

Change of Use from Dwellinghouse to Water Sports Club Headquarters with Associated Alterations

KEY INFORMATION

Ward The Ferry

Address

Glenogil
9A Ogilvie Road
Broughty Ferry

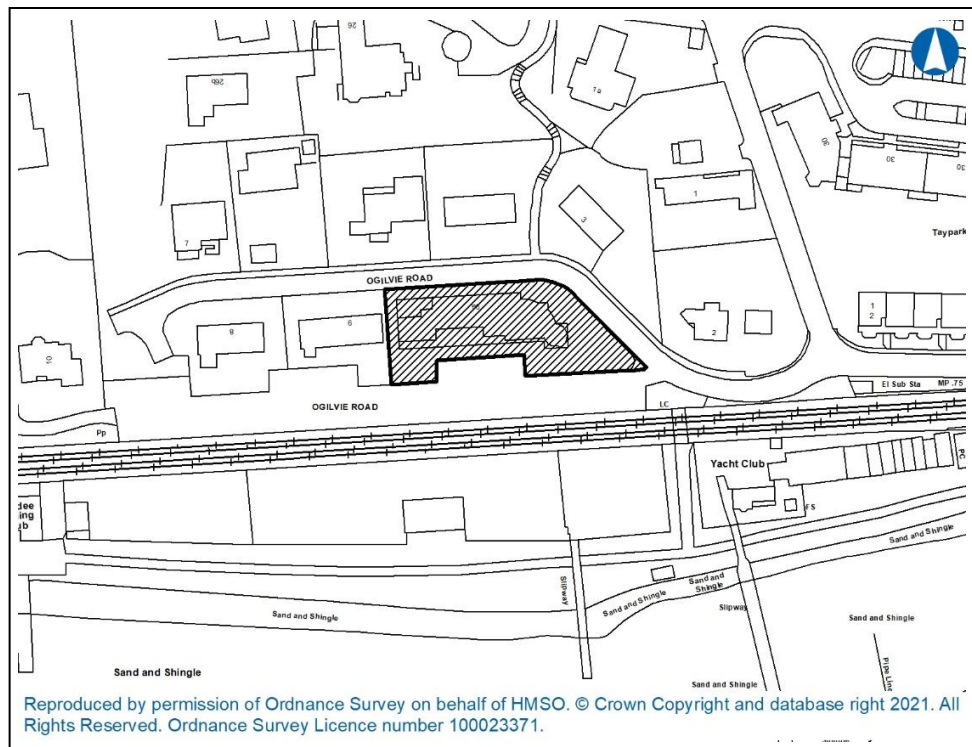
Applicant

Royal Tay Yacht Club

Registered 4 March 2021

Report by Head of Planning & Economic Development

Contact: Craig Swankie



SUMMARY OF REPORT

- The Royal Tay Yacht Club seek planning permission for the change of use of a dwelling house to water sports club headquarters with associated alterations at 9A Ogilvie Road, Broughty Ferry.
- The application site is located on the south side of Ogilvie Road, 260 metres from the existing club headquarters at Fort William House on Dundee Road; some 60 metres from the club's beach clubhouse, boat parks and slipways; and adjacent to the existing club car park.
- The application does not fully accord with Policy 27: Public Houses, Restaurants and Hot Food Takeaways of the Development Plan. However, there are material considerations which support the approval of planning permission.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. 8 letters of objection and 9 letters of support have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as more than 6 valid objections have been received and the recommendation is for approval.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=QPFP1GGCGLG00>.

RECOMMENDATION

The proposal does not fully comply with the Development Plan. However, there are material considerations of sufficient weight to justify approval of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application site is a dwellinghouse and associated garden ground on the south side of Ogilvie Road, Broughty Ferry. The dwelling is of modern design and primarily single storey in scale, with a tower element and roof terrace on the east elevation. The dwelling which was constructed in 2007 features a stone wall and garage within the north elevation and window and door openings within the south elevation. Finishes include traditional stone, white render, glazing and timber. The main areas of garden ground are to the south and east of the dwelling.
- 1.2 The Royal Tay Yacht Club seeks planning permission for the change of use of the dwellinghouse to become the club's headquarters, with internal alterations proposed to form two meeting rooms, office space, bathrooms, a kitchen and open lounge area. Externally, minor alterations are proposed to the south elevation including replacing an existing access door, formation of a window opening and addition of two heat pumps. The existing garden ground at the house would provide useable external amenity space.
- 1.3 The applicant states the proposed water sports club headquarters would provide similar functions to the existing headquarters at Fort William House. The site has been chosen as it can meet the operational needs of Royal Tay Yacht Club, and would be in a location which is accessible to members, guests, and visitors to sporting events. The main function of the proposed headquarters would be to provide a space for members to meet and have coffee/tea, to view events/training on the River Tay, access books from the Club library, to attend meetings, to attend lunches, high teas, other meals, to attend social functions such as quiz nights or dinners and to attend talk nights/education sessions.
- 1.4 The proposed kitchen and lounge areas could accommodate functions associated with the Yacht Club. Functions can only be hosted by members and the applicant states they will not seek a license to sell alcohol. The club house would not be open to the public, with only members and those registered to take part in events/courses able to book/utilise the proposed facilities. Access to the main social area for members will be controlled via an electronic keycard. The proposed opening hours are 0800h to 2330h, 7 days per week.
- 1.5 The applicant has submitted the following in support of the application:
- Supporting Statement;
 - Noise Impact Assessment;
 - Transport Statement; and
 - Details of proposed kitchen equipment.

