

KEY INFORMATION

Ward Maryfield

Proposal

Change of use to a community facility to hold day surgeries by local agencies and for use as an evening youth facility

Address

1 Pitkerro Road
Dundee
DD4 7ET

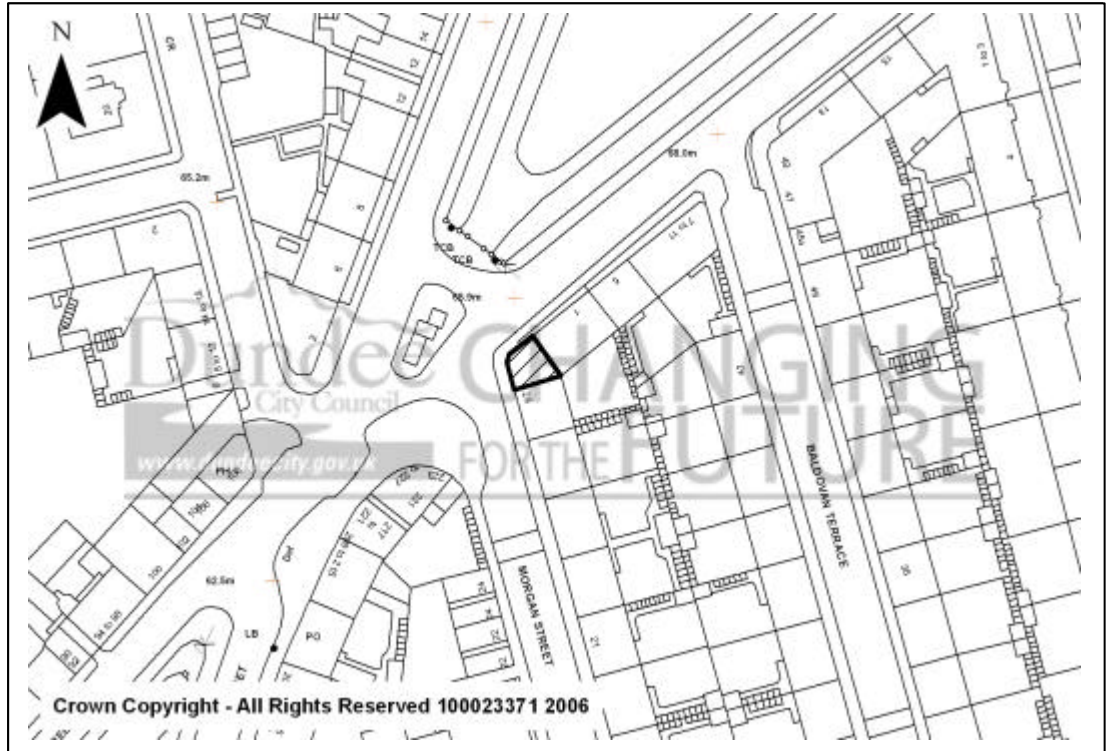
Applicant

Mr Neil Ellis
Boomerang
110 Albert Street
Dundee
DD4 6QN

Agent

Registered 6 Jan 2009

Case Officer C Walker



Proposed Community Facility in Pitkerro Road

The change of use to a community facility is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development will provide an important community facility in the area, is in accordance with the Development Plan and will not have an unacceptable impact on neighbours. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to change the use of a vacant shop unit at the corner of Pitkerro Road and Morgan Street to a community facility operated by the Boomerang project. It is proposed to hold day surgeries by local agencies and for use as an evening youth facility, closing no later than 9.00pm.
- Policy 1 of the adopted Local Plan is relevant to the determination of this application. A letter of objection was received from an adjoining resident concerned about parking, noise disturbance and anti social behaviour.
- Taking into account the fact that this is an existing commercial unit at a busy location, it is considered that the proposed change of use will not adversely impact on the amenities enjoyed by nearby residents. An hours of operation condition will ensure that there will not be unacceptable disturbance at night time.
- The proposal complies with the provisions of the development plan and will not have an unacceptable adverse impact on the amenities enjoyed by adjoining residents.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a vacant shop unit to a community facility to hold day surgeries by local agencies and for use as an evening youth facility. No elevational alterations to the premises are proposed.

The applicants are the Boomerang project based at St Johns Church Halls at 110 Albert Street. This project has been established for 9 years and it will manage the proposed facility at 1 Pitkerro Road. The applicants have indicated that during the day the premises will be used for community purposes where local groups/organisations can hold surgeries in the heart of the community. They state that the surgeries will provide an opportunity for local people to discuss any issues or concerns that they may have with a relevant person from the appropriate organisation and list a number of organisations who have expressed an interest in using the facility.

They state that in the evenings the premises will be used as a dedicated youth facility with involvement from Tayside Police, Community Safety Wardens and other interested parties. Young people will attend the Boomerang youth group before being allowed to access the provision at 1 Pitkerro Road, and will not be able just to walk in off the street. Supervision will be provided on the premises and immediately after closing time. They consider that it is much more preferable to provide a constructive facility for local youths rather than having them congregating on the streets causing a nuisance to neighbours.

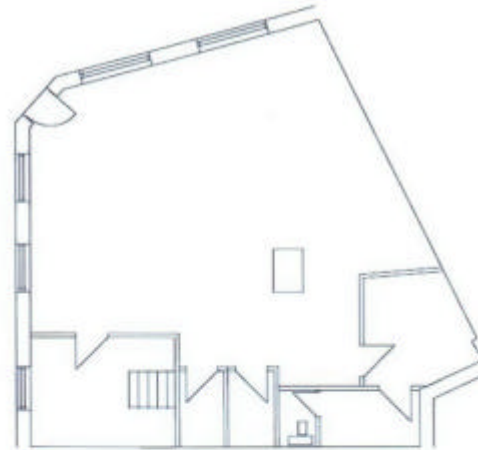
Proposed hours of operation are from Monday to Friday only from 9.00am to 9.00pm on Mondays through to Wednesdays and from 9.00am to 5.00pm on Thursday and Friday.

