

KEY INFORMATION

Ward Fairmuir

Proposal

Outdoor Extension of Club to provide social and designated smoking area.

Address

17 Balgray Street
Dundee
DD3 8HL

Applicant

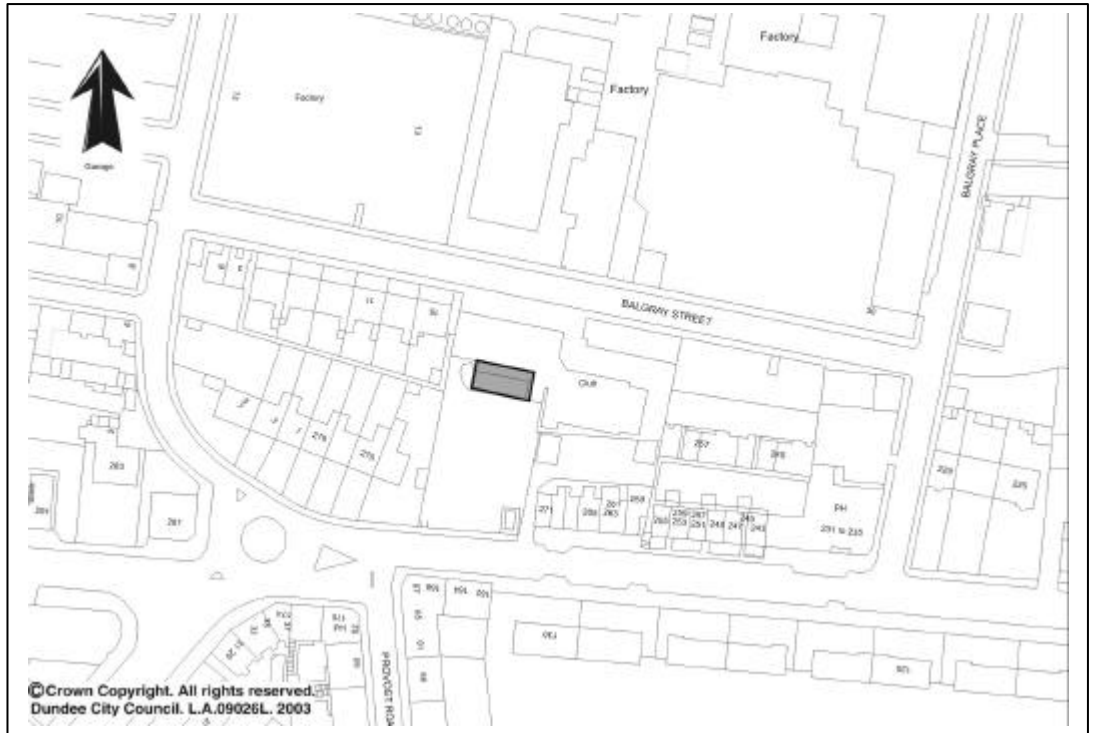
Fairmuir Social Club
17 Balgray Street
Dundee
DD3 8HL

Agent

P H Rennie
48 Meadowside
Dundee
DD1 1EF

Registered 29 June 2006

Case Officer J Young



Proposed External Smoking Area in Balgray Street

Outdoor extension of club to provide social and designated smoking area is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is contrary to Policy 1 of the Dundee Local Plan Review 2005 and the objection is supported in these circumstances. Accordingly the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for an extension on the south elevation of a social club at 17 Balgray Street to provide a social and designated smoking area. The development consists of the erection of two extendable awnings, each measuring 6.5m wide and 3.5m deep on the south elevation. The external area will be enclosed by a brick wall approximately 2.9m high and there will be a fire exit door within the south wall. Disabled access will be provided within the west wall.
- Policy 1 of the Dundee Local Plan Review 2005 is relevant to the determination of the proposal and it seeks to protect the amenity of residents. The nearest residential properties are 7m to the west and south west of the application site. There are other residential properties approximately 10m to the south east.
- One letter of objection was received from a resident to the west on the grounds of noise disturbance, loss of privacy, smoke pollution, litter and anti-social problems.
- It is considered that the development has the potential to adversely affect residents due to noise.
- The application was deferred from the previous Development Quality Committee Agenda to allow Members an opportunity to visit the application site and for more photographs to be taken and presented at the Committee meeting. This has now occurred.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of an external extension on the south elevation of a social club at 17 Balgray Street to provide a social and designated smoking area for patrons. The development consists of the erection of two extendable awnings, each measuring 6.5m wide and 3.5m deep on the south elevation. The external area will be enclosed by a 2.9m high brick wall and there will be fire exit and disabled access doors within the extension. A 1m wide access path will be retained along the west and south of the extension. The dimensions of the proposed external area are 15.35m wide and 7.75m deep.