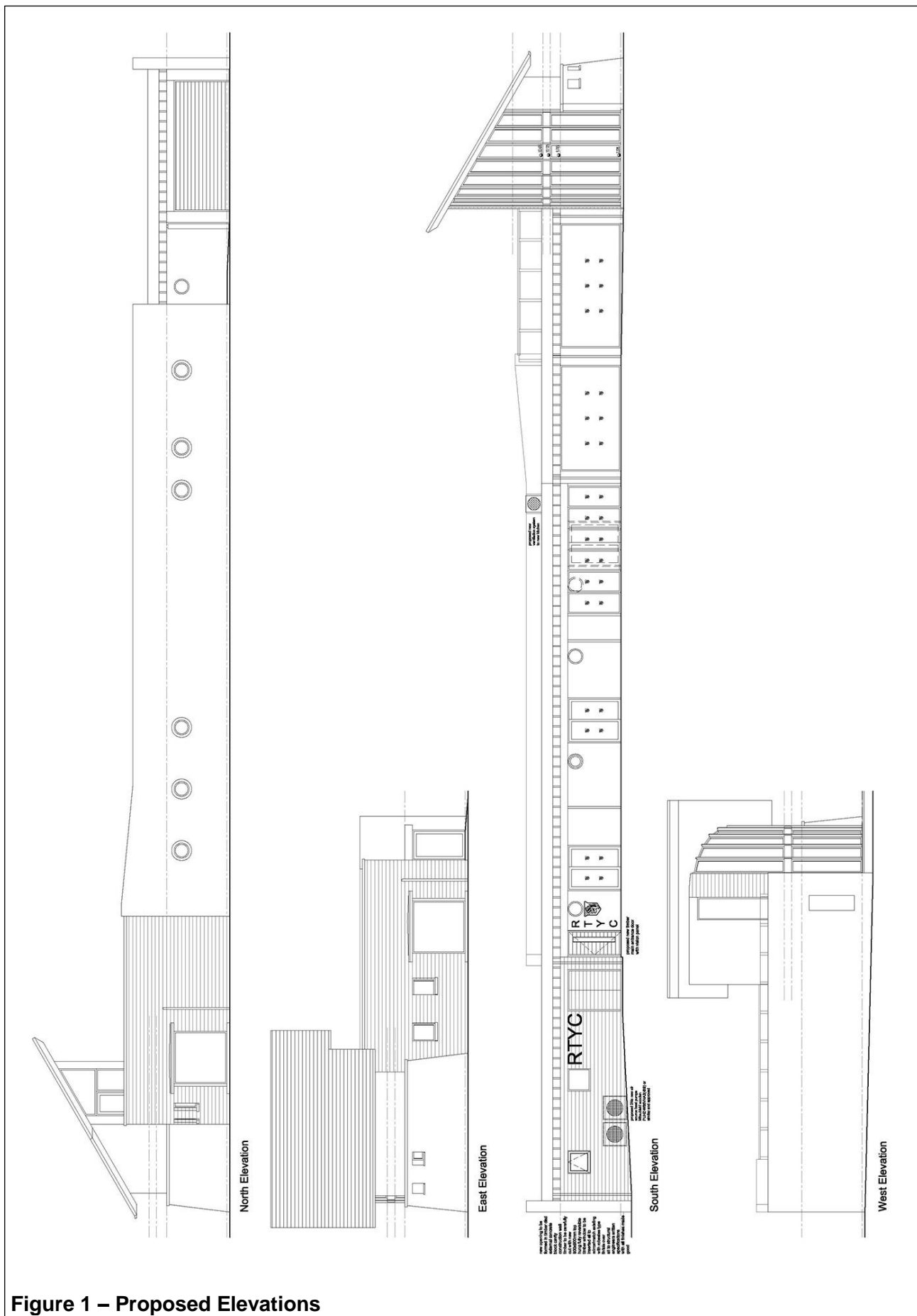


Figure 1 – Proposed Elevations

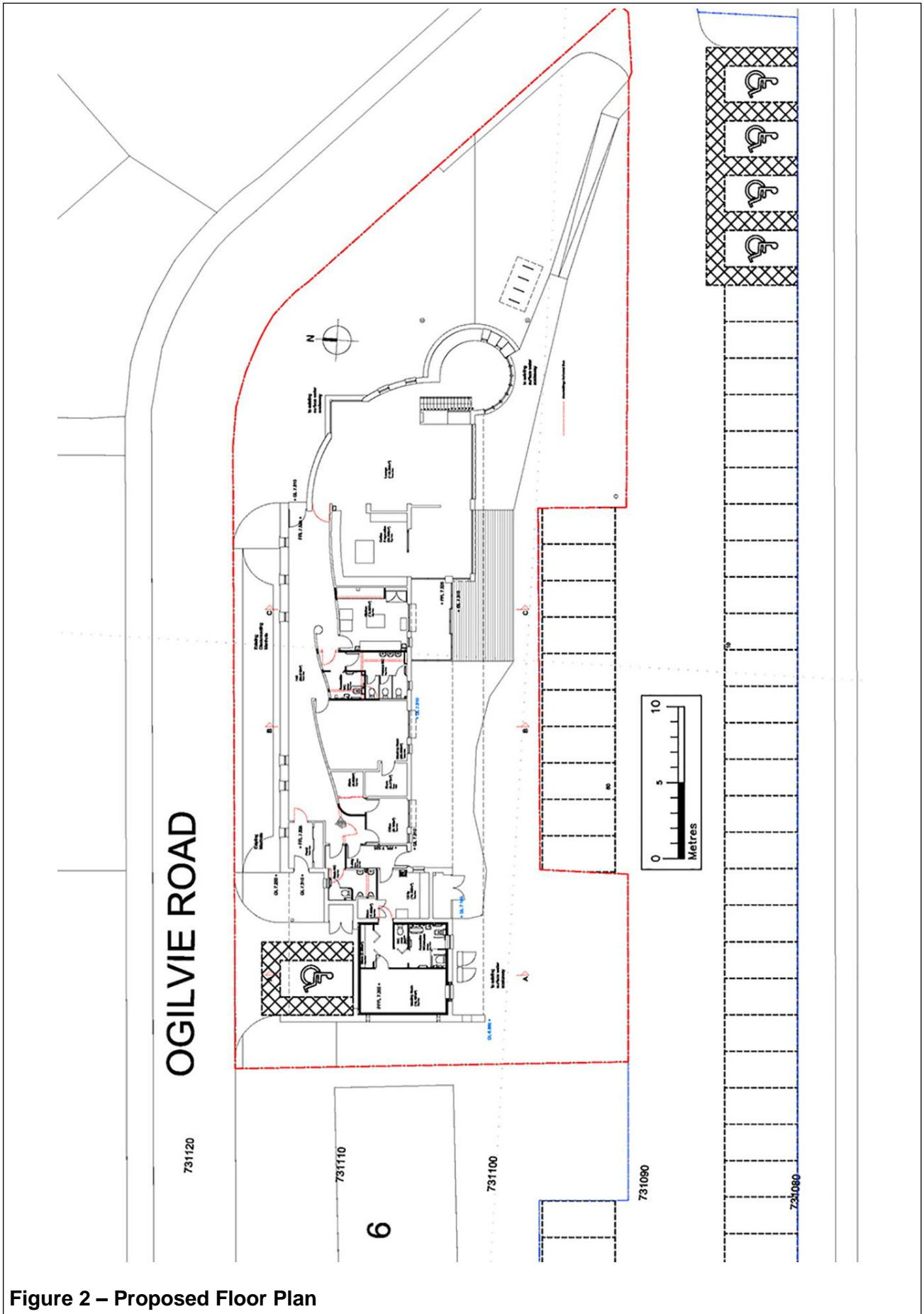


Figure 2 – Proposed Floor Plan

2 SITE DESCRIPTION

- 2.1 The application relates to an existing dwelling house on Ogilvie Road, Broughty Ferry. The site is located on the south side of the street and to the north of the existing 88 space yacht club car park and the railway line.
- 2.2 The existing property is a single storey dwelling with two storey tower and roof terrace to the east elevation. The principle elevation of the dwelling is the south elevation, with areas of glazing which afford views across the railway and towards the River Tay. The main entrance is to the south elevation, with a garage entrance to the north. The dwelling is finished in sections of traditional stone to the north elevation and white render and the large areas of glazing to the south elevation.
- 2.3 Surrounding land uses are largely residential with houses to the north, east and west of the site on Ogilvie Road, Ogilvie Court and Dundee Road. To the south of the dwelling is the yacht club car park and beyond the railway are buildings and boat parking associated with several water sports clubs. These are accessed from Ogilvie Road via an unmanned railway level crossing.



Figure 3 – South Elevation of 9A Ogilvie Road



Figure 4 – Access to 9A Ogilvie Road



Figure 5 – Existing Car Park to South of 9A Ogilvie Road



Figure 6 – Ogilvie Road To The Rear (North) Elevation of 9A Ogilvie Road

3 POLICY BACKGROUND

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

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 7: Tourism and Leisure Developments

Policy 27: Public Houses, Restaurants and Hot Food Takeaways

Policy 39: Environmental Protection

Policy 54: Safe and Sustainable Transport

Policy 56: Parking - Developments Outwith City Centre

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 05/00007/FUL for the erection of a dwelling house was approved in February 2005.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 Eight objections have been received raising the following valid material grounds

- the proposal is considered contrary to Local Development Plan policy, including Policy 17 and Policy 21;
- additional traffic and noise associated with the proposed club headquarters, including delivery vehicles/refuse collection and increased use of the car park would have a detrimental impact on residential amenity;
