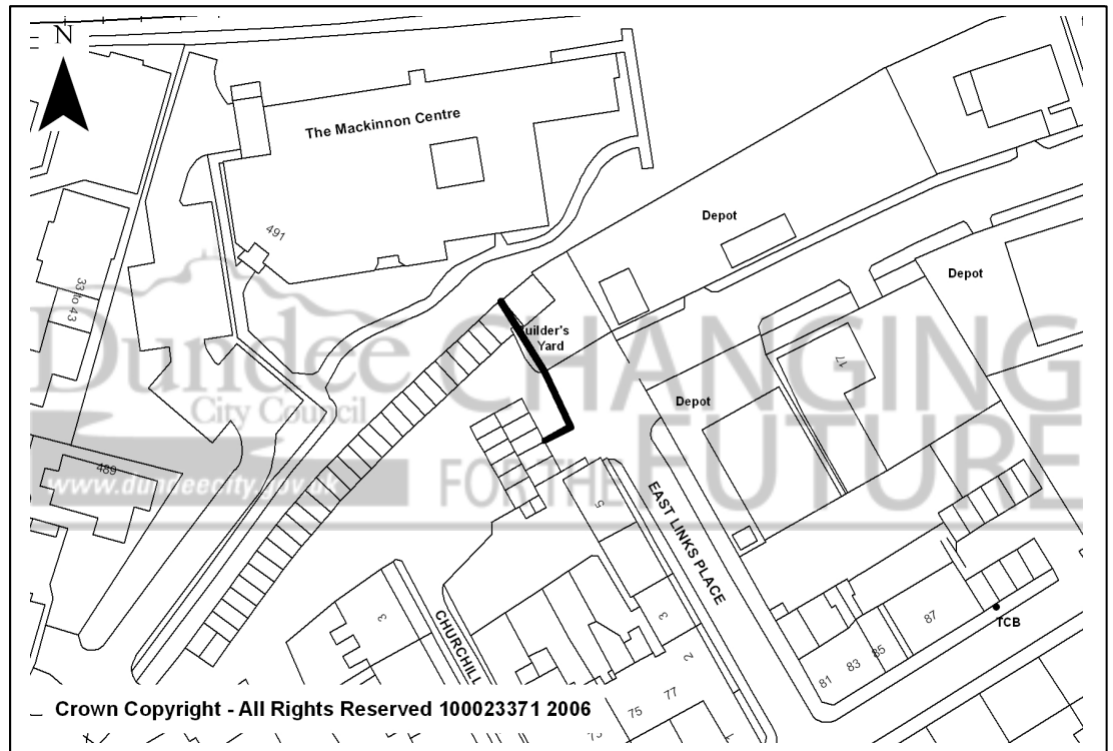


**KEY INFORMATION**

Ward The Ferry

**Proposal**Erection of Boundary Wall  
and Access Gates**Address**Lock Ups  
Churchill Place  
Broughty Ferry  
Dundee**Applicant**Mr M Ferrier  
Waulkmills  
St Vigeans  
Arbroath  
DD11 4RG**Agent**The Voigt Partnership LLP  
Design Studio  
66 High Street  
Arbroath  
DD11 1AW**Registered** 10 Dec 2008**Case Officer** J Young

## Proposed New Wall in Churchill Place

The erection of a Boundary Wall and Access Gates is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The proposal complies with Policy 1 of the Dundee Local Plan Review 2005. The objection is not supported in these circumstances and there are no material considerations to justify refusal of the application. Accordingly, the application is recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of a 1.8m high brick wall and access gates on land adjacent to lock-up garages at Churchill Place, Broughty Ferry, Dundee.
- Policy 1 of the Dundee Local Plan Review 2005 is of relevance to the determination of the application and seeks to protect the amenity of neighbouring residents.
- One letter of objection was received from a neighbouring business on the grounds of traffic, parking, access and infrastructure problems.
- The proposal is considered acceptable and will not cause access or parking problems for owners of the lock-ups or adjacent businesses.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a 1.8m high brick boundary wall and access gates on land adjacent to lock-up garages at the end of East Links Place and Churchill Place, Broughty Ferry, Dundee. The new wall will have 215mm facing blockwork, will be 1800mm high and have piers at 2000mm centres. Brickwork will match the existing and all surfaces will be made good. A 1m wide pedestrian gate and 3.5m wide vehicular access gate are proposed to the east of lock up numbers 37 to 41, as indicated on the submitted plans.

## SITE DESCRIPTION

The application site is located at the end of East Links Place and Churchill Place. There are residential properties to the south and industrial units to the east. A builder's yard is located immediately to the east of the proposed wall. A 1.5m high chain-link metal fence is located along the boundary of the builders' yard. A respite centre is located to the north. Lock-up garages are located to the west and south west of the proposed wall.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 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.



## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

Planning application (08/00427/FUL) for the extension of an existing

scaffold yard and erection of boundary wall was withdrawn on 1 July 2008.

