

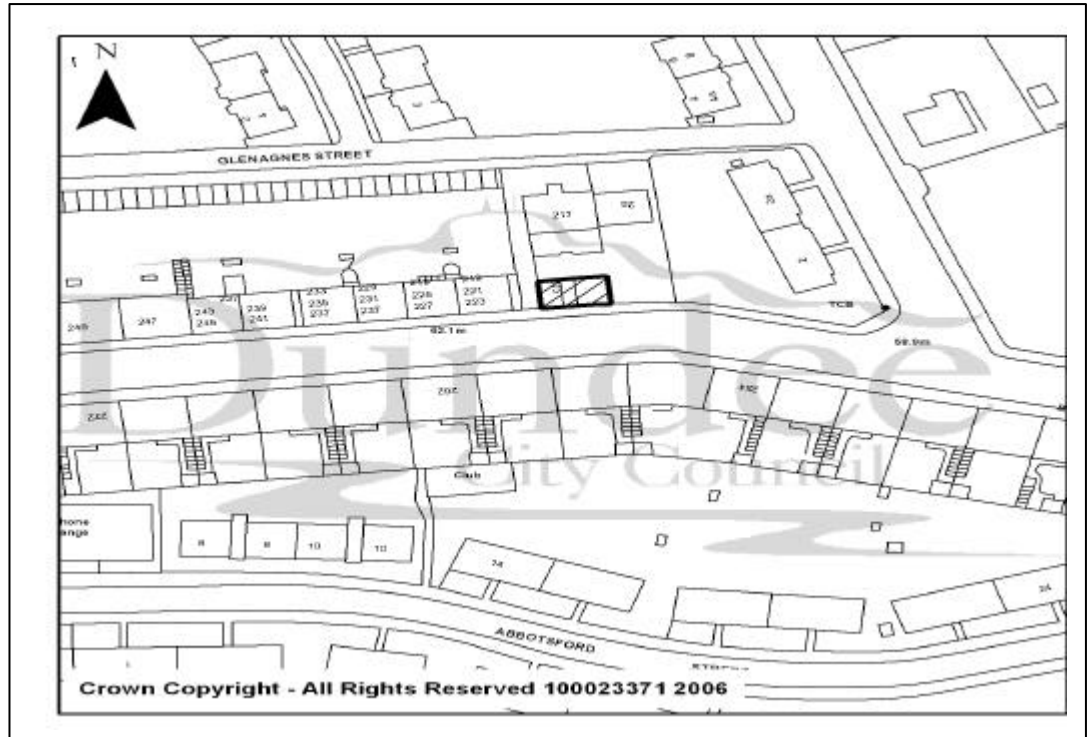
KEY INFORMATION

Ward Logie

ProposalExtension to sandwich shop
(Class 1)**Address**215 Blackness Road
Dundee
DD2 1RN**Applicant**Mr Kashmiri
2 Christian Road
Broughty Ferry
Dundee
DD5 1NE**Agent**ARKTX Chartered Architects
187 Strathmartine Road
DUNDEE DD3 8BL

Registered 3 Oct 2006

Case Officer G S Reid



Proposed Extension to Shop in Blackness Road

An extension to a sandwich shop (Class 1) is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposed development is in accordance with the provisions of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for an extension to an existing sandwich shop (Class 1) at 215 Blackness Road.
- The proposal raises issues for consideration in terms of Policy 1 of the Dundee Local Plan Review 2005.
- A single letter of objection was received from a resident in the surrounding area. The main issues raised related to inadequate parking for residents, overprovision of shops, problems of noise, overlooking of ground floor windows, loss of trees and the congregating of youths.
- It is considered that the proposed development is in accordance with the policies of the Dundee Local Plan Review 2006. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.

DESCRIPTION OF PROPOSAL

Planning permission is sought for an extension to an existing sandwich shop (Class 1) at 215 Blackness Road.

The existing shop has a gross floor area of 38 sq metres. The proposed extension would increase the total gross floor area by 40 sq. metres. The extended shop would have a total gross floor area of 78 sq. metres.

The proposals also involve elevational alterations to the existing unit including, new windows, doors and the replacement of the existing flat roof with a pitched roof.

The finishing materials are to be a dry dash render to the walls to match the existing unit and concrete tiles to the roof.

The proposal would also result in the removal of existing trees in the eastern corner of the site and a section of boundary wall.

Both customer and service access are to be taken from Blackness Road.

SITE DESCRIPTION

The application site is located on the north side of Blackness Road and is to the west of the junction with Glenagnes Road. The site is occupied by a single storey building which is currently vacant. The last use of the building was as a daytime sandwich shop (Class 1 with ancillary hot food). To the west of the shop is an open garden area which is grassed and contains mature trees. To the north of the site is a residential property, to the south and west are 4-storey tenements. To the east are three storey flats. Immediately to the west is the driveway of the house to the north.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: Vibrant And Sustainable Communities

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.



