

KEY INFORMATION

Ward East Port

Proposal

Change of use from retail to hot food takeaway and installation of flue

Address

187 Princes Street
Dundee
DD4 6DQ

Applicant

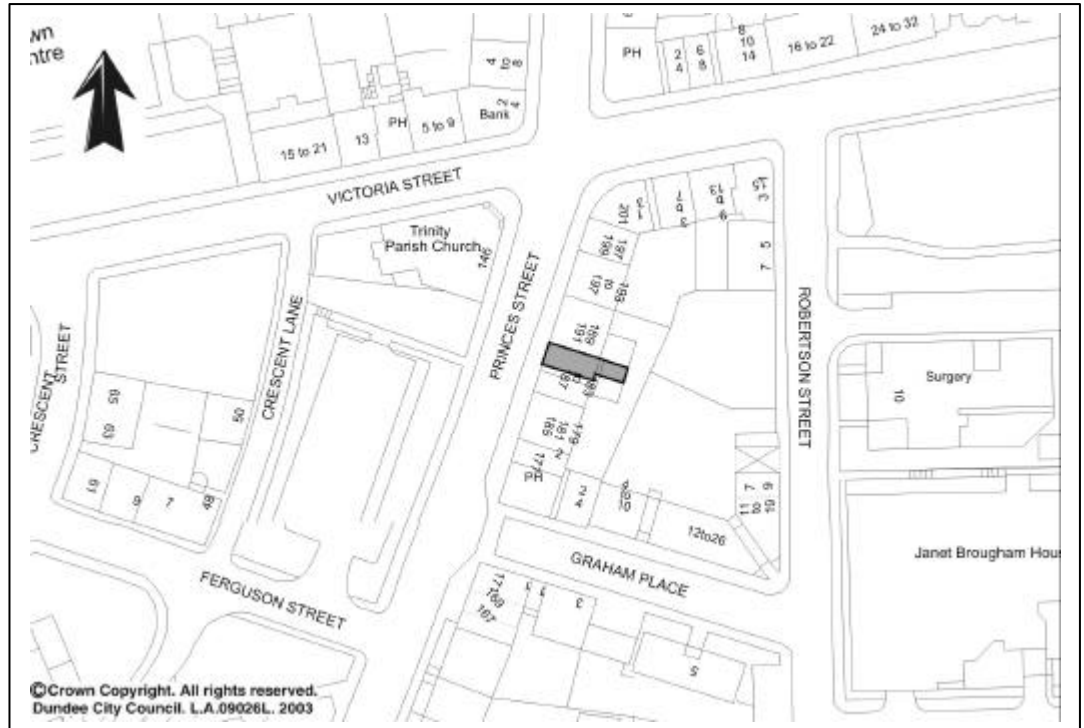
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Agent

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Registered 5 Apr 2006

Case Officer S Johnson



Hot Food Takeaway Proposed in Princes Street

A change of use from retail to hot food takeaway is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The change of use from a vacant furniture 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 support the conclusion that the application should be refused. Therefore the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the change of use from a furniture shop to a hot food takeaway at 187 Princes Street, Dundee.
- Two letters of objection and a petition with four signatures were received from neighbouring residents on the grounds of noise, number of similar facilities in the area, refuse and vermin, smell, appearance, residential amenity and impact on the built environment.
- 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 concerned that the proposal does not comply with Policies 1 and 53 of the Dundee Local Plan Review 2005. 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 furniture shop to a hot food takeaway. The floor area will be approximately 80sqm. The hours of operation will be Monday–Friday 4pm - 12am and Saturday & Sunday 4pm - 1am. The method of heating the food will be using the oven units in conjunction with a Jasun filtration system. The proposed elevational alterations are to remove the existing shopfront screen and to replace this with new aluminium powder coated screen and entrance door. To the rear of the property, on the east elevation a new galvanised steel extract ducting will be installed 3000mm above eaves level. New internally illuminated box signage will also be installed on the west elevation.

SITE DESCRIPTION

The application site is a vacant retail unit which previously operated as a furniture shop. It is located within a parade of retail units. To the south is a Sewing and Knitting Centre, Tay Family History Society and Harlequins public house. To the north of the unit are two vacant units. There are residential properties above all the units. This is a four and half storey building located on the east side of Princes Street. The site is located on a bus route and there is no parking permitted within the vicinity of the building.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review

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



PROPOSED WEST ELEVATION

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 not be achieved.

