

**KEY INFORMATION**

**Ward** Balgay

**Proposal**

Change of Use from Laundry to Hot Food Takeaway

**Address**

87 Charleston Drive  
DUNDEE DD2 2HB

**Applicant**

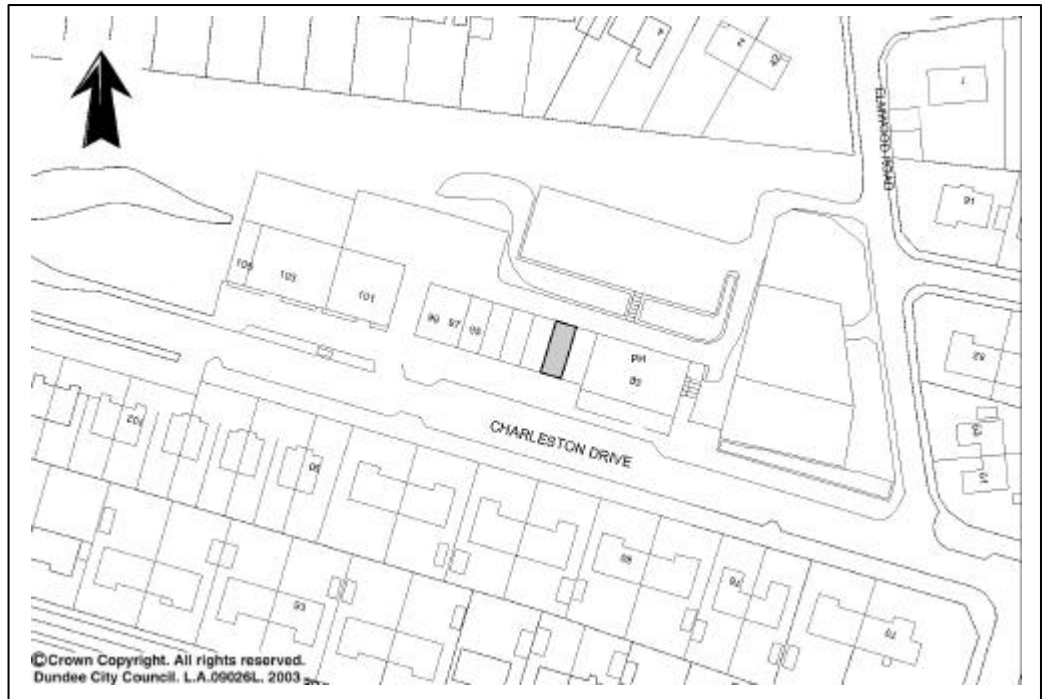
Maurice Golden  
81a Tay Street  
Newport  
DD6 8AQ

**Agent**

David Ireland Associates  
18 South Tay Street  
Dundee  
DD1 1PD

**Registered** 20 Sept 2004

**Case Officer** J Robertson



## Proposed Hot Food Takeaway in Charleston Drive

A Change of Use from a laundry to a hot food takeaway is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to contravene certain policies of the development plan but is in accordance with other relevant policies. It is also considered that the material considerations provide sufficient weight to warrant approval of the application.

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

**SUMMARY OF REPORT**

- Planning permission is sought for the change in use of a launderette to hot food takeaway at 87 Charleston Drive.
- Housing Policy H1 and Leisure and Tourism Policy LT8 of the Dundee Local Plan 1998 are relevant to this application. Policy 1 and Policy 53 of the Finalised Dundee Local Plan Review are material considerations to reiterate the former policies.
- No public representation was received in relation to the proposal.
- It is considered that the proposed development is contrary to Leisure and Tourism Policy LT8 of the Dundee Local Plan 1998 and Policy 53 of the Finalised Dundee Local Plan Review. However it considered to be in accordance with Housing Policy H1 of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review and it is considered that the material considerations provide sufficient weight to warrant approval of the application contrary to the provisions of the adopted Local Plan.
- The application was deferred from the December 2004 Development Quality Committee to confirm ownership of the car park to the north of the application site. Confirmation was received that 87 Charleston Drive had no ownership over this car park. It is therefore considered that the recommendation should be retained with no additional conditions in relation to the car park.

## DESCRIPTION OF PROPOSAL

The application is for planning permission for a change of use from a laundry to a hot food takeaway at 87 Charleston Drive, Dundee. The existing façade is to be retained in keeping with the adjacent properties. There is an existing rear access door and service area to the rear to facilitate the property.

## SITE DESCRIPTION

The application site is located on the north side of Charleston Drive with Elmwood Road to the east and an area of public open space and a public car park to the north.

