

KEY INFORMATION

Ward Coldsid

Proposal

Change of use from office/storage/car park to vehicle repairs with office/storage (retrospective)

Address

8 Smith Street
Dundee
DD3 8AZ

Applicant

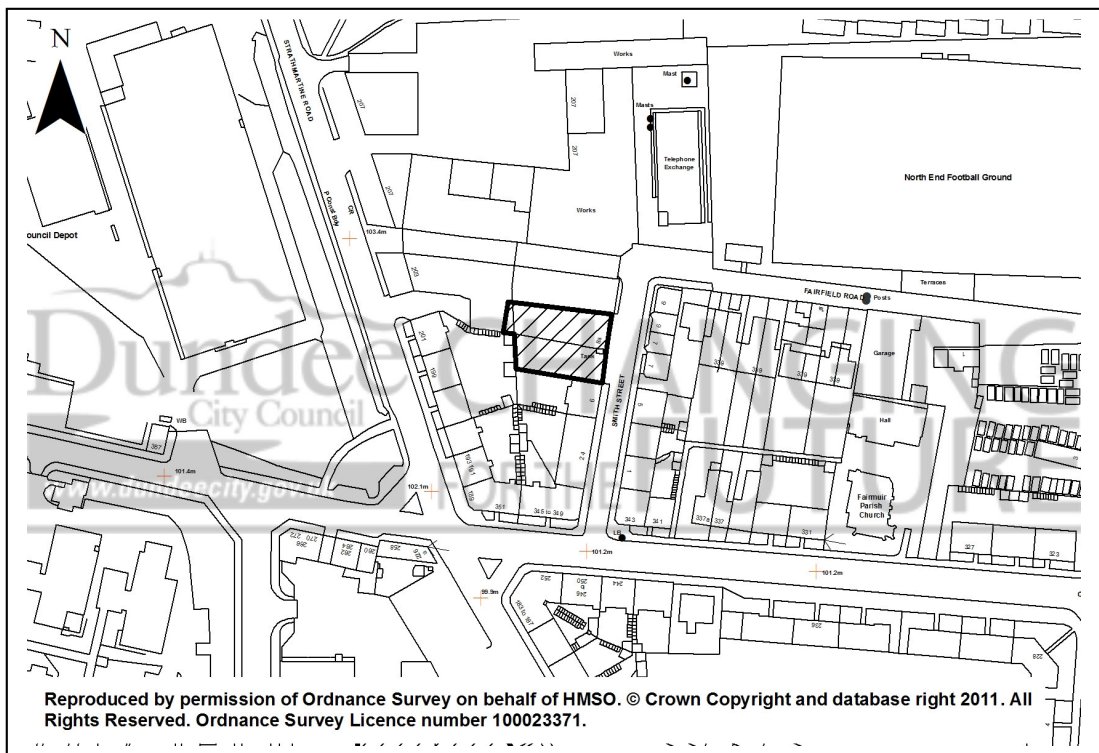
Baker Bardley Ltd
211A Albert Street
Dundee
DD4 6QA

Agent

ARKTX Chartered Architects
187 Strathmartine Road
Dundee
DD3 8BL

Registered 25 Aug 2011

Case Officer P Macari



Vehicle Repair Garage Proposed at Smith Street

The change of use from office/storage/car park to vehicle repairs with office/storage (retrospective) 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 the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to regularise the use of the southern part of the industrial building and yard at 8 Smith Street as a vehicle repair garage.
- Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 is relevant to the outcome of this planning application.
- Six letters of objection have been received from neighbouring residents concerned about noise disturbance, unauthorised elevational alterations and traffic congestion.
- The concerns of the objectors are not supported.
- The proposals satisfy the requirements of the Development Plan.

DESCRIPTION OF PROPOSAL

Retrospective planning permission is sought for the use of the southern part of the industrial building and associated yard at 8 Smith Street as a vehicle repair garage.

In addition to the use of the application site as a car repair garage, this application also seeks retrospective planning permission for the installation of a large roller door in the southern elevation of the building to provide vehicle access to the garage.

The remainder of the building is presently used by JF Kegs as a storage and distribution depot.

