

Change of use from a Warehouse (Class 4) to a MOT Station/Workshop (Class 5)

KEY INFORMATION

Ward The Ferry

Address

Hi-Tech Acoustic Services Ltd
17 Panmure Street
Broughty Ferry
Dundee
DD5 2ER

Applicant

Westend Suzuki

Agent

N/A

Registered 17 June 2019

Report by Head of Planning & Economic Development

Contact: Caitlin Duffy



SUMMARY OF REPORT

- Planning permission is sought for the change of use from a Warehouse (Class 4) to a MOT Station/Workshop (Class 5)
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. 11 letters of objection have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as more than 6 letters of objection have been received and the recommendation is to approve.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>

RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations that would justify refusal of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the change of use of a site which was used as a builders warehouse (Class 4) to a MOT station/workshop (Class 5). The MOT station/workshop would be located within an existing building. The only physical alterations proposed would be internal to the existing building to form the MOT station/workshop. The hours which the business proposes to operate are: Monday to Friday 0800 hours to 1800 hours and Saturday 0800 hours to 1300 hours.

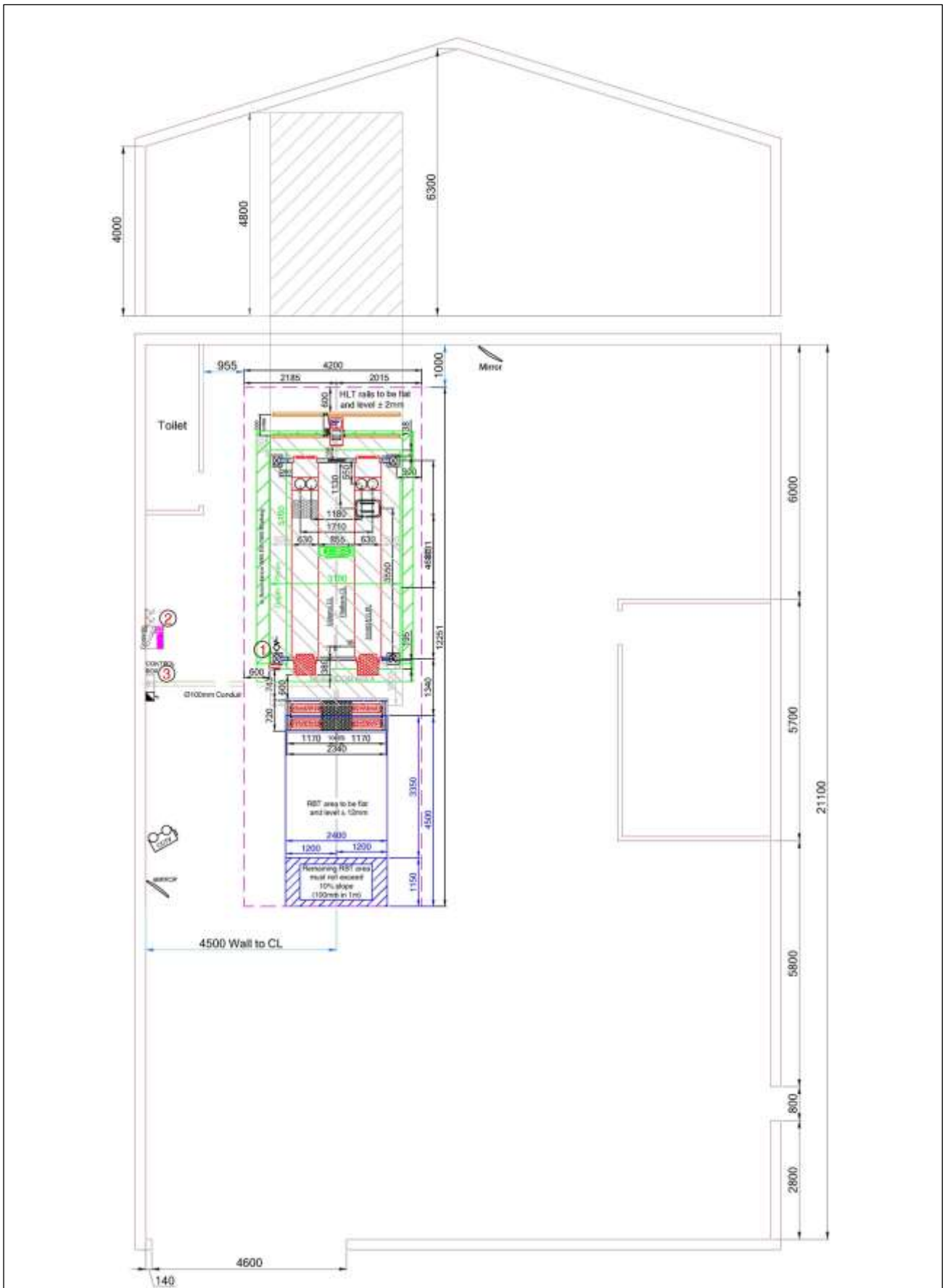


Figure 1 – Proposed Floor Plan



Figure 2 – Photograph of Front Elevation

2 SITE DESCRIPTION

- 2.1 The site is located on Panmure Street, to the east of East Links Place. The site is currently used as a builders warehouse. The north of the site is a yard area. There are 2 buildings on the site. The larger main warehouse building is set on one level and is 6.3m high. The front elevation contains a roller shutter door and this is where access to the internal MOT station/workshop is proposed to be taken. The smaller of the 2 buildings is located on the west of the site, is single storey and has a pedestrian access to East Links Place.
- 2.2 Vehicle access to the site is taken from the north (Panmure Street). The site is bound to the east by a car repair workshop and yard; to the south by the gardens belonging to the residential properties on Castle Street; and to the west by East Links Place where there are also residential properties. To the north lies a storage yard and a builder's yard and beyond that lies The Mackinnon Centre - a residential care home. The site is located within the Broughty Ferry Conservation Area.



Figure 3 – Photograph from Panmure Street



Figure 4 – Photograph of Site from East Links Place

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 17: Small Scale Commercial Uses within Residential Areas

Policy 39: Environmental Protection

Policy 51: Development in Conservation Areas

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

4 SITE HISTORY

4.1 There is no relevant planning history for this site.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 11 objections have been received raising the following valid material planning grounds:

- volume of traffic and congestion; and
- application red site line boundary manipulated

5.3 Concerns were also raised in relation to the applicant not working with residents in the area like other existing business', the agent hasn't carried out notification, ownership of other existing business premises and the unauthorised commencement of works. However, these are not valid material planning considerations.

5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 **The Head of Community Safety and Protection** – In regard to contaminated land has no objection to the application. However, they stated that the site is within an area where radon protection measures are required for new developments, so to ensure that the applicant is aware of this and factors it into any possible renovations, an advisory note is recommended as a precaution.

6.2 In regard to environmental health has no objection to the application. However, they stated that there is housing to the west and the south of the site and as such some form of noise

control should be in place to minimise disturbance to the residents of the area. As such conditions relating to deliveries and servicing, mechanical and electrical plant/services and hours of trade are recommended.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended 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.