- the holding of events, provision of meals and an associated kitchen would have a detrimental impact on residential amenity by virtue of noise and odour; and
- the proposals to accommodate up to 150 visitors and use of the first floor viewing tower and deck raise concerns that the proposal would have a detrimental impact on privacy.

5.3 Nine letters of support for the planning application have been received, including a letter from Broughty Ferry Community Council, raising the following valid material planning considerations:

5.4 The proposed development would support the long-term survival of Royal Tay Yacht Club (RTYC) and ensure the continued provision of sailing and access to water sports within the city. The proposed site is of a scale which is suited to the proposed use and provides a manageable premise for RTYC to operate from. The headquarters has been sensitively designed to minimise external alterations and utilise existing parking and access arrangements. The relocation of RTYC to premises which are within close proximity to existing facilities at Grassy Beach and less than 300 metres from Fort William House is considered a sensible and logical move for the club. The proposed use would be a suitable addition to this

residential area and the club's statements on the operation of the premises and not selling alcohol are supported.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** – has been consulted on noise and odour matters.

Noise – the applicant has submitted a noise impact assessment in support of the application. The Noise Impact Assessment identifies mitigation measures which will be required, including the provision of acoustic fencing to ensure the proposed use has no detrimental impact on residential amenity. It is recommended the implementation of the identified measures, and control of noise from mechanical and electronic plant be controlled by condition to ensure there is no significant impact on residential amenity.

Odour – the applicant has provided details of the proposed cooking equipment and range of foods which are to be prepared on site. Due to the proximity of neighbouring houses, it is recommended the type of cooking equipment and range of foods served be controlled by condition to ensure there is no significant impact on residential amenity.