Planning application (08/00510/FUL) for the erection of a boundary wall was withdrawn on 15 September 2008 after being prepared for Committee with a recommendation of refusal. This was due to its proposed location in front of lock-ups, which would limit access and parking for tenants of the lock-ups.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one valid letter of objection was received from an adjacent business to the east of the site. The grounds of objection are:

- 1 Traffic, parking and access problems

The area is already congested with traffic and parking has always been a problem. The application will remove valuable parking areas and also cause access problems for vehicles. Pedestrians will be in danger due to the increased amount of traffic and type of traffic.

- 2 Infrastructure problems

The road is barely wide enough for the vehicles that use it at present. The vehicles operated by the applicant are large HGV2 type vehicles and may cause damage to the structure of the road and/or vehicles on it.

Members will already have received copies of the objection letter. The points raised are discussed in further detail in the "Observations" section below.

## CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

## 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 of the Dundee Local Plan Review 2005 states that new developments should seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. It is considered that the design of the wall will blend in with other walls in the area. The applicant has indicated that the tenants of the adjacent lock-ups, who may be affected by the development of the wall, will be relocated to other lock-ups within the same ownership as their current lock-ups. Therefore it is not considered that there will be parking or traffic movement issues raised by the proposed development.

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:

Objections

The objections received are on the grounds of traffic, access, parking and infrastructure problems.

1 Traffic, parking and access problems

The proposed wall is within close proximity to the doors of lock-up garages. However the owner of the lock-ups has indicated that the tenants of numbers 39 to 41 will be relocated. Therefore it is considered that there will be no parking or access issues.

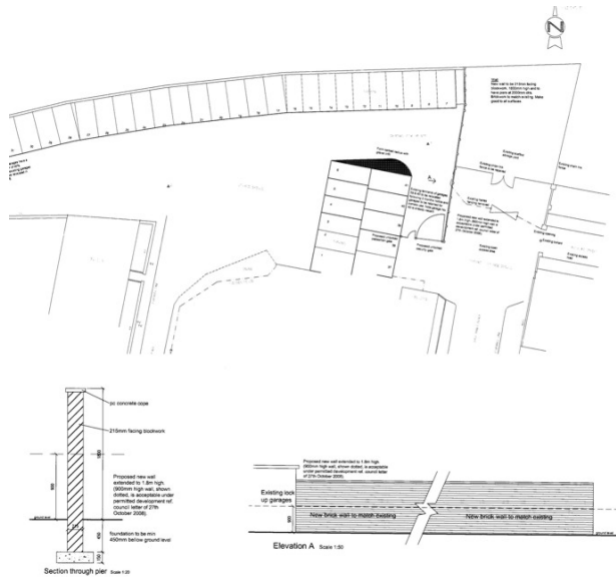
2 Infrastructure problems

It is not considered that the condition of the road will be adversely affected by the development.

At present industrial vehicles use Panmure Street to access the various

industrial units and it is not proposed to alter this situation.

The applicant submitted a design statement in support of the application and this can be summarised as follows:



"The proposal is to build a 1.8m high facing brick wall and fit unlocked vehicular and pedestrian gates in order to enclose the lock-up garage site providing a more secure area for the garage tenants and reduce the amount of through traffic, vandalism and fly tipping. Access to Churchill Place will remain open and unrestricted.

The proposed wall can be built up to 900mm in height under Permitted Development Rights but this would not



be sufficient to visually enclose the site giving the impression of a secure area. The current lock-up garages have only a 60% take up of rent (letter from J & E Shepherd Chartered Surveyors enclosed to support this figure). They are currently subject to vandalism. It is considered that additional letting will be encouraged if the site is made more secure.

The adjoining scaffold yard has at present a right of access over the lock-up site and it is intended to have this legally removed in exchange for part of the owners ground to the south of the scaffold yard. The right will be legally transferred to the yard owner in order that loading and unloading of scaffold will be separate from the lock-up garages and thus improving safety and security. It is intended to give the tenants of lock-ups 39 to 41 three months notice and relocate them elsewhere.

In conclusion, the proposals will provide a safer and more improved facility which will be a benefit to the area."

This information from the application provides an explanation of the need identified for the erection of the wall and gates. It is a material consideration that justifies the support of the proposal.

The objection regarding access and parking problems is not supported.

It is concluded from the foregoing that there are sufficient material considerations to support the grant of planning permission in line with the provisions of the development plan.

**Design**

The design of the wall will blend in with existing walls at this location and so it is considered acceptable.

**CONCLUSION**

It is considered that the proposed wall and gates are acceptable at this location and they will not have an adverse impact on traffic movement and parking availability. The proposal complies with Policy 1 of the Dundee Local Plan Review 2005 and the objection is not supported in these circumstances. There are no material considerations to justify refusal of the application and therefore it is recommended for APPROVAL subject to conditions.

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## RECOMMENDATION

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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

### Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.