

KEY INFORMATION

Ward Ninewells

Proposal

Change of Use from retail unit to hot food take-away with elevational alterations

Address

7 Orleans Place
Dundee
DD2 4BH

Applicant

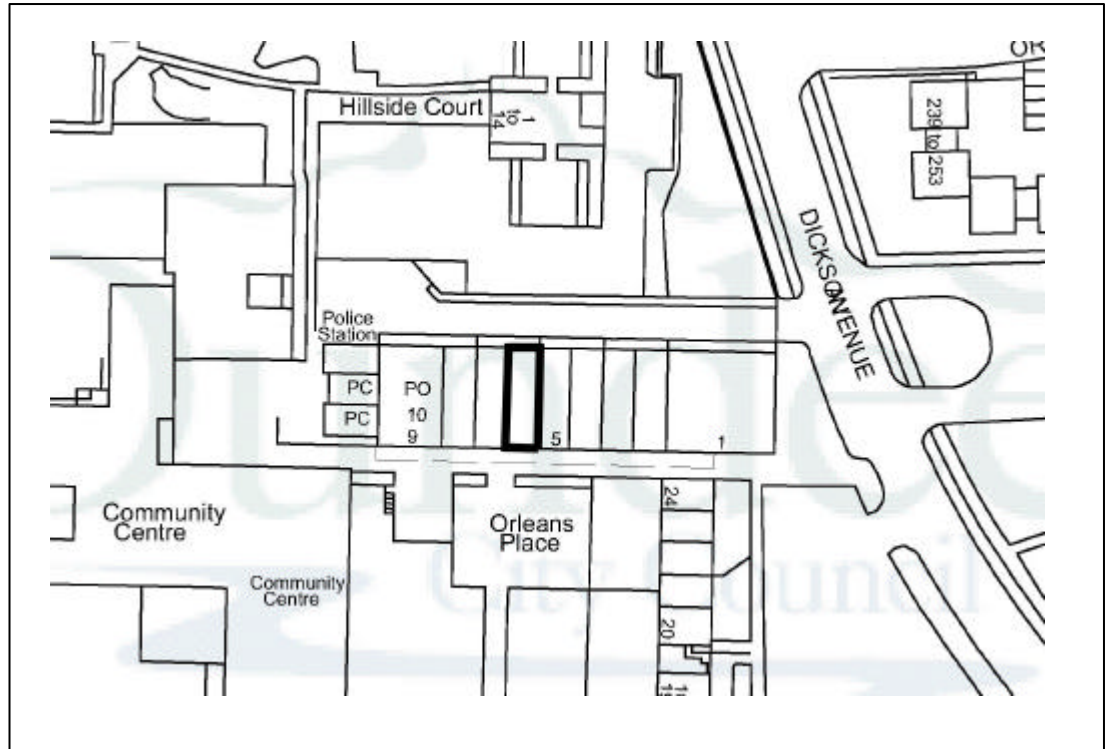
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Agent

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Registered 30 March
2005

Case Officer Eve Jones



Proposed Hot Food Takeaway in Orleans Place

A Change of use from a retail unit to hot food take-away is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development fails to meet the policy requirements as the site is 27 metres rather than 30 metres from the nearest house. It is in a group of local shops with similar uses and is unlikely to have a detrimental impact on nearby residents. There were no objections. Accordingly the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of a retail unit to a hot food take away with alterations to the frontage to provide a new glazed door. The floorspace will be 91 square metres.
- The site lies in a group of local shops off Dickson Avenue surrounded by flats and houses within an established residential area. The area is served by a large car park and includes a public house, a supermarket, several shop units and a community centre. There is a rear service access and yard.
- The relevant policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review restrict hot food take-aways if they are within 30 metres of existing or proposed houses. The proposed unit is 27 metres from the nearest house. The Head of Environmental Health seeks an appropriate condition to control the noise output from the ventilation systems.
- The application was advertised as a potential Bad Neighbour development and was also the subject of statutory Neighbour Notification. No objections were received. There are existing hot food premises within this group of shops.
- It is considered that the proposal will not have a detrimental impact on neighbouring residential properties and the proposal is a use which would be best located within such a group of local shops

DESCRIPTION OF PROPOSAL

The application proposes the change of use of a vacant shop unit to form a hot food take away. The take away will be 91 square metres more than half of which will be preparation and storage. A new shop door will be formed in the west elevation. The proposed hours of operation are 1700hrs to 2300hrs. The proposed ventilation outlet will be on the roof.

