

# Erection of Secure Site Accommodation Building

## KEY INFORMATION

**Ward** East End

**Address**

133B Broughty Ferry Road  
Dundee DD4 6LB

**Applicant**

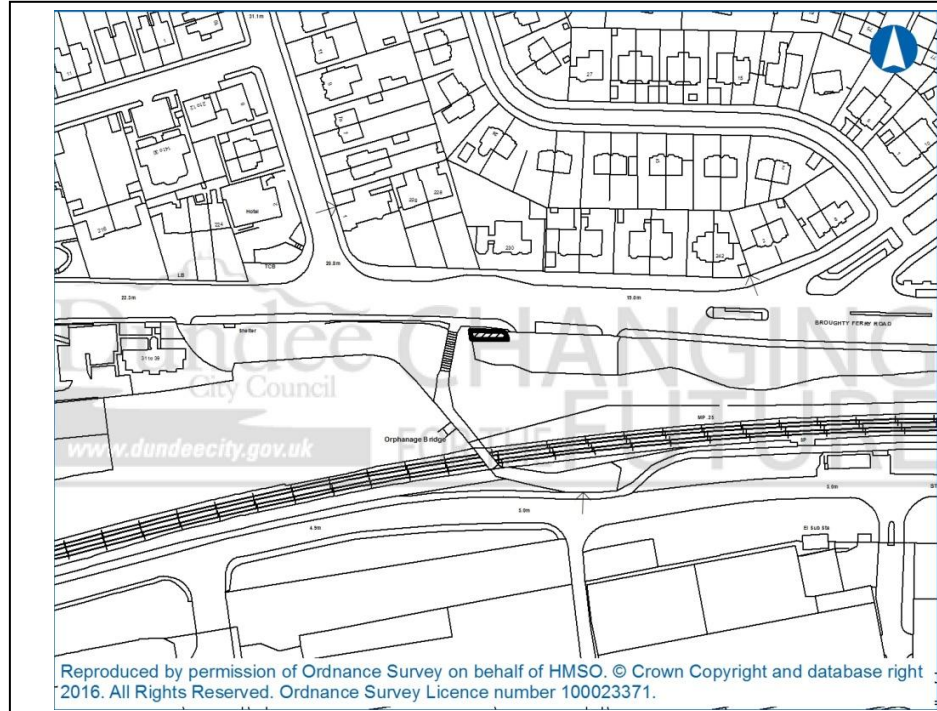
M & H Properties  
c/o L J R & H Chartered  
Architects  
16 South Tay Street, Dundee

**Agent**

Michael Rogers  
18 South Tay Street  
Dundee DD1 1PD

**Registered** 21 March 2016

**Case Officer** Paul Macari



## SUMMARY OF REPORT

- This application seeks planning permission for the erection of a secure site accommodation building within the car wash facility under construction at 133B Broughty Ferry Road, Dundee.
- The car wash facility and associated secure site accommodation, screens and canopy were approved by planning application ref: 14/00644/FULL.
- Policy 7 High Quality Design and Policy 16 Small Scale Commercial Uses within Residential Areas of the Dundee Local Development Plan 2014 are relevant to the proposed development.
- Ten valid letters of objection have been received from neighbouring residents concerned about the description of development, road and pedestrian safety, noise, impact on the setting of listed buildings, contaminated land and the design of the secure site accommodation building.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=O470Q6GCLSX00>.

## RECOMMENDATION

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

## 1 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission to erect a secure site accommodation building within the car wash facility under construction at 133B Broughty Ferry Road, Dundee.
- 1.2 The applicants originally described the proposal as an application to realign the end wall from a kiosk, changing from a tight radius curve to a chamfered end. The applicants agreed to change the description of development after the neighbour notification process had been completed to: Erection of Secure Site Accommodation Building.

