

**KEY INFORMATION**

Ward Law

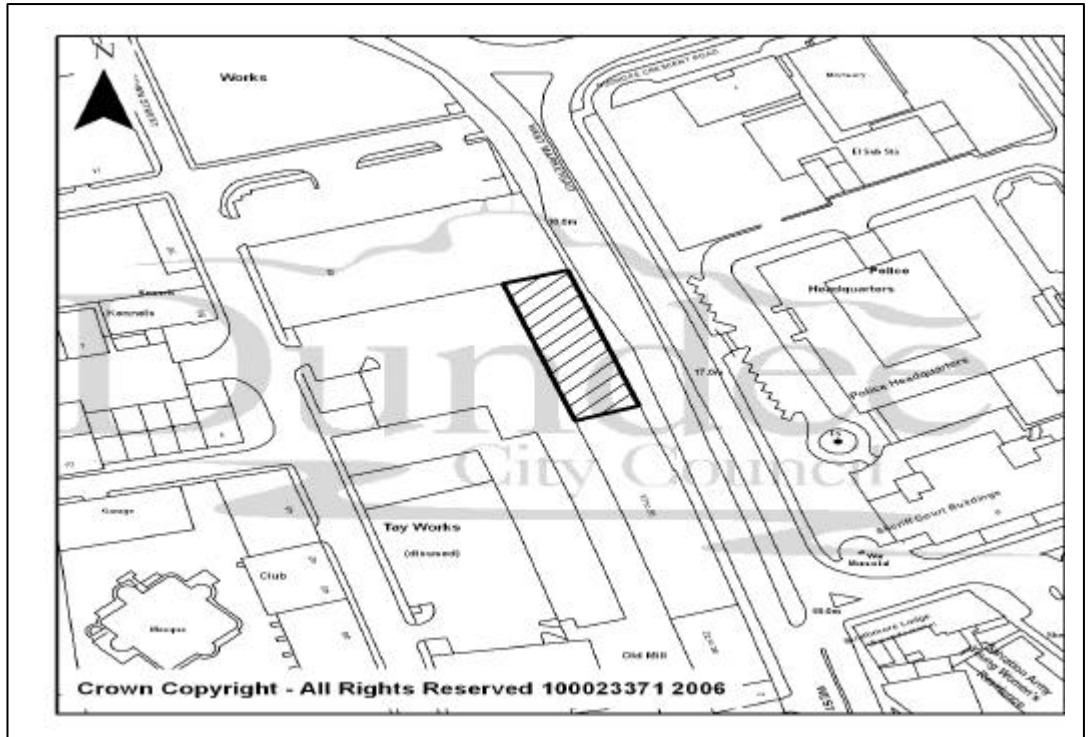
**Proposal**

Change of Use from offices to community centre

**Address**Taymills  
23 Brown Street  
Dundee**Applicant**Yusuf Youth Initiative  
c/o M A Hussain  
344C Perth Road  
Dundee  
DD2 1EP**Agent**

Registered 4 Oct 2006

Case Officer G S Reid



# Proposed Community Centre in Brown Street

Change of Use from offices to community centre is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that there are sufficient material considerations to justify a departure to the provisions of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for a change of use from offices to community centre at Taymills 23 Brown Street.
- The application raises issues for consideration in terms of Policy 26 (General Economic Development Areas) and Policy 28 (Higher Education Development) of the Dundee Local Plan Review 2005.
- A single letter of objection was received to the proposed change of use. The main grounds of objection were that the proposal has no dedicated car parking, would exacerbate existing parking problems in the area, would exacerbate existing problems of anti-social behaviour and would cause disturbance from noise to the residents above and surrounding the property.
- It is considered that whilst the proposed change of use would not be in accordance with Policy 26 of the Dundee Local Plan Review 2005 there are sufficient material considerations to justify a departure to the provisions of the development plan.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for a change of use from offices to community centre at Taymills 23 Brown Street.

The premises extend to 3,533 sq. metres gross floor area.

The applicants have advised that the Community Centre aims to cater primarily for young people of ages 12-18. The youth group is to be run under the Yusuf Youth Initiative and will have a membership scheme for those attending. The Centre will also be used for adults during the day-time. The hours of operation are proposed to be from 9am to 9pm seven days a week. The activities proposed within the centre are to include IT classes, homework clubs, mother and toddlers groups, arts and crafts, English for beginners, healthy eating, Arabic, form filling and keep fit.

The proposal is for a change of use and does not involve any internal or external alterations to the property.

The applicant has advised that they have 5 car parking spaces designated to them by the owners of the property. They highlight that the Centre would also have full access to the Dundee Central Mosque Car Park. This car park has 120 spaces.

