

Formation of Training, Teaching and Counselling Facility

KEY INFORMATION

Ward Coldside

Address

3 Lintrathen Street
Dundee
DD3 8EE

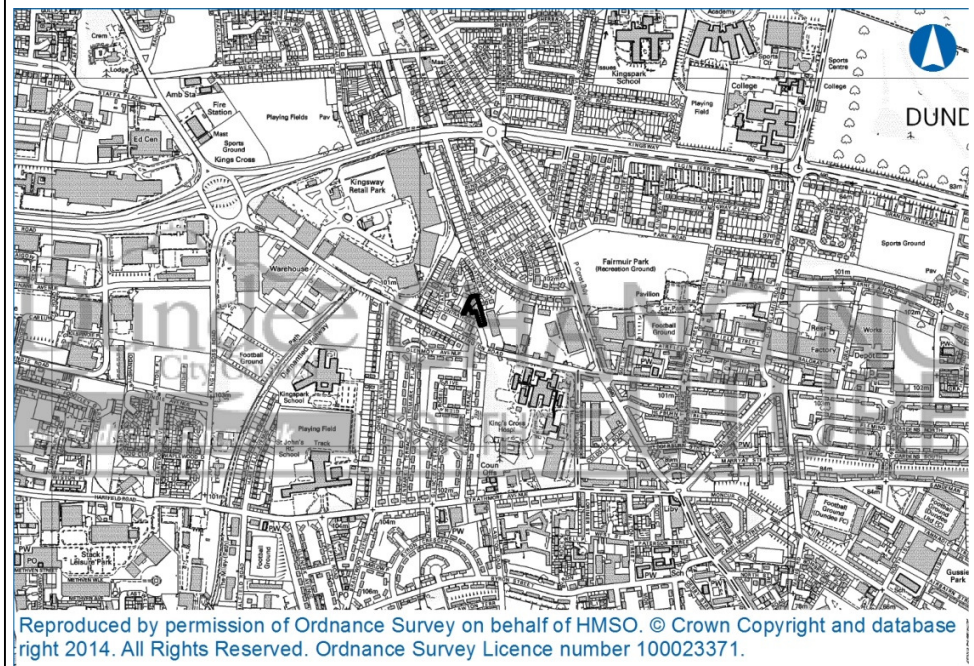
Applicant

Mr Kenneth Field
3 Lintrathen Street
Dundee
DD3 8EE

Agent

Registered 14 Aug 2014

Case Officer Paul Macari



SUMMARY OF REPORT

- This application seeks planning permission for the change of use from printing factory at 3 Lintrathen Street, Dundee to a mixed use development including training, teaching of music/film, counselling, fund raising events for other local needs and connecting with youth in Dundee helping find employment and housing.
- Policy 16 (Small Scale Commercial Uses within Residential Areas) of the Dundee Local Development Plan 2014 is relevant to the outcome of this application.
- 49 letters of objection including a petition with 48 signatures have been received from neighbouring residents.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=N8V0I2GCK6100>.

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the change of use from printing factory to mixed use development including training, teaching of music/film, counselling, fund raising events for other local needs and connecting with youth in Dundee helping find employment and housing at 3 Linrathen Street.
- 1.2 The applicant is a registered charity (The PoInt) and it is proposed to use the building as the main offices of the charity between 9.00 and 17.30 hours Monday to Thursday. Between 17.30 hours and 21.30 hours the premises will be used to provide counselling, training and working with the local youth and teaching film. At the weekend the premises will operate between the hours of 10.00 hours and 21.00 hours. Bands will play music in the premises until 20.30 hours on Tuesdays and Sundays. An Operations Statement outlining how the application site will be used has been submitted in support of the proposed development.
- 1.3 The applicant has confirmed that the former factory has been sound proofed with professional grade acoustic insulation to prevent noise escaping.
- 1.4 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee at the request of an elected member and due to the number of objections received.

