

Car Showroom and Workshop Development

KEY INFORMATION

Ward Lochee

Address

Valentine Works Former
Factory, Kinnoull Road,
Dunsinane Industrial Estate

Applicant

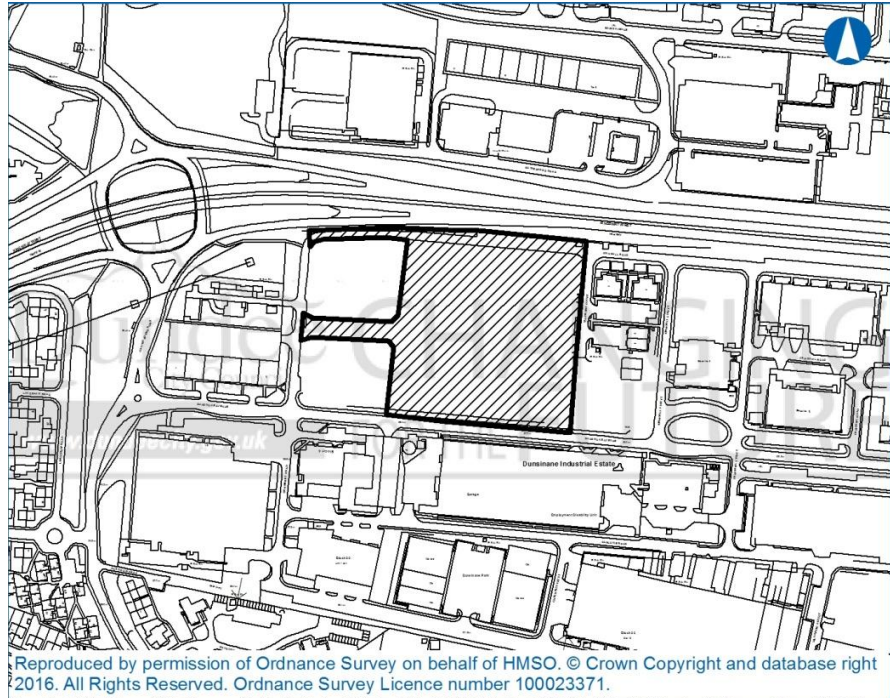
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Registered 5 Jan 2016

Case Officer S Dorward



SUMMARY OF REPORT

- Planning permission is sought for the construction of a new car dealership, comprising access road, customer parking, external display, vehicle compound and wash and valet bays.
- It is also proposed to stop up a section of Kinnoull Road and provide a new cycleway.
- The statutory neighbour notification procedure was undertaken and one letter of support was received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as it constitutes a major development.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NZT16HGC0AX00>.

RECOMMENDATION

The application complies with Policy 1 of the Adopted Strategic Development TAYplan, Policies 7,29, 42, 44, 45 and 55 of the Adopted Dundee Local Development Plan and also with PAN 33. The proposals are contrary to the terms of Policy 1 of the Dundee Local Development Plan, however, the economic benefit to a site which has remained undeveloped for 20 years would justify a departure from the Adopted Development Plan. The application is therefore recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

