

Proposed Hot Food Café/Takeaway

KEY INFORMATION

Ward Lochee

Address

Land To Northwest of
Myrekirk Road Roundabout
Kingsway West
Dundee

Applicant

Clarks Bakery Ltd

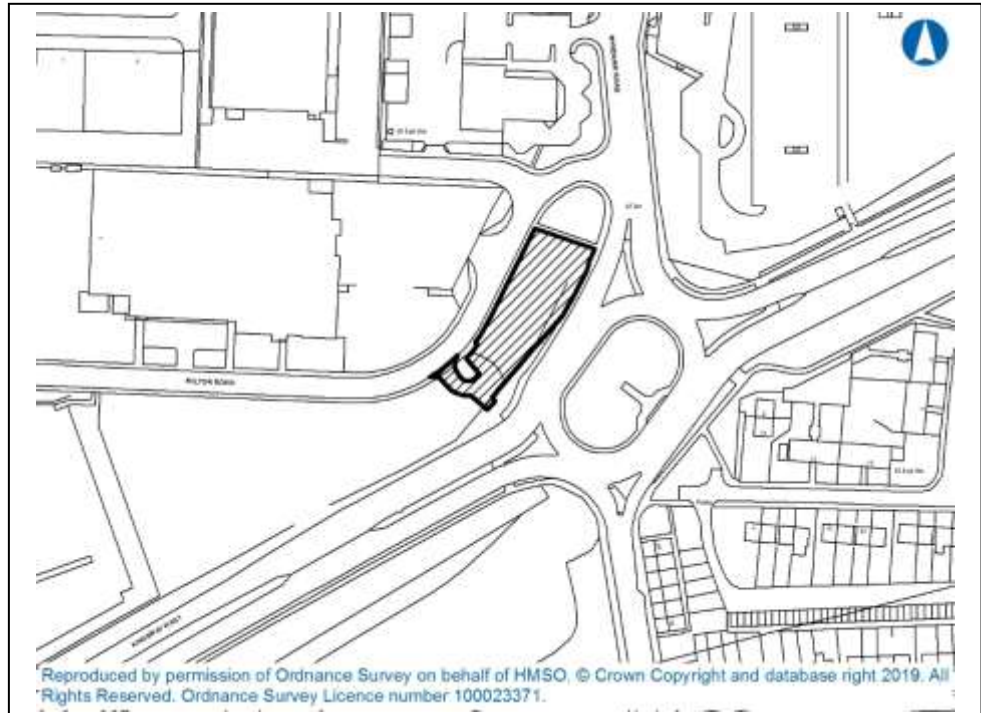
Agent

Peter Inglis Architects

Registered 8 March 2019

**Report by Head of Planning
& Economic Development**

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for a hot food cafe/takeaway and associated car park.
- The application is not in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. Two letters of objection have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee at the request of an elected member.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>

RECOMMENDATION

The proposal is not in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify approval of planning permission. It is therefore recommended that planning permission be REFUSED.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of a café and hot food takeaway with associated access and customer car park.
- 1.2 The proposed café and takeaway has an internal floor area of 95m² and includes a servery, customer seating area and toilet. A staff area is proposed to the east of the servery and a storage area is proposed to the west of the building. To the front of the building (south) an external seating area is proposed.
- 1.3 The proposed café and takeaway would have a flat roof finished with a dark grey membrane and a glazed frontage with areas of timber cladding. Windows and rainwater goods would be finished in dark grey UPVC. The end and rear elevations include further sections of timber cladding, with an area of “living wall” planting proposed to the north elevation.
- 1.4 Access would be provided onto Fulton Road to the north of the site, and a 16 space car park is to be provided to the east of the coffee shop. The proposed car park includes provision for one disabled bay and an electric charging point.
- 1.5 In accordance with the Council's Scheme of Delegation, this application has been reported to the Council's Planning Committee at the request of an elected member.
- 1.6 The applicant has submitted the following in support of the application:
 - Planning Statement;
 - Transport Statement;
 - Flood Risk Assessment; and
 - Drainage Scheme.

