

KEY INFORMATION**Ward** East End**Proposal**

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the removal of Condition 9 of Planning Application 10/00098/FULL

Address

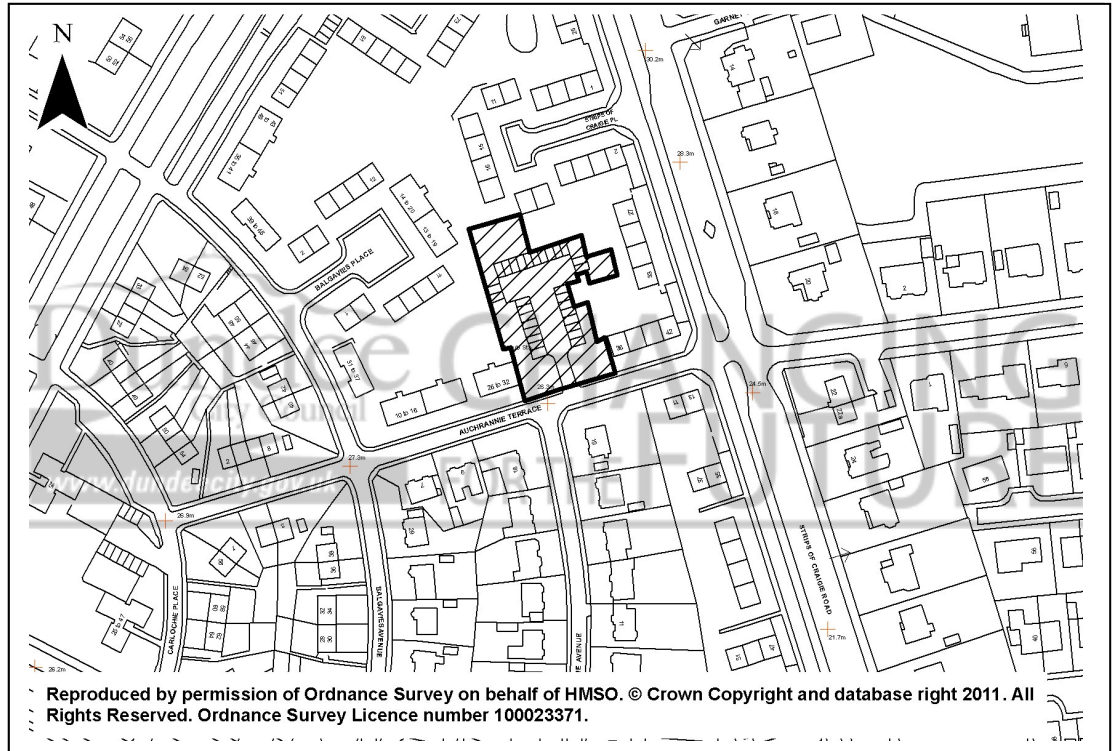
Former lock-ups
Auchrannie Terrace
Dundee

Applicant

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Dundee City Council
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Agent

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Registered 27 Oct 2011**Case Officer** Eve Young

Removal of Condition at Auchrannie Terrace Housing Development

The application under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the removal of Condition 9 of planning application 10/00098/FULL is **RECOMMENDED FOR APPROVAL**. Report by Director of City Development.

RECOMMENDATION

It is concluded that there are no relevant policies in the Dundee Local Plan Review 2005 and sufficient weight can be accorded to the material consideration of the supporting Noise Impact Assessment such as to justify the removal of Condition 9 from planning permission 10/00098/FULL. This application is therefore recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought under Section 42 of the Town and Country Planning (Scotland) Act 1997 to remove Condition 9 of permission 10/00098/FULL which requires the enclosure of a sub-station next to new housing off Auchrannie Terrace. A Noise Impact Assessment has been submitted to demonstrate that if the works are not carried out, there will be no adverse impact on residents. Only the terms of this condition are subject to consideration in this report.
- As the condition was imposed by the Development Management Committee on a site in Council ownership, the request to remove this condition from the planning permission requires to be referred to Committee for approval.
- The application was notified to 38 neighbouring properties, predominantly residential. No public comment was received.
- There are no relevant policies in the Dundee Local Plan Review 2005 and sufficient weight can be accorded to the material consideration of the supporting Noise Impact Assessment such as to justify the removal of Condition 9 from planning permission 10/00098/FULL. The development will remain subject to the other conditions imposed on application 10/00098/FUL, so far as they are still subsisting and capable of taking effect.