SITE DESCRIPTION

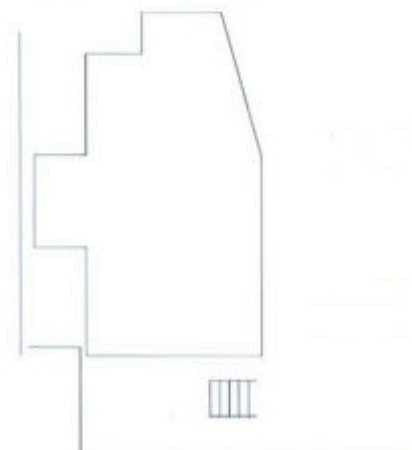
The site comprises a vacant ground floor shop unit with a small basement area in a 4 storey tenement block. It has the appearance of a small corner shop with large display windows. The surrounding units above and on either

side are in residential use. The site lies just outwith the Albert Street District Centre.

The ground floor of the unit extends to some 87m² with a basement of some 35m². There is a mutual garden area to the rear of the shop unit shared by the occupiers of the 8 flats at 3 Pitkerro Road and the 7 flats at 29 Morgan Street. There is no direct access from the shop unit into this area.



GROUND FLOOR PLAN



BASEMENT PLAN

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 is of relevance and states that in existing residential areas such as this the 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 relevant history of planning applications relating to this site.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and a letter of objection was received from an adjoining resident. His concerns are as follows:

- 1 Inadequate parking facilities in the area.
- 2 Noise disturbance.
- 3 Likelihood of disruptive individuals congregating in the area.
- 4 Current problems with disruptive youths are likely to increase.
- 5 Users of 1 Pitkerro Road could gain access to the shared drying area used by adjoining residents causing problems for these residents.

Members will already have had access to this letter and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has stated that taking into account the proposed supervision at the premises and the restricted hours of operation, there should not be a problem with noise from the development.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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 encourages the introduction of a range of services and facilities in residential areas provided there is not an unacceptable impact on residential amenity.

In this case, although the adjoining units are all in residential use, the site has traditionally been in commercial use as a shop, is immediately adjacent to the Albert Street District Centre on the opposite side of Morgan Street and is situated on a busy arterial route.

Policy 1 makes specific reference to protecting amenity in terms of design, layout, parking and traffic movement issues, noise or smell. In this case no changes to the unit are proposed so there are no issues in terms of design or layout.

It is not expected that there will be problems in terms of parking and traffic movement issues. Being a local facility and particularly since use in the evenings will be by young people, it is unlikely that the facility will attract significant levels of vehicular traffic. Indeed a retail use at the premises

(which would not require planning permission) would be likely to generate more traffic than the current proposal. It is accepted that parking is limited at this location with significant restrictions on Pitkerro Road and with heavy demand for parking on Morgan Street. However taking all these matters into account, it is considered that the level of traffic and the parking demand generated by the proposed change of use will not be significant and will not adversely impact on the amenities enjoyed by nearby residents.



There are no smell issues associated with the proposed use. The nature of the client group coupled with evening use may give rise to concerns about noise. It is understandable that residents may fear problems in this regard. However the applicants have written to state that they will carefully supervise the facility both during its hours of operation and as people leave the premises and furthermore that hours of operation will be restricted. Hours of operation can be restricted by a planning condition should Members be minded to approve the proposed use and it is suggested that a closing time of 9pm from Monday through to Saturdays and 6pm on Sundays would be appropriate. It is considered that taking into account the existing characteristics of the site (close to a district centre on a busy arterial route), the fact that there is currently no restriction on hours of operation and that the proposed use can be restricted by a planning condition, then the proposed use will not result in any unacceptable noise impact on adjoining residents. The Head of Environmental Health and Trading Standards agrees with this position.

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 letter of objection from the occupier of an adjoining flat. The issues set out in that letter relating to inadequate parking facilities and noise disturbance have been considered in the assessment of the proposed use against Policy 1 of the Local Plan and it has been concluded that there will not be an unacceptable impact on residential amenity.

More general concerns have also been raised about the likelihood of disruptive individuals congregating in the area and gaining access to the shared drying area used by adjoining residents. It is acknowledged that there is an issue with youths congregating on streets in this area. However the whole purpose of the proposed development is to provide a constructive facility for local youths rather than having them congregating on the streets causing a nuisance to neighbours. The applicants have

also stated that supervision will be provided on the premises and immediately after closing time. If for any reason problems do occur at this location, this is a matter that can be dealt with by the police but at least the provision of facilities should lessen any impacts experienced in this area. Although it is always possible that individuals may try to enter adjoining properties, there is no direct access from the unit at 1 Pitkerro Road to the adjoining communal garden area.

Although the Council has an ownership interest in the premises, since the development does not contravene the Development Plan and as a substantial body of objection has not been received, there is no requirement to refer the application to the Scottish Government under the provisions of the Town and Country Planning (Notifications of Applications) (Scotland) Direction 1997.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objector 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

As this is a change of use application with no elevational alterations proposed, there are no issues relating to design.

CONCLUSION

The proposed development will provide an important community facility in the area. It is in accordance with the Development Plan and it is also considered that there will not be an unacceptable adverse impact on the amenities enjoyed by adjoining residents .

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 The use hereby permitted shall only operate between 9.00am and 9.00pm Monday to Saturday and 10.00am to 6.00pm on Sundays.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the amenities of adjoining residents from night time noise or disturbance.