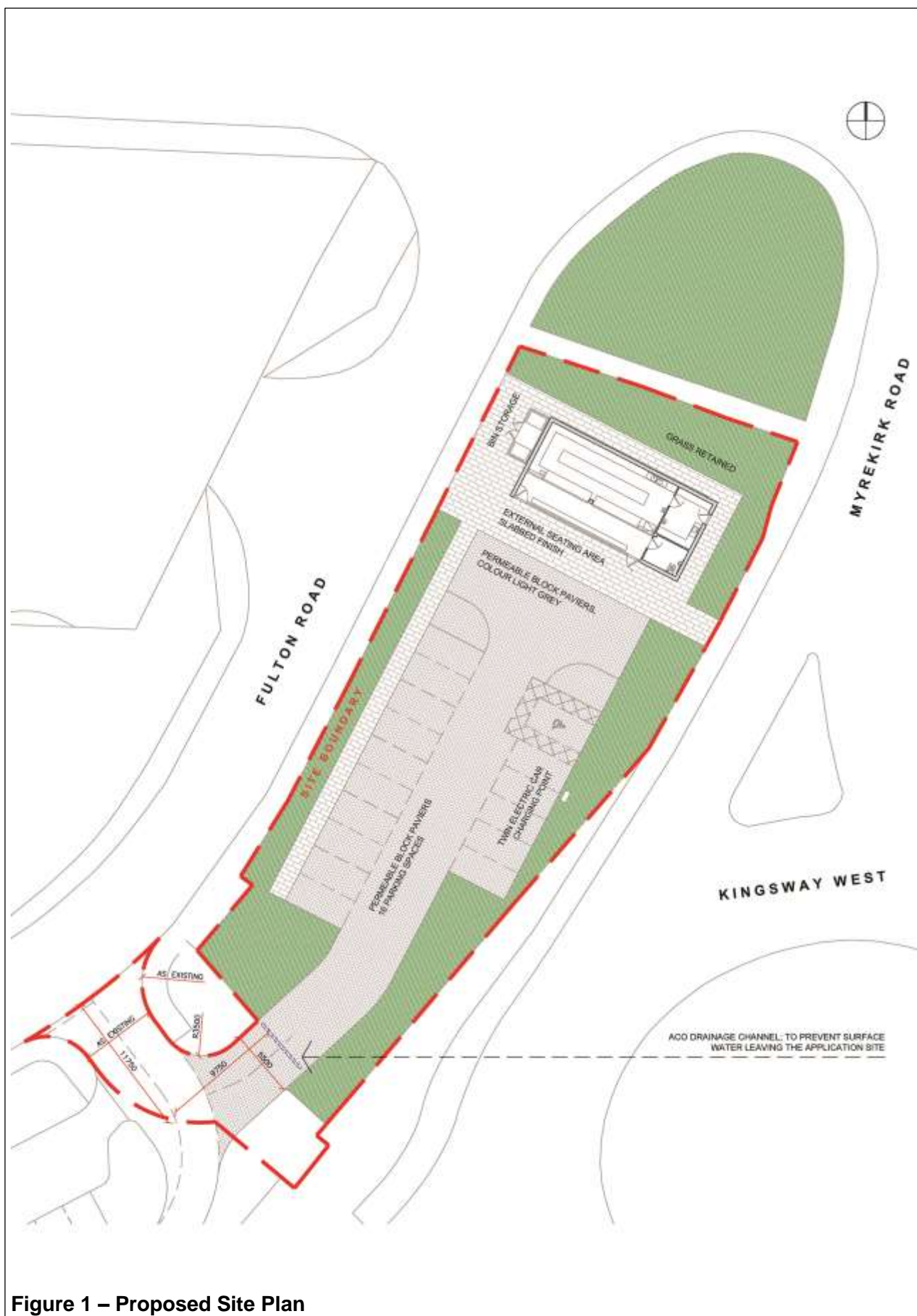


Figure 1 – Proposed Site Plan

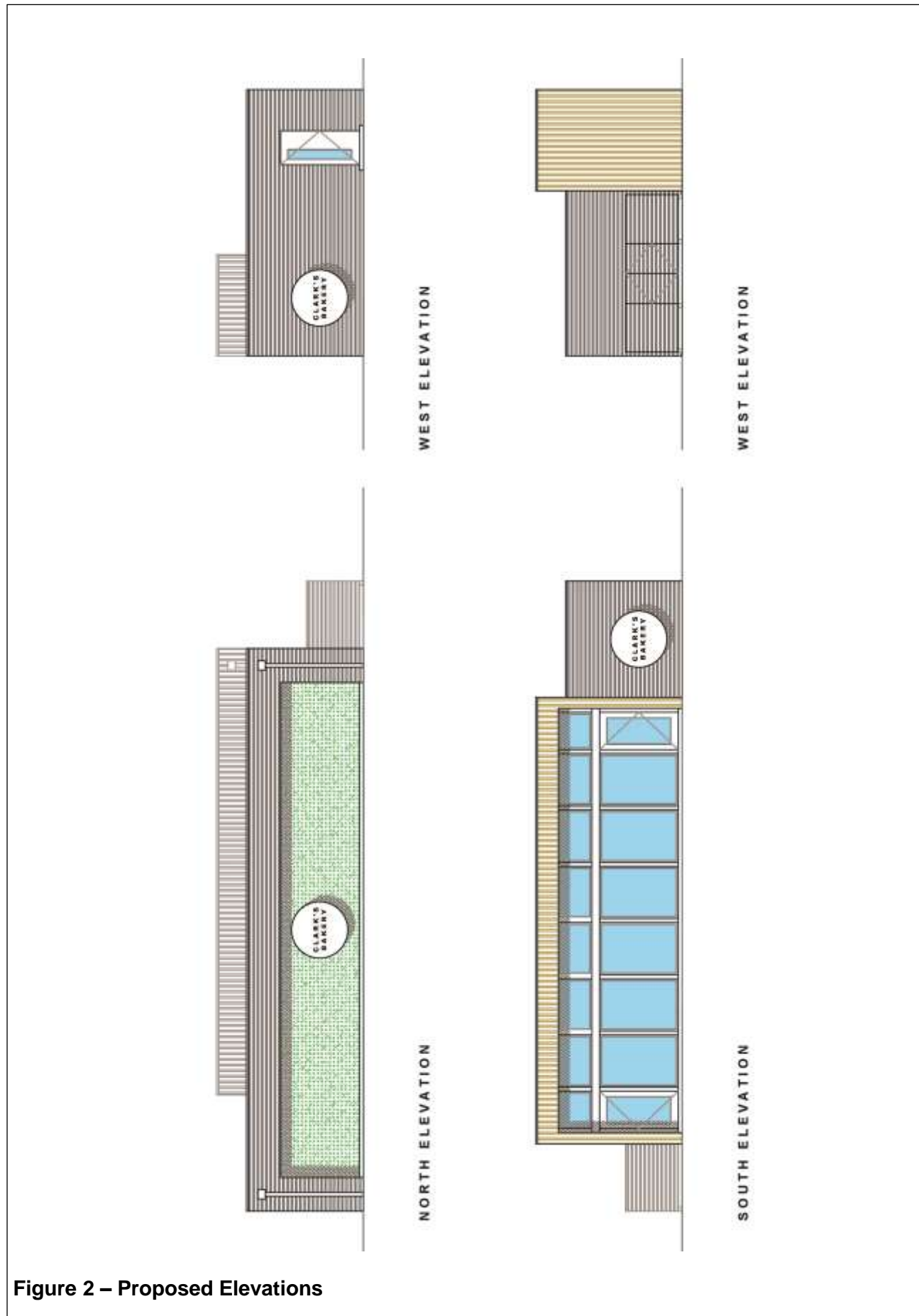


Figure 2 – Proposed Elevations



Figure 3 – Proposed Café/Takeaway Visualisation

2 SITE DESCRIPTION

- 2.1 The application site is located immediately north of the A90 Kingsway West, at Myrekirk Roundabout. The site forms part of a rectangular area of land to the east of a coffee shop and to the south of Fulton Road within the Wester Gourdie Industrial Estate. The level site is open in nature and visible from the Kingsway.

- 2.2 The surrounding land uses are predominantly industrial and include factories and yards to the north west. Other uses include a car sales business immediately opposite the site on Myrekirk Road and a supermarket to the north east. Beyond the site to the south across the Kingsway are sports pitches and residential areas.



