

KEY INFORMATION

Ward The Ferry

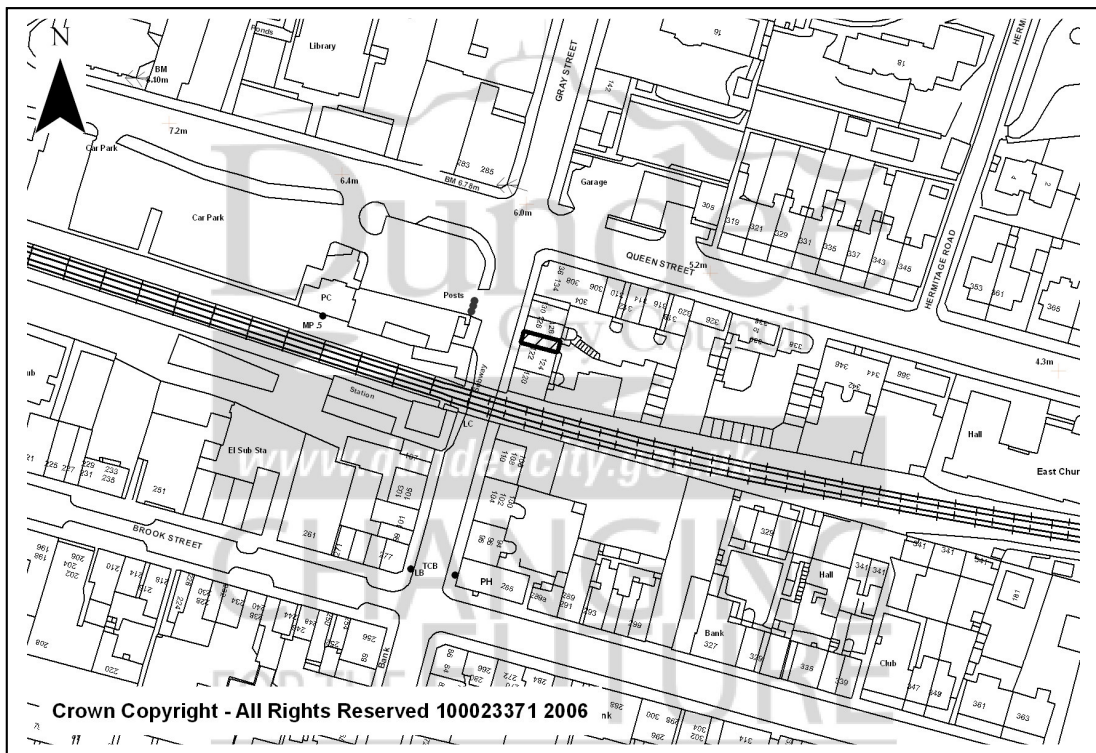
Proposal

Installation of condenser units in pend

Address128 Gray Street
Broughty Ferry
Dundee**Applicant**MDC Air Conditioning
c/o K J Smith
13/1 Gladstone Place
Edinburgh
EH6 7LY**Agent**K J Smith
13/1 Gladstone Place
Edinburgh
EH6 7LY

Registered 16 Jan 2008

Case Officer Stephen Page



Air Conditioning Units Proposal in Gray Street

The installation of condenser units in a pend is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed extension complies with policy 1 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the development plan to refuse planning permission. Therefore, the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application seeks retrospective permission for two wall mounted air conditioning units in a pend off Gray Street, Broughty Ferry.
- One letter of objection was received from a local resident concerned with the number of units already in place and with the noise of such units.
- The proposal has been found to comply with policy 1 of the Dundee Local Plan Review 2005 subject to the imposition of conditions to safeguard the noise emissions which will ensure that there be no unacceptable adverse impact on the amenity of residents in the area. The grounds of the objection are consequently not supported.

DESCRIPTION OF PROPOSAL

The proposal is for retrospective permission to add two external air conditioning units on the north wall of the pend.

SITE DESCRIPTION

The development lies within a pend, running east from Gray Street, Broughty Ferry, at a distance of approximately 15metres north of the railway level crossing. The pend is currently used to access a back courtyard parking area.

The pend is open at both ends, with a hair salon on the 1st floor above and a residential property on the second floor. Retail properties exist on the ground floor to either side.

