

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 10 SEPTEMBER 2019

PLANNING APPLICATION – MUIRHEAD POLICE STATION, 2 LIFF ROAD, MUIRHEAD

GRID REF: 334421 : 734327

SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No. 19/00421/FULL which seeks permission for the change of use of a former police station to a laundrette at Muirhead Police Station, 2 Liff Road, Muirhead for Mr Paul Bjormark. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. INTRODUCTION

3.1 Planning permission is sought for the use of the existing building to a laundrette. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to approximately 623sqm and comprises the former Muirhead Police Station premises. The site includes the former flat roof police station building that fronts Liff Road as well as parking spaces to the front of the property and a yard and associated garages to the rear of the building. The yard and garages are accessed from Liff Road to the north of the building.

3.3 The application is for the change of use only and no alterations are proposed to the external appearance of the building. A laundrette constitutes a Class 1 use as defined within the Town and Country Planning (Use Classes) (Scotland) Order 1997. That use class includes shops, hairdressers and post offices.

3.4 The application has been advertised in the press and was subject of statutory neighbour notification as required by legislation.

3.5 This application requires to be determined by Committee because it is recommended for approval in circumstances where there is an objection from the community council.

4. RELEVANT PLANNING HISTORY

There is no relevant planning history on this site.

5. APPLICANT'S CASE

The applicant has submitted an e-mail in support of the application which can be viewed on the council's [Public Access](#) system. It is summarised as follows:

- The business would be open to general public;
- Proposed opening hours are 9am - 6pm Monday – Friday; 9am - 2pm on Saturday; with no opening on Sunday;
- 10no. x 18kg light commercial washing machines are proposed;
- 6no. condenser dryers are proposed and no extraction is required;
- No external extraction system is required;
- No dry cleaning service would be provided.

6. CONSULTATIONS

6.1 **Scottish Water** – No objections.

6.2 **Muirhead and Birkhill Community Council** – Objects to the application on the grounds that the proposed use is not in keeping with the locality. Concern is raised regarding potential amenity impacts from emissions. Concern is also raised that the extra traffic generated would impact on the junction with Liff Road and Coupar Angus Road.

6.3 **Angus Council Environmental Health** – No objections. A number of conditions are proposed to safeguard amenity of occupants of nearby premises.

6.4 **Angus Council - Roads** – No objections on the basis of available parking associated with the proposed use.

7. REPRESENTATIONS

7.1 5 letters of representation have been received. The letters will be circulated to Members of the Development Standards Committee and a copy will be available on the council's [Public Access](#) website. The following matters have been raised in relation to the application and are discussed under Planning Considerations below: -

- Proposed laundrette use is not appropriate and the proposal would be an eyesore;
- Noise and environmental pollution
- Increased traffic, parking impacts and road safety concerns;

7.2 Objectors have raised concern regarding the lack of information submitted in relation to proposed operation. The applicant submitted further detail and there is sufficient information available to determine the planning application.

7.3 Objectors have questioned the need for the proposed use at this location. However, lack of need is not a valid reason in itself for refusing planning permission. Whether there is a need for this type of use at this location is a commercial consideration for the applicant; it is not a planning consideration.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises:-

- [TAYplan](#) (Approved 2017)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

8.3 The application is not of strategic significance and the policies of TAYplan are not referred to in this report. The ALDP forms the main basis for the consideration of the proposal and the relevant policies are reproduced at Appendix 2.

8.4 The application site is located within the Muirhead and Birkhill development boundary as defined by the ALDP. Policy DS1 in the ALDP states that proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported

where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP. Policy DS4 states that all proposed development must have full regard to opportunities for maintaining and improving environmental quality. It identifies that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties and identifies matters that will be considered in making that assessment. The policy also indicates that proposals which have an impact on amenity may be supported if the use of conditions would ensure that appropriate mitigation is secured.

