

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**

Re-location of external plant and equipment

**Address**

128-130 Gray Street  
Broughty Ferry  
Dundee  
DD5 2DG

**Applicant**

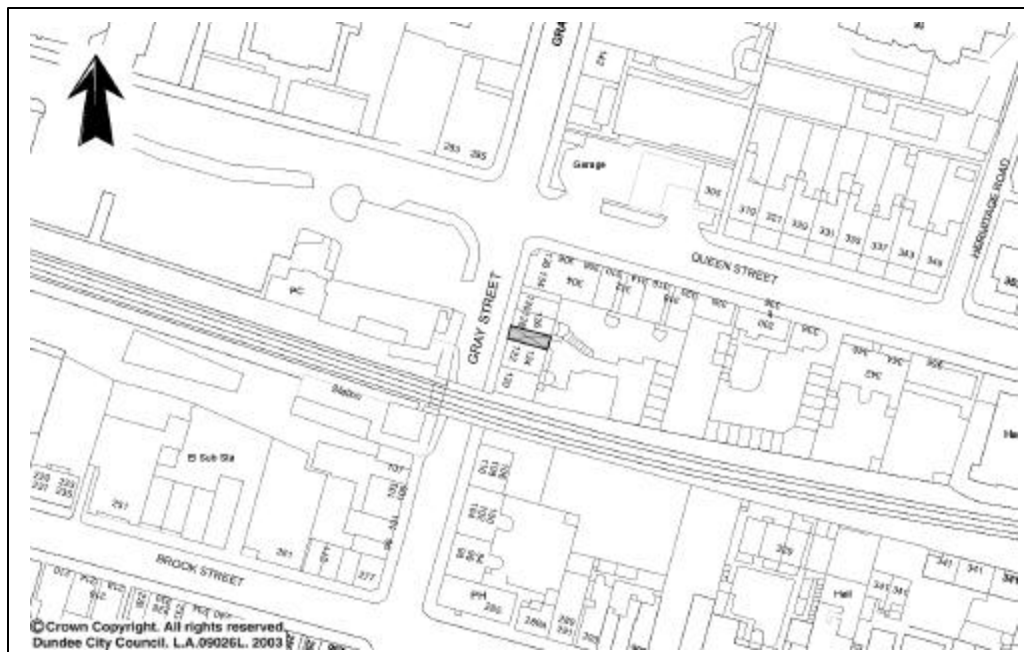
C J Laing & Son Ltd  
78 Longtown Road  
Dundee  
DD4 8JU

**Agent**

Gauldie Wright & Partners  
2 Osborne Place  
Dundee  
DD2 1BD

**Registered** 10 Mar 2004

**Case Officer** Gordon Reid



## Proposal to Relocate Air Conditioning and Chiller Units in Gray Street

The re-location of external plant and equipment is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to be in accordance with policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the relocation of air conditioning units and chiller units at 128-130 Gray Street, Broughty Ferry, Dundee.
- The proposal has been submitted to address a noise complaint from a resident to the rear (east) of the Spar Shop.
- The proposal raises issues for consideration in terms of the Housing Policies of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review.
- A single letter of objection was received to the proposals from the Chemist Shop at 120 Gray Street. The main concern was the adverse affect the proposal would have on access through the pend to the area to the rear.
- It is considered that the proposed development is in accordance with the Housing Policies of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review. In addition, it is considered that the concerns raised with regards to the impact on access are not sufficient to warrant refusal of the application.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the relocation of external air conditioning and chiller units at 128-130 Gray Street, Broughty Ferry, Dundee.

The air conditioning and chiller units are located on the rear of the premises at 128-130 Gray Street at present. Due to complaints from residents regarding disturbance from noise the applicants now propose to relocate the units to the north wall of the pend which is to the south of the shop premises.

## SITE DESCRIPTION

The application site is located on the east side of Gray Street and is to the south of the junction with Queen Street. The application premises are a ground floor shop unit occupied by a Spar convenience store. There is a hairdressers on the first floor and residential properties above. There are also ground floor residential premises to the north. The area to the rear (east) of the shop is a communal drying green for the surrounding residential properties. The pend is to the south and provides access to the area to the rear which, comprises lockup garages and the rear store for the Pharmacy at 120 Gray Street.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 1998

The following policy is relevant to the determination of this application.

