

KEY INFORMATION**Ward** Craigiebank**Proposal**

Change of use from petrol station to car wash including erection of new kiosk building

Address

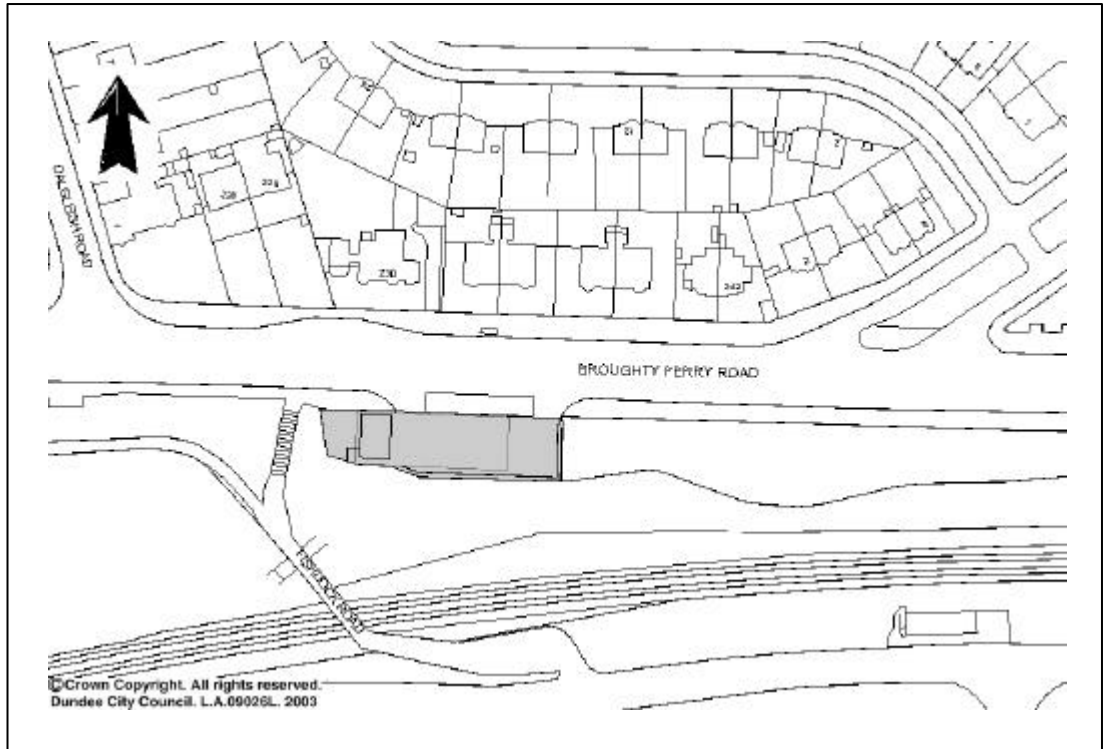
Former Petrol Filling Station
East of 133 Broughty Ferry Road
DUNDEE

Applicant

Authoshine Express Ltd
Whitburn Road
Birniehill
Bathgate
West Lothian
EH48 2HR

Agent

Hardie Associates
78 Hopetoun Street
Bathgate
West Lothian
EH48 2PD

Registered 21 December 2004**Case Officer** C Walker

Proposed Car Wash in Broughty Ferry Road

A Change of Use from a petrol station to a car wash is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development has a poor visual appearance, would generate traffic safety problems and the applicants have not demonstrated that it would not result in noise disturbance. It contravenes policies in the Adopted and Finalised Local Plans and is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to change the use of this former petrol filling station site to a car wash. The site is on the south side of Broughty Ferry Road close to its junction with Greendykes Road.
- 6 letters of objection were received from the occupiers of houses and a guest house on the opposite side of Broughty Ferry Road. The neighbours are concerned about the visual impact of the proposed car wash, traffic safety, noise and pollution and drainage difficulties.
- The Scottish Executive National Roads Directorate has recommended that the application be refused on traffic safety and traffic flow grounds.
- The Head of Environmental Health and Trading Standards has requested information on noise and contamination issues.
- The proposed development has a poor visual appearance, would generate traffic safety problems and the applicants have not demonstrated that it would not result in noise disturbance. It therefore contravenes residential amenity and environmental policies in the Adopted and Finalised Local Plans.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of the site to a car wash. It is proposed to erect a brick kiosk building of some 70 sq. metres at the western end of the site and place a metal plant container behind it. The remainder of the site would provide a wash area and a waiting area for up to 15 cars. No details have been provided as to the surfacing of this part of the site.