2 SITE DESCRIPTION



Figure 1 – Photograph of Site Looking East



Figure 2 – Photograph of Site Looking North

- 2.1 The application site is located to the north east of Linrathen Street, to the rear of 1 and 2 Linrathen Street. The site takes the form of a 2 storey brick built building with a series of extensions to the eastern elevation. The extensions take the form of industrial buildings. To the south east of the building there is a yard area accessed from Linrathen Street. There is also a second vehicle access to the site from Linrathen Street that follows the north western boundary of the property at 2 Linrathen street.
- 2.2 The application site is bound by neighbouring houses and the Council's Contract Services Depot. The northern, eastern and southern boundaries of the site are formed by 1.8m high steel palisade fencing. The western boundaries of the site are formed by 1.8m high timber ranch style fencing.

3 POLICY BACKGROUND

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

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 16: Small Scale Commercial Uses within Residential 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 Council has followed the statutory neighbour notification procedure. Forty nine letters of objection including a petition with 48 signatures have been received from neighbouring residents concerned about:

- a anti-social behaviour/public anxiety;
- b noise disturbance;
- c overlooking/impact on privacy;
- d road and pedestrian safety;
- e increase in on-street parking pressure; and
- f inappropriate location for the proposed development.

5.2 Concerns relating to loss of property value were also raised by the objectors. These concerns are not material planning considerations and therefore cannot be taken into account in the consideration of this planning application.

5.3 Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

6.1 **Environment Department** – concern has been raised that the site may be contaminated by historic uses and that the proposed development may generate noise disturbance. Should planning permission be granted the Head of Environmental Protection is satisfied that these issues can be overcome by a contaminated land informative and conditions restricting noise levels.

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.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 16: Small Scale Commercial Uses Within Residential Areas** – Policy 16 is supportive of the development of small scale commercial services and facilities close to and within existing and proposed housing areas where they do not have a detrimental effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement, noise or smell.
- 7.3 In terms of smell nuisance, the proposed use of the premises is unlikely to adversely impact on the level of environmental quality currently enjoyed by local residents living in the vicinity of the application site. The proposals do not involve the preparation or cooking of food on site.
- 7.4 In terms of design and layout, this application does not propose any external changes to the existing buildings on site. The northern and eastern boundaries between the site and neighbouring residential properties are currently delineated by 1.8m high steel palisade fencing. As the proposal will result in an increase in the number of visitors to the application site on a daily basis, to address potential issues of overlooking into neighbouring residential properties, the erection of a 1.8m high timber fence along the northern, southern and eastern boundaries to screen the application site from neighbouring properties would be appropriate. The applicant is agreeable to the erection of a fence being controlled by condition should planning permission be granted.
- 7.5 There is the potential for the generation of instances of noise disturbance through live bands playing within the premises. The applicant has provided evidence demonstrating that measures have been taken to sound proof the building to prevent noise from within the premises adversely impacting on neighbouring properties. The Head of Environmental Protection has confirmed that instances of noise disturbance can be controlled by conditions should the Committee be minded to approve this application.
- 7.6 In terms of parking and traffic movement issues, Lintrathen Street and Soutar Street are of a quiet residential character. However, the application site benefits from eighteen in-curtilage parking spaces that are sufficient to accommodate the anticipated level of traffic generated by the proposed development. The existing in-curtilage parking facilities serving the application property will therefore minimise any foreseeable impact on existing on-street parking facilities in the streets surrounding the site. In terms of increase in traffic movement, it is anticipated from the information contained within the submitted transport statement that the majority of visitors to the facility will utilise public transport given the close proximity of the application site to bus stops on Clepington Road. It is therefore unlikely that the level of traffic movements generated by the proposed development will adversely impact on the level of environmental quality afforded to local residents.
- 7.7 **The proposal satisfies the requirements of Policy 16.**