SITE HISTORY

A planning application for a change of use from a shop to a property shop and office was approved with conditions in 1986 (Planning Reference 86/11440/D). A change of use from offices to chiropody surgery was also

approved with conditions (Planning Reference 91/16245/D).

PUBLIC PARTICIPATION

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

Associated Noise;
Number of similar facilities in the area;
Refuse and vermin;
Smell;
Appearance;
Residential Amenity (noise, overshadowing, overlooking); and
Impact on the built environment;

A petition with four signatures objecting to the application has also been received. This petition was attached to one of the objection letters. It asked objectors to sign their name if they objected to the application and the covering letter outlined the main objections. Copies of the objections are available for inspection in the Members' Lounges and the issues area discussed in the "Observations" section below.

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

- 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.

The site has residential properties on the four storeys above it and residential accommodation to the north and 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 existing housing within 30 metres of the hot food outlet.

In order to fully assess the proposal, the applicants were requested to provide additional details regarding hours of opening; the method of heating the food and the servicing arrangements. The following information was provided: The hours of operation will be Monday -Friday 4pm-12am and Saturday & Sunday 4pm-1am. The method of heating the food will be using the oven units in conjunction with a Jasun filtration system. And the deliveries will be made every second day using one vehicle.

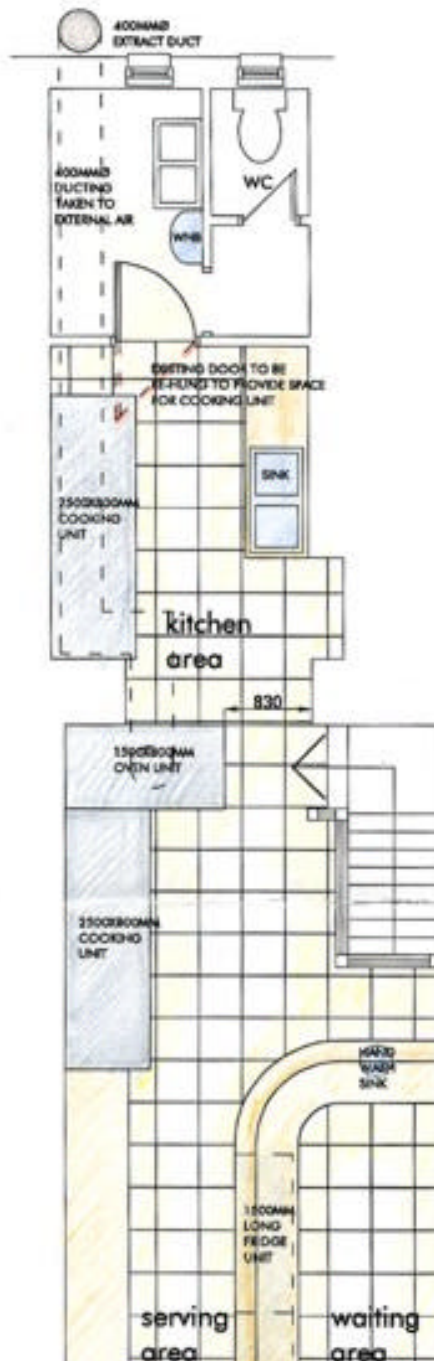
There has been a number of objections received relating to the associated noise and smells of such a development. Due to the hours of operation it is felt that this proposal may compound these concerns. Also due to the position of the flue if there is an easterly wind this would blow the smells directly into the residential properties. 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.

In terms of the impact on the built environment it is felt that as the proposed alterations are mainly internal there will be limited impact on the external appearance of the property. However, the position of the flue on the rear elevation may have a detrimental impact on the residential properties.

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 the material considerations all weigh against the grant of planning permission. It is therefore recommended that planning permission be refused.

Design

The external alterations to the building are minor in nature. However, it is felt that the flue on the rear elevation is not an attractive feature especially as there are residential properties immediately adjacent to it. The main alterations are internal to the building and as such raise no issues in terms of design.

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:

Reason

- 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. There are no material considerations that would justify approval of the application contrary to the Development Plan.