In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee as six letters of objection have been received from neighbouring residents.

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. The northern sector of the building and associated yard is presently used by JF Kegs as a storage and distribution depot. The southern section of the building and associated yard is being used as a car repair garage. The yard to the north of the building is enclosed by metal fencing.

The application site comprises the southern section of the building and the south most yard only. The application site is not designated for any particular use by the adopted Local Plan but is bound to the north by a designated General Economic Development Area.

There are four storey stone-built tenement flats to the south and west of the site, with fairly modern three 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 degrees at the north and is narrower along this section and leads into Fairfield Street.

POLICY BACKGROUND

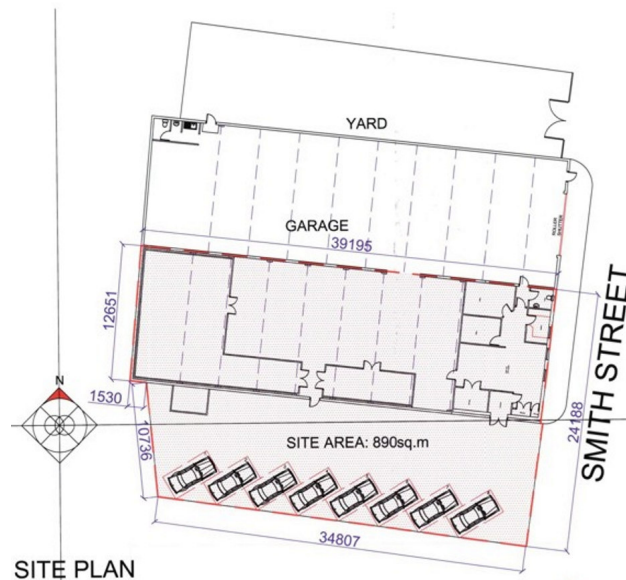
Dundee and Angus Structure Plan 2001-2016

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

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. 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.

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 09/00715/FULL sought planning permission to change the use of the northern part of the existing industrial building and yard at 8 Smith Street from a builder's workshop, office and yard to a commercial car repair garage. This application was granted planning permission subject to conditions by the Development Management Committee.

Prior to the submission of planning application 09/00715/FULL the Council had issued a planning contravention notice to the owners of the premises at 8 Smith Street. The planning contravention notice was issued in response to several complaints throughout 2009 from neighbouring residents concerned about the unauthorised use of the premises as a car repair garage.

The premises at 8 Smith Street which formed the application site of planning application 09/00715/FULL was originally used as a carpet warehouse. Between the date planning application 09/00715/FULL was submitted to the Council for consideration and the date that the application was determined by the Development Management Committee, the unauthorised garage closed and moved out of the premises at 8 Smith Street. JF Kegs moved into the premises formerly occupied by the garage and has continued to operate from this location since. As planning application 09/00715/FULL has not been implemented planning permission is not required by JF Kegs to maintain the original recognised use of the premises as a storage and distribution depot.

Planning application 09/00814/FULL sought planning permission for the demolition of the existing industrial building located at 8 Smith Street and the erection of 16 residential units. This application was granted planning permission subject to conditions by the

Development Management Committee.

The premises at Smith Street which the application site forms part off have been the subject of several complaints from neighbouring residents. The main reasons for these complaints were due to the unauthorised use of the southern part of the existing building and its associated yard as a car repair garage whereby cars were being parked on Smith Street as well as in the yards to the 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. The owners of the building have responded by submitting the current 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 disturbance.

Six letters of objection have been received from neighbouring residents. The concerns raised include:

- noise disturbance
- road safety/ inadequate parking
- unauthorised elevational alterations

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 Protection has raised a concern that the garage may give rise to instances of noise disturbance and smell nuisance due to its proximity to residential properties. However, he considers that this issue

can be addressed through restricting the operating hours of the garage to between 0800 and 1800 hours Monday to Saturday only. The restricted operating hours are the same as those applied to planning application ref: 09/00715/FULL.

