

KEY INFORMATION

Ward The Ferry

Proposal

Change of use to accommodate an ice cream/refreshments mobile unit

Address

Land to East of Windmill
Toilets
Castle Lane
Broughty Ferry

Applicant

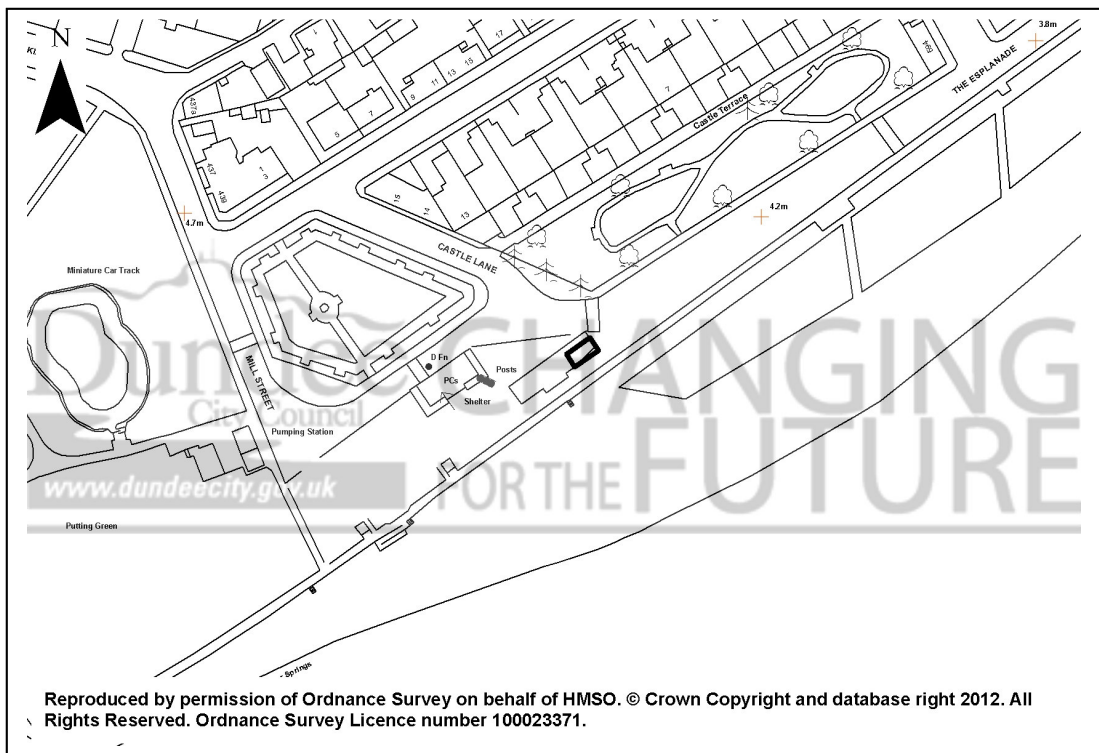
City Development
Dundee City Council
Dundee House
50 North Lindsay Street
Dundee DD1 1LS

Agent

Alistair Kay
Dundee House
Floor 5
50 North Lindsay Street
Dundee DD1 1LS

Registered 5 Jan 2012

Case Officer Eve Young



Ice Cream Van at Broughty Ferry Esplanade

The change of use to accommodate an ice cream/refreshments mobile unit is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The proposal complies with the Dundee Local Plan Review 2005 and with statutory requirements and national guidance on development in Conservation Areas. There are no material considerations which support refusal contrary to the Development Plan. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for a material change in the use of an area of land for the temporary siting of a mobile ice cream/refreshments unit at Broughty Ferry Esplanade. The site forms part of the esplanade formerly occupied by the Bathing Shelter and lies within Broughty Ferry Conservation Area. The unit is intended to be located at the site daily and will operate between 0800 hours and 2000 hours. There will be no building works or structures and the site will remain open hardstanding.
- Dundee Local Plan 2005. Policy 1 - Vibrant and Sustainable Communities and Policy 61 - Development in Conservation Areas are relevant. The development will comply with the Dundee Local Plan and the statutory requirements for development in a Conservation Area.
- The application was notified to two non residential landowners and was also advertised in the local press as a development in the Conservation Area. There were no objections.
- The development will provide required services for residents and visitors as part of the wider leisure based environment of Broughty Ferry Castle and beaches. This development will satisfy demand for refreshments in and around the beach area and the Green Circular cycle route, complimenting the visitor experience and will be a feature commonly found in such a situation.
- The application is reported to the Development Management Committee for determination as the City Council is both applicant and site owner.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a material change in the use of an area of land for the temporary siting of a mobile ice cream/refreshments unit at Broughty Ferry Esplanade. The unit is intended to be located at the site daily and will operate between 0800 hours and 2000 hours. There will be no building works or structures at the location and the site will remain open hardstanding.