- 6.2 **The Head of Sustainable Transport and Roads** – has no objection to the application.
- 6.3 **Network Rail** - has no objection to the application.

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.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.2 **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 6 qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.3 The proposal includes minor alterations to the existing dwellinghouse. The alterations include replacement of the entrance door, addition of a window and two air source heat pumps to the south elevation and addition of an extraction unit to the roof. The proposed entrance door and additional window maintain the form and scale of the existing openings within the south

elevation, and will maintain the modern appearance of the dwelling. The position and scale of the air source heat pumps and extraction unit ensure the proposal would have no significant impact on the appearance of the building. The applicant proposes to include 'RTYC' signage within the front elevation of the building. Any proposed signage would be considered as part of a separate application for advertisement consent.

7.4 The proposed minor alterations to the building, including replacement entrance door and addition of heat pumps have been designed to ensure the changes maintain the character of the site and the existing building.

7.5 **The proposal is in accordance with Policy 1.**

7.6 **Policy 7: Tourism and Leisure Developments – b) Leisure Developments** – this states that proposals for major leisure uses will be directed firstly towards the City Centre and the District Centres followed by the existing leisure parks at Douglasfield and Camperdown and to The Stack to support its continued redevelopment. Proposals for leisure developments outwith these locations will only be acceptable where it can be established that:

- 1 no suitable site is available, within and thereafter on the edge of the City Centre or District Centre or within the existing leisure parks;
- 2 individually or cumulatively it would not prejudice the vitality or viability of the City Centre or District Centres;
- 3 the site is readily accessible by modes of transport other than the car; and
- 4 activity-specific issues indicate that this is impractical.

7.7 The proposal is for a leisure use and associated functions. The applicant's supporting document states that the size and location of the site is proposed due to its suitability for the proposed use in terms of scale and design, and the site proximity to the River Tay and existing yacht club premises to the south of the site.

7.8 The statement notes that the prospective building fulfils a set of requirements including:

- offering unique opportunity of integrating the sporting and supporting clubhouse facilities of RTYC;
- the proposal would strengthen the Club's overall offering of watersports to existing and prospective members, to visitors and to the community through the Club's programme of introducing local groups to sailing and rowing;
- a simplified model of operation at RTYC will release significant volunteer time and resources which will be channelled into the promotion of healthy recreation on the water;
- the site is of a size and design that is well suited to current and anticipated future requirements; and
- it would complement the Club's watersports facilities at the beach and would ensure that in future, resources can be concentrated on upgrading these facilities, both in quality and image.

In respect of the policy criteria above:

- 7.9 **Criteria 1** – the Supporting Planning Statement includes details of the proposed use and provides justification for the siting of the club headquarters within the proposed location. The supporting statement highlights that the application site provides a suitable premises in terms of size, but also in terms of a location with the associated infrastructure, pedestrian links and car parking already in place.
- 7.10 **Response** – the Local Development Plan (paragraph 7.20), in line with Scottish Planning Policy, recognises that a flexible and realistic approach is required in applying the sequential approach to ensure that different uses are developed in the most appropriate locations.
- 7.11 A sequential assessment has not been submitted. However, it is acknowledged the location of the water sports club headquarters is dictated by the nature of the proposed use, and proximity to associated facilities at the River Tay. The proposed change of use would ensure the continued operation of Royal Tay Yacht Club and associated activities within Broughty Ferry. The proposed use would generate footfall and a parking requirement. The siting of the yacht club within proximity of the River Tay, existing RTYC headquarters and car park facilities is an appropriate location and there are no suitable sites within existing centres which could accommodate the proposed use. The proposal meets the requirements of Criterion 1.
- 7.12 **Criteria 2** – the proposed use is not a retail or commercial use, and would be located within proximity to the River Tay and established yacht club facilities. The proposed change of use to a club headquarters in this location relates directly to sailing, rowing and boating activities and would not result in a detrimental impact on the vitality or viability of existing district centres or leisure parks. The proposal would ensure the continued operation of Royal Tay Yacht Club in a location which would be complementary to the site and surrounding area.
- 7.13 **Response** – the application site is in an established residential area, within proximity of the River Tay. The proposed use is in a location and of a scale which would not significantly alter the existing character or level of footfall within the local area. It would not therefore individually or cumulatively prejudice the vitality or viability of the City Centre or District Centres. The proposal meets the requirements of Criterion 2.
- 7.14 **Criteria 3** – the Transport Statement highlights that the site is within walking distance of footpath and cycle networks. The site is accessible by sustainable transport options including bus services, with bus stops on Dundee Road located within 400 metres of the site.
- 7.15 **Response** – the Transport Statement demonstrates that the application site is accessible by a choice of sustainable transport modes. The site can be accessed by bus with stops on Dundee Road within walking distance of the site, and Dundee Green Circular walking and cycling route is located 70 metres to the south of the site. This is an established residential area with good links to the surrounding area. The proposal meets the requirements of Criterion 3.
- 7.16 **Criteria 4** – the Supporting Planning Statement outlines the concept proposed for a number and type of different uses in one building, including office and meeting spaces, a kitchen, lounge and bathroom/shower facilities. As above, the location of the building within close proximity to the River Tay meets the applicant's requirements. The supporting statement and supplementary information state consideration has been given to a range of options and this site identified as the most suitable and practical location for the clubs headquarters.
- 7.17 **Response** - the Supporting Planning Statement outlines the concept to accommodate a range of uses within the building. It sets out the requirements for a smaller facility than Fort William House and notes the application site is suitable in terms of location, scale and accessibility. It

is acknowledged that premises requires to be within proximity of facilities on the River Tay and that it would be impractical for the proposed water sports headquarters to be located in the City Centre, or a District Centre or Leisure Park. In this instance, there are activity-specific issues to support the siting of the headquarters in this location. It is also noted that the current headquarters within Fort William House are located some 260 metres from the club's slipways, car park, boat park and beach clubhouse requiring users to walk some distance over a railway bridge and footway to access both. Relocating to Ogilvie Road will improve the accessibility and practicality of the club to members and visitors. The proposal therefore meets the requirements of Criterion 4.

