

**KEY INFORMATION**

**Ward** Craigiebank

**Proposal**

Change of use from Betting Shop to hot food takeaway

**Address**

152 Arbroath Road  
Dundee  
DD4 7PY

**Applicant**

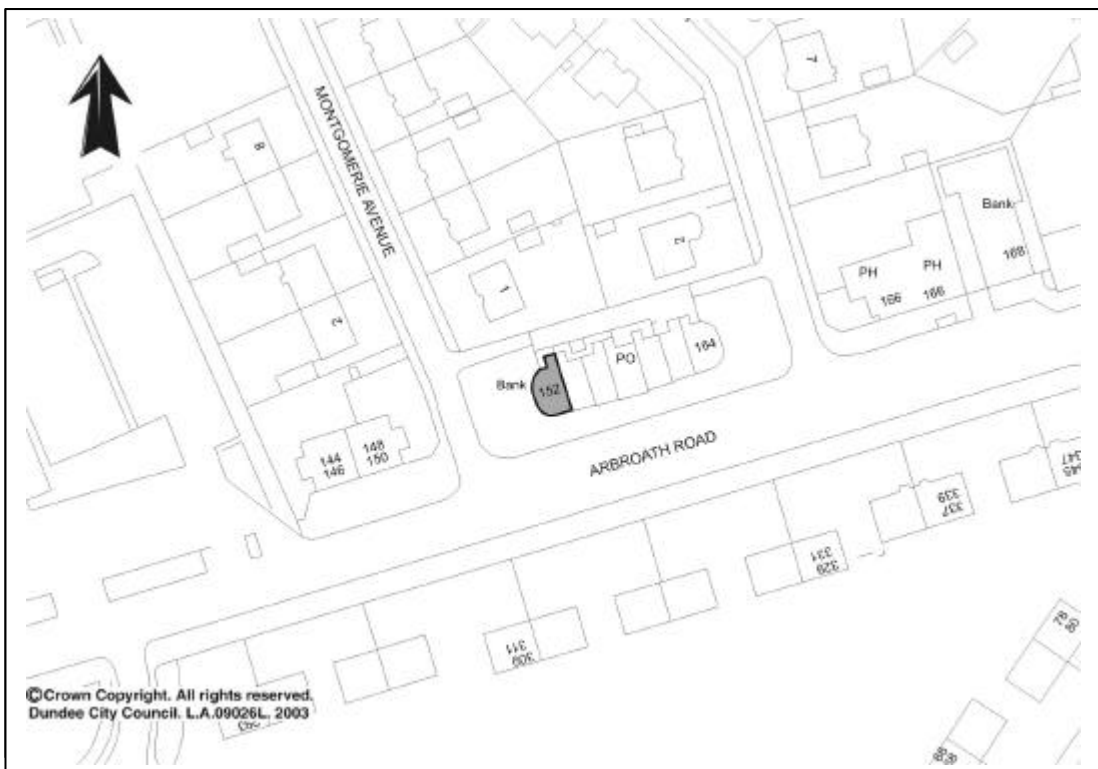
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**Registered** 13 June 2006

**Case Officer** S Johnson



# Proposal for a Hot Food Takeaway in Arbroath Road

A change of use from a betting shop 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 Policy 53 of the Dundee Local Plan Review 2005 but it is in accordance with other relevant policies. It is considered that material considerations provide sufficient weight to warrant approval of the application. Therefore the application is recommended for APPROVAL.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use from a betting shop to a hot food takeaway.
- Four letters of objection from surrounding neighbours were received on the grounds of an increase in the amount of litter and associated vermin, the associated smell, an increase in traffic with associated parking problems, an increase level of noise and there are a number of hot food takeaway outlets in the area.
- Policies 1 and 53 of the Dundee Local Plan Review 2005 are relevant to the determination of the application as these policies seek to protect the amenity of neighbouring residents and the amenity of the area.
- It is considered that the proposal does not comply with Policy 53 of the Dundee Local Plan Review 2005. However, it is considered that the proposal accords with Policy 1 and the material consideration provide sufficient weight to warrant approval of this application contrary to the provisions of the development plan.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use from a vacant betting shop to a hot food takeaway. The floor area will be approximately 89sqm. The opening hours will be 11am to 11pm daily. The only proposed elevational alterations are to the rear of the building where it is proposed to install a flue.

