

4 APPEAL DECISION - 202 BROOK STREET, BROUGHTY FERRY - CHANGE OF USE FROM BEAUTY SALON TO LICENSED RESTAURANT (AN181-2002)

Reference is made to Article V(q) of the Minute of the Development Quality Committee of 29th October, 2001 wherein the above proposal was refused planning permission because the Committee considered that the proposal would be detrimental to residential amenity and road traffic and pedestrian safety.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 28th May, 2002. A copy of the decision letter can be found in the Members Lounges.

The Reporter considered the determining issue to be whether the Proposal was consistent with the relevant policies of the adopted Local Plan (Policies EU27 and LT8) and if not whether an exception to the provisions of the Plan was justified.

In summary the Reporter concluded as follows:

- a The proposal was not contrary to Policy EU27 (retention of non residential uses in a mixed use area).
- b The proposal was contrary to adopted Policy LT8 (licensed premises).
- c The approval of the proposal would not be inconsistent with the non statutory policy amended to Policy LT8 which relaxed the distance controls in relation to residential properties in District Centres. The proposal should not adversely affect residential amenity.
- d The proposed access to the premises for customers and goods was considered to be inadequate.
- e There would be lack of adequate facilities for the storage of waste materials.
- f Taking into account factors d) and e), there was insufficient grounds to justify an exception to Local Plan policy in this case.

Accordingly the appeal was **DISMISSED**.