7.18 **The proposal is in accordance with Policy 7.**

7.19 **Policy 27: Public Houses, Restaurants and Hot Food Takeaways** - states proposals for new public houses will not be supported in locations out with the City Centre. Outwith the City Centre and District Centres proposals for hot food takeaways and restaurants, including external seating areas, will only be supported where:

- 1 the proposal has a gross floor area up to 150m² and is more than 30 metres from existing or proposed housing, or
- 2 where the proposal has a gross floor area of more than 150m² and is more than 45 metres from existing or proposed housing.

Proposals for hot food takeaways, sandwich shops and coffee shops which do not meet these requirements may be permitted subject to the hours of operation being limited to between 7.00am and 7.00pm, and the hot food being prepared only by microwave oven or other method which would not cause a nuisance to surrounding residential property by virtue of noise or odour.

7.20 The proposed yacht club headquarters would include a kitchen and serving area where lunches and teas are to be provided to members. The proposed food services would not be accessible to the public, but would be open to members and guests/visitors to the yacht club. Food would be served within the lounge area which has a floor area of 116m². The proposals are located within 20 metres of housing to the north of the site and within 5 metres of houses to the west of the site. The proposal would therefore be within 30 metres of existing housing and fails to meet Criteria 1.

7.21 The applicant has provided details of the proposed cooking equipment, foods to be served and extraction equipment. Through the use of a controlled range of foods and cooking equipment, the kitchen could operate in a manner which ensures there are no significant food odours. Whilst this is not a hot food takeaway, sandwich shop or coffee shop it does include the service of hot food to members and visitors to the yacht club. Due to the proximity to neighbouring dwellings the proposal would therefore not meet the requirements of Policy 27.

7.22 **The proposal fails to accord with Policy 27.**

7.23 **Policy 39: Environmental Protection** - states that all new development which would generate noise, vibration or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.

7.24 The proposed water sports club headquarters will provide cooked lunches and high teas, be a venue for functions and events such as quiz nights and provide a place for members to

meet. The proposals would accommodate events attended by up to 150 people and mechanical plant including heat pumps and kitchen extraction equipment are proposed.

- 7.25 Following review of the proposals, The Head of Community Safety and Protection has no objection to the proposals, which raise no concerns in relation to light or vibration.
- 7.26 With regard to noise, it is noted that there are residential properties within close proximity to the site. The applicant has submitted a Noise Impact Assessment and details of the proposed kitchen equipment and heat pumps in support of the application.
- 7.27 The NIA considers noise associated with plant equipment and patrons attending the site. The report identifies there would be no significant impacts by virtue of noise at dwellings to the north of the site. However, noise associated with the proposals would affect land to the south of the site, and result in increased noise levels at neighbouring property to the west.
- 7.28 To reduce noise levels at neighbouring dwellings, the NIA identifies a requirement to provide noise attenuators on the proposed plant equipment, and an acoustic fence along the west boundary of the site. The acoustic fencing will require to be 2.3 metres in height.
- 7.29 The applicant has provided details of the proposed mechanical and electronic plant equipment, and there is scope to provide acoustic fencing to the site's west boundary. The implementation of the mitigation measures identified within the NIA can be controlled by condition to ensure there is no significant impact on neighbouring dwellings by virtue of noise. As the site is within close proximity of residential properties, planning conditions are recommended to control noise related to music, delivery times and mechanical and electrical equipment. The conditions would ensure noise from these sources is controlled and that the proposed use would not raise any significant issues in terms of impact on neighbouring land uses.
- 7.30 **The proposal is in accordance with Policy 39, subject to condition.**
- 7.31 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.
- 7.32 In terms of waste management, the applicant proposes to store bins within the west of the site as the existing bin storage arrangements. This is acceptable in principle; however the proposed use will require additional bins to be provided the existing use as a dwelling house. To ensure an accessible bin storage area is provided which maintains the character and appearance of Ogilvie Road, it is recommended the provision of full details of a bin storage area be submitted to the Council for written approval. Through the provision of an appropriate bin storage area, the site will be able to accommodate the number and types of bins required.
- 7.33 **The proposal is in accordance with Policy 44, subject to conditions.**
- 7.34 **Policy 54: Safe and Sustainable Transport** – states that all development proposals* that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

- 1 minimise the need to travel by private car;

- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

*this includes the re-use of existing buildings.

- 7.35 A Transport Statement has been submitted. In respect of Criteria 1-3 above, the Transport Statement considers that the site is within an area which is well connected to existing footways and roads. The site is accessible by cycle and there is space within the site for cycle storage to be provided. The site is well served by public transport with bus stops located within 400 metres of the site on Dundee Road. These stops are served by buses between Ethiebeaton Park, Broughty Ferry and Whitfield. The application site is accessible by virtue of its location and proximity to Dundee Road and Dundee Green Circular.
- 7.36 With regard to Criteria 4, the applicant has provided details of anticipated member parking requirements and details of delivery vehicles which will service the site. The submitted information demonstrates there is sufficient capacity within the car park and surrounding roads to accommodate the proposals without impacting upon the capacity or safe functioning of the existing road network.
- 7.37 In respect of Criteria 5-7, the Transport Assessment demonstrates that the proposal would not have a detrimental impact on the surrounding road network and there is adequate provision for servicing.
- 7.38 The findings of the Transport Statement are accepted.
- 7.39 **The proposal is in accordance with Policy 54.**
- 7.40 **Policy 56: Parking - Developments Outwith City Centre - Vehicle Parking** - this states all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. All parking facilities at commercial developments should include the provision of charging stations for electric vehicles.