TAYPLAN 2016 – 2036

- 7.2 **The application raises no issues of relevance.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.3 **Policy 17: Small Scale Commercial Uses within Residential Areas** - states that the City Council will support the development of a range of small scale commercial services and facilities close to and within existing and proposed housing areas. The development of small scale commercial services and facilities will need to ensure that they do not have a detrimental effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement, noise or smell.
- 7.4 The site is part of an area where there are other neighbouring commercial/business/light industrial premises including an MOT station, car body repair shop, joinery workshop and scaffolding yard. The existing use of the site is as a builder's warehouse. The proposed MOT station/workshop would not be out of character with the surrounding land uses. Conditions to restrict the noise levels, hours of operation and deliveries and servicing will be attached should planning permission be granted. This will safeguard the amenity of the residential properties which are 11m to the west and 18m to the south of the site.
- 7.5 The proposal is to re-use an existing building with no external alterations. The use is not out of character with neighbouring light industrial and commercial uses and is considered to be a small scale commercial use.
- 7.6 This policy requires the impact of the proposal on the environmental quality enjoyed by local residents to be assessed in terms of design and layout, parking and traffic movement and noise or smell.
- a Design and layout - there would be no physical alterations to the external appearance of the building. The proposed alterations would be internal to accommodate the MOT station and garage equipment. It is considered that the proposal would not have a detrimental physical impact on the design and layout of the site and surrounding area.
 - b Parking and traffic movement – the site was previously used as a builders warehouse and is within an established industrial and commercial area. There is a hardstanding area on the front of the site for parking associated with the proposed use and the small scale of

the proposal would not generate a high level of traffic. It is recommended that a condition is attached to any planning permission granted to ensure details of the car parking area are agreed and the parking area for the development is retained in perpetuity.

- c Noise or smell – The industrial nature of the proposal could result in noise and given the proximity to residential properties conditions are recommended to restrict the noise levels and the servicing and hours of operation to mitigate any significant detrimental impacts on the amenity of neighbours. The proposed use would not have a detrimental odour impact on the surrounding area.

7.7 The proposed use would not be out of character with the uses in the immediate surrounding area. It would re-use an existing site and building, and therefore would not result in any additional cumulative commercial or light industrial uses within the area. Whilst there are residential properties nearby, conditions are recommended to ensure that the amenity of these properties is protected should planning permission be granted.

7.8 **The proposal is in accordance with Policy 17, subject to conditions.**

7.9 **Policy 39: Environmental Protection** - states that all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

7.10 As outlined in the Consultations section and in the assessment against Policy 17, given the surrounding land uses and character of the area, the proposed use is acceptable within the area. However, to ensure that the amenity of the nearby residential properties is not detrimentally affected, conditions are recommended to control the hours of operation, noise levels from mechanical and electrical plant/services and deliveries and servicing of the MOT station/workshop should planning permission be granted. As such, the proposal will not have a detrimental noise impact and will not have an unsatisfactory level of disturbance on the surrounding area by virtue of a detrimental vibration, odour or emissions impact.

