

KEY INFORMATION

Ward Maryfield

Proposal

Installation of 5 condensing units in alleyway

Address

Nethergate Business Centre
80 Nethergate
Dundee

Applicant

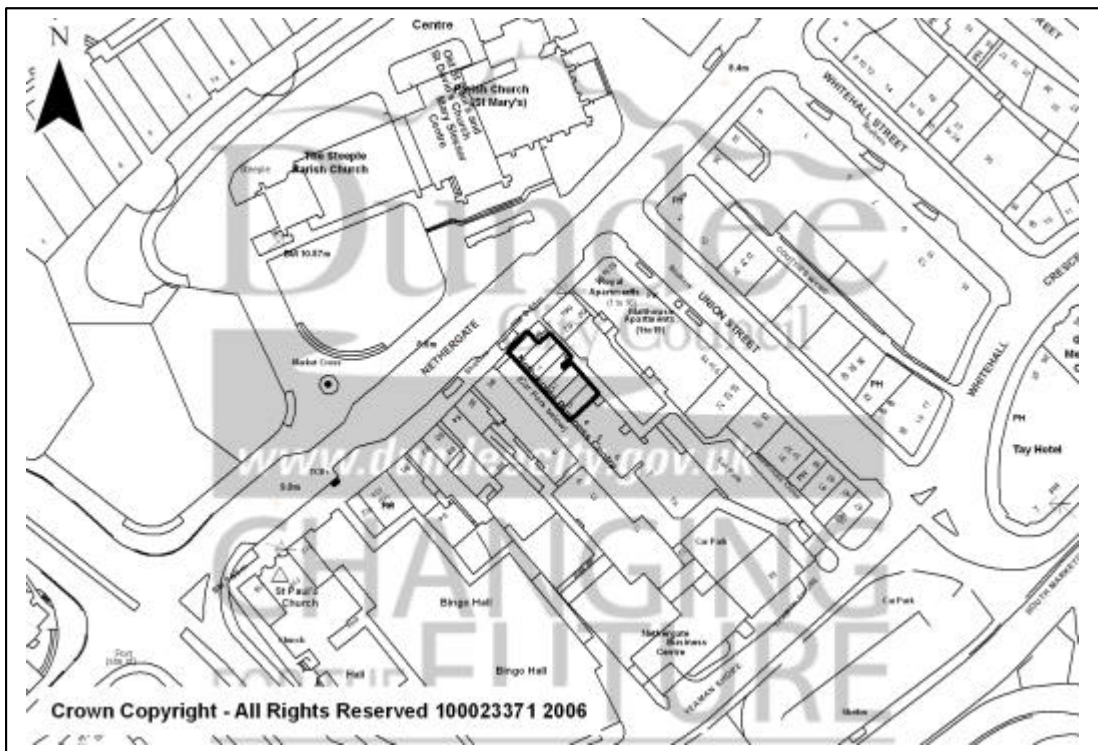
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Registered 28 Feb 2007

Case Officer C Walker



Condensing Units to facilitate new use in vacant business unit

The installation of 5 condensing units in Alleyway is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to comply with Policy 1 and Policy 61 of Dundee Local Plan Review 2005. The proposal is required to service a proposed new use to be located within the Nethergate Business Centre and is considered to be acceptable in this city centre location. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to provide 5 condenser units on the roof of the Nethergate Centre to service a proposed new use to be accommodated within one of the vacant business units located below.
- Objections to the proposals have been received from 2 local residents who have raised issues relating to the potential of the development to increase noise in the area.
- The applicants have submitted a Noise Impact Assessment to accompany their proposals. This has now been fully assessed by this Council and found to be acceptable.
- It is considered that the proposed development is in accordance with the relevant policies of the Local Plan and there are no material considerations, including the concerns expressed by the objectors that would justify the refusal of the application contrary to these adopted policies.
- The application is recommended for approval subject to certain conditions including matters relating to total noise and hours of operation restrictions.

DESCRIPTION OF PROPOSAL

The application seeks permission to erect 5 condenser units on the roof of the Nethergate Business Centre. The units are to be erected on the lower section of the northern part of the roof and will be positioned adjacent to the north elevation of the higher section of the building that runs southwards from behind the Nethergate frontage towards Yeamans Shore.