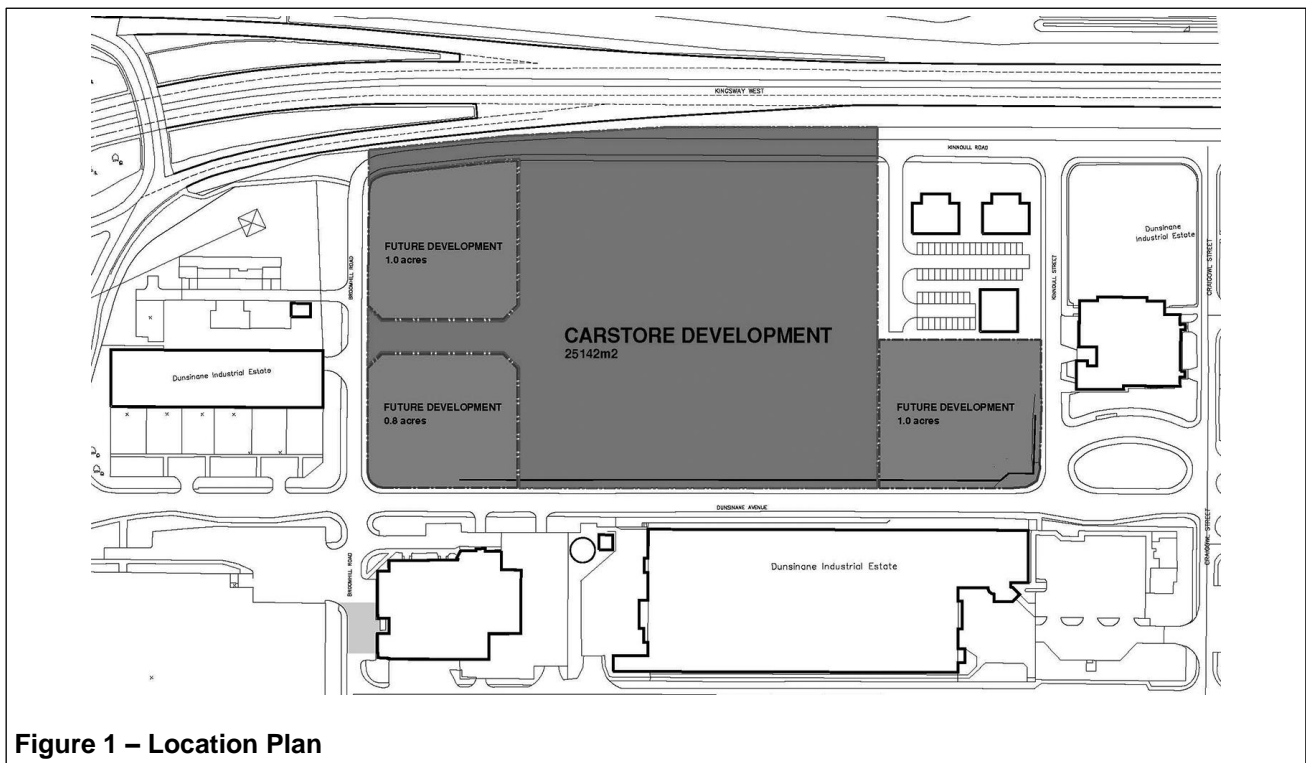


Figure 1 – Location Plan

- 1.1 Planning permission is sought for the construction of a new car dealership as a "CarStore", comprising an access road, customer parking, external display, vehicle compound and wash and valet bays. It is also proposed to stop up a section of Kinnoull Road and provide a new cycleway.
- 1.2 The car showroom is proposed with a footprint of 5,980m², providing total floorspace of 5,955m² which would comprise workshops of 200m², office facilities of 580 m², with the remaining 3,375m² available as the customer showroom. The building is proposed as single storey and to a maximum height of 7.8 metres; external finishes proposed are cladding panels in 'gull' grey and glazing, with doors in "anthracite" grey and colourful entrance features to the western elevation. Branding and signage would be the subject of a separate application for advertisement consent. Car parking spaces within the curtilage of the site would include an external display area for 274 vehicles, with 270 spaces for vehicle storage and staff parking and 54 customer parking spaces. Additional space is identified within the site as a turning area to allow the largest vehicles entering the site to leave in a forward gear. Access to the site would be from a new access road leading from Broomhill Road for staff and customers; the new access would also be suitable for pedestrians and cyclists, bordered by footpaths and grass verges. Boundary treatment is proposed as a 2 metre high steel mesh fence to the east and west site boundaries with the existing brick retaining wall remaining to the southern elevation. The north of the site is bound by the Kingsway, barrier hoops measuring 1.4 by 0.65 metres are proposed to the curtilage of the site.
- 1.3 The design concept of a "CarStore" is that customer parking would be located in a managed car park with a clear delineation between pedestrians and vehicles, customers would be unable to migrate into the external areas of vehicle display. The concept would ensure that all customers would enter through a single customer entrance foyer to be greeted by CarStore representatives; the intention to avoid an external space which confuses customer parking, display vehicles and service parking. The building would be sited to have maximum impact upon the Kingsway, with external display vehicles to the north, east and west. The

workshop and vehicle compound would be located to the rear southern side of the main building. The CarStore would be a facility principally for the sale of vehicles, with servicing and MOTs undertaken on pre-owned vehicles prior to sale only.

