

KEY INFORMATION

Ward Coldside

Proposal

Factory redevelopment with one shed to be demolished and replaced, 2 sheds to be extended and one office block to be constructed

Address

Dayton Works
30 Balgray Street
Dundee

Applicant

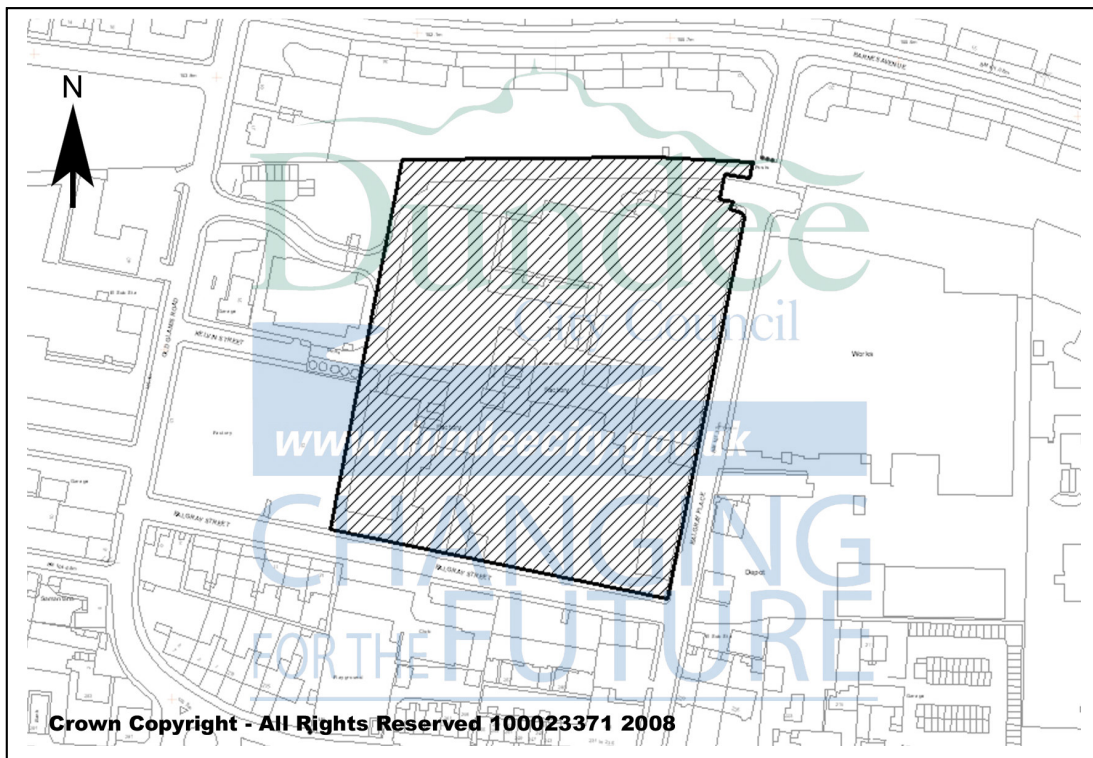
Day International (UK) Ltd
Balgray Street
Dundee
DD3 8HN

Agent

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Milton Studio
Glamis
Angus
DD8 1RG

Registered 6 May 2008

Case Officer Paul Macari



Extension to Existing Factory Premises Proposed

The factory redevelopment with one shed to be demolished and replace, 2 sheds to be extended and one office block to be constructed is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

Proposed development is considered to meet the criteria of the Dundee Local Plan Review 2005. The views of the objector are not supported. It is therefore recommended that planning permission be granted subject to conditions.

SUMMARY OF REPORT

- This application seeks full planning permission for the demolition of an existing small factory unit and the erection of an extension linking 2 larger factory units and the formation of office accommodation in its place, as well as an extension to the existing packaging building at Day International, Balgray Street Dundee.
- One letter of objection has been received from a neighbouring resident concerned about the contents of the proposed TOL tanks, impact of the factory building and emissions.
- Policy 1 (Vibrant and Sustainable Communities), Policy 26 (General Economic Development Areas) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.

DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the demolition of an existing small factory unit and the erection of an extension linking 2 larger factory units and the formation of office accommodation in its place, as well as an extension to the existing packaging building within the application site. The applicants also propose to relocate the existing plant and machinery on site. This will take the form of relocating underground Toluene (TOL) tanks to ground level and relocating the existing waste mixer, cooler as well as a skip and compactor to areas of the site that are less likely to cause noise and smell nuisance to neighbouring residents.

The proposed extensions will be finished in grey and blue plastic coated aluminium cladding with grey facing brick base-coursing to match the existing steel framed industrial units on site. The office accommodation will benefit from aluminium framed double-glazed window units. The proposed extensions will conceal the stainless steel ducting so that it is no longer visible from Balgray Street.

The proposed extensions will provide additional modern production and office space to increase the efficiency of the production of pressroom products and rubberised compounds.

SITE DESCRIPTION

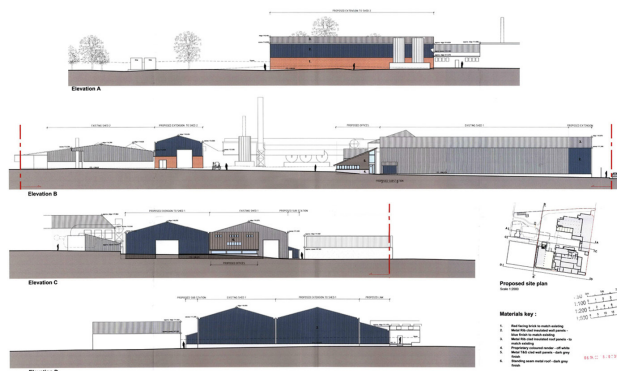
The application site is located between Old Glamis Road, Balgray Street and Balgray Place. The site bounds Balgray Street and Balgray Place with the rear gardens of residential flats on Barnes Avenue bounding the site to the north. The site is bound by a mixture of industrial and residential properties on all sides.

Service access to the site is taken from Old Glamis Road while employee and visitor access is taken from Balgray Street. The site is enclosed by 2m high black painted steel palisade fencing.

The application site comprises 2 steel framed blue plastic coated aluminium buildings and 2 large brick built buildings with slate roofs. The brick built buildings are situated in the south eastern and north eastern corners of the site. The building in the south eastern

corner is 3 storeys high and provides office and welfare accommodation as well as ample workspace for the production of pressroom products and rubberised compounds. The building situated in the north eastern corner is used mainly to prepare the produce for delivery. The existing steel framed buildings are situated in the south western corner of the site and are used for the production of plastic wallets. The buildings open out into the site with the area immediately in front of them used for forklift access and storage of pallets for packaging as well as the location of the required dust extracts. Between the rear elevations of the brick built buildings are TOL tanks, cooling equipment and associated tower. Service access to the site is situated in the north western corner with the remainder of the site forming a turning and parking area for large vehicles. There are 2 car parks located to the west of the site. These car parks are to accommodate the existing workforce and visitors.

Large stainless steel pipes and ducts pass between existing brick and steel framed buildings along the southern boundary of the site.



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 developments 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 26: General Economic Development Areas - in areas designated as General Economic Development Areas, proposals for class 4, 5 and 6 developments will be supported. Other uses of a wider industrial nature such as car showrooms, wholesaling, taxi offices and scrap yards may be permitted provided:

- a there is no detrimental impact on neighbouring uses and local residential amenity,
- b there is no unacceptable traffic impact; and
- c the scale of development is appropriate to the size and location of the site.

Class 1 retail will not be permitted unless in accordance with other policies in the Local Plan.

Residential Development is generally not supported within General Economic Development Areas unless a satisfactory standard of residential amenity can be achieved; housing will not adversely impact on the ongoing operation of adjacent industrial areas; and evidence demonstrates that the site is no longer suitable for economic development purposes.

Policy 55: Urban Design - a quality environment is dependent on the inter-relationship between building form and use, architectural style, streetscape spaces, places and movement patterns. New development should create successful, meaningful and memorable buildings and spaces that successfully contribute to the image of the surrounding environment and Dundee.

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

Planning application 98/23619/D sought permission for the installation of solvent recovery plant with 15 metre high fresh air outlet flue. This application was granted subject to conditions.

