

KEY INFORMATION

Ward Hilltown

Proposal

Change of use from Grocer's shop to Chinese take away

Address

78 Victoria Road
Dundee
DD1 2NY

Applicant

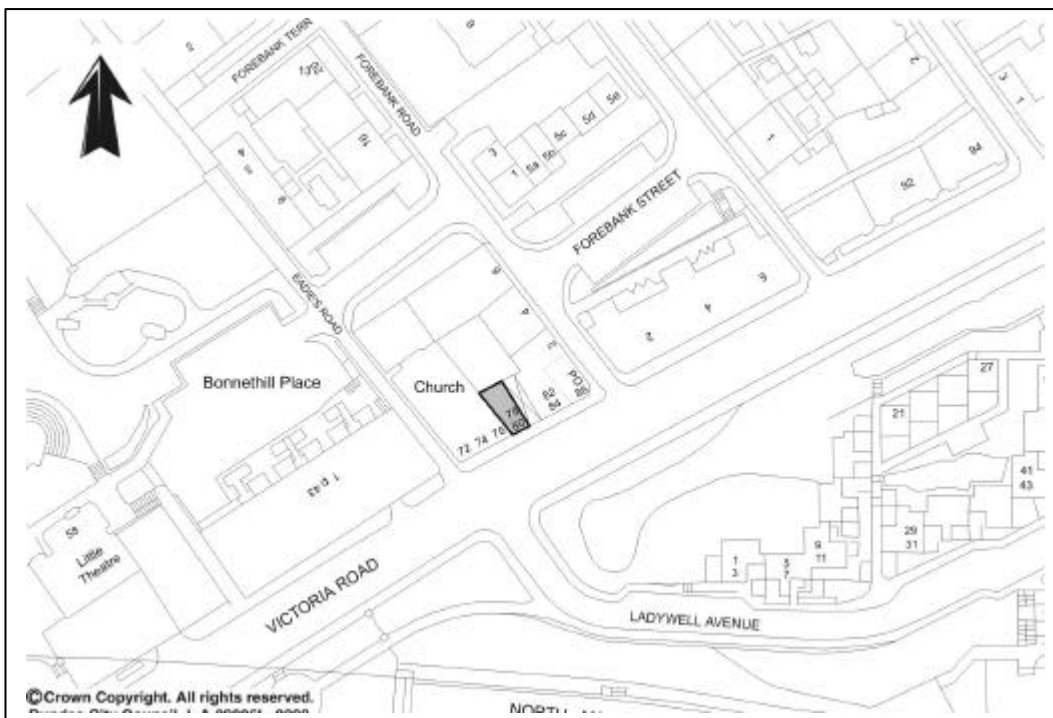
Mrs Wei Wong
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Agent

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Dundee
DD4 7RE

Registered 20 Jan 2006

Case Officer S Johnson



Hot Food Takeaway proposed for Former Grocer's Shop

The Change of Use from Grocer's Shop to Chinese take away is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

The change of use from a vacant grocers shop to a hot food takeaway does not comply with Policies 1 and 53 of the Dundee Local Plan Review 2005. It is considered that the objections submitted carry sufficient weight to justify the refusal of the application. Therefore the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the change of use from a vacant grocers shop to a hot food takeaway.
- Six letters of objection were received from neighbouring residents on the grounds of increased level of noise, associated smells, litter, no parking provision, no access of delivery vehicles and the design of the shop frontage would not fit with the existing architecture.
- Policies 1, 53 and 60 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, the amenity of the area and the appearance of listed buildings.
- It is considered that the proposal does not comply with Policies 1 and 53 of the Dundee Local Plan Review 2005. It is considered that the views of the objectors are supported and there are no material considerations that would justify the 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 grocers shop to a hot food takeaway. The floor area will be approximately 53sqm. There are no details regarding the method of cooking or proposed opening hours. The only proposed elevational alterations are at the main entrance on the south elevation where it is proposed to replace a solid door with a double leaf door.

not exceed 150 square metres gross floorspace.

Policy 60 Alterations to Listed

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

SITE DESCRIPTION

The site is a vacant ground floor unit which previously operated as a grocers shop. There are residential properties above. This is a four storey category 'B' listed tenement building located on the north side of Victoria Road. Immediately to the east side is a pend to allow vehicular access to an adjoining business, Fenton Auctioners. To the west is the site of the former Congregational Church, where work is on-going to provide residential properties. The site is located on a bus route consequently there is no parking permitted within the vicinity of the building.