The condenser units are required to service a new use to be accommodated within one of the vacant units in the Nethergate Business Centre (Passport Services).

SITE DESCRIPTION

The site forms part of the northern section of the Nethergate Business Centre which is located to the south of the Nethergate. The building is flat roofed and varies in height through the site. The property is finished in light coloured external blockwork.

The surrounding area accommodates a variety of uses that are typical of a city centre location and includes, retail, business, commercial and residential. Flatted properties are located to the north and east of the proposed site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 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.

Policy 61: Development In Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.



Scottish Planning Policies, Planning Advice Notes and Circulars

Planning Advice Note 56: Planning and Noise is of relevance to the determination of this application. This PAN sets out the range of noise issues that planning authorities need to be aware of in, amongst other things, making decisions on planning applications.

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

The proposal has the potential to increase noise in the local area. A Noise Impact Assessment has been submitted to accompany the application. It is considered that the details submitted for consideration do not contravene the Council's sustainability policy aspirations.

SITE HISTORY

There are no recent planning applications for this section of the property that are of direct relevance to the proposals under consideration.

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. Two objections to the proposals from neighbouring properties have been received. The relevant issue raised by the objectors relates to the potential of the development to impact on the environmental qualities of the adjacent residential occupiers by virtue of an increase in noise generated by the proposed new units.

The issue raised will be commented on in the 'Observations' section of this report below. Copies of the objections can be viewed in the Members Lounges.

CONSULTATIONS

The Council's Head of Environmental Health and Trading Standards has advised that, due to the proximity of residential properties located to the east and north of the site, certain conditions should be attached to any permission granted that restricts the total noise from and hours of operation of the condenser units proposed.

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 proposal involves the provision of 5 condenser units to service a new use to be accommodated in the Nethergate

Business Centre (Passport Services). The proposed units are to be located on a section of low roof that is situated immediately to the rear of the Nethergate frontage.

Due to the proximity of residential properties on the north and east sides of the site, a Noise Impact Assessment was requested in terms of Section 14 of Planning Advice Note 56 (Planning and Noise). This NIA was been submitted and has been fully assessed by this Council. It is considered that the terms of the NIA are acceptable and that, providing certain conditions are attached to any permission granted the proposal should not significantly impact on the environmental qualities of the adjacent occupiers by virtue of an unacceptable increase in associated noise. In this respect, the proposal is not considered to contravene Policy 1 (Vibrant and Sustainable Communities) of the Local Plan.

With regard to the conservation status of the site, the north section of the building ie fronting onto the Nethergate, is contained within the Central Conservation Area. The proposed units are to be located on a low section of the Business Centre and while they will be seen by a number of the occupiers of the adjacent flats, they will remain totally screened from public view. It is considered that the development, in visual terms, is so insignificant so as to have neutral impact on the conservation area. Consequently, the development is not considered to contravene Policy 61 (Development in Conservation Areas) of the Local 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:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the Dundee Local Plan Review 2005

and it was concluded that the proposal would not adversely impact on the setting of the conservation area. Consequently, it is considered that statutory duty set out in this Section of the Act is discharged.

View of the Objectors

The main issue raised by the objectors relates to the potential of the proposed units to impact on the residential amenities of adjacent occupiers by virtue of an increase in noise. This matter has been discussed in full above and it is intended to attach appropriate conditions to any permission granted that restricts the potential of the development to further detract from the environmental qualities currently enjoyed by the surrounding residents.

It is concluded from the foregoing that insufficient weight can be accorded to any of the 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

The designs, appearance, location of the proposed units are considered to be acceptable in this high level location within the city centre.

CONCLUSION

The proposal to provide 5 new condenser units in the location the subject of this planning application is considered to be acceptable and in accordance with the relevant policies of the Local Plan. A Noise Impact Assessment has been submitted in support of the application and the terms of which are acceptable to this Council.

RECOMMENDATION

It is recommended that consent 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 Total noise from all mechanical and electrical services shall not exceed NR 45 during daytime hours as measured 1 metre external to the facade of adjacent residential properties.

- 3 The hours of operation of the condenser units hereby granted permission shall be between 0800 and 1800 only Monday to Sunday.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 to protect adjacent residential occupiers from unacceptable noise levels generated by the condenser units hereby granted permission.
- 3 in order to protect adjacent residents from unacceptable noise levels generated by the condenser units hereby granted permission.