Figure 4 – Site Photo



Figure 5 – Site Photo

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

TAYPlan 2016-2036

Policy 3: A First Choice for Investment

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 3: Principal Economic Development Areas

Policy 6: Ancillary Services within Economic Development Areas

Policy 21: Town Centres First Principle

Policy 27: Public Houses, Restaurants and Hot Food Takeaways

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 Planning permission (reference: 18/00588/FULL) for the siting of a portable unit to serve as a hot food takeaway and associated car park was refused in October 2018.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 Two objections have been received raising the following valid material grounds:

- The site which is presently open in nature contributes to the appearance of the area and provides a landscape buffer, as similar open areas within Gourdie Industrial Estate.
- Increased traffic on Myrekrik Roundabout raises road safety concerns.
- The proposal would result in overprovision of food outlets in the local area, with a number of restaurants, food take-aways and supermarkets in the surrounding area which serve workers within the industrial estate and residents within the surrounding area.
- The proposal fails to provide secure cycle storage.

5.3 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 **Transport Scotland** - has no objection to the application.

6.2 **The Head of Community Safety and Protection** - has no objection to the application.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless 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.

TAYPLAN 2016 – 2036

- 7.2 **Policy 3: A First Choice for Investment** - requires participating authorities to identify and safeguard at least 5 years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements.
- 7.3 The aspirations of Policy 3 are satisfied by Policy 3 (Principal Economic Development Areas) of the Dundee Local Development Plan which safeguards land allocated for principal economic development for uses falling within Classes 4, 5 or 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 only.
- 7.4 While the assessment of the proposed development against Policy 3 of the adopted Local Development Plan below concludes that this policy is contravened, the scale of development proposed will not significantly adversely impact on the overall supply of employment land within Dundee as a whole because at present there is an adequate supply of employment land within the city.
- 7.5 **The proposed development therefore does not conflict with the requirements of Policy 3.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.6 **Policy 1: High Quality Design and Placemaking** - states that all development proposals should follow a design-led approach to sustainable, high quality placemaking. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.7 It is proposed to erect a single storey detached building where the frontage would comprise high level glazing and side and rear elevations are finished in timber cladding. The scale and massing of the proposed building is acceptable in design terms and would be in keeping with the dispersed nature of development along Fulton Road and within Wester Gourdie Industrial Estate. Whilst the site is open in nature, the proposed building and car park would not appear visually out of place. The proposed building is of a modern design and would integrate into the extensive street scene.
- 7.8 The applicant has provided a Transport Statement and detailed parking layout. The proposal would have no detrimental impact on road and pedestrian safety. Vehicles would be able to access the site from Fulton Road and the proposed 16 parking spaces would be sufficient.

- 7.9 With reference to Appendix 1, the proposal is required to meet the 6 qualities of successful place - distinctive; safe and pleasant; easy to move around and beyond; welcoming; adaptable and resource efficient.
- 7.10 Overall the design and layout of the proposed development is of a quality which maintains the character of the surrounding area and would integrate into the wider streetscape in terms of appearance, height, scale and massing. The site is accessible on foot and by public transport and the proposed access and parking provision ensures there would be no detrimental impact on ease of movement or road safety.
- 7.11 The proposal demonstrates compliance with the six qualities of successful place.
- 7.12 **The proposal is in accordance with Policy 1.**
- 7.13 **Policy 3: Principal Economic Development Areas** - safeguards areas designated as Principal Economic Development Areas for uses falling within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
- 7.14 The proposed café is a Class 3 use and takeaway is a Sui Generis use, the proposal is therefore contrary to the terms of Policy 3. This allocated industrial site is in a prominent location close to the Kingsway/A90 and could make a significant contribution to employment land in Dundee. The proposed development would result in the loss of employment land and increase the number of non-compliant uses within the Principal Economic Development Area to the detriment of the city. The proposed café/takeaway would not support delivery of the aims of the Dundee Economic Strategy and could impact upon Dundee's ability to meet the needs of inward investors or expanding local businesses.
- 7.15 **The proposal is not in accordance with Policy 3.**
- 7.16 **Policy 6: Ancillary Services within Economic Development Areas** - supports land uses, such as catering facilities, within Principal Economic Development Areas where the proposals can demonstrate they meet the needs of employees and complement existing business uses.
- 7.17 The proposed development is not considered to be a facility that would be ancillary to the Myrekirk Principal Economic Development Area. Whilst the provision of ancillary services within Economic Development Areas can be supported, the existing provision of a mobile takeaway, restaurant and coffee shop/drive through provide a sufficient number of services for employees. The proposed café and takeaway, with 16 space car park is aimed towards attracting visiting members of the public. The principal elevation of the building would face south east towards Kingsway West to maximise its public visibility. The provision of a further food outlet at Wester Gourdie would alter the character and use of the area and attract trade from established centres. The proposed café/takeaway at this out-of-centre site goes against the Town Centres First Principle and would not encourage members of the public to visit existing District Centres or the City Centre.
- 7.18 The terms of Policy 6 do not support facilities of this scale and nature.
- 7.19 **The proposal is not in accordance with Policy 6.**
- 7.20 **Policy 21: Town Centre First Principle** - requires all new or expanded uses that will generate significant footfall should be located in the City Centre or a District Centre. Such uses would only be supported in other locations where:
- 1 no suitable site is available, in the first instance, within the City Centre or District Centres then, edge of town centre and then, Commercial Centres identified in the Local