- 7.41 The proposed headquarters is located immediately to the north of the Royal Tay Yacht Clubs car park on Ogilvie Road. The proposed headquarters would utilise the existing 88 space car park, which can be directly accessed from the application site. The applicant has submitted plans and a transport statement which demonstrate the existing car park has sufficient capacity to accommodate vehicles associated with the proposed headquarters and associated functions.
- 7.42 The plans propose 4 parking spaces within the car park be served by electric vehicle charging points. The proposed number and location of the charging points is acceptable in principle. In order to secure the installation of electric vehicle charging points as part of the development it is recommended that should members be minded to approve the application a condition is attached to any planning permission granted.
- 7.43 **The proposal is in accordance with Policy 56, subject to a condition.**
- 7.44 **It is concluded that the proposal does not fully accord with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – LETTERS OF REPRESENTATION

- 7.46 Nine letters of support have been received, including a letter from Broughty Ferry Community Council raising the following valid material grounds:

Support - the proposed development would support the continued provision of water sports within the city. The proposed use would be a suitable location for RTYC, within the clubs established location and within close proximity to existing premises at Grassy Beach. The proposals would support the vitality of the local area and continued provision of outdoor activities and training for a range of users including club members and young people attending training events.

Response - the comments in support of the application are acknowledged. The applicant has demonstrated that the proposed location is suitable for the proposed use and meets the requirements of the Local Development Plan in relation to siting of leisure developments. The proposal would support the continued operation of RTYC in proximity to existing facilities in a location which is served by sustainable transport options.

- 7.47 The letters of support note the potential for the proposals to impact upon the amenity of neighbouring residents, and it is recommended the statements made by RTYC within the supporting information relating to the use of the premises are controlled by condition. As within the main body of this report it is recommended matters relating to noise and odour are controlled by condition. RTYC also state it does not intend to apply for any licenses to serve alcohol or hold large entertainment events. The proposals within the supporting information are acknowledged, and the size and nature of the application site would restrict the scale of meetings/events which can be held at 9A Ogilvie Road. However, it is not possible to control licensing matters through planning permission. The submission of any future license requests would be for the applicant to consider.
- 7.48 A total of 8 letters of objection have been received raising the following valid material grounds:
- 7.49 **Objection** - the proposal is considered contrary to Local Development Plan policy, including Policy 17 and Policy 21. The proposals would generate significant footfall in a residential area contrary to the Town Centres First approach;

- 7.50 **Response** – the proposals have been considered against the requirements of the Dundee Local Development Plan 2019 within the main body of this report. Due to the nature of the proposal, as a headquarters associated with a watersports club the proposal is considered a leisure use as Policy 7, and as food is to be served on the premises Policy 27 is relevant.
- 7.51 The applicant has provided suitable justification for the location of the proposed headquarters, which would be located within close proximity to the existing headquarters and the clubs facilities on the banks of the River Tay. It would not be practical to locate the proposed use within the city centre or an established centre. With regard to location and Policy 7, the proposal is considered to meet the requirements of the Local Development Plan.
- 7.52 The proposals would generate footfall within a residential area, with events and functions to accommodate up to 150 people. However, the layout of the site with parking and access to the south of 9A Ogilvie Road minimises the level of traffic and footfall on the street to the north of the site. The proposals would utilise existing car park provision and measures can be implemented to ensure the headquarters has no significant impact on residential amenity. Through the addition of recommended conditions, the proposed use and associated footfall would have no significant impact on the amenity of surrounding residential properties.
- 7.53 **Objection** - additional traffic and noise associated with the proposed club headquarters, including delivery vehicles/refuse collection and increased use of the car park would have a detrimental impact on residential amenity;
- 7.54 **Response** – the applicant has provided a transport statement and parking information which considers trip generation and parking capacity associated with the proposed development. The statement demonstrates that the proposed club headquarters would not have a significant adverse impact on parking provision, or congestion on the local road network when compared to the existing situation. The site is also accessible by public transport and sustainable transport options. The applicant has confirmed that cycle storage provision and electric vehicle chargers will be provided as part of the development and it is recommended that full details of the provision are secured by planning condition.
- 7.55 The applicant has provided details of the parking layout and access routes, which demonstrate there is space within the existing car park to the south of the site to accommodate delivery vehicles, and for vehicles to park, turn and operate safely. The site layout and location of the main access allows all deliveries to service the site from the south, ensuring delivery vehicles to not require to park on Ogilvie Road to the north of the site. In the interest of residential amenity, it is recommended the hours in which delivery vehicles can service the site are controlled by condition.
- 7.56 With regard to refuse collections, the applicant proposes to retain collections as existing with Dundee City Council to provide waste uplift. Bins will be collected to the north elevation as previously, with vehicles able to utilise an existing turning head on Ogilvie Road. The proposed use will generate additional waste to be collected, however, collections will remain on an infrequent basis and would not generate a level of noise which would have a significant impact on residential amenity.
- 7.57 Representations also note Ogilvie Road is not an adopted road, and raise concerns with increased use of the street by parked cars and refuse collection vehicles. The status of the road is not a matter for planning to be considered, however, the proposed change of use and associated vehicle trips/refuse collections would not result in a significant increase in traffic compared to the existing situation. Members and delivery vehicles are to utilise the existing car park to the south of 9A Ogilvie Road, and Ogilvie Road to the north of the site is of a sufficient width and includes a turning head to ensure refuse vehicles can safely attend the site and vehicles/cars can access existing houses to the west. The long term maintenance of

the unadopted section of road is a private matter which will require to be addressed by the relevant parties.

