. To the north, several dwellings are located approximately 26 metres distant. Due to the potential of the operational aspects of the proposed facility to

increase the noise burden in the local area, the applicants were required to submit Noise Impact Assessment. This Assessment has now been submitted for consideration. The Head of Environmental Health and Trading Standards has advised that there are a number of matters within the Assessment that require clarification, including the submitted supporting data potentially not being representative of the number and type of vehicles accessing and using the proposed facility. It is suggested that, following a visit to a similar facility in Fife, which is currently operated by the applicants, it is likely that significantly more than 3 vehicles will be using the facility at any one time, particularly at weekends. It is this weekend period that may cause an unacceptable noise intrusion within nearby properties. The Head of Environmental Health and Trading Standards has advised that, based on background levels measured by the Department, it is possible that a statutory noise nuisance would occur within the property at 2 Charleston Drive, even with the protection and mitigation from an acoustic barrier. Consequently, in order to give full consideration to the likely noise impact on the neighbourhood and the nearby occupiers the applicants have been further requested to submit a fully collated, site specific and representative noise impact assessment. At the date of writing, this information has not been submitted for consideration.

With regard to the provision of the acoustic barriers mentioned in the preceding paragraph, these are mentioned in the Noise Impact Assessment and it may be that they will be required to be erected around the boundary of the site to mitigate against any potential noise nuisance generated by the car wash. No details of these have, to date, been submitted for consideration. However, as these potentially 2 metre high structures will be positioned in a prominent location around the site, there concerns over their acceptability in terms of the potential adverse impact on the visual amenity of the area and the free flow of traffic and pedestrian safety.

The applicants have submitted details relating to the proposed traffic management of the proposed facility. This includes a proposed 'meet 'n' greet' at the site entrance, directing

motorists to the wash bays, a staffing level of 7 persons at all times, closure of the site if the traffic starts to back-up onto the public road and the removal of any associated on street parking. The applicants have advised that 3 wash bays and 2 foam bays are to be provided within the site. It is considered that the site has the potential to attract more vehicles than the restricted amount of bays available. This evident from a visit to a similar facility operated by the applicants in Fife. It is clear that the management of traffic in and out of the site is reliant on a member of staff to direct traffic. It is considered that this does not achieve the level of comfort that is required to remove concerns regarding potential blocking of traffic on the surrounding road network. Further, it is considered that this would be a difficult arrangement to enforce under the terms of current planning legislation. Consequently, it is considered that the proposal, as submitted, has the potential to have an adverse impact on pedestrian and vehicular traffic and will potentially cause delays on the public road in the vicinity of a busy traffic junction.

With regard to the acceptability of the proposed use in this area, it is accepted that the previous use of the site was a petrol filling station. However, in light of the above matters relating to potential noise issues and the free flow of traffic it considered that the use of the site as a car wash has the potential to adversely impact on the environmental quality currently enjoyed by local residents. It is further considered that the proposed facility and its associated operational aspects would be better suited to a business area / industrial area location where the sensitivity of environmental issues may not be such a weighted issue.

Taking into account the above issues, it is considered that the proposal fails to comply with the requirements of Policy H1 of the Dundee Local Plan due to the potential of the proposed use to adversely affect the environmental quality enjoyed by local residents by virtue of parking and traffic movement issues and noise.

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

Other Material Considerations

Finalised Dundee Local Plan Review

Policy 1: Vibrant and Sustainable Communities. The terms of this policy are reflected in Dundee Local Plan policy H1 above and accordingly, the same conclusions are offered.

Objections

Objections to the proposal have been received from 4 local residents. The main areas of concern raised relate to:-

- 1 the adverse impact of the proposal on the free flow of traffic
- 2 the potential adverse impact on the environmental quality of the surrounding area
- 3 the restrictive size of the site
- 4 the proposal represents an inappropriate use within a predominantly residential area.

With regard to the above issues raised by the objectors it is considered that these have all be raised and discussed above.

The Members may recall that a planning application to change the use of these premises from a vacant petrol filling station to a car sales area and convenience store was refused permission by this Council on 02/12/2003. It was considered that the proposed uses contravened the relevant development plan policies relating to the location of such uses within the City ie would be more appropriately located within business or industrial areas. It is considered that a consistency of approach to similar uses within this site is a appropriate in this instance and should be regarded as a material consideration in the determination of the current planning application.

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 proposal involves alterations to the filling station by the removal of the existing canopy. In addition, there is the potential for the provision of

acoustic fencing (approx. 2 metres in height) around the boundary of the site. The removal of the canopy would be acceptable in design terms. However, details of any future acoustic fencing have not been submitted for consideration. While it is difficult to assess the impact of these structures without the benefit of design details, it is likely that the provision of such fencing in this visually dominant site would be unwelcome and consequently would be resisted.

CONCLUSION

It is concluded that the proposed car wash would be an inappropriate use in this predominantly residential area by virtue of the adverse impact of the operational aspects of the facility on the environmental quality currently enjoyed by local residents. Consequently, the proposal is considered to be contrary to Policy H1 of the Dundee Local Plan 1998 and there are no material considerations that would justify the approval of this application contrary to this policy.

RECOMMENDATION

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

Reasons

- 1 The proposed change of use is contrary to Policy H1 of the Dundee Local Plan 1998 as it would significantly affect the environmental quality currently enjoyed by local residents by virtue of the inappropriateness of the use in such close proximity to residential properties and the adverse impact on the free flow of traffic and pedestrian safety on the local road network. There are no material considerations of sufficient strength that would justify the granting of planning permission contrary to that policy.
- 2 The proposed change of use is contrary to Policy 1 of the Finalised Dundee Local Plan Review as it would significantly affect the environmental quality currently enjoyed by local residents by virtue of the inappropriateness of the use in such close proximity to residential properties and the

adverse impact on the free flow of traffic and pedestrian safety on the local road network.

- 3 That the applicants have failed to adequately demonstrate that the operational aspects of the proposed car wash facility will not adversely impact on the environmental quality currently enjoyed by local residents by virtue of an increase in noise associated with the works which is contrary to the requirements Policy H4 of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review.