

**KEY INFORMATION**

**Ward** Balgay

**Proposal**

Amendment to 04/00994/COU - to increase amount of cars for sale to be permitted within the site.

**Address**

Filling Station  
Charleston Drive  
DUNDEE

**Applicant**

GS Motors  
Ancrum Road/Charleston Drive  
Dundee  
DD2 2EX

**Agent**

Leadingham Jameson  
Rogers & Hynd  
18 South Tay Street  
DUNDEE DD1 1PD

**Registered** 16 Nov 2006

**Case Officer** D Gordon



## Proposal to Increase Car Sales on Site in Charleston Drive

An increase in the amount of cars for sale is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal to increase the number of vehicles for display and sale within the site is in accordance with the relevant land-use policy of the development plan and there are no material considerations that would justify the refusal of the application contrary to this policy. Therefore, the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- The proposal under consideration seeks permission to increase the amount of cars to be displayed and sold from an existing second hand car sales yard located at the junction of Charleston Drive and Ancrum Road. The proposal is to increase this provision of vehicles from eleven to twenty.
- Two letters of objection to the proposal have been received from local residents. The main issues raised relate to lighting, unloading of vehicles during evening hours and the current use of the forecourt for the display of cars in excess of the number permitted by the previous grant of consent for the site (appeal decision August 2005).
- The proposal raises issues for consideration under Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005.
- It is considered that the use of the site for car sales purposes has been confirmed by the previous grant of planning permission for such a use (August 2005). It is concluded that the proposed increase provision of vehicles within the site will not significantly impact on the environmental quality of the adjacent occupiers or be detrimental to the road traffic safety of the surrounding road network.
- The application is considered to be in accordance with the relevant Policy of the development plan and there are no material considerations that would justify refusal of this proposal contrary to this Policy.

## DESCRIPTION OF PROPOSAL

The proposal under consideration seeks permission to amend the original grant of planning permission to allow an increase in the amount of cars permitted to be displayed and sold from the site.

The original permission (granted on appeal on 30th August 2005) allowed for 3 customer car parking spaces, one staff member parking space and the display of a maximum of 11 cars for sale within the site. The applicants now proposed the same provision of customer and staff parking with an increase in display of cars for sale to twenty. The applicants have submitted a layout plan of the site that advises of the proposed positions of the display cars.

The proposal also involves the erection of 1.8 metre high security fencing around the boundary of the site.

## SITE DESCRIPTION

The site is located on the Charleston Drive/Ancrum Road junction. The property currently operates as a second hand car sales yard.

The surrounding area to the south, west and north is residential in character with dwelling houses directly adjoining the application site the west and south boundaries. To the east there is public open space of Lochee Park.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 2005

The following policies are of relevance:

#### **Policy 1: Vibrant and Sustainable Communities**

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development 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 or smell.

## 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 involves an increase in use of a brownfield site for commercial purposes. The application raises no concerns in relation to the Council's Sustainability policies.

## SITE HISTORY

D15462 - Erection of petrol Filling Station - Approved 10.9.1990

D16137 - Amendment to Condition re: Operational Hours - Refused 1.5.1991

D16704 - Installation of Jet Wash - Refused 1.11.1991

03/00692/COU - C/U of Petrol Filling Station to Car Sales and Convenience Store - Refused 2.12.2004.

04/00994/COU - C/U of Filling Station to Second Hand Car Sales - Approved

on appeal to Scottish Ministers 30.8.2005.

An Enforcement Notice appeal against the use of the site for unauthorised car wash operations was dismissed on 30.8.2005.

## PUBLIC PARTICIPATION

The applicants have undertaken the relevant neighbour notification procedure. Two objections to the proposal have been received from local residents. The main issue raised relates to:

- 1 The applicants' non-compliance with existing conditions attached to the original grant of permission for car sales from the site including the amount of cars displayed within the site, lighting matters, fencing details, car washing and repairs and the unloading of vehicles from HGV transporters.