SITE DESCRIPTION

The application site is located on the south side of Balgray Street. It is a single storey social club building with white harled walls and pitched tiled roof. The south elevation is decorated with graffiti and fronts onto a children's play park. There is housing to the west and south west, fronting onto Balgray Street and Clepington Road. There are flats to the south east which front onto Clepington Road. The proposal site slopes downwards from north to south towards the play area. There is a retractable canvas awning on the east elevation of the social club, which is approximately 5m wide.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

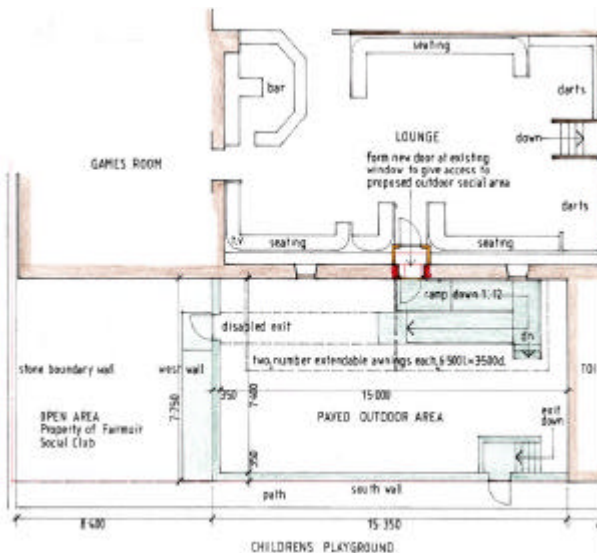
The following policies are of relevance:

Policy 1: Vibrant And Sustainable Communities

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. 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, noise or smell.

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.

SUSTAINABILITY ISSUES

This application raises issues relating to the Council's sustainability policies concerning the potential for noise intrusion. This issue is discussed in greater detail below.

SITE HISTORY

There is no site history of direct relevance to the determination of the application.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from a neighbouring resident immediately to the west with the following objections:

- 1 Noise disturbance from people and music;
- 2 Loss of privacy;
- 3 Smoke pollution;
- 4 Litter.

Other concerns were raised regarding associated anti-social problems. This is not a planning matter.

Copies of the objection letter are available for viewing in the various Members' Lounges. The objections will be discussed further in the "Observations" below.

The application was advertised as a bad neighbour development in the Dundee Courier on 11 July 2006.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has highlighted concerns about potential noise problems from the proposed external extension. The proposed development is designed to accommodate those patrons of the premises who wish to smoke. Accordingly, this will encourage people to congregate in a specific area and result in the predictable consequence of an elevated noise burden on those residential properties in the absolute proximity of the development. If Members are minded to approve the application, a condition will be required to restrict noise levels within the application site.

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.

Policy 1 of the Dundee Local Plan Review 2005 seeks to protect the environmental quality enjoyed by local residents. It is considered that the proposal, which is to form an external area for smokers will result in an unacceptable level of amenity for nearby residents. Patrons will congregate in a currently unused area during the opening hours of the social club and this will subsequently result in noise disturbance for adjacent residents. The nearest houses are 7m to the west and south west of the application site and it is considered that noise disturbance will be a potential problem for these residents. Other residents located 11m to the south east may also be adversely affected. Therefore the proposal does not comply with Policy 1.

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:

Objections

One letter of objection was received from a resident to the west of the application site. The issues raised are discussed in detail below.

Noise disturbance from people and music

As previously discussed the nearest residential properties are approximately 7m to the west and south west of the proposal site and approximately 11m to the south east. The site is currently a grassed area which fronts onto a children's' play park and is not used by patrons of the social club. The proposal will result in a number of people congregating in this specific area during the social club opening hours and increase noise levels, to the detriment of nearby residents. Therefore this objection is supported. It is considered that a condition to address these noise

concerns would not be sufficient to support the application.

Loss of privacy

The proposal site will be enclosed by a brick wall approximately 2.9m high on the west and south elevations. It is considered that there will be no overlooking problems or loss of privacy.

Smoke pollution

No adverse comments have been received from the Head of Environmental Health and Trading Standards regarding potential smoke pollution problems. It is not considered that smoke pollution will be a potential issue for residents as they are located sufficient distance from the premises and the site will be enclosed by a 2.9m high brick wall.

Litter

As previously discussed, the site will be enclosed by a high brick wall and will be outwith public view and so it is considered that litter will not be a concern for the wider environment.

It is concluded that there are no material considerations to justify planning permission being granted for the proposal which is contrary to the provisions of the Development Plan. It is therefore recommended that planning permission be refused.

Design

The social club building has some window openings on the south elevation and has an open aspect onto a public play park. The proposal will result in an enclosure bounded by a 2.9m high brick wall, which will obscure a large proportion of the south elevation. Two large awnings will extend along the length of the south elevation. It is considered that this will have a detrimental impact on the appearance of the building

CONCLUSION

The proposal is contrary to Policy 1 of the Dundee Local Plan Review 2005 due to the potential adverse impact on neighbouring residents on the grounds of noise disturbance. The views of the objector regarding noise are supported in these circumstances. It is recommended that planning permission be REFUSED.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason:-

Reason

- 1 The proposal is contrary to Policy 1 of the Dundee Local Plan Review 2005 on the grounds of the potential adverse impact on residential amenity due to noise disturbance. There are no material considerations that would justify approval of the application contrary to the Development Plan.