Buildings seeks to ensure that any alterations are kept to a minimum and should enhance the appearance of the building.

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.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

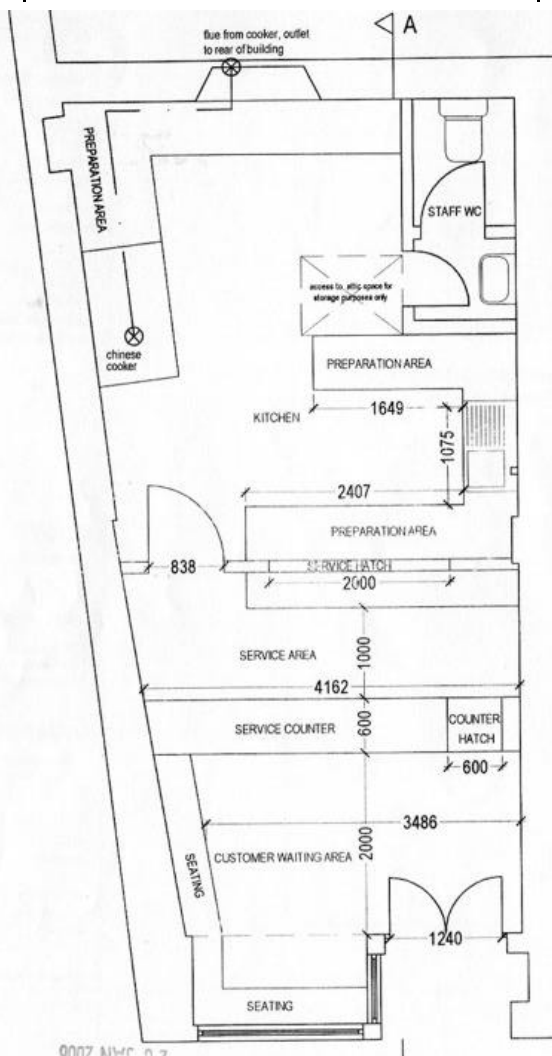
There are no policies relevant to the determination of this application.

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



SITE HISTORY

There is no site history of direct relevance to the determination of this application.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and six letters of objection were received from surrounding neighbours. The valid grounds of objection are:

- Increased level of noise especially late in the evenings;
- Associated smells to the neighbouring properties;
- Litter on street from customers and no refuse area to the rear of the property;
- No parking provision which would lead to illegal parking;
- No access for delivery vehicles; and
- The design of the shop frontage would not fit with the existing architecture.

Copies of the objections are available for inspection in the Members' Lounges and the issues area

discussed in the "Observations" section below.

A petition containing 218 signatures in support of the application has been received. Copies are lodged in the Members Lounges. The petition states "We the undersigned would like to see the Chinese takeaway at 78 Victoria Road DD1 2NY opened as soon as possible."

CONSULTATIONS

The Head of Environmental Health and Trading Standards is concerned about the method of ventilation and that there may be a smell nuisance to the 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.

Policy 1 Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas.

The site has residential properties on the three storeys above it and proposed residential accommodation immediately to the west. Hot food takeaways can cause problems with noise, smell and litter, particularly where they are directly underneath residential properties. This would be the case with this proposal. Consequently, this proposal is contrary to Policy 53 as there is housing both existing and proposed within 30 metres of the hot food outlet.

The applicants were requested to provide additional details regarding hours of opening; method of heating the food and the type and location of the proposed ventilation system, but to this date 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 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 on one of the main arterial routes in and out of the town centre from the north east.

As such, traffic levels on this length of road are high and obstructions to traffic must be kept to a minimum.

A takeaway at this location would cause issues with servicing as there is no separate area set aside for this. There is also no opportunity for customer parking.

The application is not supported on the grounds of pedestrian and traffic safety. It is considered that this type of development at this location would generate a significant amount of vehicular traffic which would obstruct this main arterial route. It is considered therefore in terms of Policy 1 there will be a detrimental impact on the environmental quality enjoyed by local residents in terms of parking and traffic movement issues.

There are no proposals to alter the external appearance of the building except to replace the main entrance door. As there are no details regarding either the new entrance door or the ventilation system it is not possible to fully assess the impact of this proposal on this category 'B' listed building.

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 amenity problems in terms of noise, smell and significant traffic and pedestrian problems.

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 which are contravened.

Design

The alterations to the building are minor in nature. However, due to the lack of information it is not possible to fully assess the impact that these may have on this category 'B' listed building.

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(s):-

Reasons

- 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, parking and road safety.