OTHER MATERIAL CONSIDERATIONS

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

A - VIEWS OF OBJECTORS

- 7.8 Forty nine letters of objection including a 48 signature petition have been received from neighbouring residents concerned about:
- anti-social behaviour/public anxiety;
 - noise disturbance;
 - overlooking/impact on privacy;
 - road and pedestrian safety;
 - increase in on-street parking pressure; and
 - inappropriate location for the proposed development.
- 7.9 Concerns relating to road and pedestrian safety and increase in on-street parking pressure have been addressed in the assessment of the proposal against the requirements of the Local Development Plan above. It has been concluded that the level of in-curtilage parking serving the application site is sufficient to serve the level of traffic generated by the proposed development. As the proposal will have a minimal impact on existing on-street parking facilities and most users of the facility will use public transport the level of traffic generated by the proposal will not adversely impact on road and pedestrian safety.
- 7.10 Similarly, concerns relating to noise disturbance have also been addressed in the assessment of the proposal against the requirements of the Local Development Plan above. It has been concluded that the noise restrictions recommended by the Head of Environmental Protection as well as a condition restricting operation hours will mitigate against any adverse impact on neighbouring properties by virtue of noise disturbance.
- 7.11 Concerns relating to loss of privacy and overlooking of neighbouring residential properties have also been addressed in the assessment of the proposal against the requirements of the Dundee Local Development Plan. In this instance the concerns of objectors pertaining to overlooking can be overcome by the erection of a 1.8m high timber fence along the northern, southern and eastern boundaries of the application site.
- 7.12 Many of the letters of objection received raise concerns that the location of the application site within a quiet family oriented residential neighbourhood is inappropriate for the type of development being proposed. Added to this are concerns of increased antisocial behaviour, impact on public safety and public anxiety due to the perceived relationship between The Po!nt charity, drug/ alcohol addiction, counselling and youth education.
- 7.13 The applicant has submitted supporting information explaining how the charity operates and how the application site will be used. The application site will be utilised to provide support to members of the local community and in particular youths. This includes the children and families of people suffering from addictions. The Po!nt will continue to work in partnership with other charities in the City to ensure that the provision of counselling, treatment and support to people battling addictions is maintained. However, at no time shall the application site be used to treat or counsel people suffering from addictions. The use of the premises will be controlled by condition should the Committee be minded to grant planning permission

to ensure that premises operate in accordance with the submitted Operations Statement dated 28 October 2014.

- 7.14 The authorised commercial use of the premises means that its continued use as a printing works or other industrial use will have an impact on residential amenity that could continue irrespective of the decision on this application.
- 7.15 Taking cognisance of the proposal's compliance with the Dundee Local Development Plan as well as the supporting information submitted by the applicant, the re-use of the application site for the purposes proposed would not have an adverse impact on the level of environmental quality afforded to local residents through the generation of instances of anti-social behaviour. Therefore the application site is considered to be a suitable location for the development proposed.
- 7.16 The concerns of the objectors are not supported.
- 7.17 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. The concerns of the objectors are not supported. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission is granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Music from within the premises at 3 Lintrathen Street shall be so controlled as to be inaudible within any adjacent residential property.
 - 2 The total noise from mechanical and electrical plant/ services shall not exceed NR45 during daytime and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential properties. For the avoidance of doubt, NR45 is applicable for the period 0700hours to 2300hours and NR35 is applicable between 2300hours and 0700hours.
 - 3 The development hereby approved shall operate between the hours of 9.00 and 21.30 hours Monday to Thursday and between 10.00 hours and 21.00 hours on Saturdays and Sundays only.
 - 4 The proposed mixed use development including training, teaching of music/film and counselling facilities hereby approved shall operate in strict accordance with the Operations Statement dated 18 October 2014 and shall only be operated by The Point charity with Scottish Charity SC 037173.
 - 5 Prior to the commencement of work on site, details of a 1.8m high timber fence to be erected along the northern, southern and eastern boundaries of the site shall be submitted to the Council for written approval. Thereafter, the approved fence shall be erected prior to the development hereby approved becoming operational.

REASONS

- 1 In the interest of safeguarding the level of environmental quality afforded to local residents.
- 2 In the interest of safeguarding the level of environmental quality afforded to local residents.
- 3 In the interest of safeguarding the level of environmental quality afforded to local residents.
- 4 In the interest of controlling the use of the premises at 3 Lintrathen Street so as to safeguard the level of environmental quality afforded to local residents.
- 5 In the interests of safeguarding privacy.