

KEY INFORMATION

Ward The Ferry

Proposal

Installation of roof plant

Address

114 Brook Street
Broughty Ferry
Dundee

Applicant

Marks & Spencer Plc
Property (TP4.2)
37 North Wharf Road
London

Agent

Nathaniel Lichfield &
Partners Ltd
Generator Studios
Trafalgar Street
Newcastle Upon Tyne
NE1 2LA

Registered 17 April 2007

Case Officer Julie Young



Proposed Refrigeration Equipment on Roof in Brook Street

The installation of roof plant is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the policies in the Dundee Local Plan Review 2005. The objections are not supported and there are no material considerations to justify refusal of the application. Accordingly, the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought to replace roof plant equipment on the roof of the M&S building at 114 Brook Street, Broughty Ferry, Dundee.
- One letter of objection was received from an adjacent resident on the grounds of potential noise disturbance.
- The proposal is supported and if Members are minded to grant approval, a condition will be attached to ensure that the noise levels from the roof plant do not exceed specific levels that will cause problems for adjacent residents.
- There are no material considerations that would justify refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for replacement roof plant equipment on the roof of the M&S building at 114 Brook Street, Broughty Ferry, Dundee. The equipment consists of a refrigeration roof mounted condenser and two smaller condensing units. The larger condenser unit is 3.6m wide, 2.3m long and 1.265m high. The smaller units are approximately 1.4m wide, 0.6m long and 1.2m high. Acoustic louvers will be added to the equipment to decrease any potential noise levels.

SITE DESCRIPTION

The application site is located on the south side of Brook Street, east side of Lawrence Street and north side of Long Lane, Broughty Ferry. The premises are a retail store owned by Marks and Spencer, which is single storey with a flat roof. There is a 2 storey storage section to the rear and car parking area. There are residential properties to the south and west and a health centre with associated car park is located to the east.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

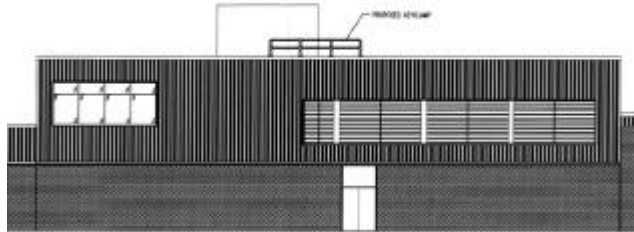
Dundee Local Plan Review 2005

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

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



SITE HISTORY

There is no site history of direct relevance to the application site in these circumstances.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one valid letter of objection was received from an adjacent resident to the west on the opposite side of Lawrence Street. The grounds of objection are potential noise disturbance.

CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

The Head of Environmental Health and Trading Standards has advised that restrictions will be required on the noise levels of the roof plant equipment. If Members are minded to approve the application, a condition will be attached to restrict the noise levels from the equipment.

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 of the Dundee Local Plan Review 2005 states that new developments 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. The applicant has indicated on the plans that acoustic louvers will be

installed to ensure that any potential noise level from the condensing units does not adversely affect neighbouring residents. The Head of Environmental Health and Trading Standards has indicated that noise levels may decrease as acoustic louvers are proposed. They are satisfied that a condition to restrict noise levels from the equipment will adequately protect the amenity of nearby residents.

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:

Objection

The objection received is on the grounds of noise disturbance. The Head of Environmental Health and Trading Standards advises that a condition is attached to restrict noise levels from the roof plant equipment. This will ensure that the amenity of adjacent residents is protected from unacceptable noise levels.

The objection does not carry sufficient weight to merit refusal of the application.

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. It is therefore recommended that planning permission be granted with conditions.

Design

The proposal is to replace existing roof plant condenser units. The units will be barely visible above the flat roof of the building. The design is considered acceptable.

CONCLUSION

The proposal is considered acceptable and complies with Policy 1 of the Dundee Local Plan Review 2005. The amenity enjoyed by adjacent residents will not be adversely affected and the objection is not supported.

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 Total noise from the roof plant shall not exceed NR45 day time and NR35 night time as measured 1m external to any residential property. For avoidance of doubt, day time shall be 0700-2300hours and night time shall be 2301-0659hours.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the amenity of nearby residents from unacceptable noise levels.