

KEY INFORMATION

Ward Pitkerro

Proposal

Change of use of retail unit to hot food takeaway

Address

159 Pitkerro Road
Dundee
DD4 8DH

Applicant

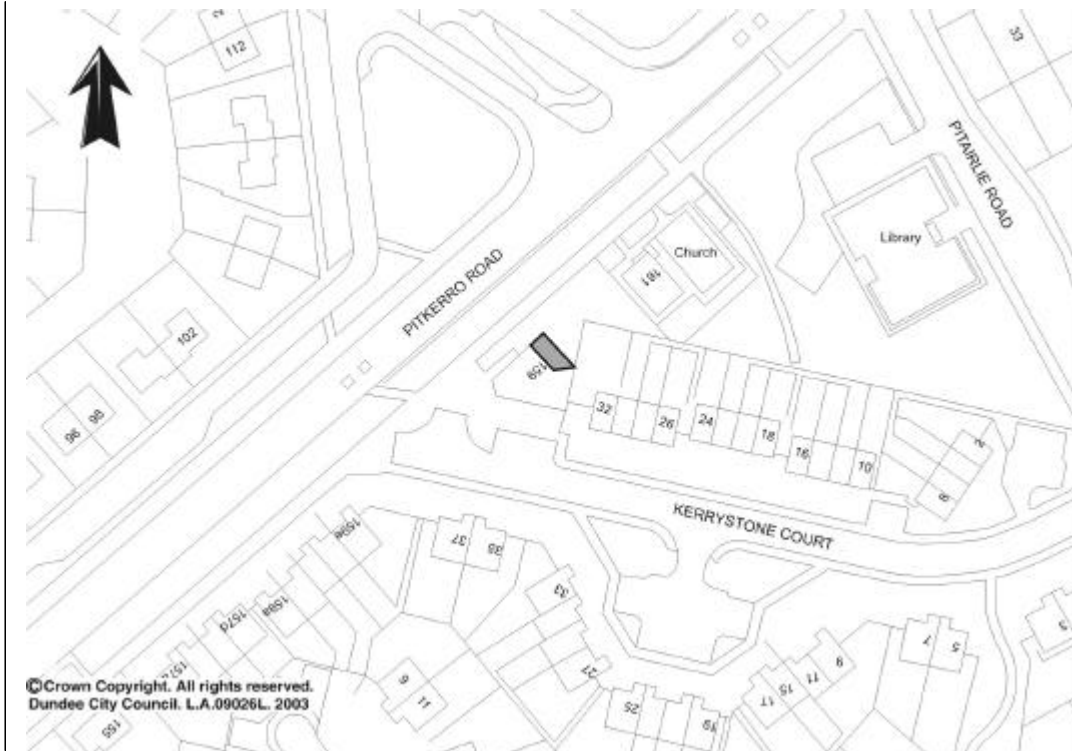
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Agent

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Registered 19 June 2006

Case Officer S Johnson



DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use from a retail unit to a hot food takeaway. The whole unit will not be changed only that part of the unit which is currently used for storage. The floor area will be approximately 30sqm. There are no details regarding the method of cooking or the ventilation system. There are no proposed elevational alterations.

SITE DESCRIPTION

The site is attached to an existing stand alone single storey retail unit. To the north east of the site is a church hall. The site is very close to residential properties situated to the east of the site at Kerrystone Court.

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.

Policy 53 Licensed and Hot Food Premises outwith the City Centre restricts hot food premises locating within 30metres of existing and proposed housing if the outlet does not exceed 150 square metres gross floorspace.

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 not be achieved.

SITE HISTORY

There are two previous applications for this address. One was for elevational alterations to a shop (Application reference 83/09180/D Approved) and the other was for a change of use from a storage area to a shop (Application reference 85/11164/D Approved). In addition, a change of use application from a retail shop to a hot food takeaway was refused (Planning Application Reference 89/14374/D) at 159B Pitkerro Road. It is unclear whether this proposal relates to the same site.



PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and four letters of objection were received from surrounding neighbours. The application was advertised as contrary to the development plan and as a bad neighbour development. The valid grounds of objection are:

An increase in traffic on Kerrystone Court;

An increase in litter in the surrounding area;

Associated smells to the neighbouring properties;

Increase level of noise and unsociable behaviour at night;

Parking on the grass verge on Pitkerro Road;

There are too many takeaways in this area already.

Copies of the objections are available for inspection in the Members Lounges and the issues are discussed in the "observations" section below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards is concerned about a number of things: firstly, the kitchen size. It is considered that there is insufficient space available in the cooking/preparation area to provide the equipment, fittings and fixtures required in a catering kitchen. In addition, there is no designated provision for refuse storage or for cleaning equipment storage. Secondly, due to the proximity to residential properties there is the potential for an increase in the noise burden. Finally, as no details have been provided regarding the ventilation method it is not possible to comment on the smell impact other than the fact that a cooking aroma will be introduced in to a largely residential area.

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.

One of the main issues for consideration is the proximity of residential properties. Policy 1 Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas.

The site has residential properties situated to the east. The closest dwelling is within 10metres of the site from the curtilage of the site to the curtilage of the dwelling. It is

11metres from the proposed building to the nearest dwelling. Hot food takeaways can cause problems with noise, smell and litter. As there is housing within 30 metres of the hot food outlet, this proposal is contrary to Policy 53.

The applicants were requested to provide additional details regarding the method of heating the food and the type and location of the proposed ventilation system, but at the time of writing this report no information has been forthcoming. Consequently, there has been a number of objections received relating to the associated noise and smells of such a development which we are not able to address. Therefore in terms of Policy 1 in light of any information to the contrary, this development will adversely affect the residential amenity of the area in terms of additional noise and smell.

In terms of parking and service access, the development site is located within a residential area and adjacent to a main arterial route. There is a small car parking area which is currently used by customers to the retail unit. No additional parking or a designated area for deliveries is to be provided. There are no concerns regarding parking provision.

The objectors have stated that there are enough takeaways in the area. This is not a planning consideration.

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

Other Material Considerations

The other material considerations to be taken into account are the concerns of the objectors. These issues were considered and addressed in the examination of the proposal against the criteria of Policies 1 and 53. From this examination it is concluded that the proposal would result in significant potential amenity problems in terms of noise, smell and proximity to residential dwellings.

It is concluded from the foregoing that planning permission should be refused and there are no material considerations to support the view that planning permission should be granted in the face of the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

As there are no proposals to change the external appearance of the site there is no real issue with this proposal in terms of the design.

CONCLUSION

The proposal does not comply with the Dundee Local Plan Review 2005. The objections and any other material considerations carry sufficient weight to merit refusal of the application.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason-

Reason

- 1 The proposal is contrary to Policies 1 and 53 of the adopted Dundee Local Plan Review 2005 in terms of having a detrimental impact on the amenity of residential areas in terms of noise, smell and proximity to residential properties.