

KEY INFORMATION

Ward Coldsid

Proposal

Demolition of former public house and erection of cafe bistro/takeaway with associated off-road car parking

Address

White Horse Inn
Harefield Road
Dundee

Applicant

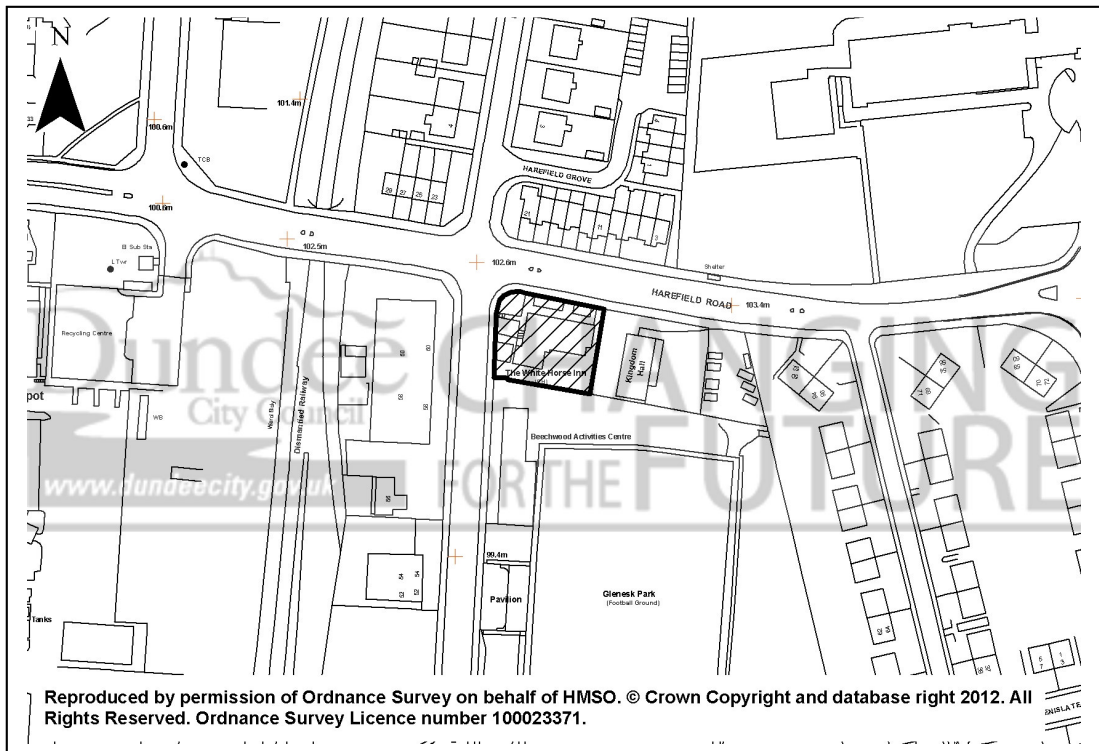
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Registered 27 Jan 2012

Case Officer B Knox



New Cafe and Takeaway at White Horse Inn Site

The demolition of former public house and erection of cafe bistro/takeaway with associated off-road parking is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

In total 3 letters of objection and two petitions have been received. The views of the objectors are not supported and it is considered that the application is in accordance with the Development Plan. There would be no significant adverse affect upon the residential occupiers. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application proposes the demolition of a building most recently used as a public house and the erection of a cafe bistro with takeaway and the creation of associated off road parking.
- In total three letters of objection and two petitions have been received. A number of issues have been raised including concerns in relation to traffic, parking and distance to the nearest residential property.
- The application complies with Policy 53 and Policy 1 of the Dundee Local Plan Review 2005.
- The application is being reported to Committee as the site is owned by the Council and due to the level of objection received.

DESCRIPTION OF PROPOSAL

The application proposes the demolition of a building most recently used as a public house and the erection of a cafe bistro with takeaway and the creation of associated off road parking.

It is understood that the takeaway will not be an ancillary part of the development but rather an integral part of the proposed operations. The applicants have provided a break down of the proposed floor space as follows:

- seating area 46 m²;
- takeaway/counter area 25m²;
- food preparation area 30m²; and
- ancillary areas (eg office, storage, toilets) 31m².

It is intended that the cafe bistro/takeaway will be open to customers between the hours of 8.00am to 10.00pm (Monday to Saturday) and 12.00pm to 10.00pm (Sunday).