- 8.5 This proposal is for a Class 1 use in terms of the Use Classes Order. That use class would allow the property to be used for purposes including a shop, a hairdresser, a post office or for the launderette which is currently proposed. The use class is reasonably wide but the uses that fall within it are considered to give rise to similar environmental impacts. Any existing building in Class 1 use could be used as a launderette without the requirement for planning permission. Similarly, any existing launderette could be used for another purpose within Class 1 without the planning permission.
- 8.6 The application site is located within a development boundary. It is located adjacent to residential property but in an area where there are other uses including a children's nursery, a scout hall and a medical practice. The application site was formerly used as a police station and in this respect would have attracted a degree of activity at different times throughout the day. Its hours of operation were not restricted. Within the wider area there are other Class 1 uses that have a similar relationship to neighbouring houses as the application site and it is not unusual to find uses within that Class in proximity of residential property. In broad terms the principle of a Class 1 use at this location is acceptable.
- 8.7 The specific launderette use proposed would see the building accommodate washing machines and dryers. Those have potential to generate some noise but the Environmental Health Service has suggested that this could be controlled by conditions setting noise limits. The Environmental Health Service initially indicated that a condition should be attached to prevent dry-cleaning at the premises but such use also falls with Class 1 of the Use Classes Order. Environmental Health officers have subsequently confirmed that drycleaners are regulated by SEPA and a condition preventing such activity at the site is not required. In these circumstances a condition preventing dry-cleaning at the premises would not meet the tests set out in Circular 4/1998.
- 8.8 The applicant has indicated proposed hours of operation and the Environmental Health Service has suggested that planning conditions could be used to limit the hours of operation to those proposed. However, in subsequent discussion that Service has indicated that the proposed noise limit conditions would adequately mitigate impacts associated with the development such that there would be little justification to restrict the hours to those proposed. Notwithstanding that, the site is close to neighbouring residential property and vehicular activity or loading and unloading very early in the morning or late at night could result in disturbance to occupants of those properties. In these circumstances it is considered appropriate to restrict the hours of operation.
- 8.9 The application site contains car parking spaces adjacent to the road and has a yard area to the rear that is also capable of accommodating vehicles. It was previously used as a police station and there would have been vehicular movement associated with that use at all hours. The Roads Service has reviewed the proposal in terms of traffic movement, car parking provision and impacts on road safety and has offered no objection. There are other Class 1 uses in the wider area that operate without significant adverse impact on road traffic safety. There is no evidence to suggest that the proposal would give rise to any significant impact on road safety.
- 8.10 The proposal does not give rise to any other significant issues in terms of development plan policy. It is of a scale and nature appropriate to the location and is compatible with the development plan subject to the proposed planning conditions that seek to minimise the impact of the development on the amenity of those that live in the area.
- 8.11 In terms of material considerations it is necessary to have regard to the relevant planning matters raised in the letters of representation and in the response from the Community Council. The building was previously in use as a police station and the proposed Class 1 use at this location is compatible with development plan policy. No physical alterations are proposed to the exterior of the building and there is no evidence to suggest that a launderette would detract from the visual amenity of the area.

- 8.12 Planning conditions are proposed to limit noise emissions from the premises and there is no reasonable basis to conclude that the operation of washing machines and dryers would give rise to any other significant emissions or environmental pollution. Waste water would be discharged to the public sewer using the existing drainage connection.
- 8.13 There is car parking within the site and this is a location where the previous use would have generated some activity and vehicle movement. The Roads Service has indicated that it is satisfied that the proposed use can be accommodated at this location without giving rise to any unacceptable impacts in terms of road traffic or pedestrian safety. Other Class 1 uses operate in the wider area without significant adverse impact.
- 8.14 In conclusion, the proposal provides for the reuse of the former police station. The proposed use falls with Class 1 of the Use Classes Order and such uses are commonly found within development boundaries and in proximity of houses. The nature of the use proposed is compatible with development plan policy. The concerns raised by third parties have been taken into account in the preparation of this report and conditions are proposed that seek to mitigate potential impacts associated with the development. The Class 1 use subject of this application is compatible with the development plan subject to those conditions. There are no material considerations that justify refusal of planning permission.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposal allows for the reuse of a building within a development boundary in a manner that complies with the development plan subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission.

Conditions:

1. Noise from activities associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35.

Reason: In order to protect occupants of nearby noise sensitive properties from unacceptable noise.

2. Noise from activities associated with the development shall not exceed 50 dB L_{Aeq} (1hour) as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

Reason: In order to protect occupants of nearby noise sensitive properties from unacceptable

noise.

3. The use hereby permitted shall only take place between 0700 and 2200 hours.

Reason: In order to safeguard the amenity of occupants of nearby residential property.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

