

KEY INFORMATION

Ward The Ferry

Proposal

Upgrading existing Broughty Ferry Sewer Network to provide Additional Capacity to prevent flooding

Address

Road from Lower St Vincent Street along King Street leading onto Castle Street Broughty Ferry

Applicant

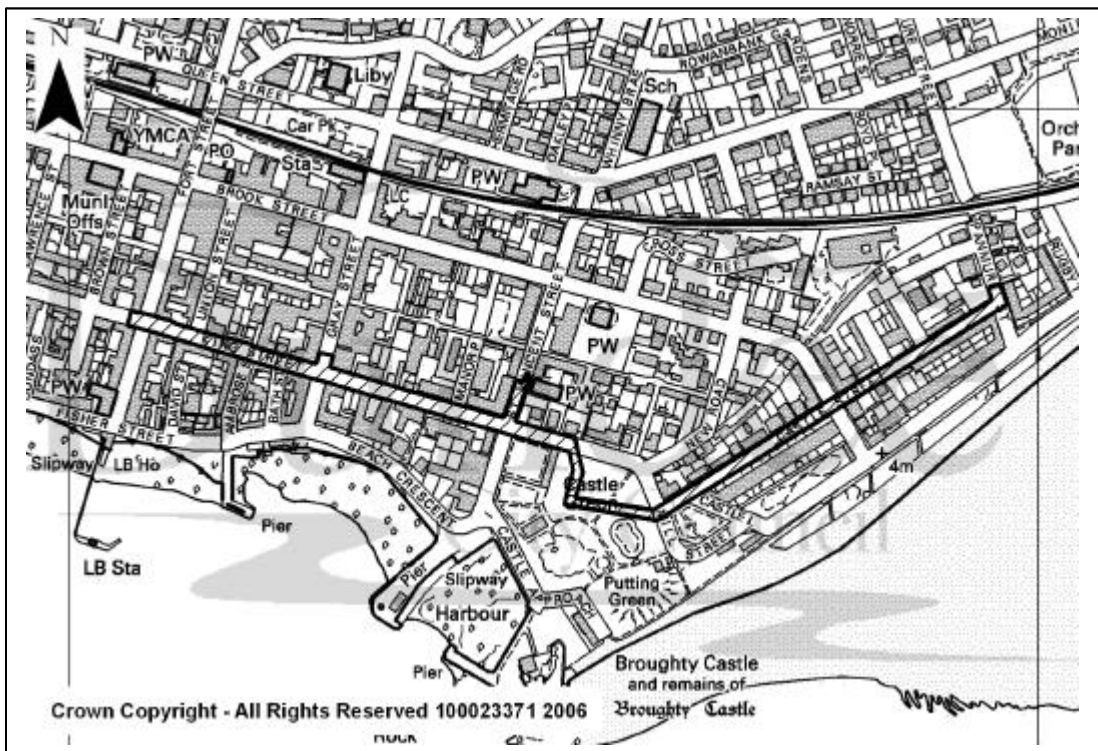
Scottish Water
Riverside House
Riverside Business Park
Dundee DD2 1UD

Agent

Scottish Water Solutions
c/o Soutar Associates Ltd
54 Douglas Muir Drive
Milngavie G63 7RJ

Registered 19 April 2007

Case Officer Julie Finlay



Proposed Sewer Works in Broughty Ferry

Upgrading of the existing Broughty Ferry Sewer Network to provide additional capacity to prevent flooding is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the policies in the Dundee Local Plan Review 2005. The objections are not supported and there are no material considerations to justify refusal of the application. Accordingly the application is recommended for **APPROVAL subject to conditions**.

SUMMARY OF REPORT

- Planning permission is sought to upgrade the Scottish Water sewer network to prevent additional capacity and prevent flooding at sections along St Vincent Street, King Street and Castle Street, Broughty Ferry, Dundee.
- The site is located within a Conservation Area, where Article 4 Directions remove permitted development rights. Otherwise the proposal would have benefited from these rights.
- Two letters of objection were received from business owners along King Street and within Broughty Ferry District Centre on the grounds of the adverse impact on traffic flow, adverse impact on numbers of shoppers and potential adverse impact on buildings.
- The proposal is supported and will not have an adverse impact on the character of the conservation area, traffic flow or structure of buildings.
- There are no material considerations that would justify refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought by Scottish Water to upgrade their existing sewer network system to provide additional capacity and prevent flooding. The system upgrade will take place along St Vincent Street, King Street and Castle Street within the existing road network. No footways or kerbs will be affected or removed.

SITE DESCRIPTION

The application site is located along King Street, from the junction with Fort Street and leads eastwards through Castle Green and along Castle Street, to the lower end of Panmure Street, Broughty Ferry. There are predominantly traditional stone-built residential properties along the streets and some commercial properties on the ground floor of buildings along King Street. The roads are finished in tarmac at present.

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 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

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

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no site history of direct relevance to the application site in these circumstances.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and two valid letters of

objection were received from a business owner at Gray Street and from Broughty Ferry Traders Association. The grounds of objection are traffic congestion and loss of parking spaces and potential damage to properties in the conservation area. One letter of representation was also received requesting that bollards are removed to allow traffic to flow more freely while the works are being undertaken.

CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

The Head of Environmental Health and Trading Standards has advised that restrictions will be required on working hours, to ensure that the amenity of residents is protected from unacceptable noise levels. If

Members are minded to approve the application, a condition will be attached to restrict the working hours.

The Head of Environmental Health and Trading Standards also advises that in terms of potential contamination, the applicant should immediately notify the Council if anything is encountered during site works. If Members are minded to grant approval of the application, a note will be attached requesting Scottish Water to contact the Council of any potential findings of contamination.

Concerns were raised by the Head of Parks, Sport and Leisure regarding the effect the works may have on Castle Green and the potential conflict

between the proposed works and the Broughty Ferry Gala and other events in this area. They understand that the work will be minimal but would like reassurance that there will be no access problems to the Green, Harbour and Beach. Scottish Water have confirmed that the work will not affect the Gala in the first two weeks of July or the Open Golf at Carnoustie and access to the Green, Harbour and Beach will be maintained at all times. As with the road, a joint inspection will be arranged before and after the work to ensure the reinstatement is acceptable. It is currently anticipated that this work will be undertaken in the period 1st

Feb 2008 and 16th April 2008, lasting for up to 6 weeks. The Head of Parks, Sport and Leisure has confirmed that these details are acceptable and they have no objection to the application.

Scottish Water has consulted the Planning and Transportation Department, Network Management Division regarding the road closures and temporary traffic orders and these have been agreed.

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 61 of the Dundee Local Plan Review 2005 requires proposals to preserve or enhance the character of the conservation area. It is considered that the proposed works will preserve the character of the area as the roads will be reinstated to the satisfaction of the Council. The roads are currently finished in tarmac and do not contribute to the character of the streetscape in the conservation area and this situation will not alter by the proposal. It is considered that the proposal complies with Policy 61.

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:

Supporting Information from Applicant - in response to objections and concerns from businesses within Broughty Ferry, Scottish Water state that:

"It is understandable that residents and traders have questions about the construction process and Scottish Water intends to hold an open day to

explain what will be happening when. The date for this has not yet been set but residents will be informed when it has.

In response to the Traders' Associations concerns we would like to stress that the work is necessary in order to alleviate internal flooding at 29 properties in Broughty Ferry which results from insufficient capacity in the sewer network to accommodate storm flows. These properties cannot be specifically identified but are located on Fort Street, King Street, Gray Street, St Vincent Street and Brook Street. Scottish Water's investigations show that the sewage backs up into these properties which are situated at low points in the sewage network. The problems cannot be attributed to a faulty non-return valve and instances of external flooding have not been considered.

We would like to reassure the Traders' Association that Scottish Water is well aware of the conservation status of this area as it is this status that has necessitated the planning application. The new sewer will be laid entirely within the road with no anticipated impact on the pavements or kerbs and the roads will be re-instated to the Planning Authority's satisfaction. A joint inspection with Dundee City Council will be carried out before and after each section of the work to ensure acceptable reinstatement.

Scottish Water issued a press release in February explaining the need for the scheme in order that the local community would not be taken by surprise by the planning application and issued letters to all residents and businesses in the area at the time the application was submitted. Scottish Water have also held meetings with the Roads Authority, bus operators, Environmental Health officers and police about the management and phasing of the work to ensure disruption during construction is minimised. A Construction Method Statement is being prepared which will include the agreements made during these meetings. Scottish Water will contact the Traders' Association directly in order that they have the opportunity to discuss the proposals and raise any concerns.

It is not anticipated that there will be any effect on properties along the route of the pipeline. However, if owners are concerned about the structure of

the buildings, condition surveys can be requested which Scottish Water will carry out prior to the work commencing."

Objections

The main objections relate to traffic disruption and adverse impact on business, which is not a valid objection. It is not considered that traffic will be adversely affected. Scottish Water have fully consulted with the Planning and Transportation Department, Network Management Division and it has been agreed that road closures are necessary and temporary traffic orders are currently being processed for St Vincent Street, King Street, Castle Street, Panmure Street and Whinny Brae. The works are divided into phases and the programme has been agreed. The works will only take place for a limited period. Parking spaces will not be lost by the proposed works.

It is considered that the stability of older stone buildings within the conservation area will not be adversely affected. If any damage is caused, it will be a separate legal issue between Scottish Water and the property owner.

The objections are not considered to carry sufficient weight to merit refusal of the application.

Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires planning authorities, in considering applications within conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

This matter has already been discussed under Policy 61 of the Dundee Local Plan Review 2005 and it is considered that the proposed development will preserve the character of the area as the roads will be reinstated to their current form after the work has been completed.

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. It is therefore recommended that planning permission be granted with conditions.

Design

The proposal raises no design issues. The roads affected by the works will

be reinstated to the satisfaction of the Council.

CONCLUSION

The proposal is considered acceptable and complies with the Policy 61 of the Dundee Local Plan Review 2005. The character of the area will not be adversely affected and the objections are not supported.

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 The hours of operation for proposed works shall only take place between the hours of 0700 to 1800 Monday to Friday, 0800 to 1400 hours on Saturday and no working on Sunday, unless otherwise agreed in writing by the Council.
- 3 Details of a method statement for the proposed roadworks, including timescales and reinstatement of the roads shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the amenity of residents from unacceptable noise levels.
- 3 To ensure the roads are satisfactorily reinstated in the interests of traffic safety and visual amenity.