## CONSULTATIONS

There were no adverse comments received from any of the consultees.

## 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 seeks permission to increase the amount of cars to be displayed for sale within the site to twenty. The previous grant of permission for the site limited the amount of cars to be displayed to eleven. This limit was placed on the development by a condition requiring that the car sales use had to operate with the submitted layout plans that accompanied the planning application.

With the use of the site for car sales purposes being established by a previous grant of permission, the determining issue in this instance is whether the proposed increase in cars for sale within the site will detract from the environmental qualities currently enjoyed by the adjacent occupiers and whether the increase will adversely impact on the road traffic and pedestrian safety of the surrounding area.

With regard to the impact on the surrounding residents, it would appear from the objections to the proposals that the problems associated with the site relate mainly to lighting, deliveries of vehicles to the site during evening hours and the display of cars within the site in excess of the number permitted. It is considered that an increase in the amount of cars for sale within the site will not have any further detrimental impact on the environmental qualities of the adjacent occupiers. The matters raised by the objectors are currently the subject of conditions attached to the original grant of permission and the continual monitoring of these will be carried out by this Council.

With regard to the potential impact an increase in car for sale will have on the surrounding road network, the applicants have submitted information on the present and future visits to the site. It is concluded from this information that there will be no significant effect on the road traffic and pedestrian safety of the surrounding road network. It is considered that the use of the site, with an increase in the amount of cars for sale, will still fall well below the trips generated by the previous use of the site as a petrol filling station.

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

### Other Material Considerations

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

With regard to the objections submitted by the 2 local residents, it is considered that the matters raised have been discussed and discharged above. The matters arising seem to be mainly related to compliance with existing conditions attached to the site and these will continue to be monitored by this Council.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

### Design

From the submitted plans it would appear that the applicants do not intend to change many of the existing features located within the site. A new 1.8 metre high security fence along the boundary of the site is proposed. Should this application be supported it is recommended that a condition be attached to any permission granted requiring exact details of this fence be agreed in writing with the planning authority prior to its construction.

### CONCLUSION

The use of the site for second hand car sales purposes has been established on appeal to the Scottish Ministers in 2005. It has been concluded from the information submitted by the applicants that the proposed increase in cars displayed for sale in the forecourt of the premises will not significantly impact on the traffic and pedestrian safety on the surrounding road network. The original grant of permission by the Ministers was for a temporary period only (expiring 30th August 2010). It is considered that a review of the situation, including this proposed increase in display cars, can be carried out at that time should the applicants wish to renew the permission.

### RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 This permission shall expire on 30th August 2010, by which time all vehicles shall be removed, and the premises shall be secured and made safe unless otherwise approved in accordance with a renewal or alternative planning permission granted by the planning authority.

- 3 Notwithstanding details shown on the submitted 1:100 drawing No.2 (job 2215 Series D, Rev A) dated Sept.05 the details of the new fencing to be erected shall be submitted for the written approval of the planning authority within one month of the date of this permission and thereafter constructed only in full accordance with such approved details.
- 4 No car repairs or engine testing other than routine starting and running repairs using non-powered hand tools (plus cleaning/polishing) shall be undertaken on or around the site at any time.
- 5 The premises shall stay open for trade no later than 9.00pm on any evening. For the avoidance of doubt, this shall include the delivery of vehicles to the site.
- 6 Except so far as details under condition 4 above may require, the use shall operate in accordance with the 1:100 scale layout drawing No.1 (job 2215 Series D) dated Sept 05 to the prior approval of the planning authority before the new parking layout commences.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 The development is acceptable on a trial basis in the first instance to enable full compliance with the other conditions (below and attached to application 04/00994/COU) to be carefully monitored.
- 3 The submitted fencing details are unclear and further consideration of the design of the enclosure is called for in order to ensure it is appropriate for the residential character of the surrounding area.
- 4 In order to safeguard the amenity of the closest dwellings, commensurate with the character of the location, and to limit the need for visiting cars to park on the street.
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