

KEY INFORMATION

Ward Baxter Park

Proposal

Upgrading of shop facades and change of use of one unit (169) from shop to cafe

Address

169-171 Albert Street
Dundee
DD4 6PX

Applicant

Mrs Sandra Button
c/o 18 South Tay Street
Dundee

Agent

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Partnership
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Registered 12 Nov 2003

Case Officer Julie Finlay



The upgrading of shop facades and change of use of one unit (169) from shop to café is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal represents an opportunity for a vacant property to be re-used and the frontage to be significantly improved in visual terms. It is considered that the proposal complies with the development plan policies and there are no material considerations that would justify refusal of the application in these circumstances.

SUMMARY OF REPORT

- Planning permission is sought for change of use from vacant shop to café and new shopfront.
- Policies LT8 and LT9 of the Dundee Local Plan 1998 apply and Policy 63 of the Finalised Dundee Local Plan Review.
- One valid letter of objection was received raising concerns about traffic issues and pedestrian safety.
- It is considered that the proposal complies with the relevant policies in the Adopted and Revised Plan and there are no material considerations to justify refusal of the application in these circumstances.

DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use from vacant shop to cafe and new shopfront at 169-171 Albert Street, Dundee.

The shopfront will be painted mid green and the stallrisers will have a smooth cement render and will be painted green. A new panel door will be installed, internal shutters and sun blind canopy.

SITE DESCRIPTION

The application site is located on the east side of Albert Street and it is the ground floor premises of a four storey tenement building with flats above. The shopfront is painted white and is mainly glazed. There is a takeaway to the north which will be linked internally to the application property. The takeaway has a green painted frontage, recessed doorway and two brass downlighters above the fascia sign. A charity shop is located to the south and a bus shelter slightly to the north. There is a church and shops on the opposite side of Albert Street

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

LT8: Licensed and Hot Food Premises

LT9: Hot Food Carryout Premises

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 53: Licensed and Hot Food Premises Outwith the City Centre.

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.



LOCAL AGENDA 21

Key Theme 7 indicates that access to facilities, services, goods and people is not achieved at the expense of the environment.

SITE HISTORY

Planning permission was granted for change of use from shop to shop with hot food takeaway, with restrictions on opening hours and type of food to be sold, on 13th June 2001.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one valid letter of objection was received from a neighbouring business stating concerns about traffic issues and pedestrian safety. A letter was received stating concerns about commercial competition which is not a valid objection in planning terms. The application was advertised as a bad

neighbour development on 18th November 2003.

CONSULTATIONS

There were no adverse comments from consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

whether the proposals are consistent with the provisions of the development plan; and if not

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.

Policy LT8 restricts the location of hot food premises within 30 metres of existing and proposed housing if the outlet does not exceed 150sqm. There are flats above the premises, so the proposal is contrary to this policy.

However Policy LT9 applies which states that where small scale cafes are proposed which do not meet the requirements of Policy LT8, they may be permitted subject to conditions limiting:

The hours of operation to between 8am and 6pm.

The hot food sold is limited to snack items which do not require to be prepared on the premises and only require heating by means of a microwave oven.

The proposed opening hours are 8.30am to 3pm (Monday to Friday) and 9am to 3pm (Saturday) and the food will only be prepared within the adjacent premises.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 53 reflects the criteria in Policies LT8 and 9 of the Dundee Local Plan 1998. The Policy allows some relaxation on the controls within the District Centre and the hours of operation are limited to 7am to 7pm and hot food should only require heating by a microwave. As discussed above the proposed opening hours comply with this criteria and the hot food will not be prepared within the application premises but from the adjacent premises to the north. Therefore it is considered that the proposal complies with this Policy.

Objections

One valid letter of objection was received about traffic issues and pedestrian safety. The applicant has provided additional information about deliveries and indicates that there will be one large delivery every two weeks and rolls are delivered at 5am. Other goods required are collected personally by the applicant. It is considered that these deliveries will not have an adverse impact on traffic or pedestrian movement at this location. As the premises are located within a District Centre, there is no requirement for parking to be provided.

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

Design

The application premises will be linked with the takeaway to the north and will be painted and finished in materials to match. This is considered acceptable at this location and will improve an otherwise derelict property.

CONCLUSION

The proposal represents an opportunity for a vacant property to be re-used and the frontage to be significantly

improved in visual terms. It is considered that the proposal complies with the development plan policies and there are no material considerations that would justify refusal of the application in these circumstances.

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 The cafe shall only operate from 8.30am to 3pm (Monday to Friday) and 9am to 3pm (Saturday), unless otherwise agreed in writing by the Council.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To protect the amenity of adjacent neighbours from potential noise and smell disturbance.