Development Plan, and then out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes;

- 7.21 The applicant has not provided an assessment of alternative sites. Whilst the proposed site is accessible by public transport, it is located out with a residential area and sited to attract passing traffic on Kingsway. The applicant has failed to demonstrate alternative sites within or on the edge of existing centres are able to accommodate the proposals. The proposed café and hot food takeaway in this location would attract footfall away from existing centres.
- 2 individually or cumulatively the proposal would not have a significant adverse effect on the vitality or viability of the City Centre, District Centres or Commercial Centres; and
- 7.22 The proposals are of a scale which would, not in itself, have a significant adverse impact on existing centres. However, the café and hot food takeaway would miss an opportunity to increase footfall and enhance the vitality of existing centres to the detriment of the Councils Town Centres First strategy.
- 3 the proposal would address a deficiency in provision which cannot be met within or on the edge of these centres
- 7.23 The proposals would not address any deficiency in the locality and could be located within an existing centre. There is sufficient services within the Principal Economic Development Area.
- 7.24 The proposed café and hot food takeaway fails to meet criteria 1 and 3.
- 7.25 **The proposal is contrary to the requirements of Policy 21.**
- 7.26 **Policy 27: Public Houses, Restaurants and Hot food takeaways** - states outwith the City Centre and District Centres proposals for hot food takeaways and restaurants, including external seating areas will only be supported where:
- 1 the proposal has a gross floor area up to 150m² and is more than 30 metres* from existing or proposed housing; or
- 2 the proposal has a gross floor area in excess of 150m² and is more than 45 metres* from existing or proposed housing.
- 7.27 In this case, the gross floor area of the unit is 95m². The nearest houses are over 100 metres to the east on Myrekirk Terrace. The proposal would therefore have no detrimental impact upon any existing or proposed housing.
- 7.28 **The proposal meets the requirements of Policy 27.**
- 7.29 **Policy 36: Flood Risk Management** - states development within a medium to high risk area may be acceptable where sufficient flood defences already exist, the proposal will not increase the probability of flooding elsewhere, the development is protected through the use of appropriate water resistant materials and the finalised scheme does not result in a land use which is more vulnerable to flooding.
- 7.30 The applicant has submitted a flood risk assessment with the application. The flood risk assessment identifies the site as not at risk from groundwater or pluvial flooding. The applicant proposes to discharge surface water into the existing drainage network. To minimise the flow of surface water drainage channels and porous paving are proposed. Any remaining surface water will enter the public system at a controlled rate of 5 litres a second. The Flood Risk

Assessment considers this to be sufficient and would ensure there is no detrimental impact on flood levels downstream of the application site.

7.31 **The proposal is in accordance with Policy 36.**

7.32 **Policy 37: Sustainable Drainage Systems** - requires surface water generated by new development to be treated by a Sustainable Urban Drainage System. SuDS should be designed so that the water level during a 1:200 year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds.

7.33 The applicant has submitted a drainage appraisal and flood risk assessment with the application, which demonstrates a mixture of porous surfacing and drainage channels can be located within the site which discharges into the existing drainage network to the north of the site on Fulton Road. The principle of this is considered to be acceptable subject to the detail of the scheme being submitted and approved, and provided that Scottish Water provide technical approval for the connection to the proposed discharge point. Due to the scale of the proposed development and as surface water will be managed on site, there is no proposal for a SUDS pond or basin. The proposed drainage system would have no detrimental impact on ecology or wildlife to the west of the site within Swallow Wetlands.