The proposed access arrangements have been amended so that the exit at the western end of the site is for left turning vehicles only and a filter lane is proposed on Broughty Ferry Road (the A92(T)) to allow right turning (as well as left turning) vehicles to enter the site.

SITE DESCRIPTION

The site is the former Carolina Port petrol filling station on the south side of Broughty Ferry Road some 55 metres west of its junction with Greendykes Road. The buildings on the site have recently been demolished and the petrol tanks removed and the site is currently enclosed with heras fencing.

To the east of the site are steps leading down to Fishdock Road and some 120 metres to the west of the site is a block of new flats at Carolina Court. To the south of the site the ground drops steeply down to the Dundee to Aberdeen railway and the operational port area. This ground is covered in self seeded trees and shrubs. To the east of the site is a wide grass margin on the south side of Broughty Ferry Road. To the north of the site, on the opposite side of Broughty Ferry Road, are large detached stone villas.

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 site is allocated as falling into an existing residential area and Policy H1 seeks to protect residential amenity. Policy BE23 promotes environmental improvement works to the principal gateway routes into the city.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.



Finalised Dundee Local Plan Review

Policy 1 Vibrant and Sustainable Communities: seeks to protect residential amenity. Policy 57 Visual Impact on Major Routes: refers to the Ambassador Route Design Guide and seeks environmental improvements on routes such as this.



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 reuse of this previously developed site in the built up area is considered to be sustainable.

SITE HISTORY

An identical application for planning permission was withdrawn by the applicants in September 2004 due to the inadequacy of the information submitted - application ref no 04/00868/COU refers.

There is a separate application for advertisement consent for signage at this site - application 05/00022/ADV refers.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 6 letters of objection were received from the occupiers of houses and a guest house on the opposite side of Broughty Ferry Road. The neighbours are concerned about:

- 1 The visual impact of the proposed car wash, opposite residential properties which include listed buildings and on an Ambassador Route into the city;
- 2 Traffic safety taking into account the proximity of the site to a busy signalised junction, difficulties with right turning vehicles and problems with vehicles backing up onto the road at busy times;
- 3 Noise and pollution, particularly at night time
- 4 Drainage difficulties in the locality.

Copies of these letters are available for inspection in the Members Lounges and the concerns raised are considered in the Observations section of this Report.

CONSULTATIONS

The Scottish Executive National Roads Directorate, who are responsible for

the trunk road at this location, have recommended that the application be refused on traffic safety and traffic flow grounds.

The Head of Environmental Health and Trading Standards has requested that a Noise Impact Assessment be submitted prior to the determination of this application and has stated that a site investigation will be required to ensure that the former use has not contaminated the soil or ground/surface water in the area.

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

Policy H1 permits non residential uses in an area such as this provided that they do not adversely impact on residential amenity. In this case the former use as a petrol filling station was non residential and the site is separated from the nearest houses by a busy road. Policy H1 makes specific reference to design, traffic movement and noise issues. The design of the proposed development is considered below in the context of Policy BE31 of the Plan.

There are serious concerns about the traffic implications of the proposed development which are discussed in the section on Other Material Considerations below. It is considered that these problems will be so severe as to impact on the amenities enjoyed by the residents on the opposite side of the road.

In terms of possible noise disturbance, a Noise Impact Assessment was requested in January but still had not been submitted at the time of writing this report. A partial report was submitted based on findings at another site but not specifically tailored for the application site. Although the houses on the opposite side of the road are some 30 metres distant, noise levels on the road decrease significantly at night time. More recently the applicant

indicated a reluctance to submit such an assessment if the application was likely to be refused. In the absence of this information it is not possible to clarify whether the proposed development will have an adverse impact on residential amenity due to noise disturbance.

Policy BE23 promotes environmental improvement works to the principal gateway routes into the city. The proposed development includes the erection of a functional kiosk building and a metal plant container. These structures are not particularly attractive and their visual prominence is enhanced by the fact that the site an Ambassador Route into the city where the immediately surrounding environs are residential in character. The proposal is also accompanied by extensive signage proposals (the subject of a separate application for advertisement consent). It is considered that the proposed development would detract from the visual amenity of the area and would fail to enhance the attractiveness of the ambassador route.

