

KEY INFORMATION

Ward The Ferry

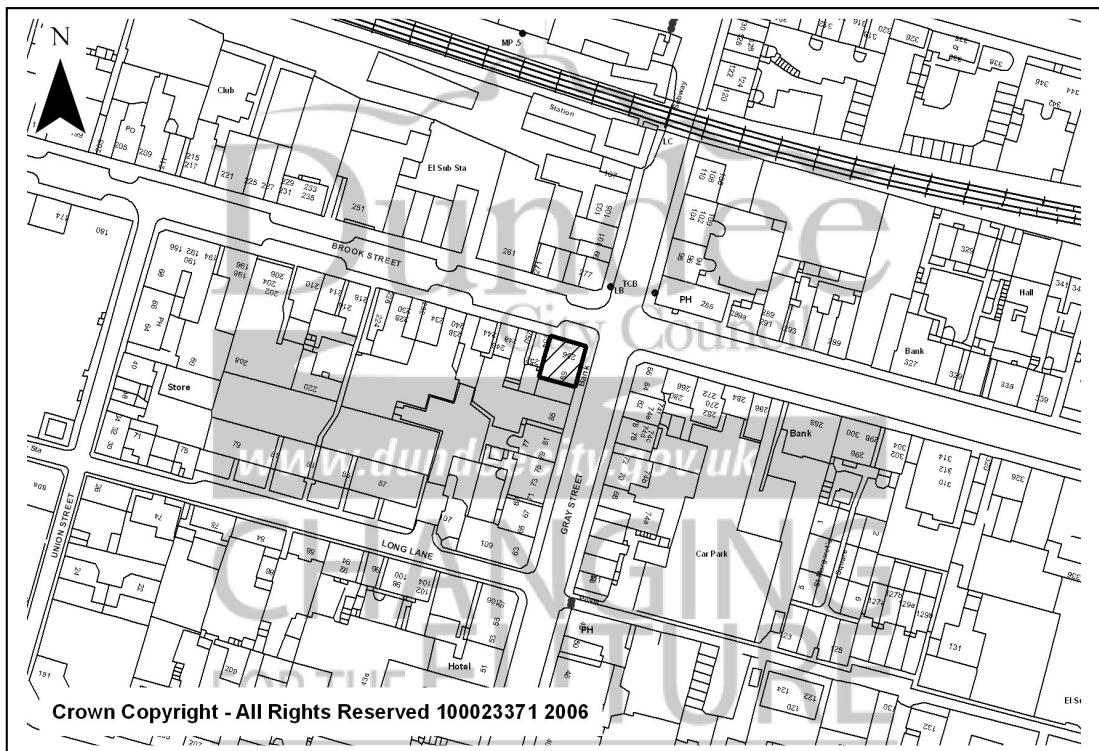
Proposal

Installation of air conditioning condenser unit

Address89 Gray Street
Broughty Ferry
Dundee**Applicant**National Australia Group
40 St Vincent Place
Glasgow
G3 2HL**Agent**Honeyman Jack and
Robertson
2 Clairmont Gardens
Glasgow

Registered 24 Sep 2007

Case Officer Paul Macari



Proposed Air Conditioning Unit in Gray Street

The installation of an air conditioning condenser unit is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with Policy 1 of the Dundee Local Plan Review 2005. The objections do not carry sufficient weight to merit refusal of the application. The development is therefore recommended for APPROVAL.

SUMMARY OF REPORT

- Planning permission is sought to install an air conditioning condenser unit at 89 Gray Street Broughty Ferry.
- Policy 1 of the Dundee Local Plan Review 2005 seeks to ensure that the design of new development should minimise any affect on the environmental quality enjoyed by local residents by virtue of noise.
- 1 letter of objection was received from the residents of 252 Brook Street, who are primarily concerned about possible noise disturbance generated by the proposed air conditioning condenser unit.
- Environmental Health and Trading Standards have recommended that to minimise the potential for disturbance, a condition minimising the maximum Noise Rating 1m from adjacent residential premises should be attached to any decision notice should planning permission be granted.
- The design and location of the proposed air conditioning condenser unit is satisfactory and in compliance with Policy 1 of the Dundee Local Plan Review 2005. Through the use of the condition recommended by Environmental Health and Trading Standards, it is not considered that the installation of an air conditioning condenser unit will result in any significant loss of existing amenity.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the installation of an air conditioning unit at first floor level on top of an existing flat roof extension to the Clydesdale Bank at 89 Gray Street Broughty Ferry. The air conditioning unit will be located between the bank and 252 Brook Street a 2. 5 storey terraced building with a commercial unit on the ground floor and a flat above.

