

### III LOCAL PLANNING REVIEW LRB13/2022

PLANNING APPLICATION 21/00434/FULL – APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO VARY CONDITION 2 OF PLANNING PERMISSION 18/00780/FULL TO ALLOW THE FARM SHOP, EXHIBITION SPACE AND CAFE TO OPERATE BETWEEN 0830 HOURS AND 0100 HOURS MONDAY TO SUNDAY – FARM SHOP AND CAFÉ, NORTH GRANGE FARM, ARBROATH ROAD, DUNDEE.

There was submitted Agenda Note AN51-2022 giving details of a request for a review of an application under section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 2 of Planning Permission 18/00780/FULL to allow the Farm Shop, Exhibition Space and Café to operate between 0830 hours and 0100 hours Monday to Sunday at Farm Shop and Café, North Grange Farm, Arbroath Road, Dundee.

Papers had been circulated and the Local Review Body had requested an accompanied site visit, which had taken place on 11th November, 2022.

The Legal Adviser advised that the applicant and Environmental Health officer had provided further information in relation to the addendum to the Noise Impact assessment from the Applicant's acoustics advisers. This did relate to a matter already known to the Appointed Officer therefore could be taken into consideration by the Local Review Body when reaching their decision regarding this review.

Thereafter, having considered all the information, the Local Review Body, having taken into account the provisions of the Development Plan, all material considerations, the findings of the accompanied site visit and all matters raised at the review, upheld the Appointed Officer's decision to refuse planning permission 21/00434/FULL for the following reasons: -

1. The proposed extension of opening hours to between 0830 and 0100 hours Monday to Sunday would have a significant detrimental impact on the amenity of existing houses at North Grange Farm. The applicant has failed to demonstrate that the farm shop, exhibition space and café can operate during these extended hours without detriment to the amenity of neighbouring houses. The application is therefore contrary to the requirements of Policies 27 and 39 of the Dundee Local Development Plan 2019. There are no material planning considerations that would justify approval of the application contrary to the requirements of the Local Development Plan.