- 1.4 The proposals include the stopping-up of Kinnoull Road across the length of the application site, a new cycleway would be formed within the development site and adjacent to the Kingsway boundary fence, in order to maintain a continuous pedestrian and cycle route parallel to the Kingsway.
- 1.5 As the application site exceeds 2 hectares, and the proposed building would have a footprint over 5,000m², the proposals constitute a major planning application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community. A Proposal of Application Notice (PAN) was submitted in September 2015 and a Pre-application Consultation Report has been submitted with the application. A planning statement outlining the design concept together with a transport assessment, SUDs report, and site investigation report also accompanied the submission.
- 1.6 In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.

2 SITE DESCRIPTION

- 2.1 The application site is located to the north west of Dundee adjacent to the Kingsway within Dunsinane Industrial Estate, a Principle Economic Development Area as per the Adopted Dundee Local Development Plan (2014). The Kingsway is categorised as a trunk road. The application site comprises the former Valentine Works card factory site and measures over 2.5 hectares of level derelict land, which has remained unoccupied since the factory closed in 1994, with the exception of three Class 4 units located in the north east corner of the site.

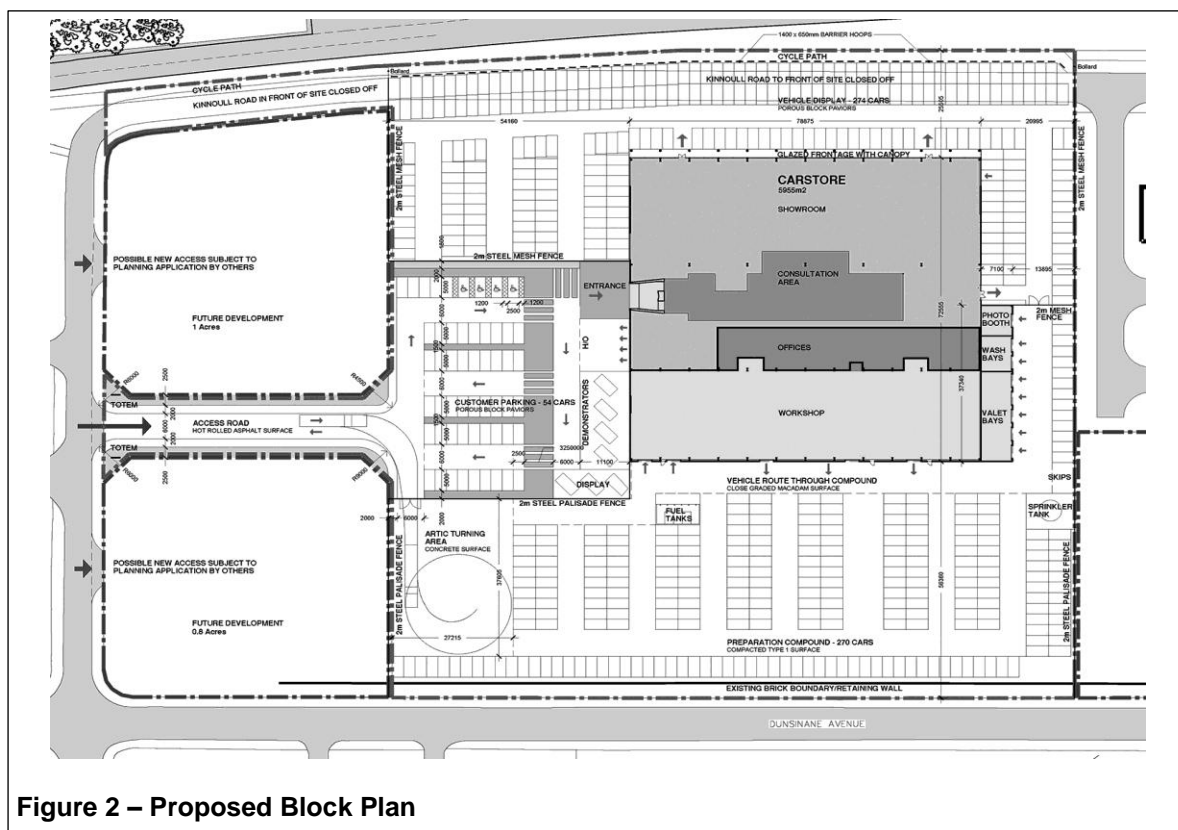


Figure 2 – Proposed Block Plan

- 2.2 The site is bound by Kinnoull Street to the east, Dunsinane Avenue to the south and Broomhill Road to the west. The land has a prominent frontage onto the Kingsway to the north of the site. Three pockets of land to the north west, south west and south east corners of the site within the applicant's ownership are excluded from the current application site and may be the subject of future planning applications.
- 2.3 The surrounding area is predominantly industrial in character.

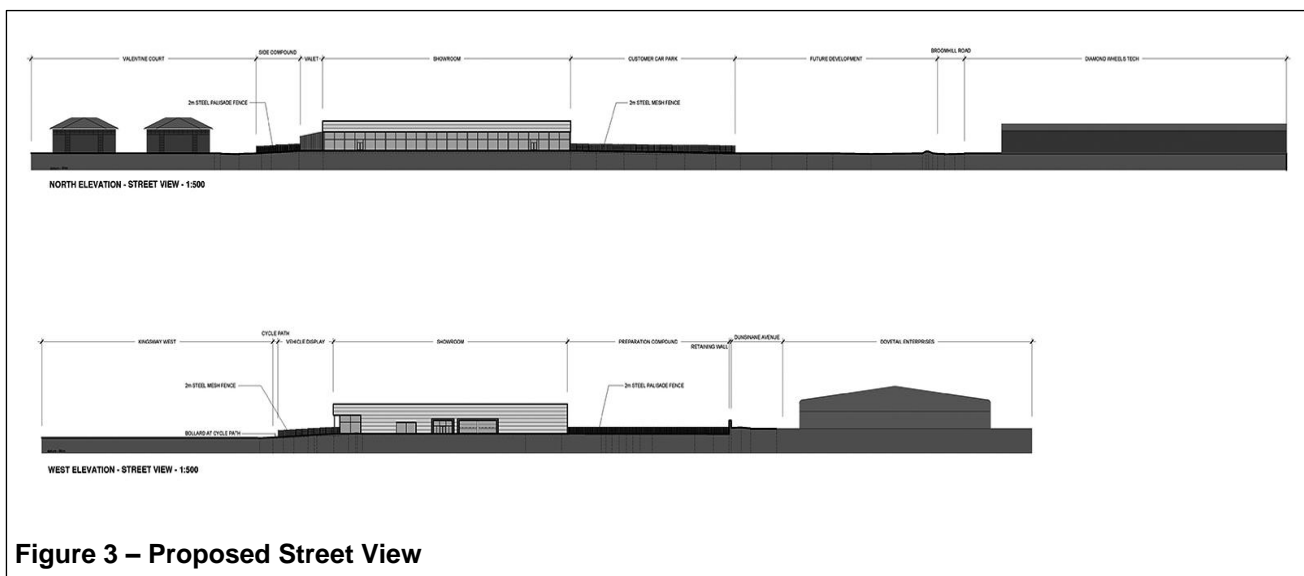


Figure 3 – Proposed Street View

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

TA YPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

Policy 1: Location Priorities

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 1: Principal Economic Development Areas

Policy 7: High Quality Design

Policy 29: Low and Zero Carbon Technology in New Development

Policy 44: Air Quality

Policy 45: Land Contamination

Policy 55: Accessibility of New Developments

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

PAN 33: Development of Contaminated Land (2000)