SITE DESCRIPTION

The site is a single shop unit on the north side of Orleans Place within the group of local shops. There is a service road to the rear and a large car park to the east, fronting Dickson Avenue. The Community Centre lies to the south west. The area is an established residential area with flatted properties overlooking the site. The garden of the nearest house is 16 metres from the site and the house itself is 27 metres away.

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:

Policy H1 Existing Residential Areas

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 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

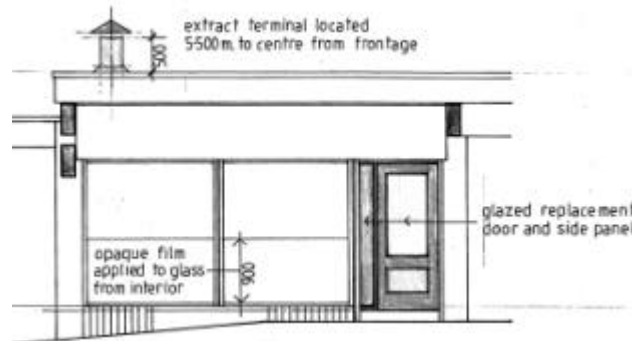
There are no non statutory Council policies relevant to the determination of this application

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

There is no relevant planning history.



PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a Bad Neighbour development and a development contrary to the Development Plan. There were no objections.

CONSULTATIONS

The Head of Environmental Services sought additional information to ensure that the potential noise impact of any equipment on the surrounding residential properties is controlled. Details of the proposed ventilations system are acceptable and can be the subject of an appropriate condition.

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.

Policy H1 Existing Residential Areas. The policy supports services and facilities where they do not adversely affect the environmental quality enjoyed by local residents by reason of

design, layout, parking and traffic movement issues, noise or smell and they are in accordance with other policies in the plan. It is considered that the proposal will not have a detrimental impact due to the location within the local shopping group which also contains hot food premises.

Policy LT8 Licensed and Hot Food Premises. The policy restricts the location of hot food premises within 30 metres of existing and proposed housing if the outlet does not exceed 150 square metres. The garden of the nearest house to the south east is 16 metres away and the house is 27 metres from the unit.

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

Other Material Considerations

Finalised Dundee Local Plan Review 2003

Policy 1 Vibrant and Sustainable Communities. The policy supports an appropriate range of services and facilities which should be in accordance with other policies in the plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell. It is considered that the proposal will not have a detrimental impact.

Policy 53 Licensed and Hot Food Premises outwith the City Centre. This policy reflects the existing

distance restriction in Policy LT8 therefore the nearest house is within the relevant restricted distance. The policy also allows some degree of relaxation in District Centres or where opening hours can be restricted. The site does not lie within a District Centre and the proposed opening hours are 1700hrs to 2300hrs. The exceptions do not apply in this case.

It is considered that the proposal does not fully comply with the policies in the plan.

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

It is considered that the proposed take away will not adversely affect the existing amenities enjoyed by the residents of the nearest house as the site lies within an established small shopping group where there are similar uses. Such premises provide services which would be expected to be in such locations provided the use would not have a detrimental impact on surrounding neighbours.

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

There will be a minor alteration to the southern elevation by the replacement of the shop door. Any illuminated signage will require an appropriate permission.

CONCLUSION

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.

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 Total noise from all mechanical and electrical services shall not exceed NR45 during the day and NR35 during the night as measured 1 metre external to the nearest noise sensitive residential property. For the avoidance of doubt, daytime shall be 0700 - 2300 hrs and night time shall be 2300 - 0700 hrs.
- 3 The premises shall only be open to customers between 1700 hrs and 2300 hrs on any day.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to protect the amenities of the occupants/owners of nearby adjacent properties in the locality
- 3 to protect the amenities of the occupants/owners of nearby adjacent properties in the locality