

**KEY INFORMATION**

**Ward** East Port

**Proposal**

Amendment to application 00/24866/D to permit the use of ground floor flats as offices for NCH Scotland.

**Address**

Land to East of Brown Constable Street & South of Arthurstone Terrace, Dundee, DD4 6QT

**Applicant**

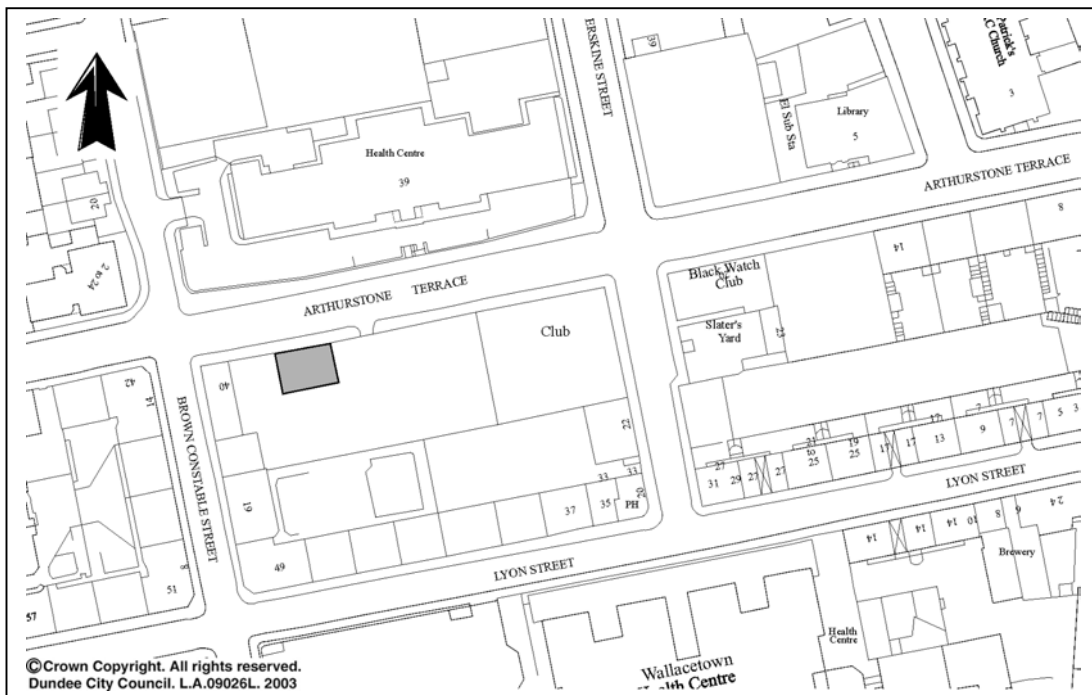
Hillcrest Housing Association  
South Ward Road  
Dundee  
DD1 1PN

**Agent**

George Johnston  
Riverview Buildings

**Registered** 24 September 2003

**Case Officer** Julie Finlay



The amendment to application 00/24866/D to permit the use of ground floor flats as offices for NCH Scotland is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposal complies with the Adopted and Revised Local Plan Policies and there are no material considerations that would justify refusal of the application. It is recommended that the application is approved subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for change of use from two ground floor flats to offices at 40 Arthurstone Terrace, Dundee.
- The application was advertised as a potential departure from Office Policy EU26, which seeks to keep office uses to business, industrial and district centres and provides exceptional circumstances when office use will be permitted.
- Policy H1 of the Adopted Local Plan is relevant and it seeks to protect residential amenity.
- It is considered that the proposed offices will not have an adverse impact on the residential amenity enjoyed by surrounding residents due to the operating hours of the offices. Therefore the use is considered acceptable at this location and is recommended for approval.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use from two ground floor flats to office use by National Children's Helpline (NCH) Scotland. The office area will be approximately 119 square metres and will be accessed separately from Arthurstone Terrace.

## SITE DESCRIPTION

The application site is located on the south side of Arthurstone Terrace, which has one way traffic from west to east and is on the east side of Brown Constable Street. Development of the site is currently underway. There is an electricity substation on the Brown Constable Street elevation. There is a two storey medical centre on the opposite side of Arthurstone Terrace. Bradley Removals are located to the east and there are two bus stops on the opposite side of the road.

