Erection of 37 Self-contained Storage Units, Security Lighting and Fencing at 52-54 East Dock Street

KEY INFORMATION

Ward Maryfield

Address

52 - 54 East Dock Street

Applicant

Kangaroo Self Storage Ltd 2 Cheviot House Mill Wynd Haddington East Lothian

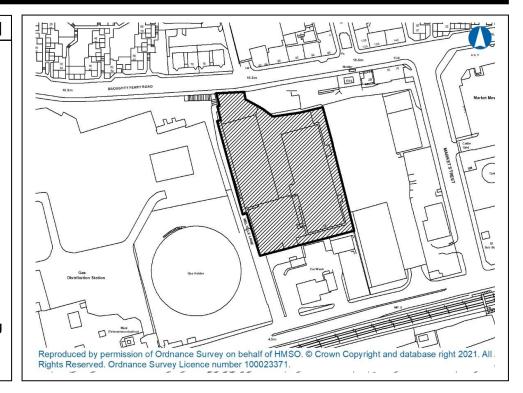
Agent

Galbraith

Registered 26 Aug 2020

Report by Head of Planning & Economic Development

Contact: Claire Myles



SUMMARY OF REPORT

- Planning permission is sought for the erection of 37 self-contained storage units, security lighting and a new section of palisade security fencing along the boundary of the site (west).
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. No representations have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee due to an objection from the Health and Safety Executive, a statutory consultee. This is due to the site's proximity to the redundant gas holder and a related Hazardous Substances Consent.
- The adjacent gas holder is not in use and the proposed development would not increase the risk of harm to people.
- More details can be found at:

http://idoxwam.dundeecity.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage

RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that it is proposed that planning permission be APPROVED.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application is for the installation of 37 self-contained storage units each measuring 6m x 3m, together with security lighting and a new section of palisade security fence on the boundary of the site (west).
- 1.2 An existing storage building has been demolished and the proposed development would replace it.
- 1.3 The applicant has submitted the following in support of the application:
 - Planning Statement; and
 - Transport Assessment.



2 SITE DESCRIPTION

- 2.1 The application site is within a commercial yard operated by Kangaroo Self Storage to the east of Gallagher Retail Park and the gas holder site.
- 2.2 The site is located to the north of East Dock Street and south of Broughty Ferry Road and is bounded by Melville Lane (west) and Market Street (east).
- 2.3 The surrounding area is largely commercial and industrial.



Figure 2 – Photo of Existing Storage Shed

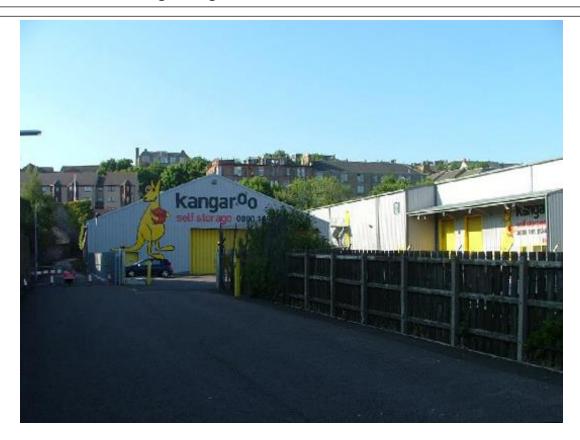


Figure 3 – Photo of Existing Storage Shed

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design/Placemaking Policy 3: Principal Economic Dev Areas Policy 39: Environmental Protection

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 There is no site history.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 No representations have been received.

6 CONSULTATIONS

- 6.1 **Health and Safety Executive (HSE)** advise against the granting of planning permission due to the increased risk of harm to people in the vicinity of a hazardous substance site. The application site is located within the inner zone of the HSE consultation distance of the former gas holder site immediately to the west of the application site.
- 6.2 **Transport Scotland** has no objection to the application.
- 6.3 The Head of Community Safety and Protection was consulted on the following matters-
- 6.4 **Noise** no comments or conditions required on the basis of the further information submitted.
- 6.5 **Contamination** reviewed the additional information submitted regarding the site history and proposed site use and recommend an advisory note in respect of the demolition of the existing storage unit and the potential for residual contamination.

7 DETERMINING ISSUES

7.1 Section 25 of the Town and Country Planning Act 1997 as amended 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.

TAYPLAN 2016 – 2036

7.2 The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.3 **Policy 1: High Quality Design and Placemaking -** all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.4 The application is for the installation of 37 self-contained storage units each measuring 6m x 3m, together with site lighting and a new section of palisade security boundary fence to match the existing fence (west). The application site is an existing self storage business located within a Principal Economic Development Area.
- 7.5 An existing storage unit on the site has been demolished and the 37 single storey units will be on the footprint of the demolished building with new security lighting and a boundary fence to match the existing palisade security fence. The individual units are lower in scale and height and will be less visually prominent. The surrounding area is a mix of commercial and industrial uses and the proposed development will be in keeping with the character and amenity of the place.
- 7.5 The proposal is in accordance with Policy 1.
- 7.6 **Policy 3: Principal Economic Development Areas -** Principal Economic Development Areas are of City-wide significance and as such will be safeguarded for Class 4 "Business", Class 5 "General Industry" and Class 6 "Storage and Distribution". Uses other than these will be resisted. Any development at the Port of Dundee Principal Economic Development Area should not have an adverse effect, either alone or in combination with other proposals or projects, on the integrity of any Natura Site.
- 7.7 The proposal is for a class 6 use which is in accordance with Policy 3.
- 7.8 **Policy 39: Environmental Protection** all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light

- pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.
- 7.9 The Head of Community Safety and Protection requested further supporting information with regards to potential residential amenity issues. The nearest residential properties are located to the north of the site on the north side of Broughty Ferry Road. In light of the further information submitted, it is considered that the proposal will not have a detrimental impact on residential amenity given the existing use on site and the nature of the proposal.
- 7.10 The proposal is in accordance with Policy 39.
- 7.11 It is concluded that the proposal is in accordance with the Development Plan.

MATERIAL CONSIDERATIONS

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

A - HEALTH AND SAFETY (HSE) CONSULTATION RESPONSE

- 7.13 As noted previously in the report, the Health and Safety Executive (HSE) advise against the granting of planning permission. HSE, in their consultation response, confirm that the gas holder site was denotified in 2012 by the National Grid as the site no longer required hazardous substance consent. It does however still retain the hazardous substances consent and for that reason HSE advise against the granting of planning permission due to the increased risk of harm to people in the vicinity of a hazardous substance site.
- 7.14 In their consultation response, HSE state it is for Dundee City Council as the planning authority to formally revoke any hazardous substances consents held by the site under sections 12 or 15 of The Planning (Hazardous Substances) (Scotland) Act 1997. HSE recommend it is good planning practice for local planning authorities to work proactively with businesses that have hazardous substances consent, where there is potential conflict between the existence of a consent and a local authority's planning priorities. Undertaking a review of consents to ensure they are still in use could help identify where consents may be redundant or could be given up. In this instance, a review of consents has not been undertaken.
- 7.15 HSE state that if all hazardous substances consents held by the former Dundee Holder Station site are formally revoked in accordance with The Planning (Hazardous Substances) (Scotland) Act 1997, HSE will remove the consultation distance around the site and there will be no need to consult HSE on proposed developments in the vicinity. In those circumstances, HSE would not advise against the granting of planning permission for application 20/00433/FULL.
- 7.16 If the Council proposes to revoke the hazardous substances consents, but wishes to grant permission for application 20/00433/FULL before doing so, then HSE would not advise against the granting of planning permission if a suitably worded planning condition is included in the permission which would prevent the proposed development from being occupied until all of the hazardous substances consents have been formally revoked.
- 7.17 Finally, HSE highlight the Direction in the Annex to Scottish Planning Circular 3/2009 Notification of Planning Applications. This instructs that the Scottish Ministers must be automatically notified "where a planning authority proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction". This includes "Development which has been the subject of consultation with the

Health and Safety Executive where the Health and Safety Executive has advised against the granting of planning permission or has recommended conditions which the planning authority does not propose to attach to the planning permission." The planning authority is required to notify the Scottish Ministers and cannot grant planning permission before the expiry of a period of 28 days beginning with the date notified to them by the Scottish Ministers as the date of receipt by them of the information which the planning authority are required to submit under the Direction.

- 7.18 The options presented by HSE to progress the planning application process have been fully considered. It is proposed that the application should be approved. Scottish Ministers shall then be notified, as per Scottish Planning Circular 3/2009: Notification of Planning Applications, due to the Health and Safety Executive's consultation advice to advise against the granting of planning permission.
- 7.19 This course of action is recommended to avoid any further delay for the applicant given the period of time to undertake the revocation process. There is an existing business operating a self-storage facility on the application site and the proposed development satisfies development plan policy. Also, as noted by HES in their consultation response, the gas holder site has been redundant since 2012. Therefore, there would be no increased risk of harm to people in the vicinity of the site should the application be approved. Finally, there has been no objection to the proposed development from other consultees or members of the public.
- 7.20 In respect of hazardous substance consents on the gas holder site these comprise a 1993 Deemed Consent; a continuation of consent in 2000 and a further continuation in 2001. Guidance on the revocation process is set out in Planning Circular 3/2015: Planning Controls for Hazardous Substances. This states that the planning authority should identify and contact owners and occupiers of the site and this is currently being carried out. Under the Council's Scheme of Delegation, the revocation of hazardous substance consent is required to be approved by the Planning Committee. A paper to this effect will be prepared for a future Planning Committee.
- 7.21 There are no material considerations to justify refusal of planning permission.

8 CONCLUSION

8.1 The application for the installation of 37 self-contained storage units, security lighting and a new section of palisade security fence on the boundary of the site (west) is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that it is proposed that planning permission is granted.

9 RECOMMENDATION

9.1 It is recommended that it is proposed that planning permission is GRANTED and that the following advisory note is attached to any planning permission granted:

The industrial history of the area and demolition of the existing warehouse had the potential to leave residual ground contamination. Vigilance should be maintained during groundworks and 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. 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.