



# 1 DESCRIPTION OF PROPOSAL



**Figure 1 – Elevations**

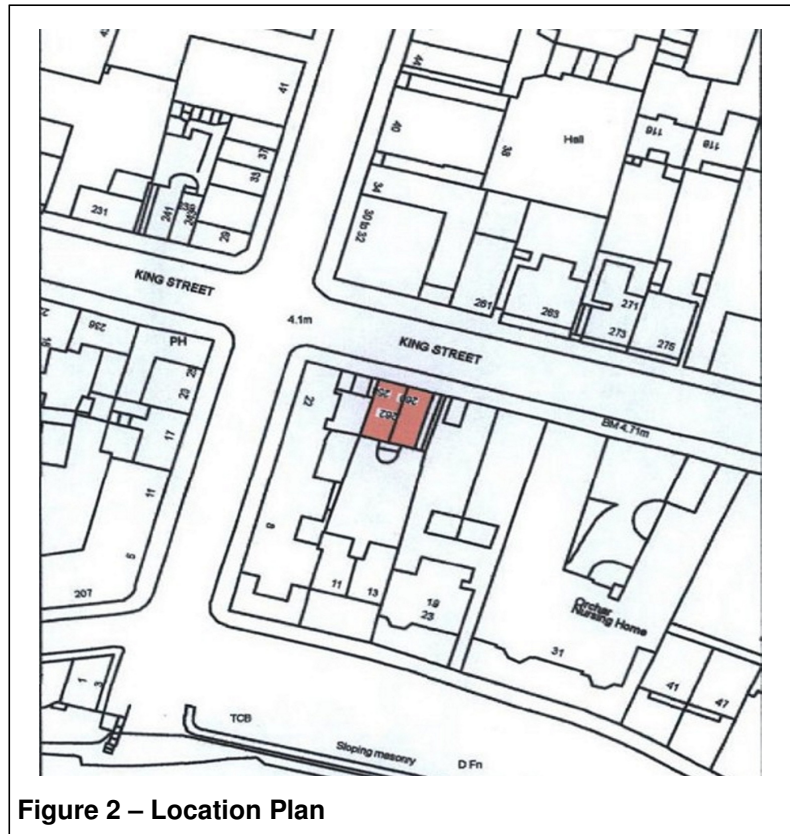
- 1.1 Planning permission is sought for elevational alterations and the installation of air conditioning units to the existing shop at 258-260 King Street, Broughty Ferry. The proposed elevational alterations involve forming a fake timber window over an existing blocked up doorway to provide space for additional signage on the shopfront, and repainting the existing shopfront in white (RAL:9003) and grey (RAL:7037) colours. The proposed air conditioning units will be installed to the rear of the property on the wall of the rear stairwell for flatted properties above and will be enclosed in a metal cage for security purposes.
- 1.2 It is important to note that the proposed signage does not form part of this application, this is controlled under separate legislation and will be assessed through an application for advertisement consent.
- 1.3 In accordance with the Council's Scheme of Delegation the application must be considered by the Development Management committee as the applicant is an Elected Member of Dundee City Council.

# 2 SITE DESCRIPTION

- 2.1 The application site is a shop unit located at 258-260 King Street to the south side of the street. The existing ground floor shop has an access door from King Street and the rear of the shop is accessed from a doorway also off King Street. There is no associated off-street parking for the unit, all parking is on-street within the surrounding area. The shopfront forms the ground floor of a three storey stone building, and is currently painted dark green with associated illuminated and projecting signage. The rear of the shop forms a small courtyard

where there is an external stairwell providing access to the flatted properties above. A number of neighbouring residential units overlook this small courtyard area, which is not seen from King Street or other public viewpoints. The area is generally residential in nature with a variety of other uses within the locality, including a public house, other retail uses and a nursing home.

2.2 The application site is contained within the Broughty Ferry Conservation Area.



### 3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

**DUNDEE LOCAL DEVELOPMENT PLAN**  
Policy 50: Development in Conservation Areas

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.