REPORT AUTHOR: KATE COWEY

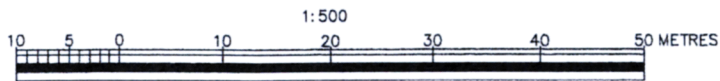
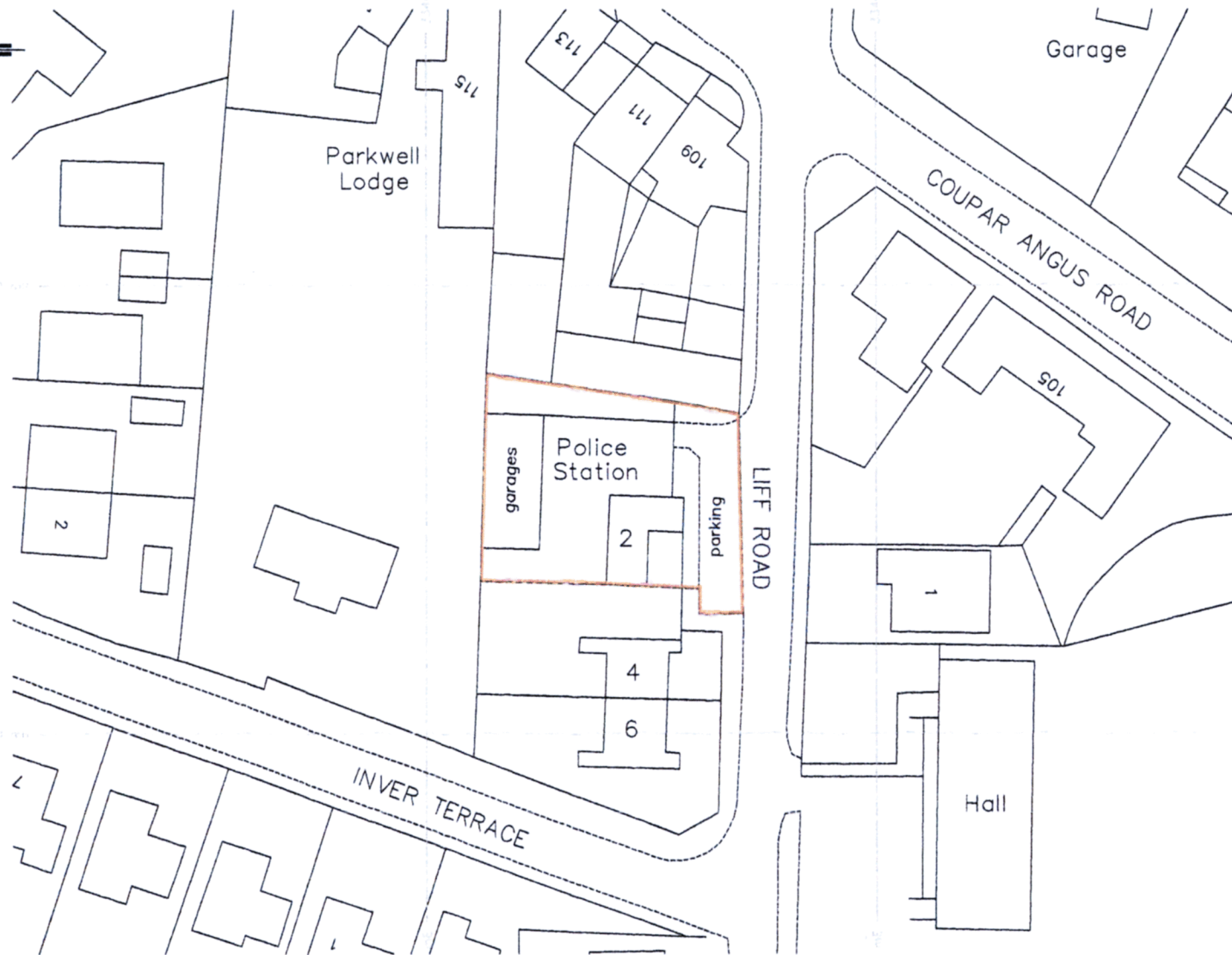
EMAIL DETAILS: planning@angus.gov.uk

DATE: 2 SEPTEMBER 2019

APPENDIX 1: LOCATION PLAN

APPENDIX 2: DEVELOPMENT PLAN POLICIES

Appendix 1: Location Plan



Contents within the boundaries shown outlined Red extends to :- 631 square metres or thereby.

Rev.	Date	Revision	Initials
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POLICE SCOTLAND

Keeping People Safe
www.scotland.police.uk

Estates Department

TITLE: Property at,
2 Liff Road,
Muirhead,
Dundee. DD2 5QF.

PROJECT: Former Muirhead Police Office.

Property to be Disposed to

Plan prepared by the - Estates Section of Housing & Technical Resources - South Lanarkshire Council.

File No.	Project No.		
Police Division.	D		
Council.			
Registration Area.			
Drafted by	AMcW (SLC)	OS Sheet	NO3434
Surveyed by	AMcW (SLC)	Date	30/10/18
Checked by		Dwg.Type	DIS
Sheet 1 of 1		Drawing No.	D_00004
Scale 1:500			

Appendix 2 – Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.