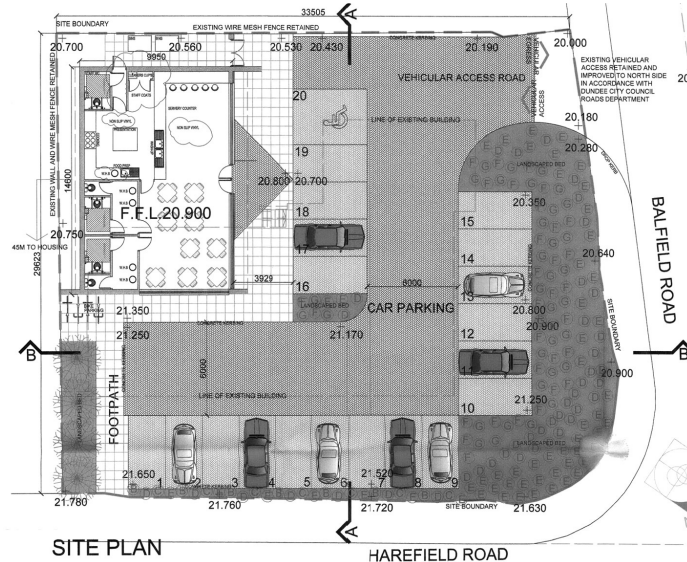
It is proposed to provide a customer entrance to what will be the front elevation onto Balfield Road with double doors. There would be an open area with tables to one side and a servery counter to the other side. The kitchen would be located in the rear of the building at one side with customer toilets in the rear at the other side.

The new building would be provided with a mono pitched roof which would be finished with a roofing membrane in a grey colour. The building is to be finished in an ivory colour render finish and there will also be small areas of blue brindle facing brick and timber cladding.

The design concept proposes large areas of glazing to the west elevation where the entrance is to be located and the north elevation is to have a large window also. The building will also provide a rear service access with a path to a bin storage area.

As part of the proposals, the car park will be re-organised but the access point shall remain as is existing. The materials for the car parking area shall be paving slabs in colours to blend

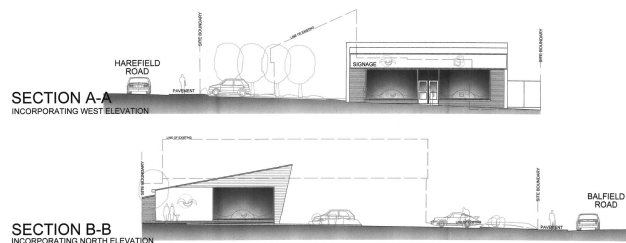
with the surrounding area. The plans show that it will be possible to provide approximately 20 spaces. It is also proposed that there shall be landscaping to the edges of the site surrounding the car park to be planted with flowering cherry trees and various shrubbery.



The applicant's agent has also submitted a supporting statement in relation to the application which considers amongst other things, the site history and the relevant Policies of the Local Plan.

SITE DESCRIPTION

The application site is located on the south side of Harefield Road on the corner with Balfield Road. The property is vacant at the present time but the most recent use was for a public house. Therefore, the property could now be used for that purpose without the need for planning permission.



There is a meeting hall to the east of the site which takes access from Harefield Road. There are residential properties directly opposite the site on the north side of the street situated approximately 30 metres away from the site boundary.

There is a large area to the front of the application building on Harefield

which is laid in concrete stones. In addition, there is an enclosed car parking area at the rear of the property which takes access from Balfield Road.

The building is unusual in appearance with a mono pitch style roof that is finished in natural slate. The front of the building facing into Harefield Road is finished in dry dash with two openings. There is a small area for signage on the frontage where the name White Horse Inn is currently displayed.

The surrounding area accommodates a variety of uses. To the south is a Junior Football Ground (Dundee Violet - Glenesk Park), to the east is the Kingdom Hall of Jehovah's Witnesses, to the west are industrial properties and to the north there are residential dwellings.

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; and

Policy 53: licensed and hot food premises outwith the city centre.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of relevance.

Non Statutory Statements of Council Policy

There are no statements of relevance.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

06/00701/COU - change of use of public house to Hot Food Take-away and Office - Withdrawn 19 October 2006.

08/00342/COU - change of use of Public House to Offices - declared Invalid on 2 September 2008

09/00387/COU - change of use of Public House to Cafe Bistro Operating from 8.00am to 11.00pm, Monday to Saturday, and 11.00am to 10.00pm on Sundays and Alterations to Front and Side Elevations - approved subject to conditions regarding noise arising from any mechanical or electrical plant.