At present three other air conditioning units exist on the north wall and a further two units on the south wall.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

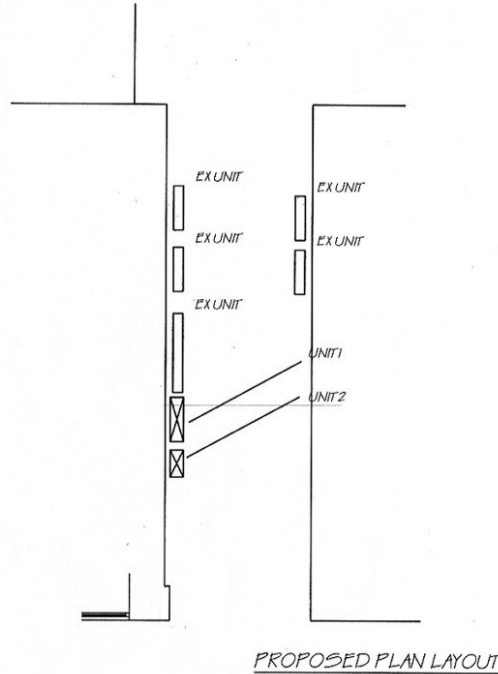
Policy 1: Vibrant And Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise 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.

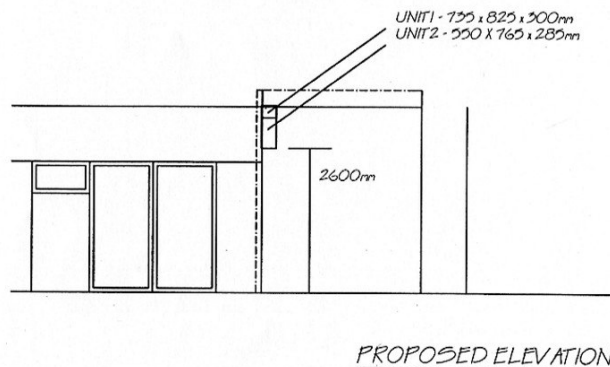
Non Statutory Statements of Council Policy

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



SUSTAINABILITY ISSUES

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



SITE HISTORY

This pend was constructed in excess of 100 years ago, and still forms the primary means of access to the rear of the tenement properties. The pend has been fitted with five other air conditioning units prior to this application.

PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure. One letter of objection has been received from a local resident concerned about an excessive concentration of units, devaluation of property and noise caused by the constant operation.

Copies of the objection letter are available in the member's lounge and the issues are discussed in the observations section below.

CONSULTATIONS

Environmental Health and Trading Standards have advised the imposition of conditions to regulate any potential noise disturbance to nearby residential properties.

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: Design & Layout - the units are designed for external mounting and the chosen location within the pend is considered appropriate in order to minimise any effect of the visual appearance of the building's front or rear elevations. Within the pend the units are mounted high on the wall and are generally cast in shadow for the majority of the day, again assisting to reduce their visibility.

It is considered that the pend is the best location for these units as it restricts their visibility from the public street and from the rear garden areas of the nearby residential properties.

Parking & Traffic Movement Issues:
The units are mounted high on the wall of the pend, are above a very narrow footway and protrude no further than the existing units - there will be no additional effect on the passage of traffic caused by the installation of these units.

Noise & Smell: One objection was received raising concern about the possible noise from such units, whilst these units are designed to run quietly the objection is valid and in order to address this concern a condition will be applied to confirm that the noise does not exceed acceptable levels for the area.

It is considered that this proposal can fully comply with policy 1 of the Dundee Local Plan Review subject to a condition being applied to safeguard any noise nuisance from these units.

Other Material Considerations

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

Objections

One objection was received concerned about excessive concentration of units, devaluation of property and noise relating to their 24 hour operation.

The devaluation of property is not a valid planning matter, whilst the excessive concentration of units and noise have been considered in the assessment of the development against policy 1 of the Dundee Local plan and was concluded that subject to a condition being applied to safeguard the noise generated by the units, the development would comply with the Local Plan and the amenities of residents protected .

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 air conditioning units are of a standard design and are fitted in close association with other air conditioning units in a pend which limits their visibility from the street or nearby residential properties.

CONCLUSION

The proposal complies with Policy 1 of the Dundee Local Plan Review 2005, there are no material considerations that would justify laying aside the development plan to refuse Planning Permission. It is therefore recommended that planning permission be GRANTED 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 units should not exceed NR 45, as measured one metre external from the facade of the nearest residential accommodation.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the amenity of nearby residents.