## 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:

Housing Policy H1 - Existing Residential Areas

Leisure and Tourism Policy LT8 - Licensed and Hot Food 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 1 - Vibrant and Sustainable Communities

Policy 53 - Licensed and Hot food Premises

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 8, Town Centres and Retailing,

Paragraph 83: Restaurants, Pubs and Hot Food outlets, it may be appropriate for the use to be located on existing shopping area, account should be taken of traffic noise and nuisance as well as proximity to residential use.

## 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 is of relevance and seeks to ensure that access to facilities,



services, goods and people is not achieved at the expense of the environment and are accessible to all. It is considered that the proposed development achieves this aims of this key theme

## SITE HISTORY

There is no site history of relevance to this application.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the application was advertised in the "Dundee Courier and Advertiser" on 28 September 2004 under Section 34 of the 1997 Act as a potential bad neighbour and on 6 October 2004 as a departure from the Development Plan.

No public representation was received.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that he had no objections to the application subject to appropriate conditions

regarding mechanical and electrical plants and fume extraction.

No adverse comments were received 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

Leisure and Tourism Policy LT8 - Licensed and Hot Food Premises. The policy advises that no licensed premises or premises selling hot food is acceptable within 30 metres of existing housing. There are 3 residential properties located within 30 metres of the proposed hot food premises. The closest property is approximately 24 metres from its northern boundary and the front of the proposed takeaway. There are no residential properties on the upper levels of the shopping parade. It is considered that the proposal is contrary to the Policy LT8.

Housing Policy H1 - Existing Residential Areas. The policy advises that developments would not be permitted where they adversely affect the environmental quality enjoyed by residents by virtue of design, layout, parking and traffic movement, noise and smell. The proposed hot food premises will be located in an existing parade of local shops including a bar/restaurant, two hot food takeaways and a newsagent. The design and layout of the unit is in keeping with the surrounding units, maintaining the existing frontage. With regards to parking and traffic movement, there is an existing parking area to the front and a public car park to the rear of the property, which should prove sufficient to deal with customers using the facilities during hours of operation. In terms of traffic movement in

relation to the hot food premises, delivery vehicles will be expected to use the service area to the rear of the premises with deliveries through the rear door of the existing unit. With regards to potential noise and odour there is residential properties within 30 metres of the premises, the nearest is approximately 24 metres in distance but is separated by a main road and the house is on a higher level of ground than the existing shopping parade. It is therefore considered that the takeaway is unlikely to have a detrimental affect on the residential amenity of the existing residential properties. It should be noted that there are already existing hot food takeaways within the shopping parade and it is considered that this is suitable location for the proposed. If the application is approved it will be necessary to provide conditions regarding mechanical and electrical plant and fume extraction to reduce potential impact on surrounding residential properties. It is considered that the proposal is in accordance with Housing Policy H1.

It is concluded that the proposal contravenes Policy LT8 but complies with Policy H1 of the development plan. It is considered that the justification given for compliance with Housing Policy H1 provides adequate weight in support of the application.

### Other Material Considerations

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

### Finalised Dundee Local Plan Review

Policy 1 - Vibrant and Sustainable Communities. For the reasons set out for Housing Policy H1 it is considered that the proposal complies with Policy 1.

Policy 53 - Licensed and Hot Food Premises outwith the City Centre. For the reasons set out for Leisure and Tourism Policy LT8 it is considered that the proposal is contrary to Policy 53.

NPPG 8, Town Centres and Retailing

In terms of Hot Food Outlets the planning guidance given in NPPG 8 indicates that it is appropriate to locate hot food takeaways in existing shopping areas. In this instance the unit will be located in an existing shopping parade. In terms of traffic

noise and nuisance, and the impact on the surrounding residential area the reasons given for Housing Policy H1 address these issues. It is considered that the proposal complies with the guidance given in NPPG 8.

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

### Design

The design of the hot food takeaway is considered to be in keeping with the surrounding area, as the existing frontage will remain the same. In terms of design the unit will have no adverse impact on the surrounding area.

### CONCLUSION

As detailed above it is considered that the proposal is contrary to Leisure and Tourism Policy LT8 of the Dundee Local Plan 1998 and policy 53 of the finalised Dundee Local Plan Review. It is considered that the proposal is in accordance with Housing Policy H1 of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review. It is also considered that sufficient weight can be given to the material considerations to justify granting planning permission contrary to the development plan.

### 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 All mechanical and electrical plant shall not exceed NR35 as measured 1 metre from the façade of any residential property.
- 3 Details of the fume extraction equipment, filters and flue to be used shall be submitted to the Council for approval prior to the commencement of the development and if approved the development will be carried out

only in full accordance with the approved details.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure any potential noise emanating from the building would not adversely affect the amenities of the occupiers of nearby properties.
- 3 To ensure that any potential issues associated with odour are addressed.