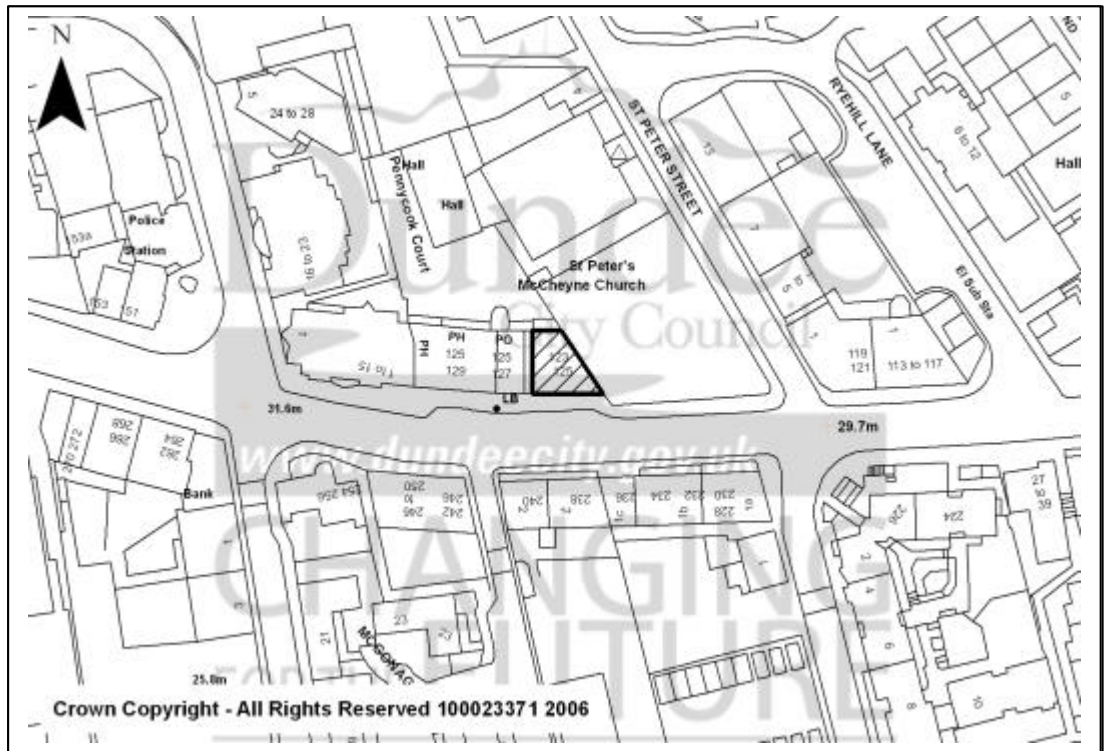


**KEY INFORMATION**

Ward West End

**Proposal**Change of use from  
laundrette to a coffee house**Address**123 Perth Road  
Dundee  
DD1 4JD**Applicant**Coffee Catering Ltd  
1 Ambleside Gardens  
Dundee**Agent**Paul Doig Architectural  
Services  
7 The Esplanade  
Broughty Ferry  
Dundee  
DD5 2EL**Registered** 19 Oct 2007**Case Officer** B Knox

## Proposed Coffee Bar in Perth Road

A change of use from laundrette to a coffee house is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is contrary to Policy 53 of the Dundee Local Plan Review 2005. However, it is considered that any adverse impact on residential amenity due to smell can be addressed by the implication of a planning condition. Accordingly, the application is recommended for **APPROVAL** with conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use of a laundrette to a coffee house with takeaway provision.
- Two letters of objection were received in relation to the application relating to a number of issues including proximity to residential properties, opening hours and that the kitchen proposed is far larger than a microwave oven/domestic kitchen affair and more closely resembles a restaurant kitchen in size and capacity.
- Policy 53 of the Dundee Local Plan Review 2005 is relevant to the determination of the application.
- It is considered that if the applicant installs appropriate ventilation equipment in relation to the types of equipment proposed to be used, then the amenity of the adjoining residents will not be adversely affected. The proposal is therefore recommended for **APPROVAL** with conditions.