Planning application 99/24115/D sought permission for the erection of single storey extension to existing building. This application was also granted subject to conditions.

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

PUBLIC PARTICIPATION

The applicant has completed the statutory neighbour notification procedure as stipulated in the Town and Country Planning (General Procedure)(Scotland) Order 1992. One letter of objection has been received from a neighbouring resident concerned about the impact of the proposed replacement factory, the contents of TOL tanks, and emissions.

CONSULTATIONS

The Council's Environmental Health and Trading Standards Department have raised concerns about contaminated land. It is recommended that a desktop study be submitted prior to this application being reported to the Development Quality Committee. However, given the nature of the works proposed and the need for excavation to remove the existing underground TOL tanks used for the storage of solvents it is considered good practice to incorporate the requirement of a desktop contaminated land risk assessment into a condition also requiring the submission of a method statement to demonstrate how the tanks are to be removed and any contaminants treated. This condition

would form part of planning permission should the Committee be mindful to approve this application.

SEPA and the Council's Environmental Health and Trading Standards Department have been contacted with regard to the proposals. While SEPA are responsible for licensing and regulating the operations of Day International, there is no requirement under Part 3 Section 15 (h) of the Town and Country Planning (General Development Procedure)(Scotland) Order 1992 to formally consult SEPA. The Council's Environmental Health and Trading Standards Department advise that although they have some concerns over the potential for noise to be an issue in respect of this development, they recognise that the regulatory regime to deal with noise issues arising from these premises lies with SEPA. However, they have lent support to the conditions proposed by the case officer to ensure the proposed development is implemented and thereafter operated in accordance with current Dundee City Council legislation. The conditions proposed include the requirement of a contaminated land risk assessment as detailed above as well as an environmental noise impact assessment. An environmental noise impact assessment is required to ensure that noise generated from the additional plant and machinery and from within the proposed replacement factory and extensions will not impact upon existing levels of environmental quality enjoyed by neighbouring residents.

An informative will form part of the decision notice should planning permission be granted, to remind the applicant that the existing license granted to Day International by SEPA requires to be varied to accommodate the proposed works.

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.

The site is allocated under Policy 26 of the Dundee Local Plan Review 2005 and it supports an expansion of class 5 at this location. The preamble to the Policy specifies that:

"Where existing industrial areas are close to housing, the protection of residential amenity will be key in assessing the acceptability of development proposals. Proposals for new business/industrial development or expansion of existing businesses provide an opportunity to improve the environmental quality of business and industrial areas."

Therefore the proposal has been assessed against Policy 1 to determine whether it will be acceptable in terms of any impact on residential amenity.

Policy 1 of the Dundee Local Plan Review 2005 seeks to protect the amenity of surrounding residents. As previously discussed in the "Consultations" section conditions requiring a noise impact assessment along with a contaminated land risk assessment will be incorporated into the grant of planning permission should the Committee be mindful to grant approval. It should be noted that the relocated plant and machinery has been strategically positioned to minimise the impact on surrounding residential properties by virtue of noise and smell disturbance. Indeed the existing and proposed buildings will act as a barrier between the plant and machinery and surrounding residential properties. Further, by relocating the existing TOL tanks to ground level and repositioning them on the northern side of the site, deliveries of Toluene can be taken from within the application site rather than from Balgray Street. This will eradicate the potential for traffic congestion on Balgray Street as access to the site for all deliveries can be taken from Old Glamis Road. The need for ground level TOL tanks is stipulated by SEPA so that the condition of the tanks can be monitored to prevent leaks that would result in contamination.

The proposed works will modernise the existing facilities to increase on-site safety and efficiency allowing for the creation of additional employment.

The form and layout of the proposed developments will ensure that the relationship between Balgray Street and Day International is enhanced so as to protect the existing levels of environmental quality enjoyed by neighbouring residents. The proposed development therefore meets the criteria of Policy 1 of the plan.

Policy 55 of the Dundee Local Plan Review 2005 seeks to promote quality environments that benefit from inter-relationship between building form and use.

The proposed replacement factory building is considered to be of a scale, design and massing that blends with the retained factory building situated in the south western corner of the site. The proposed extension to the front (north elevation) of the retained factory building is considered to be of a contemporary design that blends well with the surrounding built form. While reflective of the industrial plant it is located within, the proposed office extension is finished in softer materials than the surrounding buildings and therefore has a lesser impact upon the visual amenity of the residential properties on Barnes Avenue.