SOUTH ELEVATION

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

Planning Application 90/15619/D: Change of use from vacant shop to fast food take away at 215 Blackness Road. Refused 01/11/1990.

Planning Application 91/16838/D: Change of use from shop to fast food

take away at 215 Blackness Road. Refused 23/12/1991.

Planning Application 94/20343/D: Change of use from class 1 retail to class 1 with ancillary hot food at 215 Blackness Road. Approved with conditions 11/01/1995.

Planning Application 96/22342/D: Variation of condition 1 to planning permission 94/20343/D to allow for change of operator at 215 Blackness Road. Approved with conditions 28/01/1997.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and a single letter of objection was received from a resident in the surrounding area.

The main grounds of objection were that:

- 1 there are already inadequate parking spaces for residents in the area.
- 2 there are already sufficient outlets for sandwiches in the surrounding area.
- 3 it would result in problems of noise if open late into the evening.
- 4 it would encourage youths from the surrounding area to congregate at the shop.
- 5 it would result in the overlooking of ground floor windows of residential properties.
- 6 it would result in the loss of at least one long established tree.

A copy of the letter of objection is available in the Members Lounges and the issues raised are addressed in the Observations section of this report.

CONSULTATIONS

No adverse comments were received from and of the statutory consultees.

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.

The application is for an extension to an existing class 1 shop unit with limited ancillary hot food. The ancillary hot food is restricted by conditions to previous planning permissions. The extension would increase the gross floor area of the unit by 40 sq. metres from 38 sq. metres to 78 sq. metres.

The application site is in an area where there is no specific policy allocation. Within these areas Policy 1 (Vibrant and Sustainable Communities) applies. Policy 1 seeks to promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. In addition it advises that new development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

The application is for an extension to an existing class 1 retail premises with limited ancillary hot food. The surrounding area is primarily residential with new housing being built to the north east. Policy 1 seeks to encourage an appropriate range of facilities and services close to and within housing areas.

It is considered that the increase in the size of the unit and improvement to its appearance would contribute to the facilities in the area for surrounding residents. In order to minimise any potential disturbance to neighbours in the area the existing restrictions on hours of opening and range of hot food should be maintained. It is considered that the proposal is in accordance with Policy 1 of the Local Plan.

Given that the level of additional retail floor space is relatively small it is considered that there are no specific retail policies that apply in this instance.

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

Other Material Considerations

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

A single letter of objection was received to the proposal from a resident in the surrounding area.

The main grounds of objection were that:

- 1 "there are already inadequate parking spaces for residents in the area." The proposed shop is of a size to provide for local needs. It is considered that the increase in size would not generate significant additional car borne trips. As such it is considered that it would not result in undue pressure on the existing parking situation.
- 2 "there are already sufficient outlets for sandwiches in the surrounding area." The unit although currently vacant has permission for a class 1 use with ancillary hot food. Therefore the proposal is not for an additional outlet.
- 3 "it would result in problems of noise if open late into the evening." The existing use has a condition limiting hours of operation to between 9am and 10pm on any day. It is proposed that this restriction is applied to the current proposal, if approved.
- 4 "it would encourage youths from the surrounding to congregate at the shop." As already indicated the unit, although vacant at present, does have permission as a Class 1 use with ancillary hot food. It is considered that the increase in size would not result in any additional activity over and above that which could occur at present.
- 5 "it would result in the overlooking of ground floor windows of residential properties." The objector lives on the opposite side of Blackness Road to the shop unit. It is considered that the proposal would not result in any increase of overlooking.

- 6 "it would result in the loss of at least one long established tree." The trees in question do not benefit from any form of protection at present. It is considered that its removal would not be significant.

It is concluded from the foregoing that there are no 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

The existing shop unit is of a poor design. The proposed extension and elevational alterations including the introduction of a pitched roof would improve the design of the existing unit. The overall design of the extended shop is considered to be of an acceptable quality.

CONCLUSION

It is considered that the proposed development is in accordance with the policies of the Dundee Local Plan Review 2006. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.

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 No use shall be made of the premises before 9 am or after 10 pm on any day.
- 3 That the hot food element is limited to snack items only which do not require to be prepared on the premises and which only require to be heated by a microwave oven.
- 4 The hot food carry out operations shall be confined to the sale of soup, filled rolls, sandwiches and meat pies and shall not extend to any other hot food.

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 The premises are closely adjoined by residential properties and it is considered necessary to strictly control the nature and intensity of the use of the premises in the interests of the amenities of the area.
- 4 The premises are closely adjoined by residential properties and it is considered necessary to strictly control the nature and intensity of the use of the premises in the interests of the amenities of the area.