## SITE DESCRIPTION

The site is currently a single storey vacant retail unit located at the end of a parade of mixed use retail units which include the following; a chemist and post office. To the east of the parade are two other hot food takeaways. There is one and a half storey detached residential properties to the north of the site and two storey flatted dwellings to the south. There is limited parking available to the south and west of this site.

## 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 be achieved.

## SITE HISTORY

There are three previous applications approved for this address. One was for an extension to the west of the licensed betting office. (Planning Application Reference 98/23385/D). The other was for a building warrant for the change of use from a bank to a betting office (Planning Reference 78/00820/BWH). And the other was for a building warrant to extend the betting office (Planning Reference 98/00615/BW).



## 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

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development plan and as a bad neighbour development. The valid grounds of objection are:

There will be an increase in the amount of litter and associated vermin;

The associated smell;

An increase in traffic with associated parking problems;

There will be an increase level of noise;

There are a number of hot food takeaway outlets in the area.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards have no concerns about the method of ventilation as long as the cooking extraction system is ducted as illustrated in the correspondence received on 28 July 2006. If this proposal is approved this would be controlled through condition.

## 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.

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 application site has residential properties to the north and south. The closest residential property is approximately 10metres away from the curtilage of the site to the curtilage of the dwelling. It is approximately 12 metres from the actual proposed building to the nearest dwelling. There are no residential properties on the upper levels of the shopping parade. As there is housing within 30 metres of

the hot food outlet, this proposal is contrary to Policy 53.

The proposed hot food premises will be in an existing parade of local shops including two hot food takeaways, a post office and a chemist.

With regards to potential noise and odour there is residential properties within 30 metres of the premises, the nearest is approximately 10 metres in distance to the north of the site. The dwelling is separated from the development site by a high mature mixed hedge and wall which creates a physical barrier between the properties. 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 a suitable location for the proposed development. It is considered that the proposal is in accordance with Policy 1.

In terms of odour the applicant has provided detailed information on the fume extraction system which has two filters one of which is a charcoal filter. There will be a canopy over the entire cooking area. The baking process produces very little odour as no oil or fat is used in the cooking process. In addition, there is little noise emanated from the system as the flue is attached to the flat roof using rubber mountings to eliminate vibration.

With regards to increased disturbance it is considered that due to the location of the proposal within an existing local shopping parade and the presence of existing takeaways that this is an appropriate location for such a use. It is considered that there will be no significant increase in disturbance over that which exists at present.

In terms of increased traffic it is considered that the existing parking area to the front of the shopping parade and the smaller area to the west provide adequate parking for use of the facility. As most of the trade will be based on home deliveries it is considered that there will be a minimum increase in the amount of traffic. Consequently, there are no concerns regarding customer parking or servicing for this unit.

Concerns were also raised regarding an increase in litter. There is separate

legislation to deal with any issues arising relating to litter.

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

The applicants have provided the following justification for locating at this location which includes the following: This will be an 'up-market' pizza restaurant and takeaway business to help regenerate this parade, which will benefit the local community as well as providing extra support for nearby businesses. Research has shown that there is a demand and a need for a pizza restaurant in Craigie and the surrounding area. The aim is to facilitate the needs of local people to offer extra choice to consumers and ensure that congestion on the highway is minimised and there is no loss of amenity to neighbours. Employment will be provided for approximately 15 people, part-time and full-time. Approximately 80% of business is delivered to customers which minimises customer car journeys, parking requirements and the possible scattering of litter. It is expected about twenty customers will collect orders per day.

It is concluded that the proposal contravenes Policy 53 but complies with Policy 1 of the development plan. It is considered that the justification given provides adequate weight in support of the application.

### 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 not result in any additional amenity problems as the majority of trade is to be based on home deliveries and the site is located within a parade of existing shop units which includes two hot food takeaways.

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 will have no adverse impact on the surrounding area. The only proposed elevational alterations are to the rear of the building where it is proposed to install a flue. On the south and west elevations it is proposed to install new signage. The installation of signage is part of a separate application.

### CONCLUSION

As detailed above it is considered that the proposal is contrary to Policy 53 of the Dundee Local Plan Review 2005. However, it is considered that the proposal is in accordance with Policy 1 of the 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 condition(s):-

- 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 facade of any residential property.
- 3 The fume extraction equipment and filtration system to be used shall be as detailed in the planning application and in the additional correspondence dated 28 July 2006.
- 4 The opening hours will be 11am to 11pm daily.

### 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.

- 4 To protect the amenities of the area and to ensure that the site is not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties.