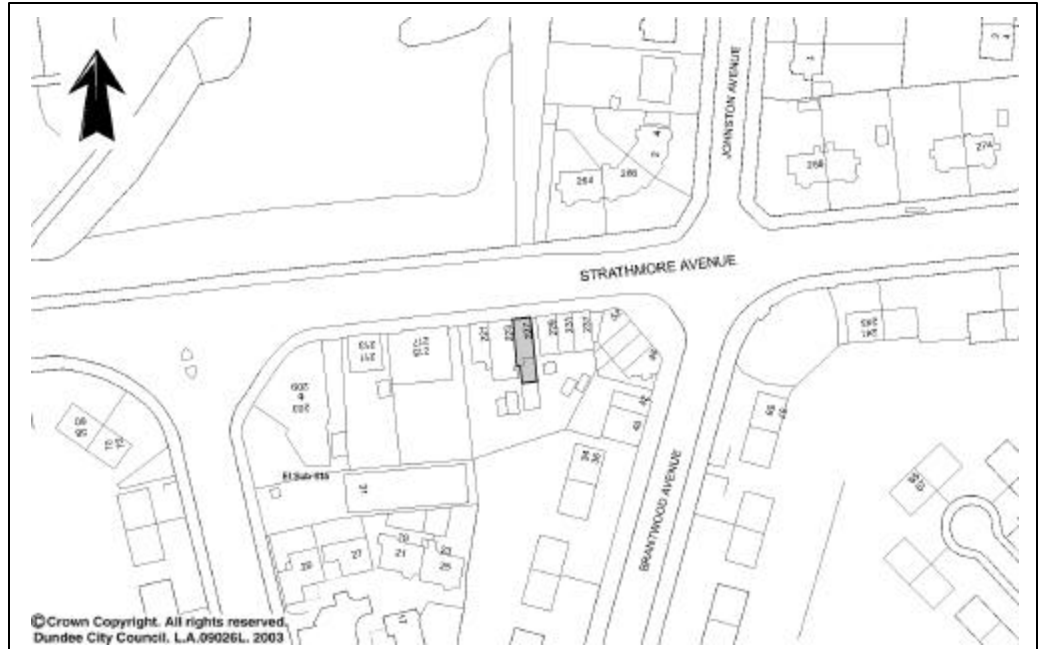


KEY INFORMATION**Ward** Lochee East**Proposal**

Change of use from vacant hairdressing salon to hot food takeaway

Address227 Strathmore Avenue
Dundee
DD3 6SN**Applicant**Mr Maleque
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DD5 2EL**Agent**Paul Doig
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DD5 2EL**Registered** 2 April 2004**Case Officer** Eve Jones

Proposed Hot Food Takeaway in Strathmore Avenue

A change of use from a vacant hairdressing salon to a hot food takeaway is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is contrary to the relevant policies in both the Dundee Local Plan and the Finalised Dundee Local Plan. The valid objections are supported and the submitted justification is insufficient to support the application. Accordingly the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of an existing vacant hairdressing salon to a hot food takeaway. The take away is intended to open 1500 hours to 2300 hours, seven days per week and would have a delivery service.
- The shop lies within an established group of local shops on the south side of Strathmore Avenue, close to its junction with Brantwood Avenue and opposite St John's School. Within the existing shops there is a fish and chip shop, a bakery selling hot food and a snack bar selling hot food. There is on street parking and Strathmore Avenue is a busy local distributor road and bus route. The surrounding area is predominantly residential.
- The development is contrary to Policy LT8 Licensed and Hot Food Premises and Policy H1 Existing Residential Areas of the Dundee Local Plan 1997. It is also contrary to the equivalent policies 1 and 53 in the Finalised Draft Local Plan which are a strong material consideration.
- Four valid objections were received on the grounds of traffic, parking, traffic noise, smell, litter and late hours of operation. The applicant has indicated he wishes to provide employment for family members.
- The proposal is contrary to Council policy, the objections are supported and the submitted justification is not considered to be sufficiently strong to support the granting of planning permission contrary to policy.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an existing vacant hairdressing salon to a hot food takeaway. It is intended that the premises will be open from 1500 hours to 2300 hours, seven days a week and will operate as a take away with delivery.