7.34 **The proposal is in accordance with Policy 37, subject to conditions.**

7.35 **Policy 39: Environmental Protection** - states all new development or an extension to an existing development that would generate noise, vibration or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

7.36 Noise sources include mechanical and electrical services and noise generated by delivery vehicles. The café/hot food takeaway is of a small scale and the majority of produce would be prepared off site. The proposals are not in close proximity to any residential properties and would have no adverse impact on neighbouring businesses with regard to light, noise or smell. The hot food takeaway would therefore not result in any significant level of disturbance on the surrounding area.

7.37 The surrounding land uses include industrial developments to the north and Kingsway to the south. Due to the nature and scale of the proposed café/takeaway the proposal would have no detrimental impact on the amenity of neighbouring businesses/land uses.

7.38 **The proposal meets the requirements of Policy 39.**

7.39 **Policy 48: Low and Zero Carbon Technology in New Development** - states that proposals for all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards would be met through the installation and operation of low and zero carbon generating technologies.

7.40 A statement is required to demonstrate compliance with this requirement. In the event of planning permission being granted, the submission of a satisfactory statement could be controlled by condition.

7.41 **The proposal would comply with Policy 48, subject to a condition.**

7.42 **Policy 54: Safe and Sustainable Transport** - all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

7.43 Walking and cycling routes should be fully useable prior to the first occupation of a new development.

- 1 The site is located adjacent to a bus route which is served by Service 28 providing frequent services into the city centre. Dundee Green Circular walking and cycling route runs to the south of the site along Kingsway West and Myrekirk Road. The site is therefore accessible by sustainable modes of transport, minimising the need to travel by private car.
- 2 The application site would benefit from links to surrounding footpaths and road networks. The site is within walking distance of bus stops on Myrekirk Road and can be accessed on foot and by bicycle. The applicant has confirmed cycle storage space would be provided for staff, however no public cycle storage provision is proposed. To ensure the proposal supports the use of sustainable transport, it is recommended the provision of a cycle storage facility for the use of customers is controlled by condition should members be minded to grant planning permission.
- 3 Existing public footpaths would connect the proposed takeaway site with bus stops on Myrekirk Road which are 100 metres to the north of the site.
- 4 The proposed 16 space car park is of an appropriate size to accommodate vehicles associated with the proposed café/takeaway. The utilisation of an existing access onto Fulton Road is acceptable does not raise any road safety concerns. The level of traffic

generated by the proposed development would have no detrimental impact on Fulton Road or the Kingsway. Following consultation, Transport Scotland have raised no objection to the proposal.

- 5 Due to the nature of the proposed café/takeaway deliveries would be made by vans and lorries which are not of a significant scale. The proposed car park would be of a sufficient size to accommodate such vehicles during deliveries.
- 6 The proposals will utilise an existing access onto Fulton Road which is formed to Dundee City Council specifications, no further variations are required to roads surrounding the site.
- 7 The applicant has provided a Transport Statement which summarises local public transport provision and demonstrate the proposal would be accessible and would not generate a significant travel requirement. The proposal would not result in any significant increase in traffic on Fulton Road or Kingsway at peak times, as the café/takeaway would not generate a significant amount of traffic, a detailed travel plan is not required.

7.44 **The proposal is in accordance with Policy 54.**

7.45 **It is concluded that the proposal is not in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

7.46 The material considerations to be taken into account are as follows:

A -THE SCOTTISH PLANNING POLICY 2014

- 7.47 The SPP stipulates that the sequential approach should be used when selecting locations for all retail and commercial leisure uses unless the development plan identifies an exception. The SPP also emphasises that the sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location. Where development proposals in edge of town centre, commercial centre or out of centre locations are not consistent with the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable.
- 7.48 The applicant has not provided an assessment of alternative sites. The proposal for a café/takeaway out with an existing centre will generate a greater travel demand than if the proposals were within an existing centre. The proposals also miss an opportunity to increase footfall and enhance the vitality of existing centres. Whilst planning permission was granted for non-compliant uses to the west of the application site in 2017, this would not support the presently proposed development which would result in the loss of employment land in a highly prominent position at Myrekirk Roundabout and increase the number of non-compliant uses to the detriment of the city.
- 7.49 The Scottish Government's Town Centre First Principle encourages the Councils to invest in City Centres and help communities thrive. It states that "centres are a key element of the economic, social and environmental fabric of Scotland's towns; often at the core of community and economic life, offering spaces in which to live, meet and interact, do business, and access facilities and services."
- 7.50 The principle requests that: "Government, local authorities, the wider public sector, businesses and communities put the health of town centres at the heart of proportionate and best value decision making, seeking to deliver the best local outcomes regarding investment and de-

investment decisions, alignment of policies, targeting of available resources to priority town centre sites, and encouraging vibrancy, equality and diversity."