**DESCRIPTION OF PROPOSAL**

The proposal seeks planning permission for the Change of Use of an existing laundrette to a coffee house. There would be no external changes to the building. There would be small internal alterations to the building only. The internal layout would consist of a seated area with small takeaway area located adjacent to a servery. There would be toilet provision and the kitchen would be located to the rear.

**SITE DESCRIPTION**

The application site is located on Perth Road in a small parade of shops, consisting of a Post Office and Public House at ground floor level. The property occupies the ground floor of a tenement block with residential properties occupying the upper floors which are not within the control of the applicant. The unit has a small window to the west of the frontage and a larger window to the east of the frontage, incorporating a door.

**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:

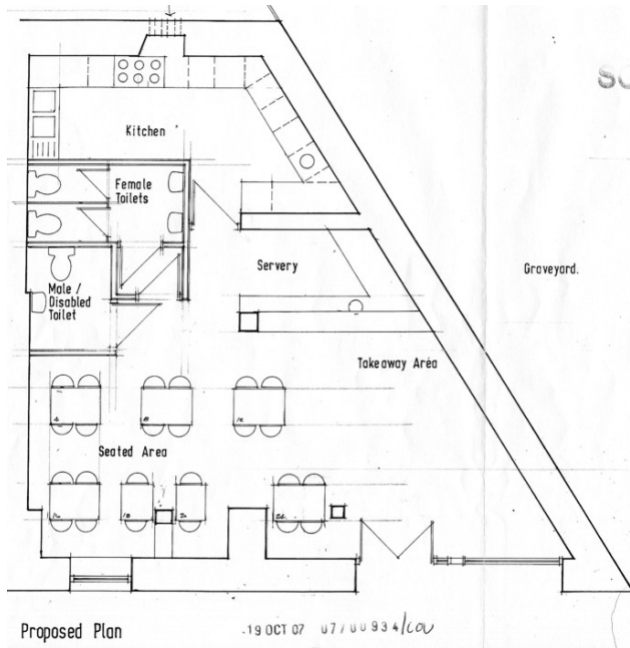
Policy 53: Licensed And Hot Food Premises Outwith The City Centre - in general, outwith the District Centres no licensed premises other than off licences or hotels with a restricted license and no premises selling hot food is acceptable:

- a within 30 metres of existing and proposed housing if the outlet does not exceed 150 square metres gross floorspace (excluding cellar space) and;
- b within 45 metres if the 150 square metre figure is exceeded.

In the District Centres some relaxation of the above controls on distance from residential property may be appropriate. However, proposals for hot food takeaways other than those outlined below, will not be permitted

in premises directly adjoining (i.e. directly above or to either side) residential property which is not within the control of the takeaway proprietor/operator.

Where hot food carryout premises and snack bars/cafes/tea rooms are proposed which would not meet the above requirements these may be permitted subject to:



- a the hours of operation being limited to between 7.00 am and 7.00 pm, and,
- b the hot food not requiring to be prepared on the premises and only requiring heating by means of a microwave oven or other method which would not cause a nuisance to surrounding residential property by virtue of 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.

**SUSTAINABILITY ISSUES**

There are no specific sustainability policy implications arising from this application.

**SITE HISTORY**

A planning application for the installation of roller shutters was refused in August 2002 (02/00354/FUL) refers.

**PUBLIC PARTICIPATION**

The applicant carried out the Statutory Neighbour Notification was carried out and two letters of objection were received from a nearby resident and commercial occupant.

The main issues raised relate to:

- the proposal is too close to the flats above;
- opening house exceed 7.00am -7.00pm;
- the kitchen proposed is far larger than a microwave oven/domestic kitchen affair and more closely resembles a restaurant kitchen in size and capacity;
- concerns relating to cars stopping outside in relation to road safety at a busy and narrow section of Perth Road;
- the amenity of the flats above would suffer;
- a coffee shop with more concentration on seating rather than the takeaway element would be welcomed;
- there is ample provision in the vicinity for the food market;

The application was advertised as being contrary to Policy 53 of the Dundee Local Plan Review 2005 on 19 November 2007. It was advertised as a bad neighbour on 30 October 2007.

