

**KEY INFORMATION**

**Ward** Coldsid

**Proposal**

Change of use from builders workshop, office and yard to commercial garage

**Address**

Land to the west of Smith Street, Dundee

**Applicant**

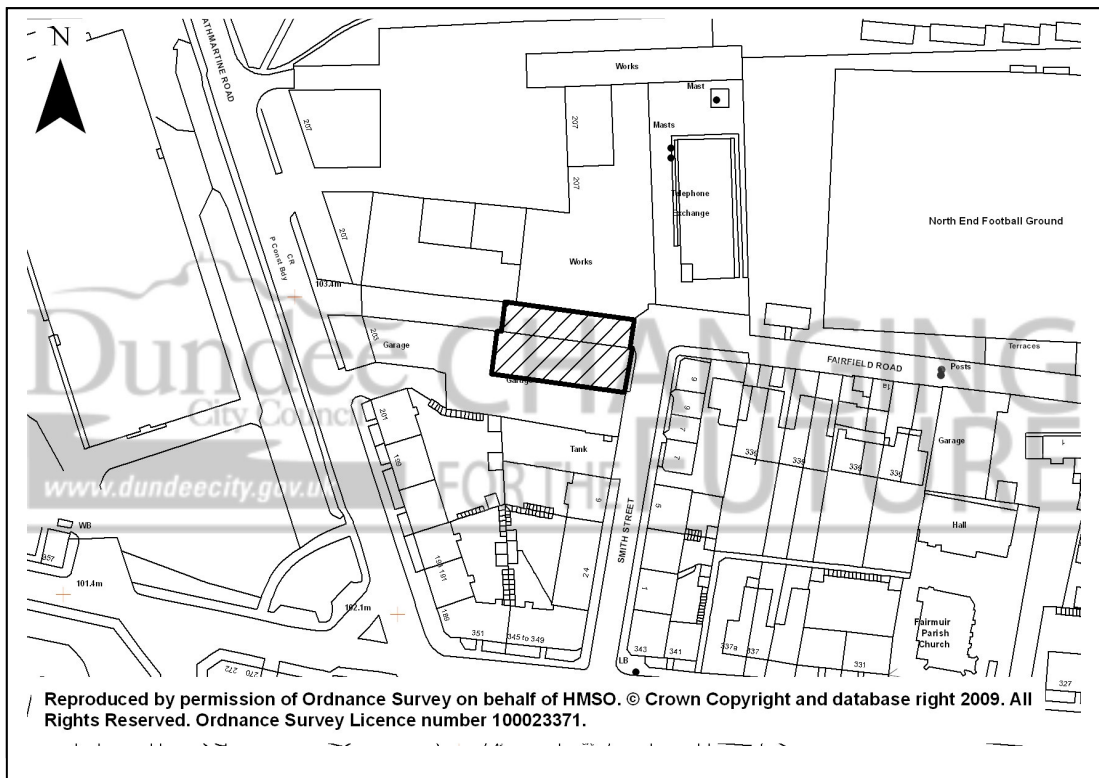
Baker Bradley Ltd  
211A Albert Street  
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**Agent**

ARKTX Chartered Architects  
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**Registered** 11 Nov 2009

**Case Officer** Paul Macari



## Consent Sought for Garage Use in Smith Street

A change of use from a builders workshop, office and yard to commercial garage is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

**RECOMMENDATION**

There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission. Accordingly, it is recommended that the application be **APPROVED** subject to conditions.

**SUMMARY OF REPORT**

- This application seeks planning permission to regularise the use of part of the premises at land to the west of Smith Street for purposes falling within Class 5 (General Industrial) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The main use of the premises will be for a vehicle repair garage.
- Policy 1 (Vibrant and Sustainable Communities) and Policy 26 (General Economic Development Areas) of the Dundee Local Plan Review 2005 are relevant to the outcome of this application.
- One letter of objection has been received from a neighbouring resident concerned about road safety, insufficient car parking and noise disturbance.
- The concerns of the Objector are not supported.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to regularise the use of part of the industrial building on land to the west of Smith Street as a vehicle repair garage.

It is proposed to use the yard to the north of the building to park cars during their time in the garage.

The remainder of the building is currently used as temporary office accommodation by Scottish Water with associated parking on the yard area to the south of the building.