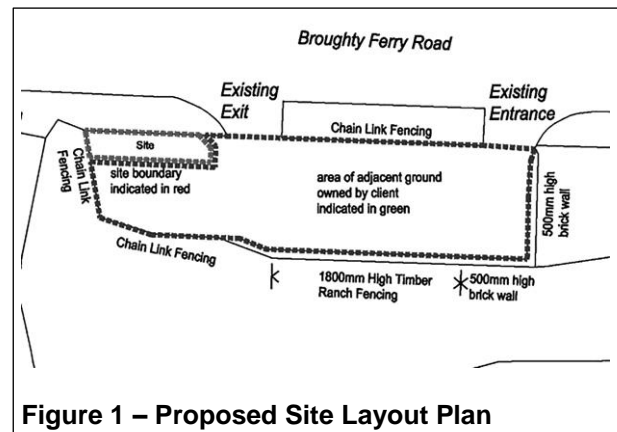


Figure 1 – Proposed Site Layout Plan

- 1.3 The car wash facility and associated secure site accommodation, screens and canopy were originally approved by planning application ref: 14/00644/FULL. The approved secure site accommodation building takes the form of a single storey flat roof rectangular building with a curved eastern elevation. The approved building was to be located in the north western corner of the site with its northern elevation fronting on to Broughty Ferry Road.
- 1.4 The proposed secure site accommodation building is to be located in the same position as the building approved by application ref: 14/00644/FULL with the only differences between the proposed and approved buildings being the eastern elevation where it is not possible to create a smooth curve due to the stone finish. The eastern elevation of the proposed building therefore has a chamfered end.
- 1.5 The northern, eastern and part of the southern elevation of the proposed building will be finished in stone. The remainder of the building will have colour coated flat metal clad walls, a sarnafil roof and grey aluminium door and window frames. There will be windows on the eastern and southern elevations of the building. The main entrance to the building will be located on the southern elevation. Internally the proposed secure site accommodation building will comprise of an office, staff room, WC and store.
- 1.6 In accordance with the Council's Scheme of Delegation this application requires to be reported to the Development Management Committee as 10 letters of objection have been received and the application is recommended for approval.

## 2 SITE DESCRIPTION

- 2.1 The application site is situated on the southern side of Broughty Ferry Road on the site of a former filling station. The car wash facility approved by planning application ref: 14/00644/FULL is currently under construction. The site is enclosed by heras security fencing.
- 2.2 The site is bound to the north by Broughty Ferry Road, to the east by an area of open space, to the west by open space and to the south by a steep embankment and the east coast railway line between Dundee and Dyce.

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### 3 POLICY BACKGROUND

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

**DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 7: High Quality Design

Policy 16: Small Scale Commercial Uses In Residential Areas

Policy 45: Land Contamination

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

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### 4 SITE HISTORY

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4.1 05/00016/COU - this application sought planning permission to change the use of the former petrol station to a car wash including the erection of a new kiosk building. This application was refused by the Development Management Committee. The reasons for refusal relate to the impact on road safety due to the potential for queuing traffic on Broughty Ferry Road and the impact on the amenity of neighbouring properties by virtue of noise disturbance and traffic movement issues.

4.2 07/01135/FULL - this application sought planning permission for the erection of a two storey office building. This application was recommended for refusal but was withdrawn by the applicant. The reasons for refusal related to the impact on road safety due to vehicles entering and exiting the site from Broughty Ferry Road. The overdevelopment of the application site and the impact this would have on a main route into the City.

4.3 14/00644/FULL - this application sought planning permission for a change of use to convert a vacant site (former petrol filling station) to a car wash facility with associated secure site accommodation, screens, and canopy. This application was approved subject to conditions using delegated powers.

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### 5 PUBLIC PARTICIPATION

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5.1 The statutory neighbour notification procedure has been undertaken. Ten letters of objection have been received raising valid concerns with regard to:

- the description of development;
- the design of the revised building
- road and pedestrian safety;
- noise;
- impact on the setting of listed buildings; and
- contaminated land.

5.2 The objectors also raise non-material concerns relating to:

- neighbour notification of planning application ref: 14/00644/FULL;
- over provision of car wash facilities;
- loss of property value due to approval of planning application 14/00644/FULL;
- loss of property sale due to approval of planning application 14/00644/FULL;
- drainage;
- pollution due to an increase of vehicles on Broughty Ferry Road due to the approval of planning application 14/00644/FULL; and
- the carrying out of work on site without first discharging the conditions attached to planning application ref: 14/00644/FULL.