NON STATUTORY STATEMENTS OF COUNCIL POLICY

Policy 1: Location Priorities

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Planning application 08/00076/FUL was approved with conditions in October 2012 by the Development Management Committee, for the erection of 26 two and three storey office pavilions plus associated infrastructure works. Application 08/00519/ADV allowed advertisement consent in August 2008 and planning application 08/00805/FUL gave permission for the erection of 22 two and three storey offices in March 2009.
- 4.2 Proposal of Application Notice 12/00172/PAN was submitted in March 2012 and associated planning application 12/00367/PPPM was then conditionally approved by the Development Management Committee in October 2012 for a mixed use development comprising Class 4 business use, wholesale cash and carry use, trade counter use, car showroom use, autocare (motor vehicle maintenance) use, public house, restaurant and hotel use with car parking, access, environmental improvements and other associated works.
- 4.3 Condition 2 of planning permission 12/00367/PPPM was varied by planning permission 15/00177/PPPM in June 2015 to allow an incremental development of the site in terms of site remediation.
- 4.4 Proposal of Application Notice 15/00700/PAN was received in October 2015 in connection with the current planning application.

5 PUBLIC PARTICIPATION

- 5.1 One letter of public support has been received which welcomes the inclusion of a cyclepath in the site plan, and considers that the provision of secure cycle parking for staff and visitors would also be useful.

6 CONSULTATIONS

- 6.1 **Transport Scotland** – advises that conditions are appended to any planning permission granted to require that a fence which cannot be climbed shall be provided and maintained along the boundary with the trunk road, details of lighting within the site should be submitted for prior approval and there would be no drainage connections to the trunk road drainage system.
- 6.2 **The Head of Community Safety and Protection** - has no comments in terms of noise or odour, accepts the recommendations within the site investigation report submitted with the application and recommends a planning condition to ensure that remedial measures are implemented. It is not considered that a full Air Quality Assessment is required, a condition is recommended to require a dust management plan during construction.

7 DETERMINING ISSUES

- 7.1 **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.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 1: Location Priorities, of the Adopted TAYplan Strategic Development Plan** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region, and make a major contribution to the regions economy; Dundee's core area is identified as a Tier 1 principal settlement.
- 7.3 **The proposal therefore satisfies Policy 1 of the Adopted Strategic TAYplan.**
- 7.4 **Policy 1: Principal Economic Development** - Areas of the Adopted Dundee Local Development Plan - safeguards areas designated as Principal Economic Development Areas for uses falling within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
- 7.5 The principal land use proposed is a car dealership which is a Sui Generis use and is therefore contrary to the terms of Policy 1, the associated vehicle workshop, office accommodation and storage would be in accordance with the Policy. The applicant has provided a planning statement to justify the location of the development within the site, noting that the site has been vacant since 1994 and that no development has taken place within the site despite the approval of various planning applications; the case is presented for an identifiable destination and clearly visible landmark on the Kingsway.
- 7.6 **The proposal contravenes Policy 1 of the Adopted Dundee Local Development Plan.**
- 7.7 **Policy 7: High Quality Design** - requires that all development contributes positively to the quality of the surrounding built and natural environment. Design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colour.
- 7.8 It is considered that the development would meet these criteria and respect the surroundings in terms of height, scale and finish, given the setting within an industrial estate. The building would be located within the site so as to maximise views to the CarStore from the trunk road and surrounding area, the applicant has justified the setting of the building in terms of customer experience, and the design is appropriate for the setting.
- 7.9 **The proposal satisfies Policy 7.**
- 7.10 **Policy 29: Low and Zero Carbon Technology** - in New Development - requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies.
- 7.11 An appropriate condition is proposed that would ensure that a Statement is submitted in accordance with the terms of Policy 29.
- 7.12 **With the addition of a planning condition, the proposal would comply with Policy 29.**
- 7.13 **Policy 42: Sustainable Drainage Systems** - states that surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS), which should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300mm below floor level. Proposals are encouraged to adopt an ecological approach.
- 7.14 A SUDS strategy has been submitted with the application which proposes porous block paving where possible, with a collector pipe to provide two levels of treatment; the strategy is

demonstrated to be to the satisfaction of SEPA. The site is not in a Flood Risk Area so no Flood Risk Assessment is required. The layout drawing states that the yards would be drained by porous block paving "where possible" and therefore planning conditions are proposed to require final drainage details, also to ensure that Scottish Water approval is received for connection to sewers and to ensure that the relevant drainage certificates are received.

