

KEY INFORMATION

Ward Baxter Park

Proposal

Installation of air conditioning system including condensers to the external wall

Address

133 Albert Street
Dundee
DD4 6PR

Applicant

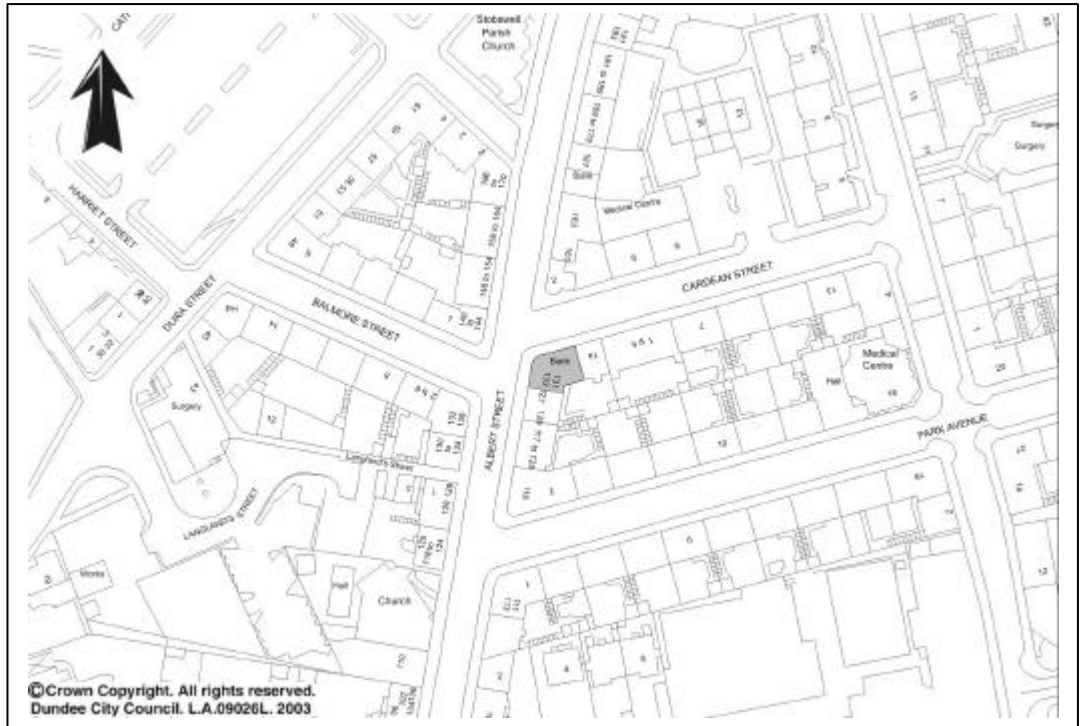
Royal Bank of Scotland Plc
Property & Facilities
Drummond House
1 Redhaughs Avenue
EDINBURGH EH12 9JP

Agent

Ross Quality Control Ltd
21 Melville Terrace
Stirling FK8 2NQ

Registered 8 June 2006

Case Officer C Walker



Proposed Air Conditioning Unit in Albert Street

The installation of an air conditioning system is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal accords with the provisions of the Development Plan and will not adversely impact on the amenities of neighbours. The application is recommended for approval with conditions.

SUMMARY OF REPORT

- Planning permission is sought to install a condenser for an air conditioning system on an external wall of the building, facing into the private garden shared by the ground floor bank and upper floor flats.
- Policy 1 of the adopted Local Plan promotes new development provided that residential amenity is protected.
- A petition of objection on behalf of 7 residents of 131 Albert Street was received, setting out concerns about the visual impact of the plant, noise from the plant and the impact on trees.
- The Head of Environmental Health and Trading Standards considers that the proposal should not lead to noise problems. The proposal accords with the provisions of the Development Plan. The design and siting of the unit is satisfactory and there will be no adverse impact on trees.

DESCRIPTION OF PROPOSAL

Planning permission is sought to install a condenser for an air conditioning system on an external wall of the building. The proposed condenser is not large, measuring 825 by 735 mm, and it will be white in colour. It is proposed to site the condenser at an existing blocked up ground floor window on the rear (south) wall of the building, facing into the private garden shared by the ground floor bank and upper floor flats.

The applicants have submitted technical data on the plant which suggests that noise generated will be very low.

SITE DESCRIPTION

The site comprises the Royal Bank of Scotland premises occupying the ground floor of a 4 storey tenement building at the junction of Albert Street and Cardean Street. The upper levels are occupied by flats. To the rear is an attractively maintained communal garden area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 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.



LOCAL AGENDA 21

The Council's Agenda 21 Policies are not directly relevant to the determination of this planning application.

SITE HISTORY

There is no relevant history of planning applications

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and an unsigned petition of objection on behalf of 7 residents of 131 Albert Street was received. The petition sets out concerns about the visual impact of the plant, noise from the plant and the impact on trees.

Copies of the petition are available for inspection in the Members' Lounges and the valid issues are discussed in the "Observations" section below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has stated that

the proposal should not lead to noise problems but advises that it would be appropriate to impose a standard noise condition on any consent issued.

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 seeks to facilitate the introduction of non residential uses in residential areas provided that amenity is protected. Although this policy is principally geared towards significant new development,

it is considered that the current proposal can be assessed in the context of Policy 1. The relevant sections of the policy relate to design and noise issues (and indeed these issues form the main grounds of objection).

In terms of design, the unit is of satisfactory appearance and is sited in as inconspicuous a location as possible. Indeed it was resited to the existing blocked up window to minimise any visual impact. It is considered that there will be no adverse impact on visual amenity.

In terms of noise output, the technical literature provided by the applicant, which has been assessed by the Head of Environmental Health and Trading Standards, indicates that noise output is low and will not lead to amenity problems for neighbours. Should Members be minded to approve this application it is suggested that a standard planning condition is attached regulating any noise generated by the condenser.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material consideration to be taken into account is the concerns set out in the petition of objection. The concerns about the design of the condenser and noise output have already been addressed in the assessment of the proposed development under Policy 1 of the Plan and it was concluded that there was no adverse impact. The concern about impact on trees probably relates to the fact that there are shrubs close to the site of the proposed condenser (there are no trees at this location). There is no reason why a careful contractor could not install this apparatus without damaging the garden area and any problems encountered in this regard are not relevant to the determination of this planning application (rather this is a legal matter to be resolved between the relevant parties).

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 in accordance with the provisions of the development plan.

Design

In terms of design, the unit is of satisfactory appearance and is sited in as inconspicuous a location as possible.

CONCLUSION

The proposal accords with the provisions of the Development Plan and will not adversely impact on the amenities of neighbours.

RECOMMENDATION

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 Noise from the proposed air conditioning system shall not exceed NR 35 during daytime (0700 - 2300hours) and NR 30 at night time (2301 - 0659hours)

when measured from inside the nearest residential property.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure any potential noise emanating from the plant would not adversely affect the amenities of the occupiers of nearby properties.