

### **III LOCAL PLANNING REVIEW LRB02/21 - OLD POLICE STATION, FINTRY ROAD, DUNDEE**

There was submitted Agenda Note AN11-2021 giving details of a request for a review of the refusal of planning permission for the change of use from bookmaker to bakery/hot food takeaway, Old Police Station, Fintry Road, Dundee.

The Planning Adviser gave a brief outline of the application and the reasons for refusal.

Thereafter, the Legal Adviser noted that the application for the review had been received in January, 2021. The delay in holding a hearing was a consequence of an oversight in the Scottish Government in forwarding the application to the Local Review Body but it had been agreed that as this matter had been timeously raised then it was competent for this to be determined by the Local Review Body.

The Legal Adviser further advised that the applicant had intimated in the Notice of Review that they had not raised any new matters which were not before the Appointed Officer at the time of reaching their decision. However, in the appeal statement, the applicant does respond to comments which were raised by the Appointed Officer in the Report of Handling. The Legal Adviser considered that this did not bring any new information before the Local Review Body.

The Local Review Body considered the documentation submitted and, after discussion, agreed in terms of the Local Review Procedure Regulations to determine the review without further procedure on the basis of the information before it.

Thereafter, having considered all the information, the Local Review Body, having taken into account the provisions of the Development Plan, all material considerations, and all matters raised at the review, upheld the Appointed Officer's decision to refuse planning permission 20-00532-FULL for the following reasons:-

1. The proposed change of use is contrary to Policy 17 and Policy 27 of the Dundee Local Development Plan 2019 due to the proximity of the nearest residential properties and the detrimental impact on the amenity of the surrounding area due to noise and odour from the hot food takeaway. There are no material considerations of a sufficient weight that would justify laying aside the provision of the Development Plan to grant planning permission.
2. The proposal is contrary to Policy 39 of the Dundee Local Development Plan 2019 as the applicant has failed to demonstrate that the proposed hot food takeaway can be accommodated without an unsatisfactory level of disturbance on the surrounding area and without impacting on the amenity of the neighbouring residential properties. There are no material considerations of a sufficient weight that would justify laying aside the provision of the Development Plan to grant planning permission.