It is concluded from the foregoing that the proposal does not comply with Policy H1 of the adopted Local Plan due to its poor design, traffic congestion and safety implications and potential noise disturbance.

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 1 Vibrant and Sustainable Communities: seeks to protect residential amenity and reiterates the advice in Policy H1 of the Adopted Local Plan. It is considered that the proposal contravenes this Policy for the same reasons.

Policy 57 Visual Impact on Major Routes: seeks environmental improvements on routes such as this.

It goes further than policy BE23 of the adopted Local Plan by seeking to ensure that developments such as this abide by the guidelines within the Ambassador Route Design Guide. The proposed development does not make any reference to this Guide and there are no proposals for boundary treatment. It is considered that the proposed development therefore fails to comply with this policy.

Objections

The concerns of the objectors about the visual and noise impact of the proposed car wash have already been considered and it is agreed that there would be an unacceptable visual impact and that insufficient information has been provided on noise matters. The fact that some of the nearby residential properties are listed buildings is not in itself a reason for refusal of the proposal but it does underline the visual quality of the surrounding area.

Concerns about traffic safety are addressed below in the section on Traffic Safety.

It is not considered that there are any additional pollution concerns such as smoke, fumes, dust or smell associated with the proposed development that would justify a refusal of the application. Similarly if planning permission were to be granted for the proposed development then this would be on the basis that adequate arrangements were made for the drainage of the site.

Traffic Safety

The Scottish Executive National Roads Directorate, who are responsible for the trunk road at this location, have recommended that the application be refused for the following reasons:

1. The proposed development would result in vehicles entering, leaving and turning right from the A92 within the traffic stream at a point in close proximity to the signalised junction of the A92 (T) and Greendykes Road where visibility is restricted thus creating interference with the safety and free-flow of the traffic where volumes are high.
2. The proposed development would result in queuing on the Trunk Road which would interfere with the safety and free-flow of Trunk Road traffic, where volumes are high.

The applicants had suggested that they had reached agreement with the National Roads Directorate on traffic matters but this is clearly not the case. The views of the Executive are not unexpected taking into account the proximity of the site to the traffic lights at Greendykes Road, the traffic levels at this location and the limited amount of space within the application site for vehicles queuing to be washed.

Contamination

The Head of Environmental Health and Trading Standards has stated that a site investigation will be required to ensure that the former use has not contaminated the soil or ground/surface water in the area. Although no information has been provided by the applicants, it appears that a scheme of decontamination has been carried out at the site and a planning condition could be imposed should planning permission be granted for this development.

It is concluded from the foregoing that the material considerations weigh against the grant of planning permission and it is therefore recommended that planning permission be refused in line with the provisions of the Development Plan.

Design

The proposed development includes the erection of a functional kiosk building and a metal plant container. These structures are not particularly attractive and their visual prominence is enhanced by the fact that the site is on an Ambassador Route into the city where the immediately surrounding environs are residential in character. The proposal is also accompanied by extensive signage proposals (the subject of a separate application for advertisement consent). It is considered that the proposed development would detract from the visual amenity of the area and would fail to enhance the attractiveness of the ambassador route.

CONCLUSION

The proposed development has a poor visual appearance, would generate traffic safety problems and the applicants have not demonstrated that it would not result in noise disturbance. It therefore contravenes residential amenity and environmental policies in the Adopted and Finalised Local Plans.

RECOMMENDATION

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

Reasons

- 1 The proposed development would result in vehicles

entering, leaving and turning right from the A92 within the traffic stream at a point in close proximity to the signalised junction of the A92 (T) and Greendykes Road where visibility is restricted thus creating interference with the safety and free-flow of the traffic where volumes are high.

- 2 The proposed development would result in queuing on the Trunk Road which would interfere with the safety and free-flow of Trunk Road traffic, where volumes are high.
- 3 The proposed development, by reason of its poor design, inadequate information on noise generation and associated traffic generation would have an adverse impact on the residential amenities enjoyed by nearby occupiers thus contravening Policy H1 of the adopted Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review.
- 4 The proposed development, by reason of its poor design and the failure to provide suitable boundary treatment contravenes Policy 57 of the Finalised Dundee Local Plan Review.