

KEY INFORMATION

Ward Lochee

Proposal

9 additional cars permitted for sale and display within the site

Address

Parkview Car Sales
Charleston Drive
Dundee

Applicant

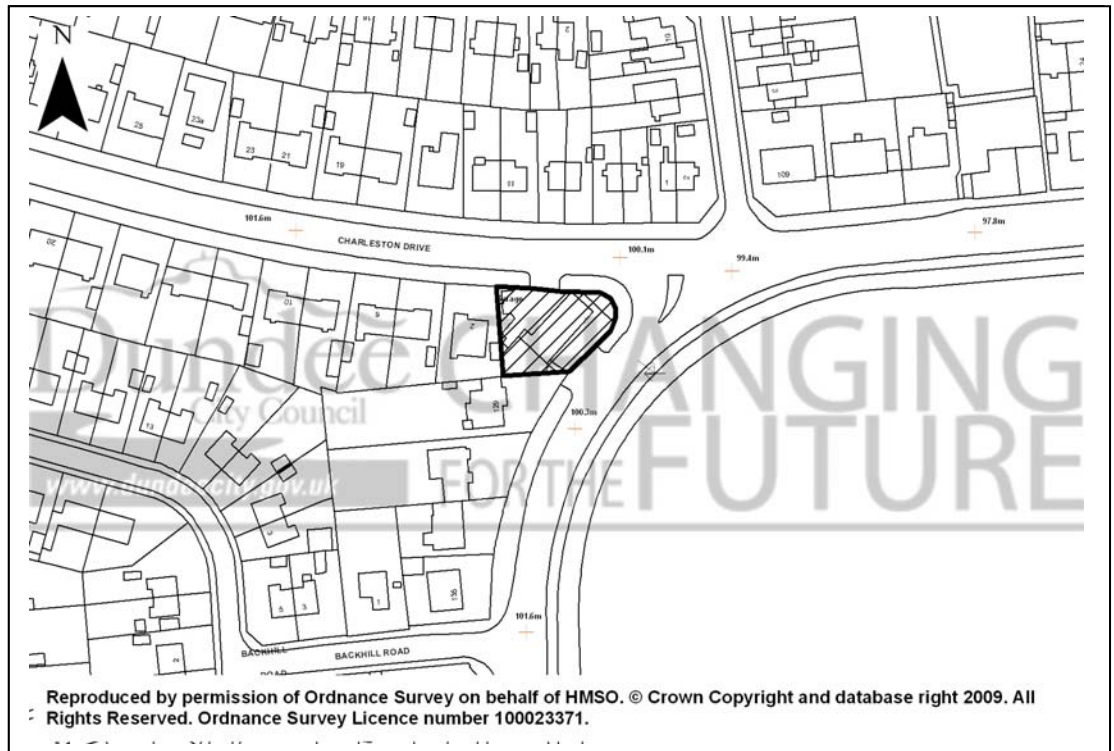
Parkview Car Sales
Charleston Drive
Dundee
DD2 2EY

Agent

Michael Rogers
Leadingham Jameson
Rogers and Hynd
18 South Tay Street
Dundee
DD1 1PD

Registered 2 Nov 2009

Case Officer D Gordon



Permission Sought to Increase Numbers of Cars for Sale

9 additional cars permitted for sale and display within the site is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The proposal to increase the number of vehicles for display and sale within the site and the relocation of the customer/visitor car parking spaces is in accordance with the relevant land use policy of the Development Plan and there are no material considerations of sufficient weight that would justify the refusal of this 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. The relocation of the customer/visitor car parking spaces is also proposed.
- Eight letters of objection to the proposal have been received from local residents. The objectors raise a number of issues including on street parking problems, an increase in noise, the restrictive size of the site 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 applicants have submitted 85 pre-printed letters in support of the proposals from a number of addresses throughout the city and the surrounding area. These were received outwith the prescribed consultation period.
- 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). A similar planning application to increase the cars sold within the site from eleven to twenty was refused permission, on appeal, in July 2007.
- It is concluded that the proposed increased provision of vehicles 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.

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 30 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 propose to relocate the customer and staff parking provision to the Ancrum Road frontage and increase the amount of cars for sale and display to twenty. The applicants have submitted a layout plan of the site that advises of the proposed positions of the display cars.

A similar planning application for this site was refused permission, on appeal, in July 2007 and a further application for a similar layout was withdrawn by the applicants in October 2009.

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 on the west and south boundaries. To the east there is the 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.