- 7.58 The applicant has provided a noise impact assessment and details of kitchen and ventilation equipment which would be installed at the property. The submitted information has been reviewed by The Head of Community Safety and Protection and conditions are recommended to ensure the proposed equipment and operation of the food services are undertaken as proposed. Subject to the provision of noise mitigation measures and control of noise from mechanical and electronic plant, the proposed club headquarters and associated uses including provision of meals and hosting of events would generate a level of noise which is acceptable within a residential area and does not have any significant impact on residential amenity.
- 7.59 **Objection** - the holding of events, provision of meals and an associated kitchen would have a detrimental impact on residential amenity by virtue of noise and odour.
- 7.60 **Response** – concerns were raised that the proposed use would have a detrimental impact on neighbouring residential properties. The proposals have been considered against the requirements of the local development plan as above, including Policy 39 Environmental Protection. As a kitchen is proposed and the building is within 30 metres of existing houses, the proposed cooking equipment and foods to be served have been discussed with the applicant. Details of cooking equipment and proposed meals have been provided and amended in response to odour concerns. As the property is lower than neighbouring houses, a restricted range of foods and ventilation systems are required to ensure odours do not impact on neighbouring houses. The submitted range of foods and cooking equipment is acceptable in principle, subject to full details being agreed with the Council and implemented as proposed. The Head of Community Safety and Protection recommends planning conditions are attached to any permission granted in relation to the use of the proposed kitchen, foods being served and ventilation systems.
- 7.61 The applicant has provided details of events within the submitted supporting information, and states RTYC will look to engage with neighbours and ensure there are no significant impacts on residential amenity. RTYC state the Club will no longer run major social events such as those historically held at Fort William House and that any events held are only accessible to members, their guests and any visitors taking part in organised activity. The clubhouse and food facilities would not be open to the public nor would it be used for commercial activities.
- 7.62 Further to recommended planning conditions in relation to kitchen and food elements, The Head of Community Safety and Protection recommends planning conditions to control the times deliveries can be made to the site and external amenity areas can be occupied. Subject to conditions, the proposal would have no significant adverse impact on the amenity of neighbouring residential properties.
- 7.63 **Objection** - the proposals to accommodate up to 150 visitors and use of the first floor viewing tower raise concerns that the proposal would have a detrimental impact on privacy.
- 7.64 **Response** – the proposals would utilise the existing viewing tower and window arrangement on the north and east elevations of 9A Ogilvie Road. The existing windows and viewing deck provide over 18 metres separation between windows of 9A Ogilvie Road and habitable rooms of neighbouring houses to ensure there is no additional/new overlooking associated with the proposal. Whilst there would be an increase in the number of people regularly attending the site, the proposals would not create additional or new overlooking when compared to the existing situation. Alterations are proposed to the south elevation of the building including the addition of a window. However, the proposed window would afford views to the south of the

site towards River Tay and not directly overlook any neighbouring dwellings or associated private garden ground.

- 7.65 The matters raised within the letters of objection have been considered. In relation to concerns regarding traffic and overlooking, supporting information has been provided which demonstrates the proposals would have no significant impact on neighbouring houses by virtue of overlooking or traffic generation/parking pressures. Concerns in relation to noise and odour can be addressed through the implementation of noise mitigation measures and addition of planning conditions.

B - SUPPORTING INFORMATION

- 7.66 The Supporting Statement outlines the proposals, provides justification for the proposed re-location of the headquarters and provides details of the proposed uses, operating hours and general function of the Royal Tay Yacht Club which would be undertaken at the site.
- 7.67 The Supporting Planning Statement provides details of work being undertaken by RTYC to future proof the club and also outlines the benefits of the proposed development to the operation of the club, members and guests. The proposed headquarters are considered a highly positive development for the club, which has had a club house within proximity of the application site since 1887. The proposed building would provide a range of services for the clubs approximately 450 members in a location which is connected to the club's existing facilities.
- 7.68 The proposed headquarters would be accessible to members, guests, attendees of training courses and visitors of sporting event. The Clubhouse would be operated solely by RTYC and would not be open to the public or for commercial activity. Any functions held on the premises would be small in scale and hosted by members only. RTYC state they do not intend to have a license to sell/dispense alcohol and would not require a Premises Licence for providing live entertainment. Some of the weekly functions which would be undertaken include meetings of small groups of members to socialise activity, to spectate at sporting events, visit the extensive Club library of nautical books, to attend formal meetings or informal meetings, for lunches, high teas, or suppers, to hold functions such as quiz nights and dinners or talk nights. The headquarters would be accessibility between the hours of 0800h and 2330h, 7 days per week.

Response

- 7.69 The supporting information provides a detailed background to the proposed development and longer term aims of RTYC. The requirement to locate the club headquarters within close proximity to Grassy Beach, and that the club has been present in this area since 1887 are acknowledged. With regard to location the siting of the development, whilst within a residential area is considered acceptable in this instance and meets the requirements of Policy 7. The proposals would have no detrimental impact on the vitality or viability of the city centre/district centres and ensure the continued presence of RTYC at Grassy Beach in premises which meet the needs of the club.
- 7.70 With regard to the provision of meals and holding of events, as within the main body of this report the proposals are contrary to the requirements of Policy 27 as the site is within 30 metres of existing housing. To demonstrate the proposals would not impact on neighbouring properties by virtue of odour, the applicant has provided details of kitchen equipment, foods to be served and ventilation equipment. Following discussions with the Head of Community Safety and Protection the proposals have been amended to remove fryers and fried foods to reduce cooking odours. Further to the removal of fryers, the applicant has provided details of alternative cooking methods which could be used on site to minimise odour

issues. The Head of Community Safety and Protection has no objection to the amended kitchen plans, subject to recommended conditions in relation to the restriction of foods which can be cooked on site and provision and maintenance of ventilation systems. Through the control of cooking equipment and ventilation systems, the applicant has demonstrated the proposed kitchen which would serve meals to members and guests can operate in a manner which would have no significant impact on neighbouring houses by virtue of odour.