SITE DESCRIPTION

The application site comprises a 2. 5 storey stone built C(s) listed building with a mansard roof, located on the western side of Gray Street on the corner of Brook Street and Gray Street. A single storey flat roofed extension to the western elevation of the building links 89 Gray Street to 252 Brook Street.

Given the shape of both buildings the proposed air conditioning unit is to be located in a recess bound on 3 sides by high walls. Both the bank and the upper floors of 252 Brook Street have windows that overlook the location of the proposed air conditioning unit.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

Policy 1 Vibrant and Sustainable Communities is relevant to the determination of this application and states that 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

PAN 56 Planning and Noise, seeks to ensure that the effect of noise generated from a proposal is fully considered in regard to its impact upon noise sensitive premises. This Planning Advice Note advises that it is not only the level of noise generated from the proposed air conditioning unit that should be considered, but also the attendant problems of noise that may be made by adjacent properties and traffic in the street below.



North East Elevation As Existing



North East Elevation As Proposed

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

Planning Application Ref 04/00174/LBC sought listed building consent for the formation of disabled access to 89 Gray Street. Listed Building Consent was granted subject to conditions.

There is no other planning history of relevance to outcome of this application.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 1 letter of objection was received.

The grounds of objection largely relate to noise disturbance, water penetration and dampness caused by condensation from the proposed air conditioning unit and noise disturbance caused by existing condenser units on the rear of the building.

The relevant concerns, which were raised by the objector, relate to noise disturbance as a result of the proposed air conditioning condenser unit. The remaining concerns are considered non-material to the outcome of this planning application.

CONSULTATIONS

The Council's Environmental Health and Trading Standards Department has acknowledged that the proximity of the proposed air conditioning condenser unit to residential properties may give rise to noise disturbance generated from mechanical and electrical workings of the unit. Consequently to prevent this from happening, a condition should be attached to any permission granted that restricts total noise from all mechanical and electrical plant associated with the proposed air conditioning condenser unit to a maximum Noise Rating of 45 as measured 1m external to the facade of adjacent residential accommodation.

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 (Vibrant and Sustainable Communities)

This policy promotes vibrant communities and encourages the development of an appropriate range of services and facilities close to and within housing areas. New developments should, amongst other things, seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell. The surrounding area although predominantly commercial accommodates a number of residential properties and consequently the existing level of amenity of the occupiers of these flats should be taken into account in the consideration of the proposals. In the first instance there are no issues arising from the proposals that relate to smell, parking or traffic movement issues.

With regard to noise, it is intended to attach a condition to any permission granted that requires all mechanical and electrical plant associated with the proposed air conditioning condenser unit be restricted to a maximum Noise Rating considered appropriate for the protection of the amenity of adjoining residents.

The location of the proposed air conditioning condenser unit and the presence of a 1m high balustrade across the roof of the existing single storey extension will ensure that the unit will not be visible from the street. This is especially the case given the unit's elevated position to the rear of the recess between 89 Gray Street and 252 Brook Street.

The proposed installation of an air conditioning unit is not considered to impact upon the visual amenity of the C(s) listed host building or the surrounding streetscape.

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 the concerns of the objector. The concerns of the objector about dampness caused by the proposed condenser units are unsupported and not considered material to the outcome of this planning application as are concerns relating to noise disturbance caused by the existing condenser units installed on the rear elevation of 89 Brook Street.

The Council's Environmental Health and Trading Standards Department have acknowledged that the potential exists for noise disturbance caused by the proposed condenser unit. Consequently they have recommended that a condition be applied to minimise the effects noise generated from the proposed unit will have on adjacent residential dwellings.

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

As discussed above, it is considered that the size, location and positioning of the air conditioning condenser unit coupled with the existing balustrade across the top of the existing single storey extension between 89 Gray Street and 252 Brook Street will minimise the visual impact such a development will have on the streetscape below.

CONCLUSION

The proposal complies with Policy 1 of the Dundee Local Plan Review 2005. The objections do not carry sufficient weight to merit refusal of the application. The development is therefore recommended for approval subject to conditions.

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 All noise from the air conditioning unit shall not exceed NR45, as measured 1m external to the facade of the adjacent residential accommodation.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interest of safeguarding residential amenity.