

**KEY INFORMATION**

**Ward** East End

**Proposal**

Change of use from garage workshops to plant and tool hire

**Address**

East Kingsway Garage  
172 Arbroath Road  
Dundee

**Applicant**

Mr Brian Stewart  
10 Shore Road  
Skelmorlie  
PA17

**Agent**

G D Architectural Services  
101 Brook Street  
Monifieth

**Registered** 15 Jan 2008

**Case Officer** S Page



## Proposed Tool Hire Business in Arbroath Road

A change of use from garage workshops to plant and tool hire is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed change of use to a tool and plant hire business is considered to comply with policy 1 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the development plan to refuse planning permission. Therefore the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- The application seeks planning permission for the change of use of a car workshop garage to a plant and tool hire business at 172 Arbroath Road.
- The proposal involves no changes to the building or existing front yard/parking area. However the existing perimeter fence which is in a poor state of repair is to be reinstated.
- Two letters of objection were received concerned about noise, effect of fumes, traffic safety and reduction in value of their property.
- The proposed change of use was found to comply with Policy 1 of the Dundee Local Plan Review 2005 and the grounds of the objections are not supported.

## DESCRIPTION OF PROPOSAL

The application seeks planning permission for change of use of 172 Arbroath Road, from a car garage and workshop to a tool and plant hire business.

The proposal involves no changes to the building or surfaces on the site, but will include reinstatement of the perimeter fencing.

## SITE DESCRIPTION

The application site lies to the west of the Scott Fyffe Garage and Filling Station at the junction of Kingsway and Arbroath Road. The building is a large grey metal clad warehouse style of construction and physically linked to the garage. It was previously used as a garage workshop and car repair business.

North of the property is in residential use, whilst to the west is a line of retail uses including a bank and public house. To the south is Arbroath Road with open amenity parkland and residential properties beyond.

The site has a perimeter fence in a very poor state of repair.

## POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 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

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

The site has been in use as a vehicle repair garage since before 1945.

## PUBLIC PARTICIPATION

Two letters of objection were received concerned about noise, effect of fumes, traffic safety and reduction in value of the property.

## CONSULTATIONS

The Director Of Environmental Health and Trading Standards has indicated the potential for contamination of the site due to its previous use as a car servicing garage and a significant hydrocarbon spill in the adjacent Scott Fyffe garage in 2002.

## 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.

Policy 1: 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.

## Design and Layout

It is noted that this application is for change of use and does not involve any new construction or adaptation of the current building which has consent for car servicing and repairs.

On this basis it is considered that the new use of the building will have no significant effect on the design of the building

The applicant has indicated the desire to reinstate the perimeter fencing on the site. The building at present is vacant and showing some minor signs of decay through lack of maintenance. Therefore it is considered that the visual appearance and design will be improved by bringing the building back into use and as such securing its future maintenance. The reinstatement of the fence which is currently in a very poor state of repair will greatly help to improve the appearance of the site.

## Parking and Traffic Movement Issues

It is not considered that there will be any significant additional traffic issues associated with the building which enjoys an existing access with consent that allows for the entry of motor vehicles. The building currently has a front yard which is expected to adequately cope with the normal parking requirements of such a business. The applicants intention to reinstate the perimeter fencing will address any issues associated with unauthorised pedestrians walking over the site and so improve the safety of the area.

## Noise and Smell

The intended use is as a plant and tool hire business - it is considered that this use is significantly better in terms of noise and smell than the car servicing activity that currently has permission on the site.

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:

## Objections

2 objections were received concerned about noise, effect of fumes, traffic safety and reduction in value of the property.

Reduction in property values is not a material consideration. The other issues have been considered in the observations section above and were found to comply with the terms of the Local Plan Review 2005. Accordingly the objections are not supported

## Contamination Potential

The applicants have been advised of the potential contamination of the site but have assessed this in respect of their intended operations. Accordingly they believe there is no risk associated with their business in this location.

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

The application is for the change of use for the site and involves no physical changes to the existing building. The only physical change is that the applicant is to reinstate the perimeter fencing, which will improve the visual appearance of the site and aid pedestrian safety.

## CONCLUSION

The proposal meets the criteria of Policy 1 of the Dundee Local Plan Review 2005, there are no material considerations that would justify laying aside the development plan to refuse planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.

## 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 Details of proposed fencing reinstatement shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 3 The council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed.
- 4 If any contamination is discovered and Condition 3 is invoked, verification shall be provided by the applicant or his agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in the agreed remediation scheme.
- 5 The council should be immediately notified in writing if any excavation below the current floor level is proposed. Any proposal to excavate below the existing floor level must be accompanied by a full risk assessment for contaminated land to be approved by the council before such works are carried out.
- 6 This permission is solely for the purposes of tool and plant hire and any sales ancillary to that use. General retail use of the premises under class 1 of the
- 7 Use Classes (Scotland) Order 1997 is not permitted.
- 4 In the interests of public safety and environmental protection.
- 5 In the interests of public safety and environmental protection.
- 6 In accordance with policies 45 and 46 of the Dundee Local Plan Review 2005.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure a satisfactory standard of appearance of the development and in the interests of public safety.
- 3 In the interests of public safety and environmental protection.