

**KEY INFORMATION****Ward** Ninewells**Proposal**

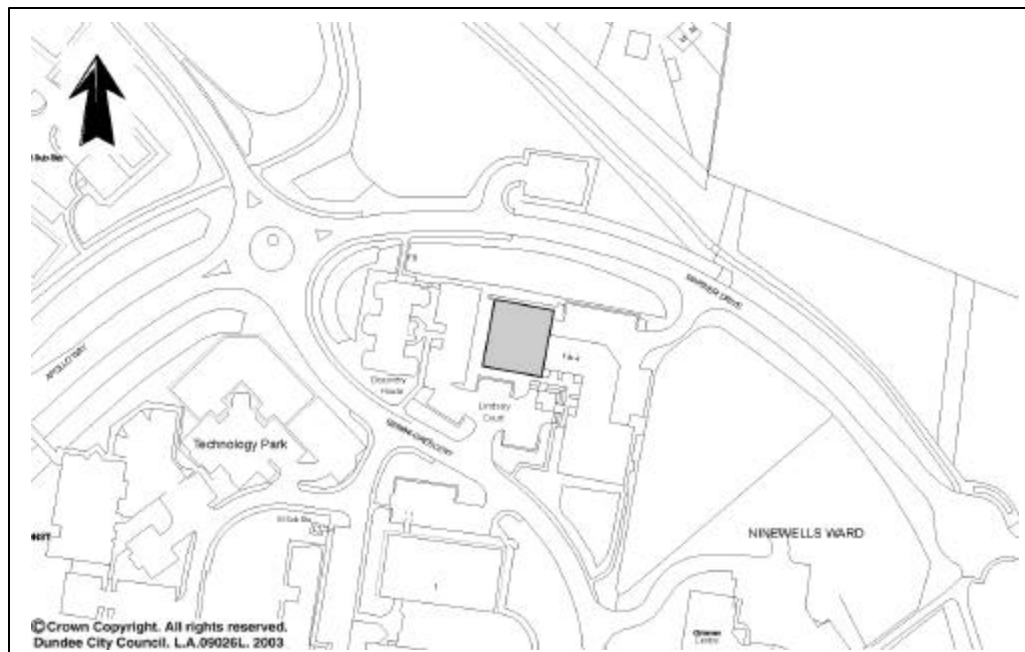
Change of Use from  
restricted Class 4 Office Use  
to Class 4 General Office

**Address**

Unit 1 Lindsay Court,  
Dundee Technology Park,  
Dundee DD2 1TY

**Applicant**

Michael Connelly  
25 Clovis Duveau Drive  
Dundee

**Agent****Registered** 14 June 2004**Case Officer** D Gordon

# Proposed Alteration of Existing Office Use in Technology Park

A Change of use from a restricted a Class 4 Office Use to Class 4 General Office is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the removal of the specific Class 4 restrictions from the unit in question will not adversely impact on or prejudice the operational aspects of the Technology Park.

This application is therefore recommended for **APPROVAL** subject to conditions

**SUMMARY OF REPORT**

- The proposal involves changing the use of an existing office/storage unit located in the Technology Park to a unit that can provide a wider range of uses including office use and industrial processes ie a general Class 4 Business use.
- The site is located within the more established south east sector of the Technology Park where the Council will support the existing legal agreement (Section 75) covering the Park that requires it to be reserved for technology related uses.
- The proposal was advertised in the local press as development contrary to Policy EU14: Dundee Technology Park East. No objections to the proposals have been received.
- It is considered that the proposed development will not prejudice the operational success of the Technology Park.

## DESCRIPTION OF PROPOSAL

The proposal involves changing the use of an individual unit contained within a block of units located in Lindsay Court, from a research and development use to a wider range of uses including offices and any industrial process as defined by Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The unit is currently restricted in use by the terms of the permission granted for the unit by virtue of the Enterprise Zone Scheme (that operated in the City between 1984 and 1994) and by the Section 75 Legal Agreement that covers the Technology Park.

The applicants have requested that the use of the unit be extended to include all the uses as defined by Class 4 of the above Order. This will include office accommodation, other than offices that are used principally by visiting members of public, and any industrial process that can be carried out in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

There are no external alterations proposed to the building at this time.

## SITE DESCRIPTION

The site is located on the north site of Lindsay Court and Gemini Crescent. The building forms the western section of a block of single storey properties that are flat roof in design and are finished in blue glazed panels. The building sits in an established landscape setting with off street car parking located to south and west.

The surrounding area is predominantly Class 4 (Business) uses ie Technology Park

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 1998

The following policies are of relevance:

Policy EU14 states that in this area the Council will support the existing Legal Agreement (Section 75) covering the

Technology Park that requires that is reserved for technology related uses as defined by Class 4(b) of the Use Classes Order 1997.

