

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**

Change of use to form cafe outlet

**Address**

20A Exchange Street  
Dundee  
DD1 3DL

**Applicant**

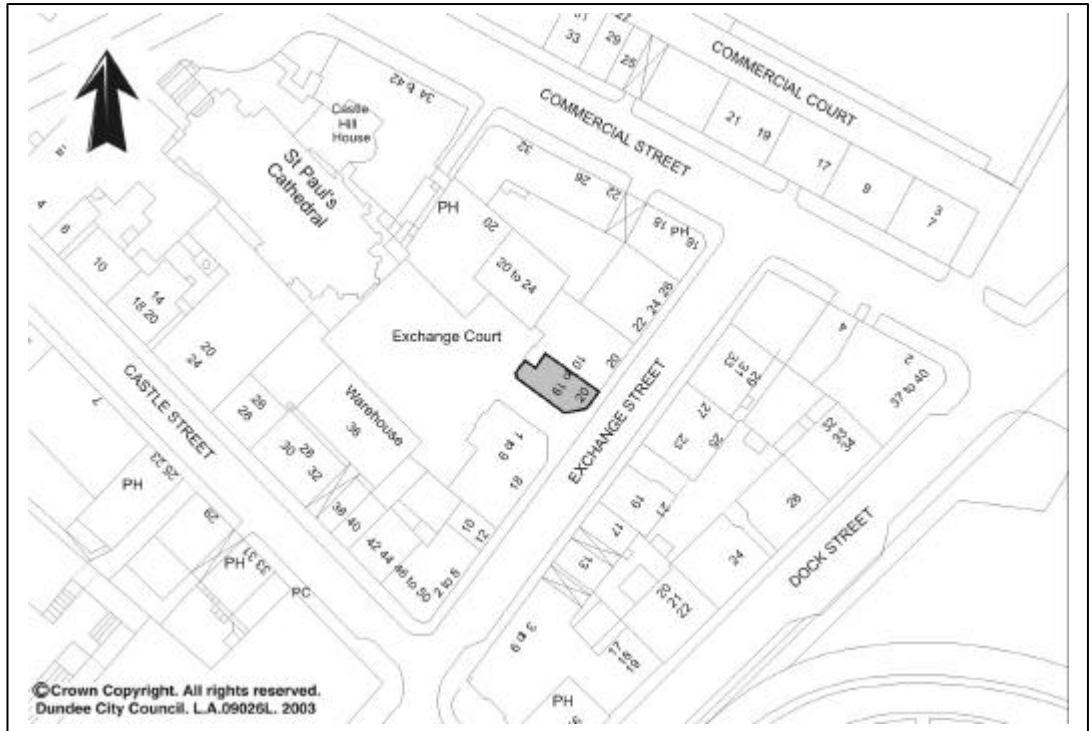
Capstone Projects  
7 North Burnside Street  
Carnoustie  
DD7 7PT

**Agent**

Gauldie Wright & Partners  
2 Osborne Place  
Dundee  
DD3 1BD

**Registered** 1 Feb 2006

**Case Officer** C Walker



# New Cafe Proposed in Exchange Street

A change of use to form a cafe is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.**  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal complies with the Dundee Local Plan Review 2005. The concerns of the objector about parking do not carry sufficient weight to merit refusal of the application.

**SUMMARY OF REPORT**

- Planning permission is sought to change the use of this vacant ground floor unit to a cafe. It is proposed to heat food by microwave oven only and proposed opening hours are from 8am to 6pm seven days a week. There are 3 storeys of flats on the upper levels of the building.
- 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 issues.
- A letter of objection was received from a neighbour who is concerned about parking in this area and feels the proposal will cause traffic and parking problems.
- The Head of Environmental Health and Trading Standards has no objections to the development and it is considered that the proposal will not lead to traffic or parking problems.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of this vacant unit to a cafe. On the application form it is stated that both hot and cold food will be sold with food heated by microwave oven but that nothing will be cooked on the premises. Proposed opening hours are from 8am to 6pm seven days a week. The only elevational alterations proposed are 2 ventilation grilles on the west elevation facing the private access road.

## SITE DESCRIPTION

The site is a vacant ground floor unit which has retail consent but which has never been used. The other ground floor unit on this building is an office. There are 3 storeys of flats on the upper levels of the building.

This building is one of a pair of modern buildings on the north side of Exchange St. There is a private access road between the buildings leading to a private car park used by the occupiers of the flats in the new development. To the rear of the unit is a converted listed building containing flats.

The site lies within the Central Area Conservation Area.

## 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

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 issues.

Policy 53 restricting hot food premises close to dwellings does not apply to the City Centre.

Policy 61 Development in Conservation Areas requires new development to preserve or enhance the character of the surrounding area.

## 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

This proposed development does not raise any issues in terms of the Councils Agenda 21 policies.

## SITE HISTORY

Planning permission and listed building consent was granted in 1997 to demolish frontage buildings on Exchange St and build 2 retail units and 18 flats and to change the use of 20 Commercial St to the rear to a retail unit and 4 flats - applications ref nos D21320 and DLB1178 refer. Subsequent applications to change the use of the ground floor retail units to office units were approved.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and a letter of objection was received from a neighbour who is concerned about parking in this area and feels the proposal will cause traffic and parking problems.

A copy of this letter is 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 has no objections provided the statements with regards to hours of operation and method of heating food set out in the application form are adhered to.

## 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.

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 issues.

Normally cafes cause problems with noise and smell, particularly in cases such as this where they are directly underneath residential properties. However the applicants have outlined a very restricted method of heating food and hours of operation which will avoid noise early in the morning or late at night. There are therefore no concerns that the development will lead to problems of noise or smell.

The minor alterations to form ventilation grilles will not adversely impact on the design of the building and will have no impact on the character of the surrounding conservation area protected by Policy 61 of the Plan.

In terms of parking and traffic movement, properties within the city centre are not expected to provide dedicated parking within their curtilages. Rather customers visiting the premises and staff working on the premises can use public transport or

the Council's off street or on street parking facilities. In this case, the site is well served by both public transport and parking facilities and in any event it is not considered that the proposed daytime cafe would result in any more significant traffic generation or parking demands than a retail use which is already approved at this location.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

### Other Material Considerations

The other material consideration to be taken into account is the concerns of the objector. This issue was considered and addressed in the examination of the proposal against the criteria of Policy 1. From this examination it is concluded that the proposal would not result in any significant traffic or parking problems.

It would appear that the objector is principally concerned about the abuse of the private parking facilities in the courtyard to the rear of the site. In the application form it is not claimed that there are any rights to use this area. In any event the policing of this private parking area is a matter for the owner and those entitled to use it.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objector 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

The alterations to the building are minor in nature and are of satisfactory design.

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### CONCLUSION

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The proposal complies with the Dundee Local Plan Review 2005. The objections do not carry sufficient weight to merit refusal of the application.

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### RECOMMENDATION

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It is recommended that planning permission 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 Exact details of the formation of the ventilation grilles which shall be flush with the fascia of the building and coloured to match shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 3 No cooking shall be carried out on the premises and food shall be heated by means of a microwave oven only or any alternative method which has been agreed in writing by the Council.
- 4 The premises shall be open to the public between 0800 and 1800 hours only.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the proposed ventilation system is adequate to deal with odour from the premises in the interests of the amenities of the upper floor residents.
- 4 The site directly adjoins residential properties and it is necessary to restrict the hours of operation to those proposed by the applicants in order to prevent noise disturbance to the adjoining residents.