Figure 3 – Photo of Existing Shopfront

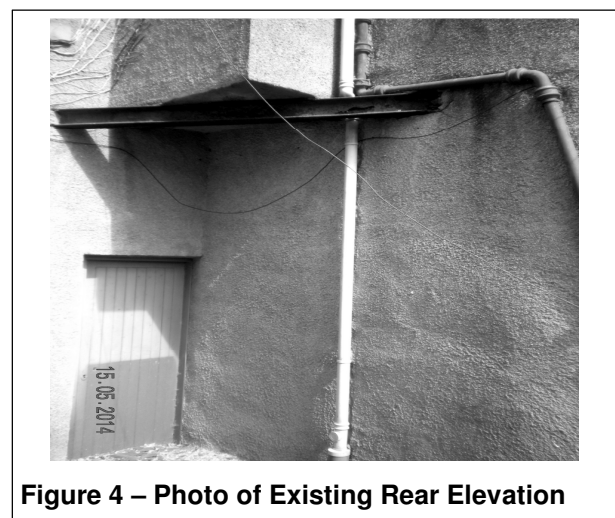


Figure 4 – Photo of Existing Rear Elevation

### 4 SITE HISTORY

4.1 There is no site history of relevance to this application.

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## 5 PUBLIC PARTICIPATION

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- 5.1 One letter of representation has been received seeking clarification on the design, positioning and installation of the air conditioning units.

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## 6 CONSULTATIONS

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- 6.1 **The Council's Head of Environmental Protection** – has requested that should the Committee be minded to approve this application, a condition restricting total noise from mechanical and electrical plant be incorporated into the grant of planning permission.

## 7 DETERMINING ISSUES

- 7.1 **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.

### DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 50: Development in Conservation Areas** – requires all developments within Conservation Areas to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the Conservation Area.
- 7.3 In terms of the proposed elevational alterations, these are considered to be acceptable in design terms, using appropriate materials and resulting in an improved frontage on King Street. The proposed re-painting of the existing shopfront using white and grey is considered to be an appropriate colour scheme that blends well with the existing palette of colours within the surrounding area. Should the elected members be minded to approve the application, it is recommended that a condition be imposed to control the finishing materials of the proposed fake window element of the proposal to ensure that these are of a high quality that preserves the character and appearance of the Conservation Area.
- 7.4 In addition, the proposed location is considered suitable for the proposed plant as it cannot be seen from any public vantage points. It is contended that the development would cause no additional harm to the external appearance of the property or character of the surrounding area.
- 7.5 **It is therefore considered that the overall proposal complies with the terms of Policy 50.**

### STATUTORY DUTY

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

- 7.6 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a Conservation Area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area. As discussed under Policy 50 of the Development Plan above it was concluded that the development would not detract from the appearance of the building or character of the surrounding area.
- 7.7 Consequently, it is concluded that by approving the application the Council would be discharging its statutory duties in an appropriate manner.

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A Noise Issues**

- 7.9 Due to the proximity to residential properties it is considered that, should the Committee be minded to approve this application, conditions to limit noise from any mechanical and electrical plant would be required. It is considered that this matter could be adequately controlled in this way.

### **B Views of Neighbouring Residents**

- 7.10 One letter of representation has been received seeking clarification on the design, installation and positioning of the proposed air conditioning units. It has already been considered above that with the imposition of the above condition that the potential noise impact from the air conditioning units can be controlled to an acceptable level in terms of neighbouring residential amenity. In terms of the process of installation and any physical impacts from this, this is a private matter that is to be dealt with by the applicant and the neighbour.
- 7.11 **It is concluded from the foregoing that the material considerations do not support the refusal of planning permission.**

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## **8 CONCLUSION**

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- 8.1 The proposal satisfies the requirements of the Development Plan and the approval of the application discharges the statutory requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## **9 RECOMMENDATION**

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- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of works on site, full details of the fake window to be installed on the north elevation of the property shall be submitted to the planning authority for written approval and if approved shall only be completed in accordance with the approved plans and details.

- 2 The total noise from any mechanical and electrical plant shall not exceed NR45 during daytime and NR35 during night-time as measured 1 metre from the façade of any adjacent residential property. Furthermore, it shall not exceed NR25 during night-time within any adjoining residential property. For the avoidance of doubt NR45 is applicable for the period 07.00 to 23.00 hours and NR35 and NR25 are applicable for the period 23.00 to 07.00 hours.

**REASONS**

- 1 In the interests of preserving the character and appearance of the Broughty Ferry Conservation Area.
- 2 In the interests of protecting the amenity of neighbouring residential properties.