11/00061/FULL - change of use of from Vacant Public House to 2 No Retail Units and 1 No Hot Food Takeaway and the Creation of Road Layby - Refused at Committee (18 April 2011) Subsequent appeal dismissed. 17 August 2011.

11/00556/FULL - change of Use from Vacant Public House to Bistro Restaurant with Takeaway - refused at Committee 22 November 2011.

PUBLIC PARTICIPATION

The Statutory Neighbour Notification procedure was carried out and the application was advertised in the local press.

In total three letters of objection and two petitions have been received.

One of the petitions contained 130 valid signatories and the other one contained 15 valid signatories on behalf of shopkeepers of the Lochee area. These have been organised by two different parties.

The concerns can be summarised as falling into the following:

Traffic and Parking issues - use of the site for takeaway purposes will lead to increased traffic at peak times increasing the possibility of accidents and raising issues of public safety, particularly in relation to the school.

Increased traffic noise - encouraging shops on outskirts of the Lochee District Centre goes against development plan policies and would have a detrimental impact on trade.

There are a number of available sites in the Lochee District Centre and would like to see a range and quality of

services offered maintained within Lochee itself to preserve footfall and trade.

The development would have a detrimental impact upon existing shops resulting in job losses in the area.

One of the objectors has grouped their concerns into what they consider to be the relevant Local Plan Policy. These concerns have been listed below:

Policy 1 - concerns raised in relation to road safety, insufficient parking, over spilling form car park.

Concerns that a take away will attract youths to congregate leading to increased noise and litter levels.

Policy 45 - concerns that the Lochee District centre provides sufficient shops and this should be located in the district centre

Policy 53 - the closest houses are only 30 metres away from the building.

The boundaries should be measured by curtilages not building to building.

It is intended to comment on this in the Observations Section of the report.

CONSULTATIONS

The Head of Environmental Protection has advised that a noise condition should be applied to any grant of permission regarding noise from mechanical and electrical plant.

The Head of Environmental Protection has also advised that an informative should be attached to any grant of consent to ensure that appropriate steps are taken by the applicant should contamination be found during the construction of the building.

OBSERVATIONS

Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

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 53 (Licensed and Hot Food Premises Outwith the City Centre)

The nature of the application requires that the proposals are considered under the terms of Policy 53 of the Dundee Local Plan 2005. This Policy requires that, in general, no licensed premises other than off licences or hotels with a restricted license and no premises selling hot food are acceptable within 30 metres of existing and proposed housing if the outlet does not exceed 150m² gross floorspace or 45m if the 150m² figure is exceeded.

The restaurant building with associated hot food takeaway facility in question is proposed to have a gross floor area of approximately 132m² and therefore the recommended distance for hot food takeaways in relation to housing in this case is 30m.

A visit to the site has revealed that there are a number of dwelling houses evident to the north of the site on the opposite side of the street. These properties are located approximately 36 metres distant from the application premises when measuring from building to building and in this regard the application meets the terms of this Policy.

Policy 1 (Vibrant and Sustainable Communities)

This policy promotes vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New developments should seek to minimise any affect on the environmental qualities currently enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

As discussed, the nearest residential properties are located approximately 36 metres to the north. These dwellings are separated from the application site by Harefield Road which is a busy district distributor road that runs in an east to west direction across this part of the city.

In terms of design, it is proposed to erect a new building in the place of the existing dilapidated structure. The new building would be in the south-eastern corner of the site, at the furthest point away from residential properties on the northern side of Harefield Road. It is proposed that the building will face in a westerly

direction with the main entrance to the west elevation. The building is to be finished with a mono pitch roof.

The design proposes large areas of glazing to the west elevation where the entrance is to be located and the north elevation is to have a large window also. The building will also provide a rear service access with a path to a bin storage area.

The building is to be finished in an ivory colour render finish with a membrane roof which would be grey in colour. There will also be small areas of blue brindle facing brick and timber cladding.

As part of the proposals, the car park will be re-organised but the access point shall remain as is existing. The materials for the car parking area shall be paving slabs in colours to blend with the surrounding area.

The design of the new building and the proposed external alterations is considered to be of acceptable quality and will enhance the area with a significant contrast from the existing situation. The materials and style proposed are considered to be suitable for the site which sits in an almost isolated position.