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 **Transport Scotland** – no objections.

6.2 **The Head of Community Safety and Protection** – recommends that matters relating to contaminated land are controlled by condition should planning permission be granted.

## 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 7: High Quality Design** – Policy 7 states that the design and siting of development should respect the character and amenity of the place.

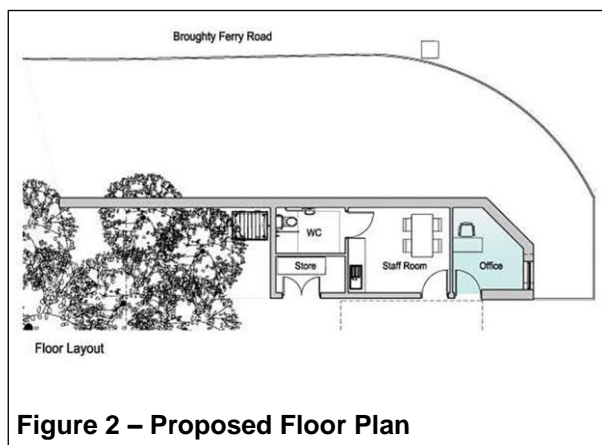


Figure 2 – Proposed Floor Plan

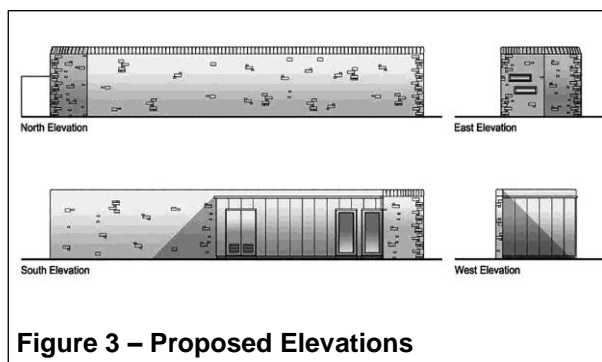


Figure 3 – Proposed Elevations

- 7.3 The proposed secure site accommodation building is of scale, design, massing and finish that maintains the high quality design established by the approval of planning application 14/00644/FULL. The choice of materials complements the setting of the site while the scale and massing of the structures minimise any potential impact on the outlook of neighbouring properties on the northern side of Broughty Ferry Road. The design of the building is such that there will be no adverse impact on the setting of adjacent listed building.
- 7.4 **The proposal satisfies Policy 7.**
- 7.5 **Policy 16: Small Scale Commercial Uses within Residential Areas** - is supportive of the development of a range 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.
- 7.6 The proposed building by virtue of location, scale and massing will not impact on vehicles accessing and exiting the application site. Transport Scotland has no objections to the proposed development.
- 7.7 It has been concluded in the assessment of the proposal against the requirements of Policy 7 above that the proposed secure site accommodation building is of a high quality design that complements the setting of the application site. In addition the proposed building by virtue of scale and massing will minimise any impact on the outlook of neighbouring properties.
- 7.8 The use of the proposed building will not impact on the environmental quality of neighbouring properties by virtue of noise disturbance and smell nuisance.
- 7.9 **The proposal satisfies Policy 16.**
- 7.10 **Policy 45: Land Contamination** – states that development of potentially contaminated land will be considered where a site investigation is submitted establishing the nature and extent of contamination and the Council is satisfied that remediation measures proposed adequately address the risks to all receptors.
- 7.11 The Head of Community Safety and Protection is satisfied that matters relating to historic contamination of the application site can be addressed by condition should planning permission be granted.
- 7.12 **Through the use of planning conditions the proposed development can satisfy Policy 45.**
- 7.13 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A - VIEWS OF OBJECTORS**

- 7.15 The statutory neighbour notification procedure has been undertaken. Ten letters of objection have been received raising valid concerns with regard to:
- 7.16 **The description of development.**