Housing Policy H1: advise that within residential areas developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movements issues, noise or smell.

### Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

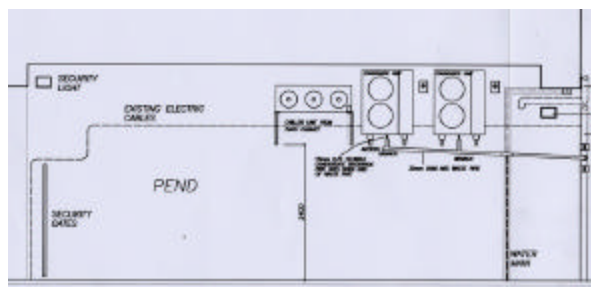
## Finalised Dundee Local Plan Review

The following policy is relevant to the determination of this application.

Policy 1 Vibrant and Sustainable Communities is relevant and seeks to minimise the affect of new developments 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.

## LOCAL AGENDA 21

There are no Key Themes of relevance to the consideration of this application.

## SITE HISTORY

Enforcement Complaint 04/00009/UNUSE: Complaint regarding noise from installation of ventilation fans to rear of Spar Shop, Gray Street, Broughty Ferry, Dundee.

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and a single letter of objection was received to the proposed development from the Pharmacy at 120 Gray Street. The concern raised was that the proposed development would restrict the size of vehicle able to access the lock up garages and Pharmacy store to the rear.

A copy of the letter of objection is available in the Members Lounges and the concern raised is addressed in the "Observations" section of the report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards highlighted that the relocation of the air conditioning unit was prompted as a result of a noise complaint from a resident. He advised that the position of the relocated air conditioning units was acceptable subject to a condition that restricted their use to between 0700 to 2200 hours only. In addition, he advised that he had no comments to make with regard to the chiller units.

No adverse comments were received from any of the other statutory consultees.

## 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.

Housing Policy H1: advise that within residential areas developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movements issues, noise or smell.

The relocation of the air conditioning unit is being undertaken by the applicant to address a noise complaint received from a resident. The proposed location is considered to be the most appropriate in terms of limiting the impact of disturbance from noise on surrounding residents. It is considered that the proposed development is in accordance with

Housing Policy H1 of the Dundee Local Plan 1998.

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:

Policy 1 Vibrant and Sustainable Communities is relevant and seeks to minimise the affect of new developments on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. As outlined above in terms of Housing Policy H1 it is considered that the proposed location for the air conditioning unit is one that would have the least impact on the amenity of surrounding residents.

A single letter of objection was received from the Pharmacy at 120 Gray Street who are at the opposite side of the pend. Their premises also extend into the area to the rear of the pend. The main concern raised by the Pharmacy is that the location of the air conditioning units would reduce the width of the pend and therefore limit the size of vehicle that could use the pend.

The Pharmacy store and several lock ups are the main uses served by the pend. The Pharmacy already have their own air conditioning units on the south wall of the pend opposite where the Spar store propose to re-locate their air conditioning units. The existing height and width of the pend would already limit the size of vehicle that could access the area to the rear. In addition, there is very limited space in the area to the rear of the pend to allow vehicles to manoeuvre. The units are to be located at a height of 2.4 metres above ground level and will project out only 0.55 metres. The pend has a footpath of 0.7 metres wide on either side and a carriageway of 2.1 metres. The proposed units would not extend out beyond the footpath. Therefore, the units should not effect access to the area to the rear by car or small van. It is considered that while the location of the units would reduce the width and height of the pend at this point the impact on access to the rear would not be significant. It is considered that the concerns raised by the Pharmacy are not sufficient to warrant refusal of the application.

It is concluded from the foregoing that there are no material considerations that would justify a departure from the provisions of the development plan and it is therefore recommended that planning permission be granted with conditions.

### Design

The units are of a standard design for this type of equipment. Given the location proposed it is considered that they are acceptable.

### CONCLUSION

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It is considered that the proposed relocation of the air conditioning units is in accordance with the Housing Policies of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review. It is considered that the concerns raised by the objector are not sufficient to warrant refusal of the application.

### RECOMMENDATION

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It is recommended that planning permission 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 The operation of the air conditioning units shall be limited to between 0700 to 2200 hours only.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.