

Refrigeration Units to Rear of Albert Street Shop

KEY INFORMATION

Ward Maryfield

Address

223-227 Albert Street,
Dundee, DD4 6QA

Applicant

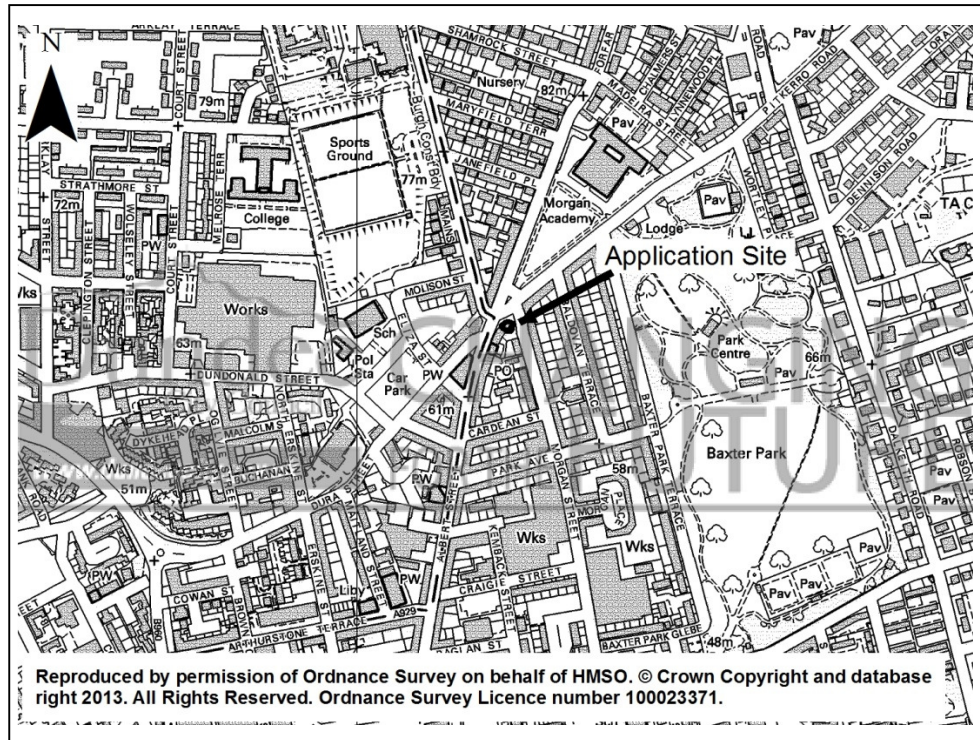
Mr M Asif
223 Albert Street
Dundee DD4 6QA

Agent

G D Architectural Services
Unit 2.8, Discovery House
Gemini Crescent
Technology Park
Dundee DD2 1SW

Registered 30 Oct 2013

Case Officer P Frickleton



SUMMARY OF REPORT

- The application seeks planning permission to install refrigeration units to the rear of the building (east elevation).
- The proposal falls to be considered under Policy 50 (Development in Conservation Areas) of the Dundee Local Development Plan.
- The application is required to be referred to the Development Management Committee for determination as the applicant is an Elected Member of Dundee City Council.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MV4SHYGC05Q00>.

RECOMMENDATION

The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, the application is recommended for APPROVAL subject to a condition.

1 DESCRIPTION OF PROPOSAL

- 1.1 The property until recently operated as a Blockbusters video rental store and is currently being converted into a local convenience store. Planning permission is sought for the installation of refrigeration units to the rear of the building (east elevation). The units will each measure 1,050mm in width, 360mm in depth and 1,338mm in height. A galvanised anti-vandal mesh security cage shall enclose the units (see Figure 1).
- 1.2 The units are to be located at ground floor level overlooking the communal amenity space. The area is screened by the single storey storage area to the rear of the property and stone boundary wall. There are 2 existing air conditioning units mounted on the rear elevation of the store which will be removed so that the new units can be erected (see Figure 2).
- 1.3 In accordance with the Council's Scheme of Delegation the application must be considered by the Development Management Committee as the applicant is an Elected Member of Dundee City Council.