7.11 **The proposal is in accordance with Policy 39, subject to conditions.**

7.12 **Policy 51: Development in Conservation Areas** - states that 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 that contribute to the character and appearance of the conservation area.

7.13 The site to which the application relates contains modern industrial style units and is sited adjacent to other similar uses. The proposed change of use would reflect the existing character of the area and no works are proposed that would affect any features of historic or architectural interest which are of historic importance to the Broughty Ferry Conservation Area. The proposed use would therefore preserve the character of this part of the conservation area.

7.14 **The proposal is in accordance with Policy 51.**

7.15 **It is concluded that the proposal is in accordance with the Development Plan.**

STATUTORY DUTIES

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

7.16 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 as amended states that with respect to any buildings or land in a conservation area, special

attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 7.17 As outlined in the assessment against Policy 51 of the Dundee Local Development Plan 2019, the proposal would not be detrimental to the character or appearance of this part of the Broughty Ferry Conservation Area. As such the proposal preserves the character of the area. By approving the application, the statutory duty would be discharged.

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.19 11 objections have been received raising the following valid material grounds:

- volume of traffic and congestion; and
- application red site line boundary manipulated to affect neighbour notification

- 7.20 Concerns were also raised in relation to existing businesses working with residents in the area, the agent hasn't carried out notification, ownership of other existing business premises and the unauthorised commencement of works. However, these are not valid material planning considerations.

- 7.21 The grounds of objection are considered and assessed as follows:

Objection – volume of traffic and congestion

Response – the site was previously used as a builder's warehouse which would have generated traffic movements. The site is within an area where industrial and commercial uses are established. The proposal will not generate a high level of traffic and off-street parking is available on the north side of the site.

Objection – application red site line boundary manipulated.

Response – the red site line boundary is required to outline the application site to which the proposal relates. The red line surrounds the whole of the site where the change of use is proposed to take place and does not miss out any parts. Based on the red site line boundary, the statutory neighbour notification has been carried out accordingly.

- 7.22 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.

B – SUPPORTING INFORMATION

- 7.23 The applicant has submitted a supporting statement which raises the following points:

- the proposal is in an area which accommodated commercial uses;
- replacement garage required to provide support services in close proximity to the existing businesses;
- work to be undertaken on site includes; pre-delivery inspection including MOT, MOT services in support of Suzuki;

- proposed use will not create any additional noise/disturbance than the previous use of the site;
- anticipated that it will employ two people with 6-10 cars worked on per day.
- no intention to sell any cars on site and not anticipated that the use will attract car transporter lorries;
- the proposed use will not attract any additional traffic than that associated with the previous use and the proposed use will not increase traffic movement in the immediate area; and
- the same function was operated from the former Brook Street premises for over 7 years without complaint and they consider the established mixed commercial area to be a more appropriate location for the proposed use.

7.24 In response to the above, it is considered that as the site is within an established industrial and commercial area and due to the scale of the proposal, it will not generate a high level of traffic and there is off-street parking within the site for parking associated with the proposed use. Therefore the application would not have a detrimental impact on the surrounding road network and the proposed location is appropriate for the proposed use.

7.25 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

8 CONCLUSION

8.1 The application for the MOT station/workshop is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - the MOT Station/workshop hereby approved shall not operate out with the hours of 0800 hours to 1800 hours Monday to Friday; 0800 hours to 1300 hours Saturday.

Reason – in order to ensure that the development would not result in an undue loss of amenity for surrounding properties.

- 2 **Condition** - deliveries and servicing of the MOT station/workshop, including loading, unloading or lay up, shall not take place out with the agreed operating hours (0800 hours to 1800 hours Monday to Friday; 0800 hours to 1300 hours Saturday).

Reason - in order to ensure that the development would not result in an undue loss of amenity for surrounding properties.

- 3 **Condition** - the total noise from mechanical and electrical plant/services shall not exceed NR45 during the day and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property.

For the avoidance of doubt night time shall be 2300 to 0700 hours.

Reason - in order to ensure that the development would not result in an undue loss of amenity for surrounding properties.

- 4 **Condition** - prior to the occupation of the unit hereby approved, the off street parking spaces on the north of the site shall be detailed on a site plan drawing and shall be approved in writing with the Planning Authority. Thereafter they shall be formed in accordance with the approved details and made available for vehicular parking for the development hereby approved. Thereafter, the parking spaces shall be retained and kept available for vehicular parking through the lifetime of the development.

Reason - In the interest of road safety and to ensure the provision of adequate off-street parking.

Informative

The site is within an area where basic radon protection measures should be installed as a matter of course in all new developments. This may include a suitable barrier membrane and ventilation and care should be taken during any renovation works to ensure ventilation is maintained. There is further information available at www.ukradon.org or the applicant may wish to discuss this with a Building Standards or Contaminated Land Officer.