- 7.51 The proposed Class 3 and sui generis use on an out-of-centre site goes against the Town Centres First Principle and would encourage members of the public from the wider area to visit the site. It would not encourage people to visit the City Centre, District Centres of Commercial Centres in the same way that such a use would if it were located elsewhere.
- 7.52 The proposal does not comply with Scottish Planning Policy 2014.

B - SUPPORTING INFORMATION

- 7.53 The applicant has provided a statement in support of the application, along with letters from businesses within Myrekirk Industrial Estate.
- 7.54 The statement contains supporting information in relation to the proposals and advises that the applicant considers the application would serve existing business within the industrial estate and is therefore in accordance with Policy 6 of the Local Development Plan.
- 7.55 Issues in relation to the suitability of the site for a non-industrial use have been discussed in relation to Policy 3 and Policy 6 above. It was concluded that the information put forward does not demonstrate that the proposals will be aimed at meeting the needs of those within the Principal Economic Development Area and would not support further industrial development within Wester Gourdie Industrial Estate.
- 7.56 The statement also proposes 20 jobs would be created by the proposals. However, no specific details of employment including number of permanent or full time posts have been provided. There is not sufficient evidence to suggest the proposed use would result in a greater number of jobs than a business/industrial use or justify a departure from the requirements of Policy 3 and Policy 6. Furthermore the development of the site for industrial development could support existing industrial uses and job creation at neighbouring businesses within Wester Gourdie Industrial Estate.
- 7.57 The applicant has submitted 25 letters supporting the principle of the proposed development from businesses within Wester Gourdie Industrial Estate. The letters were collected by the applicant and submitted with the planning application. The letters do not refer to the present planning application 19/00175/FULL and do not set out any detailed matters which are considered material in planning terms. On that basis, they do not constitute valid letters of representation.
- 7.58 Two letters of objection were received in response to the statutory public participation period associated with the present application 18/00588/FULL, which are discussed below.
- 7.59 It is acknowledged that the proposals would provide employment opportunities. However, the proposed café/takeaway would be located within an area designated for uses of an industrial nature. The site is suitable for, and could accommodate development within Use Class 4, 5 or 6. Development of that nature would bring benefits and employment opportunities to the city and provide services to existing businesses at Wester Gourdie Industrial Estate. The applicants supporting statement and letters are not of sufficient weight to justify the approval of planning permission.

C – REPRESENTATIONS

- 7.60 Two objections have been received raising the following valid material grounds;

- the site which is presently open in nature contributes to the appearance of the area;
- increased traffic on Myrekrik Roundabout raises road safety concerns;
- the proposal would result in overprovision of food outlets in the local area; and
- the proposal fails to provide secure cycle storage.

7.61 The grounds of objection are considered and assessed as follows:

Objection - the site which is presently open in nature contributes to the appearance of the area and provides a landscape buffer, as similar open areas within Gourdie Industrial Estate.

Response - the application site presently contains an area of lawn which contributes positively to the open character of the site and the surrounding area. However, the site is allocated as a Principal Economic Development area and is considered appropriate for development within an industrial use. Whilst the open nature of the site contributes positively to the wider streetspace, the principal of development on the site is established.

Objection - increased traffic on Myrekrik Roundabout raises road safety concerns.

Response - due to the relatively small scale of the proposed café/takeaway, the proposals would not result in any significant increase in traffic flow to the site and would not result in any significant increase in congestion on Kingsway. The proposed 16 space car park is sufficient for the proposals and would ensure customer and delivery vehicles are not required to park on Fulton Road/Myrekirk Road. The proposal therefore does not raise any concerns in relation to road safety or increased congestion/parking pressures.

Objection - the proposal would result in overprovision of food outlets in the local area, with a number of restaurants, food take-aways and supermarkets in the surrounding area which serve workers within the industrial estate and residents within the surrounding area.