### Dundee Urban Nature Conservation Subject Local Plan 1995

The Technology Park is included within an identified Wildlife Corridor (Policy WC01 refers) that requires that any development proposed must make suitable provision for nature conservation taking account of the scale and type of development and the characteristics of the Wildlife Corridor. While the site is contained within the Corridor, the nature of the proposal ie no external works, dictates that this policy is not relevant to the determination of the application in this instance.



### Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 22: High Amenity Economic Development Areas. The Council will encourage the establishment and retention of uses within Class 4 (Business) within high amenity sites.

### 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

A key theme of Agenda 21 is the protection of health by creating clean, safe and pleasant environments. The proposal will achieve this aim.

## SITE HISTORY

There are no planning applications of relevance to the consideration of this proposed development.

## PUBLIC PARTICIPATION

The relevant neighbour notification procedure has been carried out by the applicants in addition to the proposal being advertised in the local press as "development contrary to the development plan". No objections to the proposals have, to date, been received.

## CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals. No adverse comments have been received.

## 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.

The site in question is located within the Technology Park. This Park is recognised as being a valuable asset to the City both as a business location and as a statement of Dundee's future aspirations. Prior to the commencement of the development of the Park, a legal agreement (Section 75 Agreement) was put in place restricting the use of any new buildings to technology based uses, although in certain individual circumstances this

requirement has been relaxed. The western section of the Park, within which this application site is located, developments are characterised by small, well-designed units within attractive landscape settings. This provides an ideal environment for small specialist businesses and the Council has, through Policy EU14 of the Dundee Local Plan 1998, promoted this concept through its support of the above-mentioned legal agreement.

The eastern section of the Park is developed at a higher density comprising of much larger units including major office buildings more suited to mature businesses and institutions. This area of the Park is less distinctive and provides almost a standard business park environment. It is likely that economic pressures will require that the future development of the Park will follow this pattern. Consequently, in this area the Council have taken a more relaxed approach to their support of the legal agreement covering the range of uses for the Park and consistently allowed non-technology based businesses to locate there.

The application site is located within the western section of the Park where, as stated above, the Council will support the terms of the legal agreement on restrictive uses. The unit is located on the west side of a block of units and has a floorspace of approximately 480 sq. m.. The proposal involves changing the use of the property from a research and development use (Class 4(b)) to a general Class 4 Business use (Class 4 (a), (b) and (c)) which includes an office use (not for the visiting members of public) and any industrial process. It is anticipated that 360 sq.m. will be used for office purposes and 120 sq.m. for storage. This proposed change is considered to be contrary to Policy EU14 of the Dundee Local Plan and was advertised as such in the local press. No objections to the proposal have been received.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

### Other Material Considerations

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

It is considered that while the Council generally support the legal agreement in this area of the Park, a change to a

general Class 4 Business use on such a small scale would not prejudice the operational aspects of the Park or impact on the environmental quality of the surrounding occupiers. Indeed, lifting the land use restrictions from this unit, while still maintaining a general Class 4 control, would improve the chances of the future occupation of the unit, without prejudice to the neighbouring properties, and thus enhance the environmental quality of the Park.

Membership of a Class 4 use is dependant on whether the use, in all its aspects, is one that could be carried out in an area, including a residential area, without prejudice to the amenity of that area by reason of noise, vibration, smell, fumes, soot, ash, dust or grit. In this respect, the use is considered suitable for the site and its environs as the impact of the new use would be minimal on the existing surrounding occupiers. The proposed use would also be compatible with the existing uses within the area as general Class 4 Business uses already exist in both the eastern and western sections of the Technology Park. This view is confirmed by Policy 22 of the Finalised Dundee Local Plan Review that offers encouragement for the establishment and retention of Class 4 Business uses (with no restrictions) within all sectors of the Technology Park.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

### Design

There are no design implications associated with this application

### CONCLUSION

The proposal is contrary to policy EU14 of the Dundee Local Plan 1998. The material considerations that have been taken into account are the terms of Policy 22 of the Finalised Dundee Local Plan Review, the suitability of the site for the use proposed, the relationship of the development to its surroundings, the impact of the development on the surrounding area, the compatibility of the use with the existing uses and the desirability of

retaining the existing restrictive control over the unit.

It is considered that the small-scale nature of the proposal will have no significant affect on the operational aspects of the Park and that the use will not prejudice the environmental quality currently enjoyed by the surrounding occupiers.

Class 4 Business uses already exist within both the eastern and western sectors of the Park and consequently, this proposal will not be setting an unwelcome precedent.

### 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

### Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997