- 7.15 **The proposal would satisfy the terms of Policy 42 with the addition of suitable planning conditions.**
- 7.16 **Policy 44: Air Quality** - presumes against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted.
- 7.17 In this case, no air dispersion modelling would be required and the estimated daily vehicle trips would not trigger the need for a full air quality assessment at this location. The Head of Community Safety and Protection has recommended that it would be appropriate to attach a condition to any planning permission granted to require that a risk assessment for construction dust would be undertaken and a dust management plan to be implemented during construction; a suitable condition is proposed.
- 7.18 **With the addition of a planning condition, the proposal satisfies Policy 44 of the Adopted Local Development Plan.**
- 7.19 **Policy 45: Land Contamination** - requires that development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.20 The Head of Community Safety and Protection has reviewed the "Summary Report on Site Investigations and Remediation Works" dated December 2015 and submitted with the application, and accepts the recommended further remedial actions. It is recommended that evidence of this work should be submitted before the first use of the site and a suitable planning condition is proposed.
- 7.21 **The proposal would satisfy Policy 45 with the addition of a planning condition.**
- 7.22 **Policy 55: Accessibility of New Developments** - seeks that all development proposals which generate travel should be designed and well served by all modes of transport and development proposals are required to incorporate facilities for walking, cycling and public transport networks. Proposals should also comply with Dundee City Council's road standards.
- 7.23 A Transport Statement has been submitted with the application documents and the findings are accepted. The site is easily accessible from the adjacent trunk road and surrounding roads by car, the site is also located adjacent to a bus route, and a replacement cycleway is proposed adjacent to the original route which is to be stopped up. The application site is very accessible and is in accordance with Policy 55. As part of the application it is proposed to stop-up a length of Kinnoull Road and remove this from the list of Public Roads, the order process should be complete before the development is brought into use and details of the replacement footway/cycleway should be submitted before works start on site. Appropriate planning conditions in relation to this and road standards are proposed.
- 7.24 **With the addition of planning conditions, the proposal satisfies Policy 55.**

- 7.25 It is concluded from the foregoing that the proposal does not comply with the provisions of the Development Plan.

OTHER MATERIAL CONSIDERATIONS

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

- 7.26 PAN 33 Development of Contaminated Land (2000) stresses the need to ensure that land is made suitable for the proposed new use and that this is the responsibility of the Planning Authority. This should be done through a requirement on application to include suitable remediation measures and this can usually be controlled through the imposition of suitable conditions.
- 7.27 In this case that the proposed conditions would ensure that suitable remediation measures would be applied.
- 7.28 Justification for the location of the development which is contrary to the terms of Policy 1 of the Adopted Dundee Local Development Plan (2014) has been provided in a planning statement which points out that the site has been vacant since 1994, and despite previous planning permissions, no development has taken place on the site; the current proposals would kick start an area that has lain fallow for 20 years.
- 7.29 It is noted that the associated workshop and vehicle storage facility proposed as part of the development would be in accordance with Policy 1.
- 7.30 The economic benefits of the CarStore are highlighted in the supporting documents as creating a landmark destination which would be a catalyst for the development of the remainder of the site. The development would create 100 jobs in car sales, repair and servicing on completion and the construction phase would provide further employment. The developer intends to open the CarStore in December 2016. It is intended that the prominent position of the store on the trunk road would greatly enhance the appearance of Dunsinane Industrial Estate while demonstrating economic vibrancy to users of the Kingsway passing through or within Dundee.
- 7.31 The proposal seeks to form a mixed use development on the application site providing a car sales and display showroom with the complimentary creation of a large vehicle storage and repair/servicing facility and associated office facilities. The proposed development is not unlike the existing Mercedes Benz or Audi car dealerships located to the east of the application site also on the periphery of Dunsinane Industrial Estate. As well as creating jobs in car sales these facilities including the proposed create engineering, mechanical, logistical, skilled labour and administrative jobs associated with the Principal Economic Development land designation of the Dundee Local Development Plan 2014.
- 7.32 Members should also note that the principle of the development of a car showroom on the site was established by planning permission 12/00367/PPPM which approved a mixed use development including a car showroom use, approved by the Development Management Committee in October 2012.
- 7.33 On balance, the proposed development, like the existing car dealerships to the east of the application site compliment the land use designation of Dunsinane Industrial Estate by the Dundee Local Development Plan. Given the level and types of jobs being created and that the development will greatly enhance the appearance of the site when viewed from Kingsway West, the material considerations outlined above justify support of the proposal contrary to the requirements of the Local Development Plan.