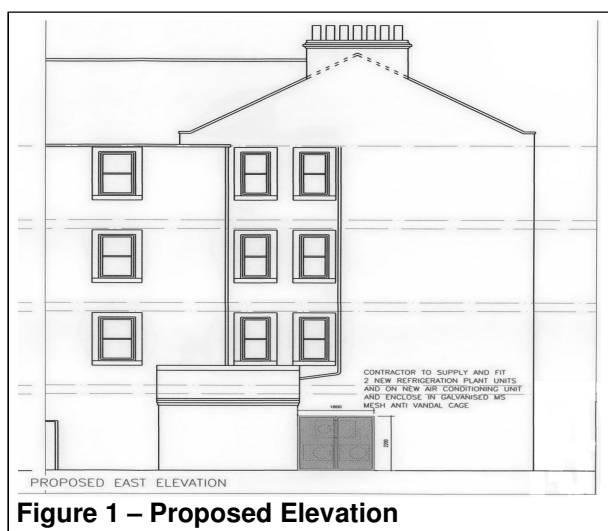


Figure 1 – Proposed Elevation



Figure 2 – Existing Elevation

2 SITE DESCRIPTION

- 2.1 The application site forms a retail unit located on the corner of Albert Street and Morgan Street within the Maryfield Conservation Area. The unit occupies the ground floor of a four storey building with residential properties directly above the application property on the second floor of the building and above.
- 2.2 The property lies within the Albert Street District Centre retail frontage area where the street is comprised of the type of uses normally found within such an area, including bakers, newsagents, small convenience stores and takeaways.

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 50: Development in Conservation Areas.

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 There is no planning history of relevance to the outcome of this application.

5 PUBLIC PARTICIPATION

- 5.1 The Statutory Neighbour Notification was carried out, no objections have been received.

6 CONSULTATIONS

- 6.1 **The Head of Environmental Protection** – has requested that, should the Committee be minded to approve this application, a condition restricting total noise from mechanical and electrical plant be incorporated into the grant of planning permission.

7 DETERMINING ISSUES

- 7.1 **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.

- 7.2 **Policy 50 (Development in Conservation Areas)** – expects all developments within Conservation Areas to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the Conservation Area.
- 7.3 The proposed location is considered suitable for the proposed plant as it cannot be seen from any public vantage points and this area is already home to two air conditioning units. It is contended that the development would cause no additional harm to the external appearance of the property or character of the surrounding area. It is therefore considered that the proposal complies with the terms of Policy 50.
- 7.4 **It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.**

STATUTORY DUTY

- 7.5 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997** - Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a Conservation Area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area. As discussed under Policy 50 of the Development Plan above it was concluded that the development would not detract from the appearance of the building

or character of the surrounding area. **Consequently, it is concluded that by approving the application the Council would be discharging its statutory duties in an appropriate manner.**

OTHER MATERIAL CONSIDERATIONS

NOISE ISSUES

- 7.6 Due to the proximity to residential properties it is considered that, should the Committee be minded to approve this application, conditions to limit noise from any mechanical and electrical plant would be required. It is considered that this matter could be adequately controlled in this way.
- 7.7 **It is concluded from the foregoing that there are no material considerations that would justify the refusal of planning permission contrary to the provisions of the Development Plan. It is therefore recommended that planning permission be granted.**

8 CONCLUSION

- 8.1 The proposal complies with the Development Plan and there are no material considerations that would justify the refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to a condition.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to a condition:
- 1 The total noise from any mechanical and electrical plant shall not exceed NR45 during daytime and NR35 during night-time as measured 1 metre from the façade of any adjacent residential property. Furthermore, it shall not exceed NR25 during night-time within any adjoining residential property. For the avoidance of doubt NR45 is applicable for the period 07.00 to 23.00 hours and NR35 and NR25 are applicable for the period 23.00 to 07.00 hours.

REASONS

- 1 In the interests of preventing significant instances of noise disturbance from occurring.