The proposed extension to the packaging building is of a modern design and finish. Although the roof will project above the ridge of the existing packaging building, the extension will not appear out of place given the proportions and elevational treatments proposed. Further, due to the scale and massing of the existing buildings bounding the site to the east, the proposed extension will not be visible from Balgray Place.

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:

Concerns of the objector - one letter of objection was received from a neighbouring resident concerned about the impact of the proposed replacement factory building, the purpose and contents of the TOL tanks and emissions.

The proposed replacement factory building is considered to be a positive addition to the Day International plant. This is because the building will be of

the same height and design as the existing newly built factory building in the south western corner of the site. The proposed replacement factory building will therefore give the modern buildings a uniform appearance when viewed from Balgray Street. Further, with regard to issues of overlooking and overshadowing the proposed replacement factory building will be situated in the north side of Balgray Street and will have no south facing windows. Therefore the replacement factory will not significantly overshadow or overlook neighbouring properties. The existing rear elevations of the south most industrial buildings, is poor with both buildings beginning to show signs of weathering. The proposed factory building will create additional production space while also enhancing the appearance of the surrounding streetscape.

At present the existing TOL Tanks used to store the solvent used by Day International are located underground. In this location the tanks cannot be monitored for leaks. It is proposed to remove the existing tanks and install new tanks at ground level. This proposal is welcomed by SEPA who can now monitor the condition of the tanks.

The objector also raises concerns over emissions from Day International. While there is a cooling tower that allows for steam to be released into the atmosphere, it is the understanding of this Planning Authority that the only other smells released into the atmosphere by Day International are those from the waste mixer exhaust and are not gasses associated with potential pollutants. As the proposed works will not result in the installation of additional plant and machinery but rather the relocation of existing plant and machinery to lessen the impact on neighbouring residents the issue of emissions is not considered so significant to merit refusal of planning permission. This is especially the case as SEPA regulate and license the operations of Day International and therefore all emissions require to be declared as part of the application for license.

It is considered that the proposed works will have a positive net impact upon the visual amenity of the plant, efficiency and production process of Day International. The principle of the proposed development meets the criteria of Policy 1, Policy 26 and

Policy 55 of the Dundee Local Plan Review 2005. The concerns of the objector are not supported.

It is concluded from the foregoing that insufficient weight can be accorded to 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 approved subject to conditions.

Design

The design of the replacement factory building and extensions, to the existing buildings is considered to be in keeping with the industrial zoning of the application site. The buildings are of a traditional industrial design and blend well with the existing brick built buildings situated in the north east and south east corners of the site.

CONCLUSION

The proposed development is considered to meet the criteria of the Dundee Local Plan Review 2005. The views of the objector are not supported. 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 Development shall not begin until a scheme to deal with contamination at the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - a the nature, extent and type(s) of contamination on the site;
 - b measures to treat/remove contamination to ensure the site is fit for the use proposed;

- c measures to deal with contamination during construction works; and
 - d condition of the site on completion of decontamination measures.
- 3 Before the proposed development is brought into use/ occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.
- 4 BEFORE WORK STARTS ON SITE, an environmental noise impact assessment shall be submitted to this Planning Authority for written approval with any mitigation measures thereafter implemented before the development hereby approved is brought into use. For the avoidance of doubt, noise from all industrial processes, mechanical and electrical plant shall not exceed NR35, as measured 1 metre from the facade of the nearest residential accommodation. Only noise mitigation measures capable of meeting this standard should form part of the environmental noise impact assessment.
- 5 BEFORE WORK STARTS ON SITE, a Method Statement outlining the key steps involved in removing the existing TOL tanks and remediation of any contaminated land associated with the existing TOL tanks shall be submitted to this planning Authority for written approval and thereafter implemented in accordance with the approved method statement.

- 5 In the interest of safeguarding environmental quality.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of remediating contaminated land and safeguarding environmental quality.
- 3 In the interests of remediating contaminated land and safeguarding environmental quality.
- 4 In the interests of safeguarding residential amenity by preventing noise disturbance.