- 7.34 It is concluded from the foregoing that the material considerations support the approval of planning permission.

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Before any works start on site, a Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the Adopted Dundee Local Development Plan (2014) shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.
 - 2 Before any works start on site, confirmation shall be submitted to Dundee City Council as Planning Authority that the means of disposal of the surface water is acceptable to Scottish Water.
 - 3 Before any works start on site, final drainage proposals shall be submitted for the prior approval of Dundee City Council as Planning Authority. A layout drawing should detail all areas which would comprise porous block paving, thereafter the agreed details shall be implemented in full.
 - 4 Before any works start on site, a signed Dundee City Council Design and Check Certification shall be submitted by the Applicant confirming the design of the Drainage System is to current standards.
 - 5 Before any works start on site, a risk assessment for construction dust shall be prepared in accordance with IAQM, and submitted for the prior approval of Dundee City Council as Planning Authority. Thereafter any mitigation measures identified shall be implemented in full.
 - 6 Before any unit is occupied the recommendations for further remedial measures shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.
 - 7 Details of the proposed vehicle access must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications.
 - 8 A footway/cycleway must be provided to Dundee City Council specifications ex adverso the site on Kinnoull Road. Details of the footway must be agreed prior to any works on site and the footway will be constructed in accordance with these agreed details.
 - 9 Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. This includes the existing access to the potential future development sites. Details of these alterations

must be agreed prior to any works on site and the footway will be constructed to Dundee City Council specifications.

- 10 Details of required alterations to road markings must be agreed prior to any works on site and the alterations shall be provided to the agreed details.
- 11 A Travel Plan must be in place and agreed with the Local Authority within one year of the development opening.
- 12 The agreed findings of the Transport Statement must be implemented prior to any works commencing on site.
- 13 The hard surface within the curtilage should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
- 14 Electric car charging points shall be provided at a location and number to be approved with the Planning Authority prior to opening of the development.
- 15 The applicant must provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority.
- 16 Further details for the fence proposed to the land along the boundary of the site with the trunk road shall be submitted for the prior approval of Dundee City Council as Planning Authority, after consultation with Transport Scotland as Trunk Roads Authority. The fence shall be of a type that cannot be climbed and shall be provided and maintained by the developer or subsequent owner of the land.
- 17 Details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority.
- 18 There shall be no drainage connections to the trunk road drainage system.

REA

- 1 In order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.
- 2 In order to ensure that surface water is dealt with in an acceptable manner and to prevent water affecting the adjacent adopted highway.
- 3 To ensure adequate protection of the water environment from surface water run-off.
- 4 To ensure an independent design check has been carried out and certified in line with Dundee City Council Certification of SUDS guidance.
- 5 In the interests of residential amenity.
- 6 To ensure that all contamination within the site is dealt with.
- 7 In the interests of vehicle and pedestrian safety.
- 8 In the interests of pedestrian safety.

- 9 In the interests of vehicle and pedestrian safety.
- 10 In the interests of vehicle and pedestrian safety.
- 11 In the interests of promoting sustainable transport.
- 12 In the interests of vehicle and pedestrian safety.
- 13 To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.
- 14 In the interests of sustainable travel measures.
- 15 To ensure an appropriate and publicly maintainable system is provided.
- 16 To minimise interference with the safety and free flow of the traffic on the trunk road.
- 17 To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
- 18 To ensure that the efficiency of the existing drainage network is not affected.

INFORMATIVE

- 1 The stopping-up order required for Kinnoull Road must be completed prior to any use of the proposed development.