Use of the premises as office accommodation and as a vehicle repair garage fall within the definition of the Class 5 (General Industrial) of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

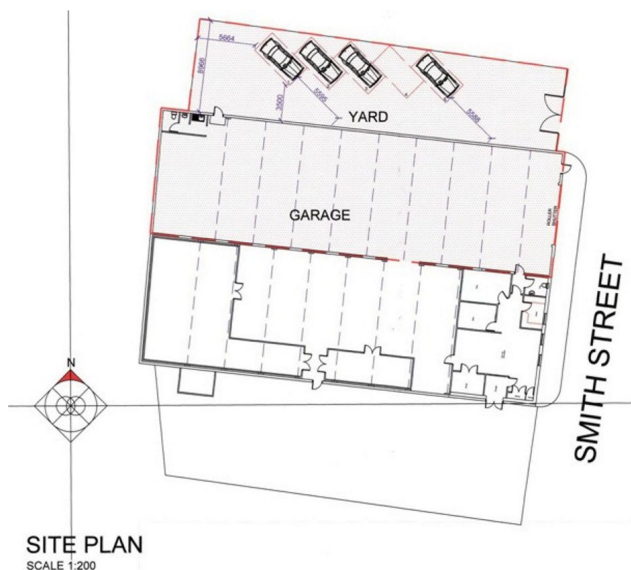
This application is being reported to the Development Quality Committee at the request of a Councillor.

## SITE DESCRIPTION

The application site is located on the west side of Smith Street. The property at Smith Street is currently occupied by an industrial building with white render walls and corrugated metal roof. The existing building is served by yards to the north and south. The building is split in two with office accommodation occupying the southern section of the building and the south most yard. The northern section of the building and north most yard are used as a vehicle repair garage. Vehicle access to the building is taken from Smith Street through a larger roller door in the eastern elevation of the building. The car repair business that formerly occupied the building no longer operates from the application site and the northern section of the building is currently vacant. The yard to the north of the building is enclosed by metal fencing. The application site comprises the northern section of the building and the north most yard only. The application site is located in an area designated by the Dundee Local Plan Review 2005 for general economic development.

There are 4 storey stone-built tenement flats to the south and west of the site, with fairly modern 3 storey flats to the

east, on the opposite side of Smith Street. To the north the application site is bound by a dairy and an industrial building used for manufacturing air conditioning units.



Smith Street is a narrow street and cars park on both sides. The street turns through 90° at the north and is narrower along this section and leads into Fairfield Street.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

Proposals which will have an adverse impact upon environmental quality by virtue of design, layout, traffic movements and parking, noise or smell will not be supported.

Policy 26 (General Economic Development Areas) is supportive of proposals falling within Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) of the Town and Country Planning (Use Classes) Scotland Order 1997 locating within areas of the City zoned as General Economic Development Areas by the adopted Local Plan.

## 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 ref: 06/01121/FUL sought full planning permission for the erection of 21 flats. The Development Quality Committee refused planning permission on the basis that the proposals were contrary to Policy 2: Housing Land Release and Policy 4: Design of New Houses of the Dundee Local Plan Review 2005. This was mainly because the proposed development did not comply with the housing standards contained in Appendix 1 of the Local Plan. Further, the Committee were not satisfied that the proposal would make a positive contribution to the choice of housing available in the local area.

Planning application ref: 08/00329/FUL sought planning



## Dundee Local Plan 2005

The following policies are of relevance:

Policy 1 (Vibrant and Sustainable Communities) is supportive of proposals which seek to maintain the level of amenity afforded to neighbouring residential properties.



permission for the erection of 21 flats. This application was no different to planning application ref: 06/01121/FUL. As such this application was reported to the Development Quality Committee with a negative recommendation. During the Committee meeting after discussions with the Chair and members of the Committee the applicant withdrew the application.

Planning application ref: 09/00413/FUL sought planning permission for the erection of 19 flats. The proposals were contrary to the requirements of Policy 4 (Design of New Housing) of the adopted Local Plan. Consequently planning application ref: 09/00413/FUL was refused planning permission by the Council's Development Quality Committee.

The premises at Smith Street which the application site forms part off have been the subject of several complaints from neighbouring residents throughout 2009. The main reasons for these complaints were due to the unauthorised use of the premises as a car repair garage whereby cars were being parked on Smith Street as well as in the yards to the north and south of the building. Complaints of noise disturbance due to the hours of operation were also received. The applicants were contacted by the Council's Planning Enforcement Officer and informed that planning permission was required for use of the premises as a car repair garage. Due to the delay in applying for planning permission the Council issued a planning contravention notice to the owners of the building with a view to issuing an enforcement notice should the use of the building as a car repair garage fail to stop or be regularised by obtaining planning permission. The owners of the building in response to receiving the planning contravention notice submitted the planning application that is the subject of this report.