Harefield Road is approximately 11 metres wide and Balfield Road is approximately 9.5 metres wide. There is an existing footway adjacent to the site with a width of approximately 2.5 metres. The new building is to benefit from off street car parking which will be capable of providing space for approximately 20 cars. The layout of the site with the main entrance being accessed from the west elevation means that visitors to the premises will be likely to make use of the car parking facility rather than parking on street as may have been the case with the existing building. This is considered to be a positive change to the layout of the site and the associated proposed use of the building. Such an alteration to the layout brought about by the demolition of the existing building and erection of a new property also means that there will be no significant concerns with road safety or traffic congestion arising from the proposals.

In terms of pedestrian access to the site it is considered to be appropriate that the applicants bring the footway ex adverso the site on Balfield Road up to an adoptable standard due to the fact

that it is not currently of a standard that would be appropriate to be used by an increase in the number of pedestrians that may occur with the proposed use.

The applicants have indicated that they wish to provide hot and cold food and snacks for takeaway between the hours of 8.00 am to 10.00 pm Monday to Saturday and 12.00 pm to 10.00pm on Sundays.

In considering both the takeaway and restaurant element of the application it must be noted that the building can be used as a public house at the present time since that was the last known use without planning permission. The effect of patrons smoking outside beyond the hours of 10 pm which would be likely with a public house is considered to be greater than the likely impact that granting a restaurant and hot food takeaway in this location would have, particularly when it is proposed to close at 10.00pm in the evening.

In addition, given that the application site is located on Harefield Road which is a very busy thoroughfare through this part of the city, it is considered that any instances of noise disturbance generated by customers visiting the hot food takeaway shall not exacerbate the existing levels of noise disturbance generated by passing traffic.

In addition any noise generated by the mechanical and electrical plant from within the proposed hot food takeaway shall be restricted by condition to NR35 at night and NR45 during the day as measured 1m external to the facade of neighbouring residential properties. This shall prevent any instances of mechanical or electrical noise disturbance from adversely affecting neighbouring residential properties.

There are therefore no concerns in relation to noise arising as a result of the use in this location.

In terms of smell, due to the distance to the nearest dwellings and the fact that the existing property was previously used to prepare food on the premises, it is considered that there would be no significant impact upon the nearest residential occupiers in this regard. Particularly given the fact that the proposed premises would be located a greater distance away from the existing public house.

Furthermore, the separation of the property from the nearest residential dwelling by the busy Harefield Road and the actual distance between the buildings in excess of the 30 metre guidance under Policy 53 distance is sufficient to ensure that there shall be no significant impact upon the nearest residential occupiers in terms of smell.

Accordingly, it is considered that the application complies with Policy 1 of the Dundee Local Plan Review 2005.

The proposals meet the requirements of Policy 1 (Vibrant and Sustainable Communities) and meets the requirements of Policy 53 (Licensed and Hot Food Premises Outwith the City Centre) of the Dundee Local Plan Review 2005.

Other Material Considerations

A - Planning Benefits

The regeneration of a brownfield site that has lain vacant for a number of years is considered to be positive. The demolition of the unkempt and unattractive building on site and the replacement with a new smaller building with a modern appearance will be to the enhancement of the site and surrounding area.

B - Views of Objectors

- Traffic and Parking Issues.
- Use of the site for takeaway purposes will lead to increased traffic at peak times increasing the possibility of accidents and raising issues of public safety, particularly in relation to the school
- Increased traffic noise.
- Concerns raised in relation to road safety, insufficient parking, over spilling form car park.

Issues in relation to traffic and parking have been discussed in relation to Policy 1 where it was concluded that the application complies with the requirements of the Policy.

- Encouraging shops on outskirts of the Lochee District Centre goes against development plan policies and would have a detrimental impact on trade
- There are a number of available sites in the Lochee District Centre and would like to see a

range and quality of services offered maintained within Lochee itself to preserve footfall and trade

- Concerns that the Lochee District centre provides sufficient shops and this should be located in the district centre as per Policy 45.

The proposal is for a cafe bistro with associated hot food takeaway. Policy 53 is the relevant Policy that provides guidance on the locating of such uses. The policy does not direct that such uses ought to be located within the District Centre. Policy 45 is not relevant to the determination of the application since that relates to the formation of new retail provision and does not relate to the formation of cafes or hot food takeaways.

- The development would have a detrimental impact upon existing shops resulting in job losses in the area

The proposal is not of a significant size and its impact upon the provision of jobs in the surrounding area shall be limited. It is not considered to be a significant issue which might contribute towards withholding planning permission for the use. The development would create job opportunities on a site that is currently vacant and derelict.

