

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**

Change of use from double garage to cookery school

**Address**

363 Brook Street  
Broughty Ferry  
Dundee  
DD5 2DS

**Applicant**

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**Agent**

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**Registered** 13 June 2006

**Case Officer** S Johnson



# Proposal for Cooking School in Brook Street

A change of use from double garage to cookery school is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed change of use complies with Policy 1 of the Dundee Local Plan Review 2005. It is considered that the objection does not carry sufficient weight to merit refusal of the application. Therefore, the application is recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use from a double domestic garage to a cookery school at 363 Brook Street, Broughty Ferry.
- One letter of objection was received from a nearby resident on the grounds of having an adverse impact on residential amenity in terms of noise, odour, traffic, parking and access; and being contrary to the Local Plan.
- Policy 1 of the Dundee Local Plan Review is relevant to the determination of this application as it seeks to protect the amenity of neighbouring residents and the amenity of the area.
- The proposal complies with Policy 1 of the Dundee Local Plan Review 2005. The objection does not carry sufficient weight to merit refusal of the application.

**DESCRIPTION OF PROPOSAL**

Planning permission is sought for the change of use from a double domestic garage to a cookery school. The floor area will be approximately 63sqm. The hours of operation are 10am until 8pm three days per week, with a limited number of week-end sessions. There would be four students visiting at any one time. It is proposed to remove the existing two garage doors on the south elevation and infill the opening to the west with red cedar whilst providing stainless steel cladding to the central pillar and providing glazed windows on either side. The opening to the east would become the main entrance to the development. A projecting stainless steel canopy would be installed over the entrance.

**SITE DESCRIPTION**

The application site is currently a double domestic garage to the rear of a one and a half storey dwelling which is at the end of a terrace with dwellings of similar style. There is a small front garden to the south with a drive to the east. To the rear of the property within the curtilage, there is sufficient parking for approximately six cars. There is a large garden to the rear with a greenhouse and small garden shed. There are residential properties to the east, a church to the north and on the south side of Brook Street are flatted properties and a beauty salon. There is restricted parking to the south of the property on Brook Street.

**POLICY BACKGROUND**

**Dundee and Angus Structure Plan 2001-2016**

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

**Dundee Local Plan Review 2005**

The following policies are of relevance:

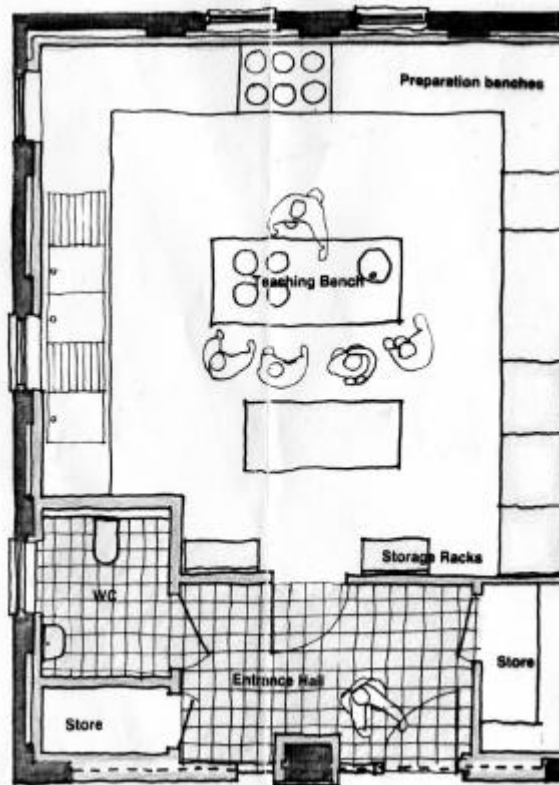
Policy 1 Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and traffic movement, and noise and smell.

**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 is relevant and seeks that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. Given the location and nature of the proposed operation it is considered that Key Theme 7 would be achieved.

**SITE HISTORY**

The formation of vehicle access was approved in 1989 (Planning reference 89/14433/D). A number of building warrants were approved for internal alterations, the erection of a glasshouse, garage and boundary wall.

**PUBLIC PARTICIPATION**

Statutory neighbour notification was carried out and one letter of objection was received from a local resident. The grounds of objection are:

This proposal will have an adverse impact on residential amenity in terms of noise, odour, traffic, parking and access.

This proposal is contrary to the Local Plan.