Response - over provision is not a material consideration and cannot be taken into account in the determination of planning applications. The proposals would not result in any significant cumulative effects on amenity when considered in relation to existing uses on Fulton Road and Myrekirk Road which include food outlets and a supermarket. The proposal would have no impact on the environmental quality of neighbouring properties in relation to noise, light or smell. However, approval of this application would result in another non-compliant food/takeaway premises within this area of the Principal Economic Development Area in addition to the adjacent drive through and restaurant. This would be contrary to the Development Plan for the reasons explained above.

Objection - the proposal fails to provide secure cycle storage.

Response – the applicant has confirmed staff will be able to store bicycles within a store area at the proposed café/takeaway. However, no public cycle storage is proposed. In the interest of promoting sustainable transport, the provision of a cycle storage facility for customer use could be controlled by condition.

7.62 The issues raised in the representation(s) have been considered and addressed in the report. The concerns of objections in relation to road safety, overprovision and the loss of green space are not of sufficient weight to justify refusal of the application. The concerns raised in relation to cycle storage provision could be addressed by condition should members be minded to approve planning permission.

D - SITE PLANNING HISTORY

- 7.63 The applicant submitted planning application 18/00588/FULL for the siting of portable unit to serve as hot food takeaway and associated car parking in August 2018. Following consideration, the application was refused as a delegated item in October 2018.
- 7.64 The proposal was of a similar nature to the café/takeaway presently proposed, with 18 space car park and takeaway located within the east of the site. The applicant previously proposed two portable units to accommodate the takeaway, with seating area and hardstanding to the east. The previous application, as the café/takeaway presently proposed was proposed on allocated employment land. The proposal for a takeaway (Sui Generis) was therefore contrary to the requirements of Policy 1: Principal Economic Development Areas. The proposed takeaway and associated car park were of a size and form which would attract footfall from the surrounding area and was therefore not ancillary to the Wester Gourdie Principal Economic Development Area, contrary to Policy 4: Ancillary Services within Economic Development Areas of the Dundee Local Development Plan 2014. With regard to design, the form and appearance of the proposed portable units did not contribute positively to the character or setting of the area. The proposal was therefore contrary to Policy 7: High Quality Design of the Dundee Local Development Plan 2014.
- 7.65 The present application 19/00175/FULL proposes a permanent building with glazing and timber cladding, the design is of a quality which would not detract from the character or setting of Fulton Road/Kingsway and addresses the concerns with the design of the takeaway proposed under 18/00588/FULL.
- 7.66 However, as outlined above within the assessment of the application against the requirements of the Local Development Plan and material considerations the applicant has not addressed concerns with the proposals impact on the existing centres and the loss of allocated employment land. The proposal would be located within an area where only industrial uses are supported by the Local Plan and is not ancillary to the function of the Wester Gourdie Principal Economic Development Area. The Dundee Local Development Plan 2019 introduces Policy 21: Town Centres First Principal which seeks to direct footfall generating uses to existing centres. The proposed café/takeaway would be located out with a designated centre and is removed from existing residential areas. The provision of a café/takeaway in this location would attract footfall and vehicles away from established centres and is contrary to the requirements of Policy 21.
- 7.67 **The application fails to address concerns with the siting of the proposed takeaway and is contrary to the requirements of the Local Plan 2019.**
- 7.68 **There are no material considerations of sufficient weight to justify approval of planning permission contrary to the requirements of the Local Plan.**

8 CONCLUSION

- 8.1 The application for a hot food café and takeaway is not in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify approval of planning permission. Therefore it is recommended that planning permission be refused.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be REFUSED for the following reasons:
- 1 **Reason** - the proposed café (Class 3) and hot food takeaway (sui generis) does not fall within Use Class 4, 5, or 6. The proposal therefore fails to accord with Policy 3: Principal Economic Development Areas of the Dundee Local Development Plan 2019. There are no material considerations to justify a decision contrary to the Plan.
 - 2 **Reason** - the proposed café/hot food takeaway would not support the function of the Principal Economic Development Area and is of a scale and nature that is aimed towards attracting visiting members of the public. The proposal is not ancillary to the Economic Development Area and therefore fails to comply with Policy 6 of the Local Development Plan 2019. There are no material considerations to justify a decision contrary to the Plan.
 - 3 **Reason** - the proposed café/hot food takeaway would result in an out of centre development that is at odds with The Town Centres First Principle and contrary to the requirements of Policy 21 of the Local Development Plan 2019. There are no material considerations to justify a decision contrary to the Plan.