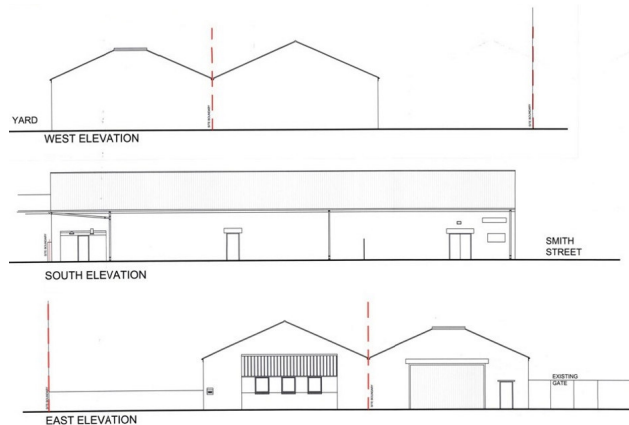
Scottish Water has no objections to the proposed development.

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.



Policy 1 (Vibrant and Sustainable Communities) of the adopted Local Plan is supportive of proposals that will maintain or enhance the level of environmental quality afforded to neighbouring properties by virtue of layout, design, parking and traffic movement problems, noise or smell.

The proposals will regularise the use of the application site as a commercial repair garage. The proposals are therefore considered to be sustainable in that no new buildings will be erected on site but rather the existing building retained. 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 and the formation of a door opening in the southern elevation of the building to

allow vehicular access to the garage. The formation of a door opening and installation of a roller door is in keeping with the design of the existing building and does not detract from the appearance of the Smith Street streetscape.

The application site benefits from extensive car parking facilities to the south 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 the Head of Environmental Protection has not received any complaints about the unauthorised garage, there is concern that the garage may generate instances of noise disturbance and smell nuisance due to its proximity to neighbouring houses.

The Head of Environmental Protection is therefore satisfied that such issues of noise disturbance and smell nuisance can be addressed by restricting the hours that the garage can operate to the same as those approved by planning application 09/00715/FULL. 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.

It is recognised that there are many industrial uses falling within Class 5 (of the Town and Country Planning (Use Classes) (Scotland) Order 1997 that may adversely affect the level of environmental quality afforded to neighbouring residential properties by virtue of noise disturbance or smell nuisance etc. Therefore should the Committee be minded to approve planning permission the use of the premises at 8 Smith Street will be controlled by condition.

The proposals satisfy the criteria of Policy 1 (Vibrant and Sustainable Communities) of the adopted Local Plan.

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

a Views of Consultees

The Head of Environmental Protection has confirmed that although there have been no complaints of noise disturbance from the garage, the proximity of the premises to neighbouring houses may give rise to instances of significant noise disturbance late at night. In this instance the Head of Environmental Protection has recommended that the hours of operation of the car repair garage are restricted to those approved by planning application 09/00715/FULLL for the use of the northern sector of the premises at 8 Smith Street as a car repair garage.

b Objections

Six letters of objection have been received from neighbouring residents 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 Protection has confirmed that a condition restricting operating hours of the garage to between 0800 and 1800 only will prevent issues of noise disturbance from impacting upon the level of environmental quality afforded to neighbouring residents.

The objectors have also raised concern that unauthorised elevational alterations in the form of the installation of a roller door have taken place. This matter has been addressed in the assessment of the proposals against the requirements of the Development Plan in the Observations section of this report. It has been concluded that the formation of a vehicle access in the southern elevation of the building and the installation of a roller door will not adversely affect the appearance of the existing building.

The concerns of the objectors 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 is granted subject to conditions.

Design

The proposals will not adversely affect the appearance of the existing building or surrounding Smith Street streetscape.

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 car repair garage hereby approved will only be operational between the hours of 0800 and 1800 Monday to Saturday. The car repair garage will not be operational on Sundays.
- 2 The premises at 8 Smith Street forming the application site of planning application 11/00446/FULL will only be used as a car repair garage and for no other purposes falling within Class 5 of the Town and Country Planning (Use Classes) Scotland Order 1997.

Reasons

- 1 In the interests of safeguarding the level of environmental quality afforded to neighbouring residential properties.
- 2 In the interest of safeguarding the level of environmental quality afforded to neighbouring residential properties.