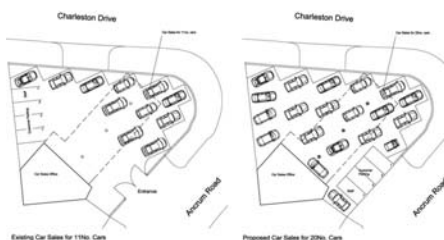
Dundee Local Plan Review 2005

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 September 1990.

D16137 - Amendment to Condition Regarding Operational Hours - refused 1 May 1991.

D16704 - Installation of Jet Wash - refused 1 November 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 August 2005.

06/01081/FUL - To amend the restriction on the number of cars for sale within the sales area from eleven to twenty - Refused on Appeal 9 July 2007.

09/00423/FUL - Permission to Increase the Amount of Cars for Display and Sale - Withdrawn October 2009.

An Enforcement Notice appeal against the use of the site for unauthorised car wash operations was dismissed on 30 August 2005.

PUBLIC PARTICIPATION

The applicants have undertaken the relevant neighbour notification procedure.

Eight objections to the proposals have been submitted by local residents. One of these objections is in the form of a petition signed by 4 neighbouring households, two of which have submitted individual objections. The main issues raised relate to:

- Insufficient room within the site to accommodate the proposed increase in cars for sale
- The operations create an obstruction on the road and footways surrounding the yard
- Increase in noise from activities within the yard
- The proposed layout of cars for sale is unacceptable and will impact on existing features within the site.
- The use impacts on the parking at neighbouring properties creating traffic safety issues
- The site is in breach of conditions attached to previous grant of

consent for car sales including the display of cars exceeding 11 within the site.

- g Staff park outwith the site.
- h The permission should comply with the time restrictions placed on the previous grant of consent on appeal.
- i The proposed relocation of the customer/staff car parking spaces is unacceptable in terms of road traffic safety.
- j Cars are being washed, cleaned and polished on site contrary to the terms of the previous grant of consent on appeal.

The applicants have submitted 85 pre-printed letters and 1 individual letter in support of an increase in cars for sale from the site. Several of these letters are from local residents with the remainder being from various addresses throughout the city and the surrounding area. One letter incorrectly identified the occupant of the stated property. These letters of support were all received outwith the prescribed notification period.

Members will already have had access to these letters and the points raised are considered in the "Observations" Section of this Report below.

CONSULTATIONS

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

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

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 sales area of 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 in accordance with the submitted layout plans that accompanied the planning application. The proposal also involves the relocation of the customer and staff parking spaces to the Ancrum Road frontage of the site.

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 site can accommodate the proposed increase in vehicle numbers, whether the proposed increase in cars for sale will detract from the environmental qualities currently enjoyed by the adjacent occupiers and whether the increase and relocation of the customer/staff parking spaces will adversely impact on the road traffic and pedestrian safety of the surrounding area.



From the details submitted to accompany the planning application it is concluded that the proposal will not have a significant impact on road safety. There is space to accommodate twenty cars within the site and the access onto Ancrum Road is satisfactory. There are no on-street parking restrictions and it is considered that the proposal would not generate a significant increase in vehicle journeys or parking demand that would prejudice the safety of other road users or pedestrians. Taking this into account, together with a limited increase in noise and disturbance arising from operations within the site during permitted hours, it is concluded that there would not be a significantly increased detrimental impact on the amenity of nearby residential from this proposal. Consequently, it is concluded that the proposed

development does not contravene the terms of Policy 1 of the Dundee Local Plan Review 2005.

Other Material Considerations

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

Views of Objectors

- a Insufficient room within the site to accommodate the proposed increase in vehicles. The premises are a former petrol filling station and it is considered that, with an appropriate layout, there is sufficient room to display 20 cars for sale within the site.
- b The operations cause an obstruction on the adjacent roads and footpaths. During a number of visits to the site, it has not been evident that there are any significant obstructions directly associated with the car sales on the road and footway sufficient to result in traffic safety issues. However, while on occasions there have been cars parked opposite the premises it is also the case that there has been sporadic parking of vehicles, both domestic and commercial, on both footpaths along the length of Charleston Drive.
- c Increase on noise activities from the site. It is considered that the proposal is unlikely to generate a significant increase in activities that would prejudice the environmental qualities currently enjoyed by local residents.
- d The proposed layout of cars for sale is unacceptable and will impact on existing features within the site. It is considered that the site is capable of accommodating the proposed increase in display cars. It is further considered that with appropriate layout arrangements, it would be possible to provide space for these cars without undue prejudice to existing features within the site or the proposed customer/staff car parking spaces.
- e The use results in on street parking that create traffic safety issues. There are no on-street parking restrictions and it is

considered that the proposal is unlikely to generate a significant increase in vehicle journeys or parking that would be likely to prejudice the safety of other road users or pedestrians.