Copies of the objection letter are available for inspection in the Members' Lounges and the issues raised are discussed in the Observations Section below.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards has indicated the provision of the domestic style oven and hob could give rise to potential smell nuisance to the occupiers of the flats above. In this case the extraction system would require to be extended to a point where nuisance would not occur. If Members are minded to approve the application, a condition will be attached to ensure appropriate ventilation is installed with smell mitigation measures to protect the amenity of adjoining residents.

## 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

In terms of Policy 53, the policy indicates that cooking on the premises, where there are adjoining residential properties, should only be by means of a microwave oven. In these circumstances, the application proposes to use a hob and pizza oven, which subsequently requires ventilation. Although this does not technically comply with the terms of the policy, it is considered that if the ventilation is of an appropriate standard to protect residents from smell, there will be no adverse impact on their amenity. From the detail of the proposal outlined above it is considered that there are material considerations to allow the requirements of Policy 53 to be set aside. If Members are minded to grant consent a condition will be applied requiring details of the altered method of ventilation to be submitted to the Council for approval.

It is concluded from the foregoing that the proposal does not comply with

Policy 53 of the Dundee Local Plan Review 2005.

### Other Material Considerations

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

Views of the objectors:

- The proposal is too close to the flats above

Policy 53 of the Dundee Local Plan Review 2005 contains guidance on the proximity of hot food premises outwith the city centre. Although the proposal is outwith the city centre, it is located in the District Centre where relaxation of these controls on distance from residential property may sometimes be appropriate. It is considered that with the appropriate mitigating ventilation measures as discussed above, there would be no adverse effect upon the amenity of nearby residents. In this respect, the proposal is considered to comply with this part of Policy 53 and the views of the objector are dismissed.

- Opening hours exceed 7.00am - 7.00pm.

The opening hours are to be conditioned as part of any approval to be in line with policy which states that the hours of operation should be limited to between 7am and 7pm.

- The kitchen proposed is far larger than a microwave oven/domestic kitchen affair and more closely resembles a restaurant kitchen in size and capacity.

The size of the kitchen proposed is not a matter that can be considered as part of the planning application.

- Concerns relating to cars stopping outside in relation to road safety at a busy and narrow section of Perth Road.

Although there is no on street parking provision directly in front of the store, there is pay and display parking available nearby on Pennycook Lane. In addition, the area is well served by public transport and there is a bus stop for many services on the roadside adjacent to the application site. In comparison to the existing use,

it is not anticipated that the proposed use as a coffee shop would result in a higher flow of vehicular movements and as such the views of the objector are dismissed in this respect.

- The amenity of the flats above would suffer

The effect upon the amenity of the nearby residents has been assessed above.

- A coffee shop with more concentration on seating rather than the takeaway element would be welcomed.

The application is for a coffee shop with the emphasis on sitting in customers. The applicants have indicated that it is expected that around 30% of projected business to account for takeaway provision.

- There is ample provision in the vicinity for the food market.

Commercial competition is not a material planning consideration.

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.

### Design

There are no plans to alter the external appearance of the building. Therefore, there are no design issues to be considered in these circumstances.

## CONCLUSION

The applicant has provided details regarding the operation, type of equipment to be installed on the premises and the type of foods to be served. Given these details, it is considered that there are material considerations to justify approval of the application with conditions.

## RECOMMENDATION

It is recommended that consent 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 The premises shall be used as a non-licensed café in accordance with Class 3 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997. Limited hot food take away facilities shall comprises sale of hot drinks, panini and hot sandwiches and shall operate ancillary to the main uses at all times.
- 3 Prior to the commencement of development on site, full details of the proposed ventilation shall be submitted to the Council and agreed in writing. The agreed ventilation shall be implemented before the commencement of use as a coffee shop on site.
- 4 The hours of opening of the coffee shop shall be restricted to between 7.00am to 7.00pm only.

## 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.