## 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:

EU26: Office Uses - Exceptions

Outwith areas identified as business, industrial, office, mixed use or district centres, office uses will not be permitted, with the following exceptions:

- Where the use clearly serves the immediate local population, and no alternative site can be identified; or
- Where the building is of significant architectural or townscape value and conversion to other uses is inappropriate; or
- Redundant school buildings for office use by the Local Authority; or
- In rural areas in accordance with Policy EU30.

H1: Existing Residential Areas

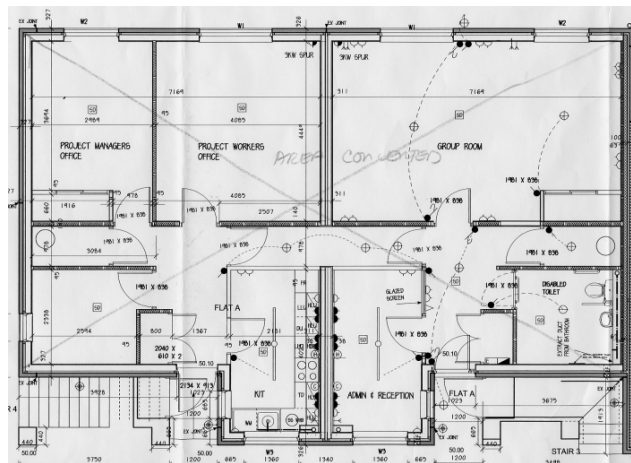
Developments will be permitted within existing residential areas where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues.

HS11: Arthurstone Terrace

The site is allocated for flatted development and it is observed that it is a narrow site with difficult access.

### 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:

Policy 1: Vibrant and Sustainable Communities

New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues.

### 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

Key theme 9 is relevant which states that people live without fear of personal violence from crime or persecution because of their personal beliefs, race, gender or sexuality.

Key theme 10 is relevant which states that access to skills, knowledge and information needed to enable everyone to play a full part in society is available.

## SITE HISTORY

Planning permission was granted on 22nd November 2000 for the erection of 17 housing units (consisting of 4 cottages and 13 flats) on the site.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the application was advertised as potentially contravening Policy EU26 of the adopted Local Plan. No letters of objection were received.

## CONSULTATIONS

The relevant statutory bodies were consulted and no objections or comments were received.

## OBSERVATIONS

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

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

The adopted Local Plan allocates the site for flatted development (HS11). Permission has already been granted for flats and houses on the site in November 2000. The offices will be used by NCH Scotland as will the surrounding flats and houses.

Policy EU26 provides advice for office use exceptions. It states that office use will be acceptable outwith office areas where it clearly serves the local population and no alternative site can be identified. The offices will be used by NCH Scotland and will serve the local young population by providing advice and help if, and when, required. The offices will be used on an outreach basis by staff of NCH.

Policy H1 seeks to protect the residential amenity enjoyed by local residents. It is considered that the offices will be a small scale operation and will only be used on an outreach basis by staff of NCH. They will not be used for drop-in purposes. It is considered that the management and operation of the offices will not raise significant adverse noise levels for adjacent residents.

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:

#### **Finalised Dundee Local Plan Review**

Policy 1 seeks to protect the residential amenity of adjacent residents. As discussed above it is not considered that the proposed operations of the offices will have an adverse impact on the amenity enjoyed by adjacent residents due to noise.

It is concluded from the foregoing that there are no material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

### **Design**

Planning permission has previously been granted for the design and

materials used for the development and they are considered acceptable.

### **CONCLUSION**

It is considered that the proposal complies with the adopted Local Plan Policies and Revised Policies as the offices will serve the local, young population and will not have an adverse impact on the amenity enjoyed by adjacent residents. There are no material considerations that would justify refusal of the application in these circumstances and so the application is recommended for APPROVAL subject to conditions.

### **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 this permission shall not enure for the benefit of the land but shall operate for the benefit of NCH Scotland only, and on the discontinuance of their use of the building for office purposes, that use shall cease

### **Reasons**

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 The establishment of a general office use at this location would contravene Policy EU26 of the adopted Dundee Local Plan 1998 and could lead to an adverse impact on the residential amenities enjoyed by the occupiers of adjoining dwellings