- f The site is in breach of conditions attached to previous grant of consent. The main issue appears to be the display of vehicles on the site in excess of the permitted number (eleven). This situation has been monitored by this Department during the last 18 months. It is the case that while there were previous consistent significant breaches relating to the amount of cars being displayed on the forecourt, there is now only the occasional minor breach of this requirement.
- g Staff park outwith the site. Charleston Drive is a wide roadway with significant footways on either side that has no parking restrictions. It is considered that a certain amount of on-street parking by staff vehicles would not create any significant traffic safety issues in this local area.
- h Permission should comply with the time restrictions placed on the previous grant of consent on appeal. This matter is discussed in full in the 'Material Considerations' section of this report below.
- i The location of the customer/visitor car parking spaces is unacceptable. It is considered that the proposed arrangements are acceptable in road traffic terms. In addition, the re-location of the spaces on the Ancrum Road frontage will encourage a greater use of the facility by visitors to the site by virtue of their prominence and accessibility.
- j Vehicles are being washed, cleaned and polished on the site. The cleaning and polishing of cars using non-powered hand tools is permitted within the site by virtue of the conditions attached to a previous grant of consent on appeal in 2005. In addition, the applicants have advised that the preparation of the cars for sale is carried out within separate premises in Lochee.

Letter of Support from Applicants

The applicants advise, amongst other things, that since the business commenced and the amount of vehicles for sale has been restricted to 11, one car parking space, which has been continuously occupied by the manager, has been adequate. At no time have the three car parking spaces available for visitors been fully occupied.

The applicants further advise that the maximum of visitors per day is likely to be approximately ten. Each visitor spends approximately 15 minutes within the site. When a car sale takes place, the customer will spend approximately one hour on the site. It should be appreciated that some customers arrive on foot, are dropped off, or take advantage of the ample on-street car parking.

The applicants also advise that the relocation of the staff / visitor off street car parking spaces to the Ancrum Road frontage will cut down the amount of area within the site which requires to be left clear to aid manoeuvrability for the vehicles for display and sale.

Letters of Support (General)

A total of 85 pre-printed letters (individually signed) in support of an increase in cars to be sold from the site have been submitted. These letters were received outwith the prescribed consultation period.

Previous Appeal Decision

A previous planning application to increase the number of vehicles sold from the site was refused on appeal in July 2007. The Reporter considered that the proposals would not significantly impact on road traffic and pedestrian safety or adversely affect the amenities of the local residents. As a result it was concluded that the development was not contrary to Policy 1 of the Dundee Local Plan 2005. However, it was also concluded that the submitted layout was inappropriate taking into account the existing features on the site and the potential obstruction to the staff and customer parking spaces. The Reporter also considered that as the original grant of permission was for a period of 5 years only it was premature to allow an intensification of the use

prior to the expiry of the time limit (30 August 2010).

With regard to the layout of the site, discussions have taken place with the applicant's agents to resolve the concerns of the Reporter. Options for the site have been investigated that would improve the layout arrangements and enable suitable access to both the customer and staff car parking spaces. The layout now submitted is considered to be acceptable in terms of road traffic and pedestrian safety.

With regard to the temporary permission for the site, recent visits to the property have revealed that the site has been maintained in a clean and tidy appearance. The applicants have advised that the current limit of 11 cars for sale from the site is prejudicial to the economic success of the business. It is considered that a grant of permission for additional cars for sale for a period of approximately 7 months would not significantly prejudice the environmental qualities or the road traffic safety of the local area. The impact of such an increase would then form part of a review of the site at the expiry of the original grant of permission in August 2010.

Desirability of Retaining the Existing Use

The refusal of the application may result in a closure of the yard. As has been clearly demonstrated in the past, a vacant site in this location attracts vandalism, illegal dumping and graffiti to the significant detriment of the environmental and visual qualities of the surrounding residential area.

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 associated with this application.

CONCLUSION

It has been concluded from the above that the proposed increase in cars displayed for sale in the forecourt of the premises and the relocation of the

customer/staff car parking spaces will not significantly impact on the traffic and pedestrian safety on the surrounding road network. It is further concluded that the proposals will not adversely impact on the environmental quality currently enjoyed by local residents.

There are no material considerations that would justify the refusal of this planning application contrary to the provisions of the development plan.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 This permission shall expire on 30 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 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.
- 4 That the premises shall stay open for trade no later than 9.00pm every evening. For the avoidance of doubt, this shall include the delivery of vehicles to the site.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 The development is acceptable on a trial basis in the first instance to enable the operational aspects of the site to be carefully monitored.
- 3 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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