SITE DESCRIPTION

Small shop unit within an established local group of shops on Strathmore Avenue, close to its junction with Brantwood Avenue. There is an off-licence in the two units to the west with a tanning studio and hairdresser beyond. There is a flat above the tanning studio. To the east, across a narrow pend, there is a gents hairdresser, a newsagent and bakery. On the corner of Strathmore and Brantwood is an existing, long established fish and chip shop. At the other end of the parade of shops, at the corner of Strathmore Avenue and Alpin Road, there is an existing snack bar take away. The unit is long and narrow and the proposal is for change of use of most of the building. The yard to the rear is overgrown and the access is gated and locked. St Johns School lies to the north with housing to the northeast. There are also houses within 15 metres of the rear of the property. Strathmore Avenue is a busy local distributor road which is a bus route. There are high levels of on street parking associated with the adjacent shops and the school.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Policy LT8 - Licensed and Hot Food Premises. No premises selling hot food is acceptable within 30 metres of existing and proposed housing if the outlet does not exceed 150 square metres gross floorspace.

Policy H1 - Existing Residential Areas. Within areas where residential uses predominate, developments will

be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and they are in accordance with the policies and proposals contained elsewhere within this local plan.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

There are no policies relevant to the determination of this application



Policy 53 - Licensed and Hot Food Premises outwith the City Centre. In general, outwith the District Centres, no premises selling hot food is acceptable within 30 metres of existing and proposed housing if the outlet does not exceed 150 metres gross floorspace. The policy states that within District Centres, some relaxation of the distance controls may be acceptable. This site does not lie within a District Centre.

Policy 1 - Vibrant and Sustainable Communities. The policy encourages the development of an appropriate range of services and facilities close to and within housing areas provided it complies with other policies in the plan and seeks to minimize any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

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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:

LOCAL AGENDA 21

Key Theme 7. Access to facilities, services, good and people is not achieved at the expense of the environment and are accessible to all.

SITE HISTORY

Planning permission was refused in 1985 for change of use of this unit from shop to lounge bar (ref 85/10814/D0).

Planning permission was refused in 1996 for change of use of the adjoining unit, number 229 from shop to hot food take away (ref 96/22448/D)

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. Four valid and one invalid objection were received. The valid objections were on the basis of the existing traffic and parking problems at the shops and the danger to traffic at the roundabout at Brantwood Avenue. The likely impact of traffic noise, smell, increased litter and the late hours of operation were all considered to be detrimental to the amenities of surrounding neighbours. The invalid objection was from another operator of a hot food premises and was on the basis of competition and loss of business.

CONSULTATIONS

There were no adverse comments from 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. Policy LT8 does not support hot food take aways within 30 metres of existing or proposed housing. There is a flat within 18 metres to the west, a house within 23 metres to the north and housing within 16 metres to the south. The proposed development does not comply with the policy.

Policy H1 applies as the site lies within a predominantly residential area with established housing to the west, south, east and north east and a school to the north west. The proposed development would be likely to increase the traffic to the area especially late in the evening with a resulting increase in noise and litter and a loss of residential amenity. As the proposal is also contrary to Policy LT8, it does not comply with Policy H1.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

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

Finalised Dundee Local Plan.

Policies 53 and 1 as detailed above identify similar distance and residential amenity criteria to the policies in the Dundee Local Plan which must be satisfied by any development. As detailed above, the proposed development does not comply with either policy.

Objections. The valid objections are on the basis of traffic and parking, traffic noise, smell, litter and late hours of operation. The objections are supported.

Supporting statement. The applicant's agent has advised that the hot food take away is intended to provide employment for member of his family.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the refusal of planning permission in accordance with the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

There are no design issues.

CONCLUSION

The proposed development is contrary to the relevant policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review. There are valid objections which are supported. There are no material considerations of sufficient strength to support the granting of planning permission contrary to Council policy.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reasons

- 1 The proposed development is contrary to Policy LT8 - Licensed and Hot Food Premises of the Dundee Local Plan 1998 as the site lies within 30 metres of existing residential properties and there are no material considerations of sufficient strength to justify the granting of planning permission contrary to that policy.
- 2 The proposed development is contrary to Policy H1 - Existing Residential Areas of the Dundee Local Plan 1998 as the development is likely to adversely affect the environmental quality enjoyed by local residents by reason of increased traffic and parking, increased noise and smell and the late hours of operation and there are no material considerations of sufficient strength to justify the granting of planning permission contrary to that policy.
- 3 The proposed development is contrary to Policy 53 - Licensed

and Hot Food Premises Outwith the City Centre of the Finalised Dundee Local Plan as the site lies within 30 metres of existing residential properties.

- 4 The proposed development is contrary to Policy 1 - Vibrant Sustainable Communities of the Finalised Dundee Local Plan as the development is likely to adversely affect the environmental quality enjoyed by local residents by reason of increased traffic and parking, increased noise and smell and the late hours of operation.