

KEY INFORMATION

Ward Strathmartine

Proposal

Change of use from shop to hot food takeaway

Address

5 Haldane Avenue
Dundee
DD3 0JL

Applicant

Avril Doderio
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Dundee
DD3 0NH

Agent**Registered**

18 January 2002

Case Officer

Dennis Gordon



Proposed Hot Food Takeaway for Haldane Avenue

Change of use from shop to hot food takeaway is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal to change the use of a vacant shop unit to a hot food takeaway is unlikely, by virtue of its location and the proposed hours of operation, to adversely impact on the environmental quality enjoyed by local residents. Accordingly, the application is recommended for APPROVAL, subject to conditions as outlined at the end of this report

SUMMARY OF REPORT

- Planning permission is sought to change the use of a vacant shop unit to a takeaway facility which will cater for the sale of both hot and cold food. The applicants have advised on the range of foods to be sold and have stated that the preferred opening times of the premises will be 0800 hrs - 1700 hrs. Monday to Friday and 0900 hrs - 1300 hrs on Saturday.
- The site is located on the east side of Haldane Avenue and forms part of a terrace of single storey shops, several of which are currently vacant.
- The site is identified as being in an area where developments will be permitted where they do not adversely affect the environmental quality of the local residents (Policy H1). The proposal is also subject to the requirements of Policies LT8 and LT9 of the Dundee Local Plan which refer to the location and operational aspects of hot food premises.
- The application was advertised in the local press as a 'bad neighbour' development on 29 January 2002. In addition, the proposal was also advertised as development contrary to the development plan on 4 February 2002. No objections to the application have been received.
- The proposal will not significantly impact on the environmental quality of the surrounding area and will generate additional activity within the small parade of shops during daytime hours.

DESCRIPTION OF PROPOSAL

The proposal involves a change of use of a shop unit to a takeaway facility, which will cater for the sale of both hot and cold foods. The applicants advise that the hot food will be limited to chips and hot rolls (bacon, egg, sausage etc). The proposed method of cooking within the premises will be gas cooker, microwave, deep fat fryer, griddle and bain marie. The stated hours of operation of the facility will be 0800 hrs - 1700 hrs Monday to Friday and 0900 hrs - 1300 hrs Saturday.

The premises measure approximately 68 square metres gross floor area.

SITE DESCRIPTION

The site is located on the east side of Haldane Avenue and occupies a single unit in the southern section of a small parade of single storey shops. Several of the shop units, including the application site, are currently vacant. Haldane Avenue is one way directly outside the shops and on street car parking is available.

The surrounding area is predominantly residential. The nearest residential properties are located to the south and east (16 metres and 35 metres respectively).

POLICY BACKGROUND

There are no National or Structure Plan policies of relevance to this application.

DUNDEE LOCAL PLAN 1998

Policy H1 - Within areas where residential use predominates, developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and where they are in accordance with the policies and proposals found elsewhere in the Plan.

Policy LT8 (amended June 1998) - Outwith the City Centre no licensed premises other than off licences or hotels with a restricted license and no premises selling hot food other than those covered by Policy LT9 of the Plan is acceptable:-

- a within 30 metres of existing and proposed housing if the outlet does not exceed 150 square metres gross floorspace and;
- b within 45 metres if the 150 square metre figure is exceeded

Policy LT9 (amended June 1998) - Where hot food carryout premises and snack bars / cafes / tea rooms are proposed which would not meet the requirements of Policy LT8 above, these may be permitted subject to conditions limiting:

- a the hours of operation to between 0700 hrs and 1900 hrs, and
- b the hot food does not require to be prepared on the premises and will only require heating by means of a microwave oven or other method which would not cause a nuisance to surrounding residential property by virtue of smell.

LOCAL AGENDA 21

The proposal involves the re-use of a vacant shop unit and is therefore supported under the key themes of Local Agenda 21



SITE HISTORY

There are no recent planning applications for this property which are of direct relevance to this application.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants. The proposal was also advertised in the local press as a 'bad neighbour' development (Section 34 of the Act) on 29 January 2002. In addition, the application was

advertised as development contrary to the development plan (Policy LT8) on 4 February 2002.

No objections to the proposal have been received.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals. No objections to the proposals have been received.

