

KEY INFORMATION

Ward The Ferry

Proposal

Formation of roof to rear yard, fire escape door and change of use to form part of adjoining class one retail unit

Address

261 King Street
Broughty Ferry
Dundee

Applicant

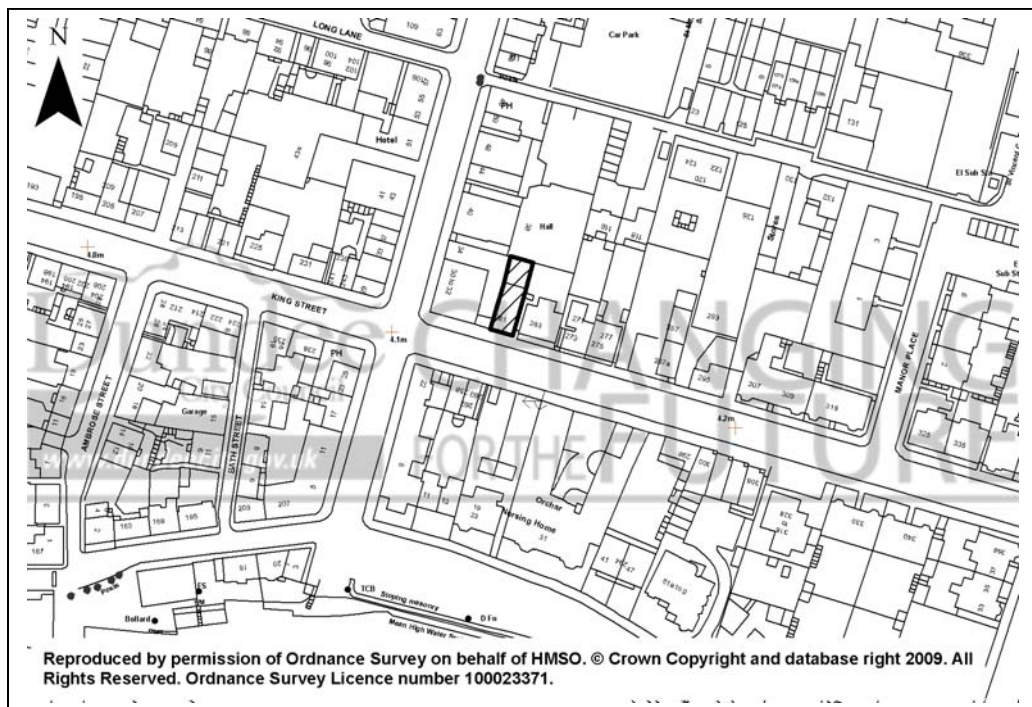
Mr A Bruce
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Agent

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Dundee
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Registered 10 Mar 2010

Case Officer Eve Jones



Consent Sought for Changes to Property in King Street

The formation of a roof to a rear yard, fire escape door and a change of use to form part of adjoining class one retail unit is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The application complies with the relevant policies in the Dundee Local Plan Review 2005 and there are no material considerations which would justify a contrary recommendation. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning consent is sought for the formation of a roof to an open rear yard and change of use of the site to form part of the adjoining retail unit. The roofing of the yard has already taken place.
- The adjoining former car sales unit has permitted development rights to change into a Class 1 retail unit but the open yard to the rear does not benefit from the same permitted development rights and requires planning permission for change of use to retail as part of the extended unit at 261.
- The site comprises an existing small former car sales premises on the north side of King Street, Broughty Ferry. It is bounded by commercial premises to the west and north and by the garden ground of adjoining residential properties to the east.
- Dundee Local Plan 2005. Policy 1 - Vibrant and Sustainable Communities and
- Policy 61 - Development in Conservation Areas apply and the proposal complies with both policies.
- One letter has been received from an adjoining landowner advising of legal restrictions but this is not a planning issue.
- As the application site is owned by an Elected Member, the application must be referred to the Development Quality Committee for determination in accordance with the approved Scheme of Delegation.

DESCRIPTION OF PROPOSAL

Planning consent is sought for the formation of a roof to an open rear yard and change of use of the site to form part of the adjoining retail unit. The roofing of the yard has already taken place. The materials match the existing. The adjoining former car sales unit has permitted development rights to change into a Class 1 retail unit but the open yard to the rear does not benefit from the same permitted development rights and requires planning permission for change of use to retail as part of the extended unit at 261. The extension/former yard measures approximately 47m² and the original building is 86m².

