

KEY INFORMATION**Ward** East Port**Proposal**

Change of use from offices with store to offices with oriental cash & carry & small retail area

Address

45 Trades Lane
Dundee
DD1 3EW

Applicant

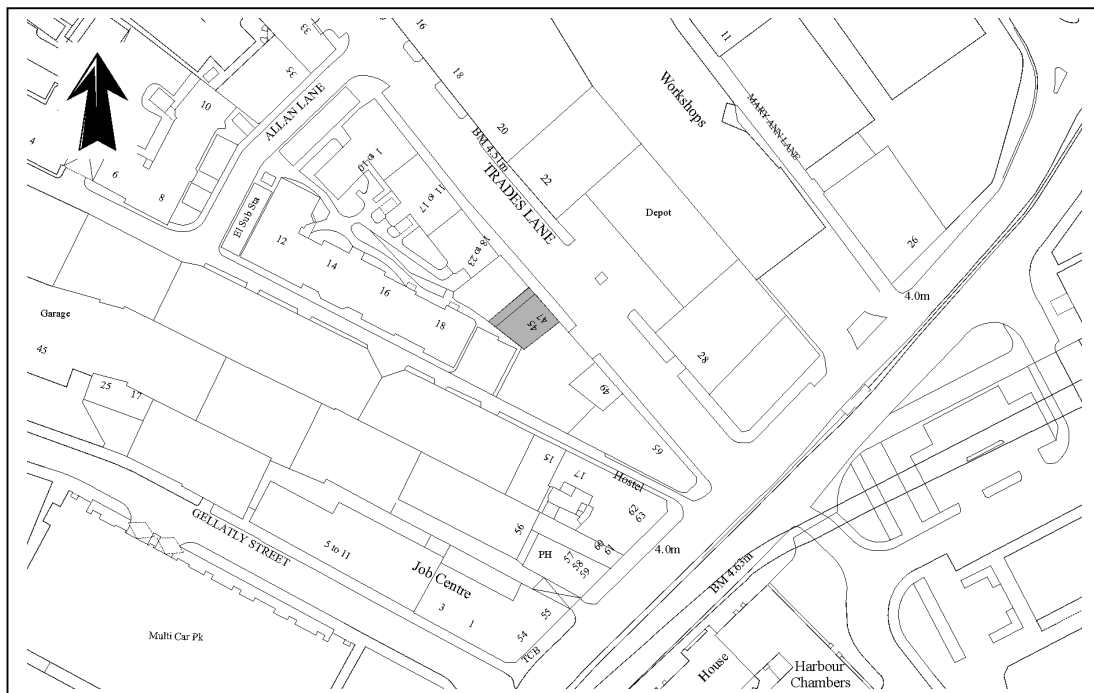
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Registered 3 February
2003

Case Officer C Walker



Proposal to Change Use of Offices and Store to Cash & Carry in Trades Lane

The change of use from offices with store to offices with oriental cash & carry and small retail area is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is small in scale, complies with the policies of the Development Plan and will not detract from the amenities enjoyed by adjoining occupiers. It is therefore recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to change the use of the premises from offices with storage to a cash and carry with a small retail area and offices on the upper levels. The ground floor (excluding the stairs) measures some 100 sq. metres. No alterations to the premises are proposed. The applicants have stated that they intend to operate the premises from 9am to 6pm.
- 2 letters were received from local residents. One resident has no objections to the proposed development provided that it does not operate after 9pm. The other neighbour seeks to object on grounds of noise and traffic, parking and access problems.
- The proposal complies with the provisions of the Development Plan.
- The development will not have an adverse impact on residential amenity.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of the premises from offices with storage to a cash and carry with a small retail area and offices on the upper levels. The ground floor (excluding the stairs) measures some 100 sq. metres. No alterations to the premises are proposed. The applicants have stated that they intend to operate the premises from 9am to 6pm.

SITE DESCRIPTION

The site comprises a two and a half storey brick building on Trades Lane. Its roof is slated and the windows are of modern design. There is a roller shutter door on the front elevation. It is currently vacant and was last occupied by Chubb Alarms. It is attached to a larger building to the south east and together these buildings are Category B listed and are situated within the City Centre Conservation Area.