## SITE DESCRIPTION

The application site is located to the west of West Marketgait. The application property is the ground floor in a 4 storey commercial building which is Category A listed. The premises were previously occupied by offices of Telewest. Access to the building is taken from Brown Street. The upper floors of the building are all in residential use. To the west of the building is car parking for the surrounding uses. There are 5 spaces available for the proposed use. The surrounding uses are mixed industrial, commercial, leisure and retail.

## 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 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:

- there is no detrimental impact on neighbouring uses and local residential amenity, and
- there is no unacceptable traffic impact; and
- 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 28: Higher Education Development**

The City Council will support further higher education development generally and particularly in association with relevant business and research expansion. Development proposals in the Blackness area will be encouraged subject to other Local Plan policies and agreed Masterplan.

#### 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

There is no site history of relevance to the consideration of the application.

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours. A single letter of objection was received to the proposed change of use. The main grounds of objection were that;

- The proposal has no dedicated car parking associated with it and as a result it would exacerbate existing parking problems in the area
- The proposal would increase the existing misuse of the existing dedicated parking for other uses in the area.
- The proposal would exacerbate existing problems of anti-social behaviour in the area.
- The proposal would cause disturbance from noise to the

residents above and surrounding the property.

A copy of the letter of objection is available in the Members' Lounges. The concerns raised will be addressed in the Observations section of the report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that he had no objection to the proposed change of use subject to a condition being imposed covering the control of amplified music and vocals.

No adverse comments were received to the proposal from any of the other statutory consultees.

## 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 application site is located within the Blackness Area. Policy 26 (General Economic Development Areas) applies to the area. The Policy advises that within 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 subject to specific criterion being met.

The current proposal is for a Community Centre which would not fall within the uses classes considered as acceptable by this policy. The proposal does allow for some exceptions but the proposed use would not fall within the terms of these either.

It is considered that the proposal is contrary to the provisions of this policy.

Policy 28 (Higher Education Development) also covers the application site and advises that the City Council will support further higher education development generally and particularly in association with relevant business and research expansion. The policy also advises that development proposals in the Blackness Area will be encouraged subject to other Local Plan policies and agreed Masterplan.

The current proposal would not fall into any of the uses that this policy gives support to. As such the proposal does not benefit from the support of this policy.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

### Other Material Considerations

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

Policy 26 limits uses in the Blackness area to Classes 4, 5 and 6 and other uses of a wider industrial nature. There are however, already other uses outwith those allowed by Policy 26 in the area such as a mosque, a dance school, retail and residential. These uses are in close proximity to the application premises. The floors directly above the premises are in residential uses. There have therefore been exceptions to the provisions of Policy 26. As a result this part of the Blackness Industrial Area has a more mixed use character than other parts. Given the location of the application premises and the nature of the surrounding uses it is considered that the loss of this unit would not undermine the industrial/commercial nature of the wider Blackness Area. As such it is considered that there is sufficient justification to set aside the provisions of Policy 26

A single letter of objection was received to the proposed change of use. The following addresses the main grounds of objection:

- 1 "the proposal has no dedicated car parking associated with it and as a result it would exacerbate existing parking problems in the area." The applicant has advised that 5 spaces are to be available for use by the Community Centre. In addition, the centre has connections with the Mosque in

Brown Street with use of its car parking. There is also on-street car parking in the surrounding area. It is considered that there is sufficient car parking available to accommodate the use.

- 2 "the proposal would increase the existing misuse of the existing dedicated parking for other uses in the area." It is noted that the car parking in the area is already controlled by barriers or other means. It is considered that any existing or future misuse of car parking is matter of enforcement as it is considered that adequate provision is available for the Community Centre.
- 3 "the proposal would exacerbate existing problems of anti-social behaviour in the area." The community centre is to be managed with a membership scheme. It is considered that the proposal would not give rise to any issues of anti-social behaviour.
- 4 "the proposal would cause disturbance from noise to the residents above and surrounding the property." The Head of Environmental Health and Trading Standards has raised no objection to the proposed development in terms of disturbance from noise subject to the imposition of a condition. It is considered that the proposal can be accommodated without disturbance to residents from noise.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

### Design

The proposal is for a change of use and no physical alterations are proposed at this time.

## CONCLUSION

It is considered that whilst the proposed change of use is not in accordance with the provisions of Policy 26 of the Dundee Local Plan Review 2005 there are sufficient

material considerations to justify a departure to the policies of the development plan.

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## RECOMMENDATION

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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 amplified music and vocals shall be so controlled as to be inaudible within the flats at 22-36 and 37-50 Brown Street.
- 3 The use hereby permitted shall not operate between 2100 hrs to 0900 hours.
- 4 The use hereby permitted shall be carried on only by the Yusuf Youth Initiative.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the existing amenity enjoyed by residents is not detrimentally affected due to disturbance from noise.
- 3 In the interests of residential amenity and to comply with the Council's standards for the control of night-time noise.
- 4 To ensure that any change in the nature of the operation can be assessed in terms of its impact on the surrounding area.