SITE DESCRIPTION

The site comprises an existing small former car sales premises on the north side of King Street, Broughty Ferry. It has an arched glazed frontage to the street and a low metal profile sheeting roof. It is bounded by commercial premises to the west and north and by the garden ground of adjoining residential properties to the east.

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.

Policy 61 - Development in Conservation Areas.

Scottish Planning Policies, Planning Advice Notes and Circulars

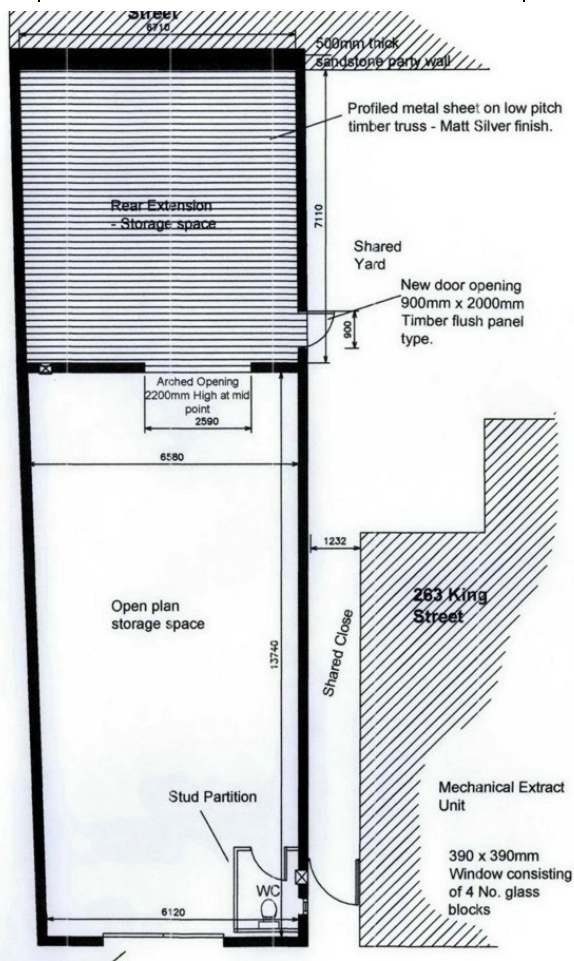
The following are of relevance:

SHEP Scottish Historic Environment Policy - the SHEP notes that it is the duty of the planning authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area

when exercising its powers under the planning legislation.

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 were unsuccessful applications to change the use of the site to restaurant and hot food uses from 1989 to 1991. In 2005 an application for change of use to restaurant with carry out facilities was withdrawn (05/00357/COU refers). A recent application to change the use from car sales to Class 1 retail was declared to constitute permitted development

under the terms of the relevant legislation on 20 January 2010.

PUBLIC PARTICIPATION

One letter has been received which advises that the proposed fire escape door opens directly on to land owned by another party and that there are legal restrictions on its use. This is not a planning issue.

CONSULTATIONS

The Head of Environmental Health and Trading Standards expressed concern that noise from any heating or ventilation systems may affect residents of the adjacent property and sought appropriate control via a planning condition if Members are minded to approve the application.

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 site lies to the rear of the existing property and is only visible from the adjoining property. As noted above, the works to enclose the rear yard have already been carried out.

Policy 1 supports the provision of a range of services and facilities close to and within residential areas. The site lies immediately adjacent to the boundary of the District Centre of Broughty Ferry and the original building can change to Class 1 retail use without the need to apply for planning permission. It is considered that the proposed change of use of the former rear yard to retail use is also acceptable and will comply with Policy 1.

As the roof material matches the existing and is not visible from the

street, it is considered that the proposal has a neutral impact on the Conservation Area and meets the requirements of Policy 61.

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:

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

It is concluded from the foregoing that the statutory duty set out in Section 64 of the Act, to preserve or enhance the character or appearance of the Conservation Area would be satisfied by the approval of this proposal for the reasons given above.

It is concluded from the foregoing that material considerations justify the grant of planning permission. It is therefore recommended that planning permission be granted.

Design

The materials match the existing and are acceptable in design terms.

CONCLUSION

It is concluded from the foregoing that the application complies with the relevant policies in the Dundee Local Plan Review 2005 and the material considerations justify the grant of planning permission in accordance with the plan. It is therefore recommended that planning permission be granted for the statutory time period and subject to condition.

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 total noise from any M & E plant shall not exceed NR 35 as measured 1 metre external to the facade of adjacent residential accommodation.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.