The adjoining building to the south east contains a ground floor hire shop and 2 levels of residential accommodation above. To the north west is a recently completed 4 storey building on Trades Lane with ground floor commercial units (currently vacant) and upper floor flats. To the west is the rear elevation of modern 4 storey flats on Candle Lane and a parking area for these flats. To the north east, on the opposite side of Trades Lane are the Arnold Clark car sales premises in traditional industrial style buildings of stone and slate.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

The site is not allocated for any specific purpose in the adopted Local Plan. The plan indicates that it falls within a conservation area but the policies relating to conservation areas are not relevant as no alterations to the

premises are proposed. The plan also promotes the provision of housing in this area under Policy H7 and the preamble to that policy states that the Council will oppose development which potentially will cause the amenity within the residential quarter to deteriorate. Policy S6 accepts new convenience shopping within the city centre.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application



Finalised Dundee Local Plan Review

The following policies are of relevance:

In this plan the site is not allocated for any specific purpose. Policy 1 of that plan seeks to promote vibrant communities and requires new development to minimise any affect on the environmental quality enjoyed by local residents.

Policy 37 permits new food and grocery shopping where it is of a scale and nature geared to the local shopping needs of the residents of the city centre.

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

LOCAL AGENDA 21

The proposals involve the reuse of an existing building in a central location and are therefore considered to be sustainable.

SITE HISTORY

There is no relevant history of planning applications relating to this site.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 2 letters were received from local residents (copies available for inspection in the Members Lounges). One resident has no objections to the proposed development provided that it does not operate after 9pm.

The other neighbour seeks to object on grounds of noise and traffic, parking and access problems.

These issues are fully considered in the Observations section of this Report

CONSULTATIONS

The Director of Environmental and Consumer Protection has requested information on noise from mechanical and electrical plant. In response the applicants state that they do not intend to use any such plant. In these circumstances it is considered that should Members wish to approve this application a condition controlling new plant should be imposed.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not

- b whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above. In fact the proposed development does not conflict with any of these policies. In terms of H7, this simply promotes residential use in the surrounding area. The policy itself does not restrict any other use although the preamble suggests that the Council will oppose development which potentially will cause the amenity within the residential quarter to deteriorate. The examples of problem uses cited are those which result in the introduction of excessive traffic, excessive concentrations of HMO's and bad neighbour uses such as night clubs, pubs, clubs and restaurants. It is not considered that the proposed development fits within any of these categories. The proposed development is very small in scale and will not generate significant levels of traffic. The proposed hours of operation will ensure that there will not be a problem with night time noise. It will not therefore detract from residential amenity.

Policy S6 accepts new convenience shopping within the city centre. The nature of the use is a cash and carry business with the proposed retailing at this site is very much ancillary to this use and in any event the overall floor area will only be some 100 sq. metres. It is not considered that the proposals conflict with Policy S6 of the Plan.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

- a The Finalised Dundee Local Plan Review in Policy 1 requires new development to minimise any affect on the residential amenity enjoyed by local residents. It is not considered that the proposed development, taking into account its small size and restricted hours of opening will

result in any adverse affect. In Policy 37 it permits new food and grocery shopping where it is of a scale and nature geared to the local shopping needs of the residents of the city centre. As with the consideration of this application under Policy S6 of the adopted Plan, it is not considered that the small scale of retailing will contravene Policy 37 of the Finalised Plan.

- b Two letters were received from local residents. The concerns of one of them are addressed by the proposed hours of operation and should Members wish to approve this application then a condition to this effect can be imposed. The other letter states concerns about noise and traffic, parking and access problems. This is a small business. The restrictions on the hours of operation and controls on any mechanical or electrical plant on the premises will ensure that there is no nighttime noise and the Director of Environmental and Consumer Protection is satisfied with the imposition of a condition on this matter. With regards to traffic, access and parking, the size of the business will ensure that there will not be any significant problem. There are metered parking spaces on Trades Lane close to the application site and being within the city centre it is also accessible by public transport. The former use of the premises will have generated a certain level of traffic and it is not considered that the proposed use will lead to any level of increase that would detract from the amenities enjoyed by nearby residents.

It is concluded from the foregoing that insufficient weight can be accorded to the letter of objection such as to justify the refusal of planning permission for this development which accords with the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

There are no design issues to consider as no alterations to the building are proposed.

CONCLUSION

The proposed development is small in scale, complies with the policies of the Development Plan and will not detract from the amenities enjoyed by adjoining occupiers.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 the development hereby permitted shall be commenced within five years from the date of this permission
- 2 no use shall be made of the premises before 9 am or after 6 pm on any day
- 3 no mechanical or electrical ventilation or other plant shall be installed on the premises without the prior written consent of the Council

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to protect the amenities enjoyed by adjoining occupiers.
- 3 to ensure that the use of the building does not result in excessive noise disturbance in the interests of residential amenity