The Director of Environmental and Consumer Protection has advised that the proposal is acceptable providing the facility operates within the hours as stated above and that the method of cooking/heating of food is limited to the range of equipment as stated by the applicants.

OBSERVATIONS

The determining issues for the Committee in this instance are:-

- 1) Whether the change of use is in accordance with the relevant policies and proposals of the development plan and if not are there any material considerations that would justify the setting aside of the policies and granting permission for the development
- 2) Whether the proposal will have a detrimental impact on the environmental quality of the surrounding occupiers

The proposal involves changing the use of a vacant shop unit to a takeaway facility which will sell a selection of both hot and cold foods. The applicants have indicated that the range of foods to be sold from the premises will

be limited to cold filled rolls, chips, hot rolls (bacon, egg, sausage etc). The applicants also have advised that the facility will operate only between the hours of 0800 hrs - 1700hrs Monday to Friday and 0900hrs - 1300hrs on Saturday. The cooking facilities to be used within the premises are a gas cooker, microwave oven, deep fat fryer, griddle and a bain marie.

The relevant policies relating to this proposal are Policy H1 (protection of residential amenity), Policies LT8 and LT9 (location of hot food premises).

With regard to Policy H1, it is considered that the domestic scale of heating the food within the premises (as outlined above) is unlikely to give rise to problems of smell to surrounding occupiers. It is intended to attach a condition to any permission granted which will require that an appropriate extraction system be operational within the premises prior to the commencement of any cooking/heating operations being carried out. In addition, it is considered that the proposed opening hours of the facility, ie 0800 hrs - 1700 hrs weekday and 0900 hrs - 1300 hrs Saturday, is also unlikely to give rise to complaint from local residents (as compared to a late night opening and beyond).

With regard to Policy LT8 (amended 1998), this states that, inter alia, hot food premises will not be permitted within 30 metres of existing or proposed housing if the outlet does not exceed 150 square metres. In this instance, there are 3 dwellings to the south located within 30 metres of the application site (16 m, 26m and 30 m respectively). Consequently, the proposal is considered to be contrary to this Local Plan policy.

With regard to Policy LT9, this states that where hot food carryout premises are proposed which would not meet the requirements of Policy LT8 above, these may be permitted subject to conditions limiting hours of operation to 0700 hrs - 1900 hrs and the method of preparation being limited to a method of heating which would not cause a nuisance to surrounding residential properties by virtue of smell. It is considered that the type of operation proposed by the applicants ie limited hours and domestic scale heating would be in accordance with the requirements of Policy LT9.

The provision of such a small scale facility within this parade of shops should not impact on the environmental quality of the surrounding occupiers and may indeed generate additional daytime activity and improve the occupancy rate of the shops all to the benefit of the local area.

DESIGN

There are no elevational alterations proposed and consequently there are no design issues in this instance.

CONCLUSION

Hot food premises offer a local service and such should be widely dispersed throughout the City and readily accessible to the residential areas they serve. The siting of these facilities within the City Centre, District Centres and in some circumstances, local centres and smaller shopping parades, hold out the best prospect for achieving an optimum balance between the protection of residential amenity and the convenience of the customer.

The proposal in question, with the suggested hours of operation and the intended domestic scale heating methods, is considered appropriate for this small parade of shops. The impact on the environmental quality of the surrounding occupiers will be minimal and the use may generate some welcome daytime activity in the local area and improve the current occupancy rate of the parade.

While the proposal contravenes Policy LT8 of the Plan, it is considered to be in accordance with Policy LT9 and accordingly, taking into account the above, support of the application is offered.

RECOMMENDATION

It is recommended that planning permission 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 That the opening hours of the hot food carryout facility hereby granted permission shall be from 0800 hrs - 1700 hrs Monday to Friday and 0900 hrs - 1300 hrs Saturday and at no time on Sunday.
- 3 That the method of cooking / heating food within the premises shall be limited to gas cooker, microwave, griddle, deep fat fryer and bain marie only and by no other method without the prior written approval of the planning authority.

- 4 That an appropriate ventilation shall be operational within the premises prior to the commencement of trading from the shop

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the environmental quality of the neighbouring properties.
- 3 To protect local residents from nuisance resulting from the dispersal of cooking odours.
- 4 To protect local residents from nuisance resulting from the dispersal of cooking odours