- Concerns that a take away will attract youths to congregate leading to increased noise and litter levels

In terms of litter it is considered that in the event of any approval, it would be appropriate in this instance, particularly given the close proximity to a school, that litter bins should be provided at the expense of the applicant to the front of the hot food takeaway to discourage littering. The issue of noise has been discussed above in relation to Policy 1. There are therefore no issues of significant weight in terms of amenity.

- The closest houses are only 30m away from the building.
- The boundaries should be measured by curtilages not building to building.

The issues in relation to the proximity to existing housing have been discussed and discharged in relation to Policy 53 of the Dundee Local Plan Review 2005 and the further discussion in the material considerations section.

C - Applicants Supporting Statement

The applicant has submitted a supporting planning statement with his application. The document examines the proposal in relation to the each of the relevant policies and is a comprehensive document profiling the history of the site and the relevant policies in relation to the current proposals. Amongst other things the main points raised in support of the application relate to the following:

- Rather than reuse the public house for an alternative use(s), it is intended that the redundant building be demolished and a new one erected in its place. The proposed café bistro/takeaway has a gross floor area of 132m². To comply with the requirements of Policy 53 Licensed and Hot Food Premises Outwith the City Centre, the new building is to be located at the south-eastern corner of the site thus ensuring a 'building to building' separation distance of 38m to the closest residential property;
- With regard to Policy 1 Vibrant and Sustainable Communities, the proposals will return this redundant 'brownfield' site to active use. Taking into account the site's established land use and extant planning permission, coupled with its location on a distributor road, the proposals will not adversely impact on residential amenity by way of design, layout, noise or smell, subject to detail;
- In terms of traffic and parking, the control of illegal parking on the public highway is not a matter for the planning system and the provision of 20 off-road parking bays is sufficient to meet the needs of customers. Furthermore, there is no intention to provide a parking lay-by on Harefield Road as part of the current proposals. In addition, the on-site parking

area has been designed to ensure that delivery vehicles etc. can safely service the premises; and

- The applicant commissioned Transport Consultants to provide specialist comment. Given the existing access, the presence of the road and a variety of crossing options, and the removal of the previously proposed lay-by, they have confirmed that there are no traffic and road safety concerns with regards to this development.

The above considerations are concluded to be reasonable assessments of the status of the current application and add weight to the approval of the application.

D - Planning History of site

11/00061/FULL - This application was for the change of use of the public house to form 2 retail units and 1 Hot Food Takeaway with the associated creation of a road lay-by. It was refused at Committee (18 April 2011) and the reasons related to a potential to draw trade from and adversely impact on the nearby parade of shops at Strathmore Avenue/Brantwood Avenue and the Lochee District Centre and also in relation to Policy 45 regarding the proposed retailing units.

The applicants submitted a subsequent appeal to the Department for Planning and Environmental Appeals. This was dismissed on 17 August 2011. The main reasons for this related to non-compliance with Policy 45 in relation to the retailing proposed and traffic and parking concerns arising as a result of the lay by and car parking arrangement.

A further application was submitted (11/00556/FULL) which was for the change of use from the vacant public house to bistro restaurant with takeaway. This was refused at Committee on 22 November 2011 and the reasons related to concerns with the parking arrangements at peak traffic times throughout the day contrary to Policy 1 of the Plan and due to the relative distances to residential property under the terms of Policy 53 of the Plan.

It is concluded that there are material planning considerations which weigh in favour of the proposed development and are of sufficient weight to suggest that Planning Permission be granted

(with conditions) contrary to the provisions of the Development Plan.

Design

As discussed, the proposed building is of an acceptable standard of design and appearance and will enhance the appearance of the site to the improvement of the surrounding area.

CONCLUSION

It is concluded from the foregoing that the application will not detract visually from the surrounding area and that the use proposed is acceptable given the proposed layout of the car park and provision for a large number of cars at any one time.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The total noise from the extraction system and all other M & E services shall not exceed NR 35 during the night and NR 45 during the day as measured 1 metre external to the facade of adjacent residential accommodation.

For the avoidance of doubt night time shall be 23.00 to 07.00 hrs and daytime shall be 07.00 to 23.00 hrs.

- 2 Details of the altered vehicle access on to Balfield Road must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications.
- 3 A footway should be provided to Dundee City Council standards and specifications ex adverso the site on Balfield Road. Details of the footway must be agreed prior to any works on site and the agreed footway must be formed prior to the first operation of the development.

Reasons

- 1 In the interests of the amenity of nearby residential occupiers.
- 2 In the interests of road traffic and pedestrian safety.
- 3 In the interests of pedestrian safety.