

KEY INFORMATION

Ward Maryfield

Proposal

Change of Use from car sales to passenger collection area

Address

8-12 South Ward Road
Dundee
DD1 1PN

Applicant

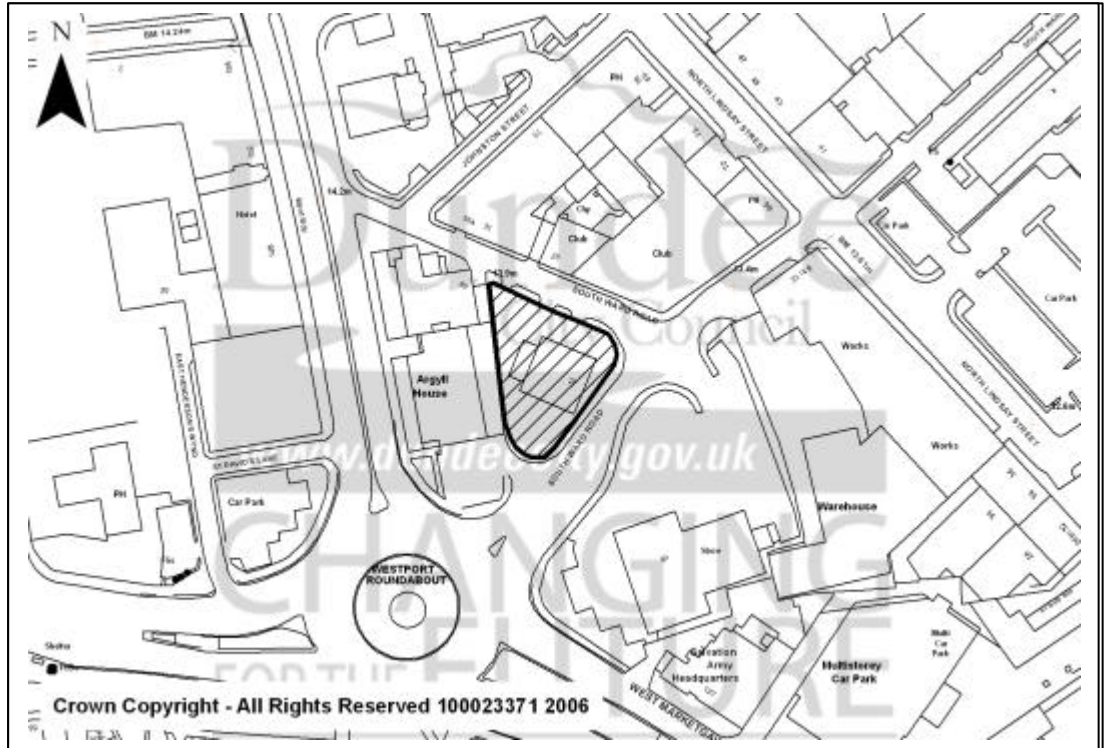
Dundee Taxi Company Ltd
The Eagle Mill
Victoria Street
DUNDEE
DD4 6EB

Agent

Peter Ingles Architects
30 South Tay Street
Dundee
DD1 1PD

Registered 26 Oct 2007

Case Officer D Gordon



Consent Sought for Taxi Yard in South Ward Road

A change of use from a car sales to passenger collection area is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal does not contravene the relevant land-use policies of the development plan. There are no material considerations of sufficient weight that would justify the refusal of the application. Recommended for **APPROVAL**, for a temporary period of 1 year, with conditions.

SUMMARY OF REPORT

- The proposal seeks permission to change the use of a former car sales yard to a taxi passenger collection area.
- An existing opening on the north side of the site will be the principle access into the area although the closure of South Ward Road to vehicular traffic between 11.30pm and 3.30am on Friday, Saturday and Sunday will require access into the site being taken during those times from a new opening to be formed on the south west boundary of the site.
- The statutory neighbour notification procedure has been undertaken by the applicants both for the original details submitted for consideration and for subsequent amendments to the access arrangements. Seven objections to the proposal have been received.
- It is considered that the proposed development does not contravene the relevant land-use policies of the development plan. There are no material considerations, including the views of the objectors, that are of sufficient weight to justify the setting aside of these policies and refusing the application.
- In order that the Council may monitor the impact of the proposed new access arrangements on local road traffic and pedestrian safety, it is recommended that the application is approved for a limited period of 1 year.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks permission to change the use of a vacant second car sales yard to a taxi passenger collection area. The details originally submitted for consideration advised of the use by taxis of an unauthorised access located on the south boundary of the site. This access point was considered to be problematic in terms of traffic safety and this aspect of the proposal has been amended. A description of the access arrangements to and from the site is detailed in the following paragraphs.

An existing vehicular access on South Ward Road, located on the north boundary of the site, will be used by the taxis to enter and leave the passenger collection area on a 24 hours/day basis from Monday to Thursday. From Friday to Sunday, this access will be used from 3.30 am to 11.30pm only as South Ward Road is closed to vehicular traffic from 11.30pm to 3.30am by virtue of a Traffic Order.

On Friday, Saturday and Sunday between the hours of 11.30pm and 3.30am the taxis will use a new access that is to be formed on the south boundary of the application site.

The existing unauthorised access located on the south side of the site is to be closed to vehicular traffic.