- 7.71 Overall, the applicant has demonstrated the proposed water sports club headquarters can be operated from 9A Ogilvie Road without any significant detrimental impacts on the amenity of neighbouring houses. The proposals would support the long-term operation and future of RTYC and provide a facility which meets the needs of members and guests. In this instance there are material considerations which support the approval of planning permission.
- 7.72 Given the unique nature and location of the proposal, it is recommended the use of the site is controlled by condition to a water sports club headquarters as proposed, to prevent the premises changing into any mainstream leisure or restaurant facility.
- 7.73 **It is concluded that there are material considerations of sufficient weight in this case to justify approval of planning permission.**

8 CONCLUSION

- 8.1 The application for the change of use from dwellinghouse to water sports club headquarters does not fully accord with the Development Plan. However, there are material considerations including the location of the existing yacht club facilities and unique nature of the proposed use which are of sufficient weight to justify approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - prior to the commencement of use of the Water Sports Club Headquarters, hereby approved, the requirements and noise mitigating measures as detailed in the Noise Impact Assessment undertaken by CSP Acoustics, Ref 1641 001 V1 SS, dated 28 April, 2021, require to be fully implemented to the satisfaction of the Council.

Furthermore, should the plant and equipment change from the specific make and models detailed within the Noise Impact Assessment then a revised Noise Impact Assessment shall be undertaken to take account of such changes and establish any mitigating measures that require to be implemented.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

- 2 **Condition** - the total noise from mechanical and electrical plant/services shall not exceed NR45 during the day and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. For the avoidance of doubt night time shall be 2300 to 0700 hours.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

3 **Condition** - With regard to the external table/seating area:

a Restriction of hours:

September to June - open 1000 hours Monday to Saturday and 1230 hours on Sundays: closing at 2100 hours.

July and August - open 1000 hours Monday to Saturday and 1230 on Sundays: closing at 2200 hours.

b At no time shall amplified music or vocals be provided/performed.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

4 **Condition** – deliveries and servicing of the Water Sport Club Headquarters including loading, unloading or lay-up, shall only take place between 0800 to 2100 hours Monday to Saturday and 0900 to 1600 hours Sunday.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

5 **Condition** – the proposed café/restaurant associated with the yacht club hereby approved shall be operated as outlined in Part 4 – Proposed Operation of Clubhouse within the submitted supporting statement report “15 – Supporting Statement Part 1” dated 4 March 2021. The proposed café/restaurant shall only be accessible to members of the yacht club and guests, and at no time shall the café/restaurant be open to the public.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

6 **Condition** - prior to the commencement of work on site, details of the proposed extraction and ventilation system discharging at a high level and a maintenance schedule for the proposed ventilation and extraction system shall be submitted to the Council for written approval. Thereafter, the approved extraction and ventilation system shall be installed prior to the kitchen becoming operational and maintained in accordance with the details approved by this condition. Thereafter, the kitchen extraction and ventilation system shall operate whenever food is being cooked within the application premises.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

7 **Condition** - the proposed café/restaurant associated with the yacht club hereby approved shall be restricted to cooking/re-heating operations by means of the food equipment as detailed in report 21 – Proposed Kitchen Equipment dated 15/6/21 and drawing 20A Proposed Kitchen Plan received 15/6/21. The hob is restricted to the heating/cooking of soups, cooking meat (for steak pies and mince), for pasta, rice and vegetables. No other forms of cooking/re-heating shall take place without the prior written approval from the planning authority.

For the avoidance of doubt, the cooking and reheating equipment in use/installed will not comprise of griddles, hot plates, frying pans, griddle pans or deep fat fryers.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

8 **Condition** - prior to the commencement of any works on site, full details of the acoustic fence shall be submitted to the Council for written approval. Thereafter, the fence shall be completed as the approved details prior to first use of the Water Sport Club Headquarters hereby approved.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

- 9 **Condition** - prior to the commencement of any works on site, full details of the attenuators to be installed to the existing MVHR plant shall be submitted to the Council for written approval. Thereafter, the attenuators shall be installed prior to the commencement of trading of the Water Sport Club Headquarters hereby approved.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

- 10 **Condition** - music shall be so controlled as to be inaudible within any adjacent residential property.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

- 11 **Condition** – prior to the commencement of any works on site, the type, form and location of cycle storage provision and electric vehicle charging points shall be submitted to the Council for written approval. Thereafter, the cycle storage provision and electric vehicle charging points shall be installed as per the agreed details prior to first use of the Water Sport Club Headquarters hereby approved.

Reason - in the interests of securing sustainable transport measures as part of the development.

- 12 **Condition** - prior to the commencement of any works on site, details for the provision of a bin storage area shall be submitted for the approval of Dundee City Council as planning authority. Thereafter bin storage area shall be formed as per the agreed details.

Reason - in the interests of visual and residential amenity.

- 13 **Condition** - the development hereby approved shall be restricted to use as a water sports club headquarters as hereby approved, and only occupied by Royal Tay Yacht Club, and for no other purpose or by any other organisation.

Reason – to retain to retain proper control over use of the property.