- 7.17 **Response:** the submitted application form for this planning application describes the secure site accommodation building approved by planning application ref: 16/00644/FULL as a kiosk. The objectors have raised concern that the use of the building as a kiosk implies that the building will be used for retail purposes.
- 7.18 The applicant agreed to the description of development being changed to Erection of Secure Site Accommodation Building. This change in description of development addressed the objectors concerns in relation to the creation of a kiosk on site. However, should the committee be minded to grant planning permission the use of the building will be controlled by condition to prevent retailing.
- 7.19 **The design of the revised building.**
- 7.20 **Impact on the setting of a listed building.**
- 7.21 **Response:** the concerns relating to the design of the building have been addressed in the assessment of the proposal against the requirements of the Development Plan in the Observations section of this report. It has been concluded that the design of the building is of a high quality and that the materials complement the setting of the application site and adjacent listed buildings. The concerns of the objectors relating to the design of the building are not supported.
- 7.22 **Road and pedestrian safety.**
- 7.23 **Noise.**
- 7.24 **Contaminated land.**
- 7.25 **Response:** the concerns relating to road and pedestrian safety, noise and contaminated land have been addressed in the assessment of the proposed development against the requirements of the Dundee Local Development in the Observations section of this report. It has been concluded that the proposed secure site storage accommodation building by virtue of its design and location with the application site will not impact on vehicles accessing or exiting the application site. In addition, the use of the building as an office, staff room WC and storage facility will not generate instances of noise disturbance to the detriment of amenity.
- 7.26 In terms of site contamination this matter can be addressed by condition should planning permission be granted.
- 7.27 The objectors also raise non-material concerns relating to:
- 7.28 **Neighbour notification of planning application ref: 14/00644/FULL.**
- 7.29 **Response:** the application site of the current application and application ref: 14/00644/FULL is located more than 20m from neighbouring properties with a postal address. Therefore in accordance with Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 no neighbouring properties required to be notified. However, in accordance with Regulation 20 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 an advert required to be placed in the Evening Telegraph to notify neighbouring properties without a postal address of the current application that is before the committee and planning application ref: 14/00644/FULL.

- 7.30 **The carrying out of work on site without first discharging the conditions attached to planning application ref: 14/00644/FULL.**
- 7.31 **Response:** the applicant began investigatory work on site prior to discharging the conditions attached to planning application ref: 14/00644/FULL. These works were in relation to the requirement of the conditions attached to planning application ref: 14/00644/FULL and involved locating existing drainage connections to the Scottish Water sewer network. Further unauthorised works took place on site prior to the conditions attached to planning application ref: 16/00644/FULL being discharged. However, these works stopped when the applicants were made aware that they were in breach of condition and subject to formal enforcement action.
- 7.32 **Over provision of car wash facilities.**
- 7.33 **Loss of property value due to approval of planning application 14/00644/FULL.**
- 7.34 **Loss of property sale due to approval of planning application 14/00644/FULL.**
- 7.35 **Response:** over provision of car wash facilities, loss of property sales and loss of property values are not material planning considerations and have not been taken into account in the assessment of this planning application.
- 7.36 **Pollution due to an increase in vehicles on Broughty Ferry Road due to the approval of planning application 14/00644/FULL.**
- 7.37 **Response:** when planning application 14/00644/FULL was assessed the level of traffic generated by the proposed car wash facility was not raised by the Head of Community Safety and Protection as a pollution generator given the volume of traffic already using Broughty Ferry Road.
- 7.38 **Drainage.**
- 7.39 **Response:** the car wash approved by planning application 14/00644/FULL has received technical approval to connect to Scottish Waters drainage network. The drainage scheme approved by Scottish Water also takes account of the level of surface water generated by the secure site accommodation building. The car wash has not yet obtained a trade effluent license from Scottish Water. However, the applicant has confirmed that an application has been submitted to Scottish Water for this license.
- 7.40 **The concerns of the objectors are partially supported.**
- 7.41 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

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## 8 CONCLUSION

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- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## **9 RECOMMENDATION**

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- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 The site storage accommodation building hereby approved shall at no time be used for purposes falling within Class 1 (Retail) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended 2011.
  - 2 Before the building hereby approved is occupied the remediation strategy submitted in support of planning application 14/00644/FULL shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

### **REASONS**

- 1 In the interest of maintaining control of the use of the building hereby approved.
- 2 In the interest of addressing matters of contaminated land.