DESCRIPTION OF PROPOSAL

Planning permission is sought to remove a condition on a planning permission. Condition 9 of the permission 10/00098/FULL reads:

"The open northern sub-station shall be enclosed in a similar manner to the enclosed southern sub-station and details of these works shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details."

The reason for the condition is:

"To prevent any unacceptable noise disturbance to the proposed dwellings."

A Noise Impact Assessment has been submitted to demonstrate that if the works are not carried out, there will be no adverse impact on residents.

As the condition was imposed by the Development Management Committee on a site in Council ownership, the application to remove the condition from the planning permission requires to be referred to Committee for approval.

SITE DESCRIPTION

The site lies on the north side of Auchrannie Terrace where a new development of 4 flats has been constructed.

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

There are no policies in the local development plan relevant to the determination of this application.

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

10/00098/FULL - planning permission subject to conditions was granted by the Development Management Committee for the erection of 4 flats with associated access, parking and private gardens.



PUBLIC PARTICIPATION

The application was notified to 38 neighbouring predominantly residential properties. No public comment was received.

CONSULTATIONS

The following consultations were received: The Head of Environmental Protection has considered the submitted Noise Impact Assessment and has the following comments:

"The planning condition requiring the enclosure of the northern-most sub-station was requested to provide a greater degree of comfort from unacceptable noise disturbances from the substation occurring. The NIA provided indicates that the noise from the substation should not exceed NR35 measured 1 m external to the facade of the premises to remove Condition 9 and allowing the north-most substation to remain uncovered would result in a

lessening of the degree of comfort that enclosing it would have provided however based on the noise levels indicated in the NIA the noise level present without enclosing the substation should not be a problem."

OBSERVATIONS

This application requests permission remove Condition attached to a previously approved planning application 10/00098/FULL under Section 42 of the Town and Country Planning (Scotland) Act 1997. As such, it is only the terms of this condition that are subject to consideration in this report. No new issues or areas of concern in terms of development plan policies are raised.

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

As noted above, it is considered that there are no policies in the Dundee Local Plan Review 2005 which are directly relevant to the determination of this application. There have been no changes to the adopted Local Plan since application 10/00098/FULL was approved.

Other Material Considerations

The other material considerations to be taken into account are as follows:

The proposed enclosure of the sub station was requested by the Head of Environmental Health and Trading Standards to ensure that the residents of the new flats would not be adversely affected by any noise from the open sub station. There are 2 sub stations adjoining the site, one open, which is enclosed by railings and a wall, and the other within a building. The open sub station is nearest to the new flats.

A Noise Impact Assessment has been carried out by consultants to measure the noise output from the open substation. This demonstrates that the noise output will not exceed a level which will affect residents. The Head of Environmental Protection has assessed the submitted report and made comments as noted above.

It is concluded that the material consideration supports the approval of the application to remove Condition 9.

Design

There are no design issues.

CONCLUSION

It is concluded from the foregoing that there are no relevant policies in the Dundee Local Plan Review 2005 and sufficient weight can be accorded to the material consideration of the supporting Noise Impact Assessment such as to justify the removal of Condition 9 from planning permission 10/00098/FULL. The development will remain subject to the other conditions imposed on application 10/00098/FUL, so far as they are still subsisting and capable of taking effect.

RECOMMENDATION

It is recommended that consent be GRANTED.

The application is not subject to any conditions.