**CONSULTATIONS**

The Head of Environmental and Consumer Services has no concerns regarding this proposal. However, if this application is approved as a safeguard, a condition should be attached to minimise any potential additional noise impact to surrounding properties.

**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. Due to the nature of the proposal there are limited Local Plan policies which are applicable to this application. In determining this application the main issue for consideration is the proximity of residential properties. Therefore Policy 1 Vibrant and Sustainable Communities is applicable. This policy seeks to safeguard the amenity of residential areas. It seeks to minimise any affect on the environmental quality enjoyed by residents in terms of parking and traffic movement, noise or smell.

It is considered due to the nature of this development as there will be a limited number of people attending the school and limited hours of operation the effect on residential amenity will be minimal.

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

### Other Material Considerations

The concerns of the objector: the objector is concerned about the following: noise, smell, traffic, parking and access.

There are residential properties to the east, a church to the north and flatted properties on the south side of Brook Street. There is a high boundary wall (approximately 1.5metres to 2metres at places) surrounding the site. Within the grounds of the neighbouring property, to the east side of the site there is mature vegetation. The ventilation duct will be placed on the roof on the west side of the ridge. The applicant has proved additional information relating to the proposed extract fan/flue system. The proposed system has been used at other locations where food preparation is more intensive. The cookery school will concentrate on the demonstration of European cooking. In addition, there is approximately 7.2metres from the west elevation of the proposed site to the neighbouring boundary wall to the west, and approximately 10 metres from the north elevation of the proposed site to the boundary wall to the north of the site.

The applicant anticipates the hours of operation to be 10am until 8pm three days per week, with a limited number of week-end sessions. There would be four students visiting at any one time. It is considered that these hours of operation and the small number of students is appropriate for this site. The hours of operation can be restricted by condition and the permission can be made personal to the applicant in order to control the nature of the use, should Members be minded to approve the application.

The applicant has stated that food stuff will not be sold to passing trade. Other than the normal cookery school, the applicant will prepare a limited amount of food on the premises for private dinner parties which will be held in customer's homes. If the application is approved a condition will be attached to ensure that there will be no "off the street" trade of food stuffs to passing members of the public.

In relation to the concerns regarding traffic, parking and access, the site can currently accommodate six cars. There

are no plans to reduce this provision. As there is an existing vehicular access at this location there are no concerns regarding the use of this for a minimum number of cars.

In addition, the objector has stated that the proposal is contrary to the Local Plan. As mentioned previously due to the nature of the development there are no direct policies which this application can be assessed against other than Policy 1. The information provided and the additional information from the applicant has demonstrated that this proposal is not contrary to the development plan. These issues have been assessed in the context of Policy 1 of the Dundee Local Plan Review 2005 and it has been concluded that the proposal does not contravene the development plan in all these respects.

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 relating to hours of operation and restriction of food preparation.

### Design

It is proposed to remove the existing two garage doors on the south elevation and infill the opening to the west with red cedar whilst providing stainless steel cladding to the central pillar and providing glazed windows on either side. The opening to the east would become the main entrance to the development. A projecting stainless steel canopy would be installed over the entrance.

It is considered that the proposed design including the finishing materials is acceptable to the character and appearance of the surrounding area.

### CONCLUSION

The proposal complies with Policy 1 of the Dundee Local Plan Review 2005. The objection and any other material considerations do not carry sufficient weight to merit refusal of the application.

### 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 Noise from all mechanical and electrical plant shall not exceed NR45 as measured 1 metre from the facade of any residential property.
- 3 No use of the premises shall be made before 1000 or after 2000hours on any day.
- 4 The hot food operations shall be confined to preparing food for the catering school and for private dinner parties held in customers' own homes. There shall be no sale of goods from these premises.
- 5 This permission shall not enure for the benefit of the land but shall operate for the benefit of the applicant only, and on the discontinuance of that persons use of the garage for a cookery school, that use shall cease and permission is hereby granted for the garage to be used for ancillary residential purposes.

### 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 ensure that, having regard to its location, the site is not used in an over-intensive manner and to protect the amenities of the occupiers of nearby properties.
- 4 To ensure that, having regard to its location, the site is not used in an over-intensive manner and to protect the amenities of the occupiers of nearby properties.
- 5 To ensure that, having regard to its location close to dwellings, the use does not develop beyond the limited nature specified by the applicant in order to protect the amenities of the occupiers of nearby properties.