The application is reported to the Development Management Committee for determination as the City Council is both applicant and site owner.

SITE DESCRIPTION

The site forms part of the Esplanade at Broughty Ferry beach and lies to the east of the car park and the Windmill toilets, at Castle Lane. The site forms part of the land formerly occupied by the Bathing Shelter. It lies within Broughty Ferry Conservation Area. The site will remain open hardstanding with bollards around the east boundary to ensure vehicle access is via the current car park entrance to the west.

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

Policy 61 - Development in Conservation Areas.

Scottish Planning Policies, Planning Advice Notes and Circulars

SHEP Scottish Historic Environment Policy - the SHEP notes that it is the duty of the planning authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area

when exercising its powers under the planning legislation.

Non Statutory Statements of Council Policy

In 1999 the Council produced the Broughty Ferry Study with the aim of maximising the tourist potential of the area. On 4 December 2000 the Councils Planning and Transportation Committee approved the Broughty Ferry Study which, amongst other matters, proposed road closures in the vicinity of the Esplanade.

SUSTAINABILITY ISSUES

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



SITE HISTORY

08/00338/FUL - planning permission was refused for the erection of a restaurant, kiosk and first aid room on the site of the Bathing Shelter. The resulting appeal was dismissed.

11/00148/CON - Conservation Area Consent was granted by Historic Scotland for the demolition of the Bathing Shelter on 3 June 2011 as the building was owned by the City Council.

Following the demolition of the Bathing Shelter, bollards have been erected on the eastern side of the site as part of a programme of environmental improvements carried out by the City Council.

PUBLIC PARTICIPATION

The application was notified to two non residential landowners and was also advertised in the local press as a

development in a Conservation Area. There were no objections.

CONSULTATIONS

There were no responses from consultees.

OBSERVATIONS

The application seeks planning permission for a material change in the use of an area of land for the temporary siting of a mobile ice cream/refreshments unit on land at Broughty Ferry Esplanade. The unit may take the form of a mobile van or a trailer and will be located on the same site between 0800 hours and 2000 hours daily.

The development will provide required services for visitors as part of the wider leisure based environment of Broughty Ferry Castle and beaches. This development will satisfy demand for refreshments in and around the beach area, complimenting the visitor experience and will be a feature commonly found in such a situation.

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless

material considerations indicate otherwise.

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 not identified for any specific use in the Dundee Local Plan Review 2005 but is considered to be within or adjacent to a residential area where Policy 1 could apply.

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."

The development proposes the siting of a mobile ice cream/refreshments unit on this site at the esplanade to provide services to residents and visitors. It will operate between 0800 hours and 2000 hours daily. The nearest residential property lies 36 metres to the north. The site lies within an area used for car parking and it is considered that the proposed use of the site will not adversely affect the environmental quality enjoyed by local residents when assessed against the criteria in the Policy. It is concluded that the change of use will comply with Policy 1.

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."

As noted above, the ice cream/refreshment unit will operate on the site from 0800 hours to 2000 hours but will not require any building works or structures. It will have a neutral impact on the character of the Conservation Area as it will be a facility typically found in a beach side location. It is concluded that the development complies with Policy 61.

It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.

Other Material Considerations

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

Section 64 of the Act requires that in considering whether to grant planning permission for development in a Conservation Area, the planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It is considered, for the reasons set out above, that Section 64 would be satisfied by the approval of this proposal.

The requirements of the Scottish Historic Environment Policy are also satisfied for the same reasons.

Supporting Statement

The Supporting Statement confirms that the development will provide required services for visitors as part of the wider leisure based environment of Broughty Ferry Castle and beaches and confirms that its operation will not have an adverse impact on the Conservation Area.

The Supporting Statement is accepted as a material consideration.

Design

There are no design issues as the use is temporary.

CONCLUSION

As noted in the planning history, the site of the former Bathing Shelter was the subject of an unsuccessful application to develop a restaurant with a refreshment kiosk and first aid room. Refreshments were previously provided at the former Bathing Shelter before its condition deteriorated and it was demolished. This proposal will provide a temporary site for a mobile refreshment/ice cream unit to be located in this popular site to provide similar services to users of the beach, the Esplanade and the Green Circular cycle route.

The proposal complies with the Dundee Local Plan Review 2005 and with statutory requirements and national guidance on development in Conservation Areas. There are no material considerations which support refusal contrary to the development plan. It is therefore recommended that planning permission be granted with conditions.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following condition:

- 1 The use hereby approved shall only operate between 0800 hours to 2000 hours daily.

Reason

- 1 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.