## PUBLIC PARTICIPATION

The Council has carried out the statutory neighbour notification procedure as stipulated in Section 19 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

This application was advertised in



Dundee Evening Telegraph under Section 34 (Bad Neighbour) of the Act as the use of the premises as a car repair garage would be likely to give rise to instances of noise and smell disturbance.



One letter of objection has been received from a neighbouring resident. The concerns raised include:

- noise disturbance,
- road safety/inadequate parking.

Members will already have had access to copies of the objection letters and the issues are discussed in the "Observations" section below.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards has raised a concern that the garage may give rise to instances of noise disturbance due to its proximity to residential properties. However, this issue can be addressed through restricting the operating hours of the garage to between 8.00am and 6.00pm Monday to Saturday only.

## OBSERVATIONS

Section 25 of the Act 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.

The use of the premises on land to the west of Smith Street for purposes within Class 5 of the Town and Country Planning (Use Classes)

Scotland Order 1997 comply with the requirements of Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005. The proposals will regularise the use of the premises which were vacant for a considerable length of time. The proposals are therefore considered to be sustainable in that no new buildings will be erected on site but rather the existing floor space on the site will be utilised. This will encourage repair and maintenance work to be carried out to enhance the appearance of

the building as is reflected in the recent erection of bollards along the Smith Street frontage to prevent the yard to the south of the building from being used as a public car park.

The application site benefits from extensive car parking facilities to the north of the existing building and therefore will not exacerbate existing parking pressure on Smith Street which already suffers badly from congestion. In terms of road safety the means of access to and egress from the application site will not disrupt the

flow of pedestrian and vehicle traffic on Smith Street.

Although Environmental Health and Trading Standards have received several noise complaints about the garage, these complaints are due to the hours of operation rather than noise generated by the use of the application site as a vehicle repair garage. The Head of Environmental Health and Trading Standards is therefore satisfied that such issues of noise disturbance can be addressed by limiting the hours that the garage can operate to between 6.00am and 6.00pm Monday to Saturday only. In this respect the use of the application site as a vehicle repair garage with restricted operating hours will not impact upon the level of environmental quality afforded to residents of Smith Street by virtue of noise disturbance, parking, design and layout.

With regard to Policy 26 (General Economic Development Areas), part of the application site is located within a general economic development area as zoned by the adopted local plan. Use of the application site for purposes falling within Class 5 of the Town and Country planning (Use Classes)(Scotland) Order 1997 as proposed are supported within General Economic Development Areas. In this respect the proposals comply with the requirements of Policy 24.

The proposals comply with the requirements of the Dundee Local Plan Review 2005.

a Views of Consultees

The Head of Environmental Health and Trading Standards has confirmed that although there have been several complaints of noise disturbance from the garage, the concerns relate to the hours of operation rather than the use of the premises as a vehicle repair garage. In this instance the Head of Environmental Health and Trading Standards is satisfied that a condition restricting the use of the garage to between the hours of 6.00am and 6.00pm Monday to Saturday only will address any issues of noise disturbance associated with the garage.

b Objections

One letter of objection has been received from a neighbouring

resident concerned about noise disturbance and increased parking pressure and road safety arising from the use of the application site as a vehicle repair garage.

In the assessment of the proposals against the adopted Local Plan concerns relating to road safety and parking have been addressed. It was concluded there is sufficient parking facilities within the curtilage of the application site to accommodate vehicles associated with the vehicle repair garage and the means of access to the application site would not impact upon pedestrian and vehicle safety.

With regard to concerns relating to noise disturbance, the Head of Environmental Health and Trading Standards has confirmed that a condition restricting operating hours of the garage to between 6.00am and 6.00pm only will prevent issues of noise disturbance from impacting upon the level of environmental quality afforded to neighbouring residents.

It is concluded from the foregoing that the concerns of the objector are not supported. There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission. Accordingly it is recommended that planning permission be granted subject to conditions.

## Design

The proposals will not involve any changes to the design or layout of the existing buildings on site.

## CONCLUSION

There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission. Accordingly it is recommended that planning permission be granted subject to conditions.

## RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 The application site will only be operational between the hours of 6.00am and 6.00pm Monday to Saturday and not at all on Sunday.
- 3 The premises at land to the west of Smith Street will only be used for purposes falling within Class 5 of the Town and Country Planning (Use Classes) Scotland Order 1997.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 In the interests of safeguarding the level of environmental quality afforded to neighbouring residential properties.
- 3 In the interest of safeguarding the level of environmental quality afforded to neighbouring residential properties.