SITE DESCRIPTION

The site is located to the north of the city centre and is bounded to the north east and south east of South Ward Road and to the west by Argyll House. The site is triangular in plan and is generally flat. The site has a history of industrial uses with the last known use being for second hand car sales (Centre Car Company).

The site accommodates an access on the north boundary. A further access is located on the east boundary. This access does not enjoy a dropped kerb for vehicular access directly in front of the opening although there is evidence of a dropped kerb off set to the north. An access is also located to the south side of the site. This opening is unauthorised and utilises a dropped kerb that has been provided for pedestrian purposes only. The site is bounded by a 2m high (approx) metal security fence.

The surrounding area accommodates a variety of uses that are typical of a city centre location. To the west is a six storey office block (Argyll House), to the east are night club premises and to the south is a retail supermarket (Lidl). In the wider area, in addition to the above mentioned uses, there are residential properties, commercial premises retail outlets.



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 17: CULTURAL QUARTER

Within the Cultural Quarter uses and developments which will assist the further development of its role as a focus for cultural and related leisure and business activities will be



encouraged. Proposals which would extend and improve the area's representation of small scale independent and speciality retailers will also be encouraged. Proposals for the area will be viewed in terms of

their contribution to the mix and diversity of uses and to their potential to enhance its visitor attraction.

Where appropriate, proposals outwith the area but capable of meeting these requirements may also be supported.

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 the re-use of a city centre brownfield site. There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning permission for the erection of a 9 storey, mixed use development to include car parking, retail floorspace and office accommodation was granted permission, with conditions, by the Council on 26th March 2007 (06/01006/FUL refers).

PUBLIC PARTICIPATION

The applicants have completed the statutory neighbour notification procedure.

Seven objections to the proposals have been received from the following:

- 1 5 individual objections (from residents in Monifieth, Tealing and Dundee (x3).
- 2 1 objection from the Taxi Branch TGWU / Unite
- 3 1 objection from the Chairperson of Dundee Taxis Association

The main issues raised by the objectors relate to:

- a Traffic safety matters relating to use of an unauthorised access leading into and from the site
- b Establishing a private taxi passenger collection area

adjacent to a licensed taxi rank and the resultant potential impact on public safety.

Copies of these objections can be viewed in the Members Lounges. It is intended to offer comments on the various matters that have been raised in the 'Observations' Section of this report below.

CONSULTATIONS

Tayside Police were advised of the original proposal for taxis to use an existing unauthorised access located on the south side of the site. No formal objection to the proposal was offered.

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 site under consideration is located within the city centre and is identified as being within the emerging Cultural Quarter where the Council will support uses and developments which will assist the further development of its role as a focus for cultural and related leisure and business activities. Proposals will be viewed in terms of their contribution to the mix and diversity of uses and to their potential to enhance its visitor attraction.

It is considered that the provision of a taxi passenger collection area will contribute to the attractiveness of local leisure uses and add to the viability and vitality of this area of the city centre. It is further considered that the development will not detract from the amenities of the surrounding occupiers by virtue of traffic movement and parking issues, noise or smell.

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:

Views of the Objectors.

- 1 Traffic safety issues arising from the use of an unauthorised access into the site.

The original details submitted for consideration involved the use of an unauthorised access located on the south side of the site. The proposed access arrangements were considered to be problematic from a traffic safety point of view and amended access arrangements have now been submitted for consideration (see Description of Proposal Section of this report above). These amended access arrangements for the site are considered to be acceptable in terms of road traffic and pedestrian safety. However, it is considered that it may be appropriate to restrict any permission granted for this proposed use for a limited time only in order that the Council may monitor the impact of these new access arrangements on local road traffic and pedestrian safety.

- 2 Location of proposed Passenger Collection Area adjacent to licensed taxi rank and potential impact on public safety.

It is considered that this is a matter that is outwith the control of planning legislation and is an issue that would be more appropriately dealt with by the relevant licensing authority.

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

There are no design issues relating to this particular change of use application.

CONCLUSION

The proposal to provide a taxi passenger collection area in the location proposed will not contravene any of the relevant land-use policies of the development plan. There are no matters arising from road traffic or pedestrian safety that would justify the

refusal of this application. However, in order that the Council may monitor the impact that the proposed access arrangements may have on local road traffic and pedestrian safety, it is considered that any permission granted should, initially, be limited to period of 12 months only.

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 The proposed new access to be located on the south west boundary shall be formed in accordance with specifications submitted and approved in writing by the planning authority within one month of the date of this approval. For the avoidance of doubt, this access shall operate only between the hours of 11.30pm to 3.30am on Friday, Saturday and Sunday and shall remain closed to vehicular traffic, by means of a gated barrier, at all other times.
- 3 The unauthorised breach in the boundary fence and wall located on the south side of the application site shall be made good, to a standard and specification that has been agreed in writing with the planning authority, within one month of the date of this permission.
- 4 The use hereby granted permission shall cease on 17th December 2008.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In order to reduce vehicular conflict between the new access and existing road users during daytime and early evening hours.
- 3 In order to prevent unauthorised access into the site in the interests of road traffic and pedestrian safety
- 4 In order that the Council may monitor the impact of proposed new access arrangements on local traffic and pedestrian safety.